# AFF A2:NEG

## A2:Indigenous People

#### TURN/Oil Dev historically has allowed the people to flourish, culturally and economically

**Mack ‘17**, 12-6-2017, "History shows Arctic refuge drilling can be safe and responsible,"[http://thehill.com/opinion/energy-environment/363613-history-shows-arctic-refuge-drilling-can-be-safe-and-responsible // TAG MLC](http://thehill.com/opinion/energy-environment/363613-history-shows-arctic-refuge-drilling-can-be-safe-and-responsible%20//%20TAG%20MLC)

When oil was first discovered in the Arctic in 1968, the indigenous Iñupiat were concerned about industry activities on their land and fought hard for self-determination to protect their subsistence resources. The discovery served as the catalyst to settle aboriginal land claims in Alaska and ultimately prompted the passage of the Alaska Native Claims Settlement Act, whereby the federal government, State of Alaska, and newly established Native corporations received land selections — in that order. A few years later, as the State of Alaska pursued development on their land at Prudhoe Bay, now the largest oilfield in North America, it was widely opposed by many outsiders. Lawmakers, environmentalists and everyday naysayers warned the Iñupiat of the impending doom. The caribou would be wiped out, the tundra would be ruined and their culture would cease to exist.  Despite the doomsday warnings, construction of the Trans-Alaska Pipeline began and by 1977 oil was flowing south from Prudhoe Bay to Valdez. **Native leaders became businessmen and CEOs, and the oil industry transformed the North Slope Borough from a struggling third-world economy to a first-world region. At the same time, the caribou multiplied, the tundra survived and Iñupiaq culture and subsistence thrived.**   They say history repeats itself. Here we are 40 years later and less than 100 miles away, and the Arctic National Wildlife Refuge (ANWR) is the new Prudhoe Bay. The arguments against drilling are the same, but with decades of safe and responsible Arctic development behind us, the facts are getting in the way of the naysayers. **Simply put, the negative rhetoric surrounding drilling in ANWR has not kept pace with scientific advances in the oil and gas industry.** Multi-lateral wells, directional drilling and extended reach wells are just a few of the advanced technologies that have resulted in increased production, minimum environmental impact and a much smaller land footprint. Under current legislation, opening the coastal plain of ANWR to oil development would be limited by law to a footprint of 2,000 acres out of the 19 million-acre refuge — or one ten-thousandth of the refuge’s total land mass. Industry regulations have also progressed, and today Alaska has some of the most stringent environmental standards in the world for oil and gas development. As indigenous stakeholders

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Bloomberg speculated that Shell’s decision to pull out may have been motivated, at least in part, by the spectre of a Hillary Clinton presidency. Clinton was a vocal critic of oil and gas drilling in the Arctic; that fact, plus historically low oil prices, made E&P in the region too risky, even for Shell. Enter Donald Trump. In June, the US President signed an executive order aimed at expanding E&P in the Arctic. Shell’s request to extend the Camden leases – the majority expire this year, two in 2019 – was turned down. Unlikely as it sounds, ASRC may actually flourish under a Trump administration. The early signs are positive. In July, the US Bureau of Safety and Environmental Enforcement (BSEE) agreed to ‘unitize’ 20 of the leases, allowing regulators to treat the group of leases as a single entity. Now, if ASRC discovers oil in one lease area, the rest remain active and exploration can continue.

ASRC’s size in relation to multinationals such as Shell may work in its favour. Economies of scale mean that the majority of international oil companies (IOCs) can no longer afford to spend small money on minor oil and gas projects around the world, regardless of the quality of the play. As a result, small-scale projects that once weren’t profitable suddenly are and smaller operators are also becoming adept at attracting capital from niche investors as traditional bank funding dries up. ASRC is hardly a minnow, however. The organisation has 13,000 Iñupiat shareholders and posted revenues of more than $2.5bn in 2015. As well as proven experience in the oil field services sector, ASRC Exploration has conducted exploratory drilling at the on-shore Placer site on the North Slope. ASRC is also eligible for government contracts without having to compete with other bids as part of the 8(a) Business Development Program. There is no limit on the size of the contracts that Alaska Native corporations can receive. Of course, none of this guarantees that ASRC will find oil. Decades before Shell entered the region, Unocal and Arco each made an oil discovery in the Alaskan Arctic containing more than 50 million barrels of black gold. Neither discovery led to production. The existence of ASRC challenges the widely held view that Arctic indigenous peoples are the natural enemies of resource exploitation in Alaska. Instead, the organisation sees **the potential revenues from oil as a way to ensure economic security and preserve a traditional way of life under threat**. “**What jeopardises future generations of Iñupiat on the North Slope is the threat of a failing economy and a diminishing number of opportunities for our people**,” Ty Hardt, senior director of communications at ASRC told Maritime Executive.

**Education->less poverty**

This Brings schooling and jobs

<https://www.theguardian.com/environment/2011/jul/04/arctic-resources-indigenous-communities>

"I certainly have seen the benefits that can come from [oil] royalties. Schools are better. There are swimming pools, gymnasium, cars – and jobs – all the result of billions of dollars." Patricia Cochran, a former chair of the [Inuit Circumpolar Council](http://inuitcircumpolar.com/index.php?Lang=En&ID=1) from Alaska, expresses the view of many indigenous people on industrial development in the Arctic. Vast oil and mineral wealth have brought huge benefits to some communities.

 [Erik Stegman Huffington Post 2012 (BW)](https://www.huffingtonpost.com/erik-stegman/american-indian-poverty-a_b_1855933.html)

As of 2010, **over a quarter of** American Indians and **Alaska Natives** (AIAN)people **in our country lived in poverty** (28.4 percent). This compares to 15.3 percent nationally. Much has been written and documented about what poverty on a reservation looks like, but little attention has been paid to real solutions. “Poverty” may be a simple word, but there are many reasons that Americans end up trapped by it. For Native people, the solutions are sometimes even more complex because of the special legal obligations owed to them by the federal government as a result of long-standing treaties and federal Indian policy. Even though many levers exist with the potential to relieve poverty among the AIAN population, education is one area where the federal government itself has the immediate power to focus its resources and leverage change in these communities. As our country continues to recover from the Great Recession**, improving education outcomes for Native kids on reservations would be a huge step forward in moving Native people from** being one of the most impoverished groups in the country to being part of our nation’s future shared prosperity. While 70 percent of adults (age 25 or older) with incomes below **poverty** threshold have at least a high school diploma or equivalent, **Adults without a high school diploma are much more likely than other adults to experience income poverty.** If you’re a student in a BIE school looking at a graduation rate that barely breaks half of your senior class enrollment, your chance of staying in poverty is much higher. This is why education is one of the key indicators that we track for Half in Ten, our campaign to cut poverty in half in 10 years.

#### TURN/Indigenous People have experience working with Arctic conditions->can better protect land, resources and implement regulations

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, **the Iñupiat have decades of experience working with industry — helping to implement regulations unique to Arctic conditions in order to protect the land and subsistence resources.** But what about the caribou? Like Prudhoe Bay and its Central Arctic caribou herd once was, ANWR’s Porcupine caribou herd is the fear monger’s tool of choice for anti-development propaganda. As Natural Resources Commissioner for the State of Alaska, I would like to offer an informed assessment of the sustainability of the region’s caribou as it relates to oil and gas development.  First, the Central Arctic caribou herd is still flourishing today — just as it was prior to construction of the Trans-Alaska pipeline and the arrival of drill rigs to Prudhoe — with recent counts at more than 22,000. Second, exploration in the coastal plain of ANWR is being proposed strictly as a seasonal effort, with drilling taking place during the winter months only. The Porcupine herd leaves the coastal plain in July shortly after calving season and heads east and south back to its fall and wintering areas — approximately 400 miles away. To suggest that winter-specific exploration will negatively affect the Porcupine herd’s summer calving season is contrary to logic and unsupported by science.  It doesn’t escape us that the Yukon government in Canada has allowed the development of roads, a pipeline and other major infrastructure projects in the heart of Porcupine caribou country. Can you guess what happened? Yep, the herd is still thriving. Protection of the caribou resource is important to all Arctic people. Our Alaska Native communities and the State of Alaska are not in the business of trading one resource for another. And we don’t have to. The experience of Natives of the North Slope cannot be overstated. They bring a valuable perspective to the Arctic, based on thousands of years of traditional knowledge, which supports their regional priorities and offers solutions to maintaining a healthy ecosystem while providing for the economic longevity of their communities. We support their desire to have a healthy environment and a healthy economy. They deserve a sustainable future just like the rest of America, and have always held that resource development and environmental protection can and do co-exist. After all, they’ve been orchestrating this balance since the discovery of oil in their backyard 40 years ago.

#### Turn: UNCLOS provides a framework and a louder voice for Indigenous People

[UN Economic and Social Council 2017](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/rev_PFII-2017-final-report-Clean_SPFII_19May2017.pdf) (YZ)

**The Permanent Forum calls upon Member States to start the work, in the context of the UN Convention on the Law of the Sea (UNCLOS), of creating a place and a voice for Indigenous peoples in the governance of the world**&#39;s oceans. This includes the participation of Indigenous peoples in all aspects of the UNCLOS work and decision-making, including the environmental provisions and the delimitation of the continental shelf. It may also include establishing advisory committees of Indigenous peoples to guide the work under UNCLOS, as has been done under the Convention on Biological Diversity. 38. **The Permanent Forum calls upon the UN bodies and States to ensure that indigenous peoples have a voice equal to states in the development and negotiations of the international agreement to address marine biodiversity**in areas beyond national jurisdiction (the BBNJ agreement). States and the UN should guarantee that BBNJ agreement upholds and respect indigenous peoples&#39; role in governing the oceans and the rights set out in the UN Declaration on the Rights of Indigenous peoples.

## A2: Arctic Drilling

### A2: Legal Certainty

#### Our waters recognized internationally with customary international law

**Noaa, 18**,(), National Oceanic and Atmospheric Administration (NOAA), 2/12/18, https://www.gc.noaa.gov/gcil\_maritime.html ,7-30-2018, (SM)

**The maritime zones recognized under international law include internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, the high seas and the Area. The breadth of the territorial sea, contiguous zone, and exclusive economic zone (and in some cases the continental shelf)  is measured from the baseline determined in accordance with customary international law as reflected in the 1982 Law of the Sea Convention.** The limits of these zones are officially depicted on NOAA nautical charts. The limits shown on the most recent chart edition takes precedence. For a description of the various U.S. maritime zones, as well as the Three Nautical Mile Line and Natural Resource Boundary, see the NOAA Coast Pilot (Chapter 1 in each volume) or review the information available on NOAA's link to download limits of the  U.S. Maritime Limits & Boundaries (source information for the NOAA nautical charts.) The boundaries of these maritime zones between coastal nations are established through international agreements entered into by those nations. For the official description of the U.S. maritime boundaries with other nations contact the U.S. Department of State.

[**Steven Groves ’14 of the Heritage Foundation**](https://www.heritage.org/global-politics/report/accession-convention-the-law-the-sea-unnecessary-advance-arctic-interests)

**The United States may successfully advance its** economic **interests in the Arctic—securing hydrocarbon resources,** facilitating maritime traffic, and regulating commercial fishing—**without accession to UNCLOS.** First, **the United States has engaged in hydrocarbon exploration activities in the Arctic Ocean** within its 200 nm **EEZ since 1979.** [25] **No foreign nation has challenged the U.S. right to do so or has interfered with U.S. exploration efforts. Extending beyond the U.S. EEZ** toward the North Pole is a large area of “extended continental shelf” over which the **United States has jurisdiction and control** to develop hydrocarbon resources to the exclusion of all other nations.

#### Already tried drilling in Arctic, companies don’t care

[Keith Schneider, 2018 LA Times](http://www.latimes.com/nation/la-na-offshore-oil-drilling-20180105-story.html)

But getting at those reserves tests the limits of exploration and production technology, and it is expensive. In the early 1980s, **a consortium of oil companies explored in Alaska's Beaufort Sea,** an area that the administration plans to open, **but abandoned the effort when wells came up dry** and costs soared over $2 billion**. In 2015, Royal Dutch Shell,** after spending $7 billion, abandoned its program of exploring for oil in the nearby Chukchi Sea **after its drilling rig was battered by ice and storms** and protests against drilling erupted on the West Coast**. The cost and difficulty of oil and gas exploration on the U.S. outer continental shelf is so high that some respected oil industry analysts have discouraged major companies from even trying.** A recent study by Rystad Energy, a Norwegian consultancy that tracks the economics of development, found that trends in oil demand and weak pricing made developing new fields in the Atlantic and the Arctic impractical for decades

#### [based on case]Legal certainty doesn’t matter-> no country is going to risk damaging U.S. oil ships

### A2: ECS

#### Timeframe Mitigate to mine comes after a long time, US’s claim doesn’t matter until a long time (PG)

[**James W. Houck ’13 of the Hoover Institute**](https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&context=fac_works)

**There have been sixty-six extended continental shelf submissions to the CLCS made by fifty-four member states to date.83 This process takes several years to complete and it is anticipated that the CLCS will not render decisions on some submissions (for example, those submitted in 2010 or later) until as late as 2030**.84 Pursuant to Article 77.3, the coastal state is entitled to explore and develop the resources of its extended continental shelf, subject to the royalty provisions set forth in Article 82. Article 82.1 mandates that a state make annual payments with respect to its exploitation of non-living resources on its extended continental shelf. Beginning in the sixth year of production, payments are made starting at the rate of 1 percent of the total value of production at each site, increasing by 1 percent each year until the twelfth year when the payment plateaus at 7 percent of production value for every year thereafter.85

#### Most oil resources in EEZ

[**Peters**](https://news.vice.com/article/russia-isnt-trying-to-start-a-war-in-the-arctic-its-just-keeping-out-the-riffraff) **Vice 2015**

The fact is, **there's not much to fight over in the Arctic. The region is still basically frozen solid during most of the year,** meaning trade has yet to noticeably increase through Arctic waters. And the possibility of oil isn't likely to cause any spats, as **most of the resources are not in international waters, but in territorial waters and exclusive economic zones — regions within 200 nautical miles of a country's shores over which a country has exclusive rights to economic resources**.

### A2: Econ Certainty

#### Models by Rystad Energy Company explains oil drilling is only profitable when 150-250 per barrel. Problematically, the only time oil prices are that high is when the climate is irrevocably damaged and past the 5C mark bc only then is there a lack of oil cus its all been burned

http://priceofoil.org/content/uploads/2015/08/OCI-Untouchable\_Arctic\_FINAL.pdf

The Rystad Energy UCube database shows that U.S. Arctic OCS oil production is currently uncommercial under current oil price forecasts. While precise breakeven pricing can only be estimated for fields in which oil is yet to be discovered, **Rystad models a breakeven price of between $150 and $250 per barrel for various fields in the U.S. Arctic OCS. The very bottom of this range is where the IEA predicts oil prices will be in a 5 degreeplus scenario. It could not be clearer that Arctic oil is only viable in a scenario in which the climate is irrevocably destroyed.**

#### Timeframe Delink: It takes atleast 20 years to build, renewable energy cheaper by then

[Keith Schneider, 2018 LA Times](http://www.latimes.com/nation/la-na-offshore-oil-drilling-20180105-story.html)

**Energy analysts also say it will take at least 10 years for a new well to begin producing in the Gulf, and twice that anywhere else on the outer continental shelf. By that time, according to industry forecasts, demand for oil will be well past its peak and dropping due to the advent of electric vehicles, more efficient engines for planes and ships and new materials that are not made with oil or natural gas.**

#### Costs of drilling is more than just price per barrel -> offshore drilling not going to happen

[Keith Schneider, 2018 LA Times](http://www.latimes.com/nation/la-na-offshore-oil-drilling-20180105-story.html)

With characteristic flamboyance, the Trump administration has set in motion a grand scheme to lure energy companies to explore for oil and gas across virtually all of America's outer continental shelf, a deep marine domain encompassing billions of acres of ocean bottom. Drawing a distinction from the Obama administration's concerns about climate change and restricting offshore fossil energy development, Interior Secretary Ryan Zinke cast President Trump's offshore drilling campaign as a study in American strength. "We're embarking on a new path for energy dominance in America," Zinke said. "We are going to become the strongest energy superpower." Yet like other marquee directives that Trump has issued in the past year to empower the domestic fossil fuel industry, the offshore plan may not bear out its grand ambitions. **Many energy analysts already are predicting that exorbitant costs, flat prices, civic opposition, climate concerns and new transportation technology make major new offshore drilling enterprises, at least outside the Gulf of Mexico, unlikely.**

#### DL/ 79 yrs worth of oil in West Texas -> no reason to drill in expensive arctic

[Tsvetana Paraskova June 2018, Oilprice](https://oilprice.com/Energy/Crude-Oil/US-Outstrips-Saudis-In-Largest-Recoverable-Oil-Reserves.html)

The United States has again outstripped Saudi Arabia as the holder of the world’s biggest recoverable oil resources with current technology, largely **due to the doubling of fracking operations in the Permian [West Texas]**, according to data by research consultancy Rystad Energy.  **The U.S. added nearly 50 billion barrels in 2017 and now has an estimated 310 billion barrels of recoverable oil, which are equal to 79 years of U.S. production at the current pace of output**, Rystad said. Apart from the Permian, where more reserves per well are drilled, new areas and formations that have been geologically proved boosted the U.S. recoverable oil resources last year, according to the Norway-based energy consultancy. “Texas alone now holds more than 100 billion barrels of recoverable oil, 90% of which is from shale or other tight formations, ie. from wells that require hydraulic fracking to produce commercial quantities of oil,” said Rystad Energy. The “recoverable oil” figures include expected production from future discoveries that Rystad deems likely. Out of 1 trillion barrels of yet undiscovered oil globally, shale oil makes up close to 300 billion barrels, according to Rystad Energy’s database. Some 78 percent of these yet-to-be-discovered oil resources are in non-OPEC countries.

### A2: Climate Change

#### TURN/Int’l treaties have force of law -> accede = lawsuits against all maritime companies that pollute, U.S. forced to limit maritime pollution to the greatest possible extent

[Iain Murray 13 National Center for Policy Analysis](http://www.ncpathinktank.org/pub/bg167)

**Those who are concerned that the marine environment is being damaged by pollution could put their case before the Tribunal, but the obligations of Part XII would have a special effect on the United States, where citizens may sue to ensure the government follows its laws. Under the U.S. Constitution, international treaties have the force of law. Ratifying LOST would therefore enable environmental groups to sue to ensure the release of toxic substances is minimized “to the fullest possible extent” if there is a chance the material will enter the marine environment.**  Consider: The nation’s coal-fired power plants release mercury into the atmosphere. Some of this mercury consolidates in rivers, and eventually reaches the ocean. As a result, fish that swim in the ocean have slightly higher levels of mercury in their systems. Sharks that eat these fish have even higher mercury concentrations. The concern that pregnant mothers who eat shark meat are damaging the cognitive development of their unborn children has led environmentalists to demand that the U.S. Environmental Protection Agency issue regulations to reduce the risk to unborn children. However, consider what the Treaty text implies. There is no requirement to prove that the emissions actually cause significant harm. If the substance emitted is “harmful” to any degree, states are simply required to minimize emissions “to the fullest possible extent.” To all practical purposes, taking the Treaty at its word would require the closure of most if not all coal-fired electricity generation in the United States. This kind of activism has not taken place in any of the other signatory states, likely because they offer fewer opportunities for concerned citizens to require their governments to follow the spirit and word of the Treaty. In the United States, however, environmental groups would probably sue the day after formal ratification, and the courts would be unlikely to throw out their challenges.

#### Tipping Point inevitable – even if we stop all emissions right now, we still reach 2C tipping point by end of century

[Univ of Colorado 2017](https://www.colorado.edu/today/2017/07/31/inevitable-warm-earth)

**Even if humans could instantly turn off all emissions of greenhouse gases, Earth would continue to heat up about two more degrees Fahrenheit by the turn of the century, according to a sophisticated new analysis** [**published today**](http://dx.doi.org/10.1038/NCLIMATE3357) **in the journal Nature Climate Change.**

[SCMP](https://www.scmp.com/news/world/united-states-canada/article/2128104/there-tipping-point-un-warns-climate-change-goals)

**“There is a tipping point on sea level rise” – driven mainly by melting icesheets on Greenland and Antarctica – “somewhere between 1.5C and 2C,” said Hans Joachim Schellnhuber, director of the Potsdam Institute for Climate Impact Research. “With 2C, according to our models, sea level will just keep on rising,” he said.**

#### AT: Whiteman Evidence(15% climate change/60 trillion) - He says it’s inevitable from melting siberian permafrost - this nonuniques their warming impacts. (BW)

[Whiteman](https://www.bibliotecapleyades.net/ciencia/ciencia_climatechange68.htm%27) 13

**As the amount of Arctic sea ice declines at an unprecedented rate, the thawing of offshore permafrost releases methane. A 50-gigatonne (Gt) reservoir of methane, stored in the form of hydrates, exists on the East Siberian Arctic Shelf. It is likely to be emitted as the seabed warms,** either steadily over 50 years or suddenly6. Higher methane concentrations in the atmosphere will accelerate global warming and hasten local changes in the Arctic, speeding up sea-ice retreat, reducing the reflection of solar energy and accelerating the melting of the Greenland ice sheet. The ramifications will be felt far from the poles. We ran the PAGE09 model 10,000 times to calculate confidence intervals and to assess the range of risks arising from climate change until the year 2200, taking into account sea-level changes, economic and non-economic sectors and discontinuities such as the melting of the Greenland and West Antarctic ice sheets (see Supplementary Information). **We superposed a decade-long pulse of 50 Gt of methane, released into the atmosphere between 2015 and 2025, on two standard emissions scenarios.** First was 'business as usual': increasing emissions of CO2 and other greenhouse gases with no mitigation action (the scenario used by the Intergovernmental Panel on Climate Change Special Report on Emissions Scenarios A1B). Second was a 'low-emissions' case, in which there is a 50% chance of keeping the rise in global mean temperatures below 2°C (the 2016r5low scenario from the UK Met Office). We also explored the impacts of later, longer-lasting or smaller pulses of methane.

### A2: Black Carbon/Methane

#### Mitigation potential – 80% reduction by 2030

[EPA 2017](https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/arctic-methane-blackcarbon_communicating-the-science.pdf)

Emissions mitigation case studies suggest that global black carbon emissions could be reduced substantially through focused mitigation policies, in addition to the reductions that are projected as a result of existing policies. **One study cited by AMAP estimated that 70–80% of black carbon emissions could be reduced by 2030. Overall, global implementation of maximum technologically feasible mitigation strategies for black carbon and co-emitted pollutants could reduce Arctic warming by 2050 by about 0.25°C, excluding the indirect cloud effects of particles.**

#### TURN/Solve for methane leaks/greater enviro damage

**Morozov, Y. (2012)**. Arctic 2030: What are the consequences of climate change? Bulletin of the Atomic Scientists, 68(4), 22–27. doi:10.1177/0096340212451572 sci-hub.tw/10.1177/0096340212451572

As permafrost melts, underground organic carbon can be released into the atmosphere. According to the latest scientific data, there are more than 1.6 trillion tons of carbon held underground by permafrost-twice what there is in the atmosphere. **Permafrost melting could therefore result in 100 billion tons of methane-a greenhouse gas-being released into the air this century.**

[**Plumer 13**](https://www.washingtonpost.com/news/wonk/wp/2013/04/04/methane-leaks-are-undermining-the-shale-gas-boom-heres-how-to-fix-it/?utm_term=.7eba200ea965)

As all that natural gas gets drilled and extracted and processed and transported, some of it can leak out into the atmosphere as methane. **And methane is**[**a potent greenhouse-gas**](http://www.epa.gov/methane/)**in its own right, trapping nearly 25 times as much heat as carbon-dioxide over a 100-year period**.

That can shift the calculus. **In theory, burning natural gas for electricity emits about half the carbon-dioxide that you get from burning coal.** But if the methane "leakage rate" from all that natural-gas infrastructure starts creeping up past 3.2 percent, a [recent PNAS study](http://www.pnas.org/content/109/17/6435) found, then suddenly natural gas starts to lose its climate advantage. And no one really knows what the leakage rate is.

#### A2 Leaks/ more effort to stop leaks bc lost profits

[Shankman 18](https://insideclimatenews.org/news/31052018/arctic-oil-gas-methane-leak-detection-technology-reliability-problems-alaska-climate-change)

The problem of these **leaks represents a common ground between environmentalists and industry, in that both see it as a problem that should be solved. Methane leaks mean lost profits to the industry. "It's in their best interest to keep leaks down,"** said Plosay. "But of course, it's a huge industrial process and leaks happen."

### A2: Ice Melting

#### All arctic ice is going to be melted within

**Arctic Monitoring and Assessment Programme (AMAP)** Arctic Climate Issues 2011: Changes in Arctic Snow, Water, Ice and Permafrost. SWIPA 2011 Overview Report.

**The Arctic Ocean is projected to become nearly ice-free in summer within this century, likely within the next 30 to 40 years**

**Morozov, Y. (2012)**. Arctic 2030: What are the consequences of climate change? Bulletin of the Atomic Scientists, 68(4), 22–27. doi:10.1177/0096340212451572 sci-hub.tw/10.1177/0096340212451572

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#### Limited amount of ice going to be broken -> just enough to drill, not gonna nuke the arctic

### A2: Russia

#### No overlap in claims

[**Groves**, Steven](https://www.unclosdebate.org/author/192/steven-groves). [Accession to Convention on the Law of the Sea Unnecessary to Advance Arctic Interests](https://www.heritage.org/global-politics/report/accession-convention-the-law-the-sea-unnecessary-advance-arctic-interests) . [Heritage Foundation](https://www.unclosdebate.org/organization/191/heritage-foundation): Washington, D.C., June 26, **2014** (18p).

The Russian claim extends the Baker–Shevardnadze line from the Bering Strait all the way to the North Pole, likely resulting in an excessive ECS claim in the central Arctic. However, **Russia’s potentially excessive claim is located to the north of the limits of the U.S. ECS area**. While **the Russian claim** may overlap with Canada’s ECS claim, it **does not overlap any U.S. ECS area.****[[37]](https://www.heritage.org/global-politics/report/accession-convention-the-law-the-sea-unnecessary-advance-arctic-interests%22%20%5Cl%20%22_ftn37) In short, there is no conflict between the United States and Russia regarding the division of Arctic resources, including hydrocarbons.** Even if there were a conflict, Russia’s claim cannot be approved by the CLCS and would not be recognized by the United States (or Canada). Both UNCLOS and the CLCS’s procedural rules prevent the commission from considering any ECS area where there are overlapping claims: “In cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute.”[[38]](https://www.heritage.org/global-politics/report/accession-convention-the-law-the-sea-unnecessary-advance-arctic-interests%22%20%5Cl%20%22_ftn38)

#### Russia looking to bilateral cooperation on the basis of int’l treaties like UNCLOS, accession needed for collab

[**Caitlyn Antrim Naval War College, 2010**](http://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1639&context=nwc-review)

Foreign Policy. **In seeking to establish the Arctic as a “zone of peace and cooperation,” the Russian Arctic policy emphasizes mutually beneficial bilateral and multilateral cooperation among Russia and other Arctic states on the basis of international treaties and agreements to which Russia is a party. Underlying all Russian policies toward the Arctic is support for regional collaboration in the Arctic and commitment to UNCLOS and multilateral organizations and approaches, including the International Maritime Organization, the Arctic Council, and the five Arctic coastal states, who met in Ilulissat, Greenland, in 2008 to issue their declaration on management of the Arctic.**The key foreign policy point in the Ilulissat Declaration—that the Arctic coastal states will resolve disputes peacefully in line with the law of the sea—is consistent with the Russian Arctic policy. The Arctic Council consists of the fi ve Arctic coastal states plus Sweden, Finland, and Iceland, as well as the organizations representing indigenous peoples of the Arctic. The council is not a decision-making body; in fact, it has no standing infrastructure or secretariat. It is, however, the principal body in which the regional agenda for environment and development issues in the Arctic is discussed.

#### Timeframe Mitigate to mine comes after a long time, US’s claim doesn’t matter until a long time (PG)

[**James W. Houck ’13 of the Hoover Institute**](https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&context=fac_works)

**There have been sixty-six extended continental shelf submissions to the CLCS made by fifty-four member states to date.83 This process takes several years to complete and it is anticipated that the CLCS will not render decisions on some submissions (for example, those submitted in 2010 or later) until as late as 2030**.84 Pursuant to Article 77.3, the coastal state is entitled to explore and develop the resources of its extended continental shelf, subject to the royalty provisions set forth in Article 82. Article 82.1 mandates that a state make annual payments with respect to its exploitation of non-living resources on its extended continental shelf. Beginning in the sixth year of production, payments are made starting at the rate of 1 percent of the total value of production at each site, increasing by 1 percent each year until the twelfth year when the payment plateaus at 7 percent of production value for every year thereafter.85

#### Most oil resources in EEZ

[**Peters**](https://news.vice.com/article/russia-isnt-trying-to-start-a-war-in-the-arctic-its-just-keeping-out-the-riffraff) **Vice 2015**

The fact is, **there's not much to fight over in the Arctic. The region is still basically frozen solid during most of the year,** meaning trade has yet to noticeably increase through Arctic waters. And the possibility of oil isn't likely to cause any spats, as **most of the resources are not in international waters, but in territorial waters and exclusive economic zones — regions within 200 nautical miles of a country's shores over which a country has exclusive rights to economic resources**.

#### Russia complies with international law even when conflict occurs, and resource conflicts don’t occur simultaneously (DL)

[**Koivurova**](http://www.highnorthnews.com/analysis-the-arctic-conflict-truth-fantasy-or-a-little-bit-of-both/) **High North News 2016**

Since Arctic countries have so much practical cooperation, it is important to ask what sort of conflicts could occur in the region. If we are claiming that the general deterioration of relations between Russia and the West is about to lead to some sort of a conflict, it is important to stop and think what kind of a conflict we are talking about.

If a conflict means, for example, an unresolved dispute over where a maritime border should lie, this does not shock many experts. **Arctic states have disputed** over **their maritime borders** bilaterally and sometimes even at the International Court of Justice, **but such disputes have been settled sooner or later. It took more than 40 years for Russia and Norway to resolve a border dispute** in the Barents Sea, **but** even this was settled in 2010. Furthermore, **the dispute did not prevent cooperation between the countries. Norway**, a NATO member, **and the Soviet Union used to jointly manage fish stocks in the disputed region.** In fact, most of the Arctic maritime disputes occur between close allies, like the United States and Canada.

## A2: Royalties

### A2: General

#### 1. TURN: If the US joins, they would be given a de facto Veto, which would allow them to prevent ISA aid from going to counterproductive areas

[William Taft](https://www.foreign.senate.gov/imo/media/doc/TaftTestimony031021.pdf), Legal advisor to US Dept of State, 2003 (DS)

The revenue-sharing provision was instrumental in achieving guaranteed U.S. rights to these large areas. It is important to note that this revenue-sharing obligation does not apply to areas within 200 nautical miles and thus does not affect current revenues produced from the U.S. Outer Continental Shelf. Most important, this provision was developed by the United States in close cooperation with representatives of the U.S. 11 oil and gas industry. The industry supports this provision. Finally, **with a guaranteed seat on the Finance Committee of the International Seabed Authority, we would have an absolute veto over the distribution of all revenues generated from this revenue-sharing provision.**

[**James Houck, 13**](https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&amp;context=fac_works) **(NA)**

The argument that the ISA could transfer U.S. contributions to terrorists and other anti-U.S. interests also has great emotional appeal. However, the assertion is not based on fact and has been rebutted repeatedly. UNCLOS opponents have suggested in direct contradiction of the convention’s express terms that the assembly might somehow be able to circumvent the express provisions preserving U.S. influence in the council. The argument is spurious but remains a pillar of opposition strategy. Fortunately, to date the ISA has not yet taken up implementation of Article 82. But Only **if the United States is a party can it ensure that payments would not go to terrorists or other anti-U.S. interests.**

#### 2. TURN: Royalties, in the form of Multilateral aid, is better than direct bilateral aid

[Charron 2009](https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1746-1049.2010.00122.x) (AJ)

Though many studies have referred to an “anti-corruption movement” beginning in the 1990s by major international organizations, none has **empirically** tested its effectiveness on corruption. The data show that from 1997 onward, **the impact of multilateral aid is strongly and robustly associated with lower corruption levels, while bilateral aid is shown to be an insignificant determinant.**An increase in any official development assistance (ODA) pre-1997 is associated with higher levels of corruption or has no impact at all. Using panel data from 1986 to 2006, this study reveals a more nuanced relationship between ODA and corruption than previous studies and demonstrates that when disaggregating the time periods, there are sensitive temporal effects of ODA’s effect on corruption overlooked by earlier studies, and provides initial evidence of the effectiveness of the international organization anti-corruption movement in the developing world.

### A2: Discourage Investment

#### Companies already do it, they fine with it

[**Bonner 2013**](http://muse.jhu.edu/article/527056) **(SL)**

If the words “United Nations” are a red flag to some, the concept of a foreign entity taxing a U.S. corporation is anathema. This is what some, including Senator Risch, see in UNCLOS. He argues that since 1776, the United States has never ceded its authority to tax anyone else.29 As Secretary Clinton pointed out, UNCLOS is a royalty agreement related to drilling and extraction in areas beyond 200 nautical miles from a coast.30 She has stated that U.S. companies already pay royalties to at least one commission—the Inter- national Telecommunication Union—so a precedent exists.31 **U.S. oil and gas companies routinely pay royalties to foreign nations based on profits made from the materials pumped or extracted in these countries.**

#### Gulf of Mexico royalties far higher, many corps still drill

Another leading isolationist, Senator James Inhofe of Oklahoma, argued that the royalties were taxes paid to a foreign entity. The Chairman of the Committee, Senator John Kerry, responded that President Reagan renegotiated this issue “with the oil companies and gas companies at the table” and they all agreed to the royalties. He also pointed out that the **UNCLOS royalties were far less than the royalties paid in the Gulf of Mexico.** Indeed, while certain isolationists may object to these royalties, **those who would be paying them—the Exxons, Shells and Lockheed Martins—support UNCLOS.**

#### 93% of something > 100% of nothing

 **These companies realize that 93 percent of some profit is much better than 100 percent of nothing, as they are wary of drilling on the Continental Shelf since the United States has not ratified UNCLOS.**

### A2: Terrorism

#### 1. US would be given a de facto veto and thus would be able to prevent funds from going to terrorist organizations

[CFR](https://cfrd8-files.cfr.org/sites/default/files/pdf/2009/04/LawoftheSea_CSR46.pdf) (Council on Foreign Relations), 2009 (DS)

It is also true that the ISA could possibly decide to distribute economic benefits to such movements if revenue becomes available in the future. The U.S. safeguard against such transfers becomes operative through the interaction of the convention and the 1994 agreement. Convention Article 161, paragraph 8(d) requires consensus of the ISA council to distribute economic benefits, pursuant to Article 162. Section 3, paragraph 15(a) of the annex to the 1994 agreement provides the United States a permanent seat on the council by virtue of being the largest economy on the date of entry into force of the convention. **Together these sections effectively give the United States a “permanent veto” over distribution of economic benefits, hence preventing funds from being channeled to potential terrorist groups or other organizations likely to act counter to U.S. national security interests.**

#### 2. [Speculation] UNCLOS has taken little to no steps towards actually setting up the necessary framework to enforce royalties.

[International Sea Bed Authority 2009](https://www.isa.org.jm/sites/default/files/files/documents/tstudy4.pdf) (NA)

**Article 82** of the United Nations Convention on the Law of the Sea, 1982 (LOS Convention or the Convention) is a unique provision in international law.1 Article 82 is motivated by a sense of international equity.2 It establishes an international “royalty” consisting of payments and contributions on the exploitation of the non-living resources of the outer continental shelf (OCS). The OCS is that part of the continental shelf which extends beyond 200 nautical miles (M) from the baselines of the territorial sea. It is the only provision in the LOS Convention setting out an international royalty concerning an activity within national jurisdiction. In comparison, deep-seabed miners have to pay to the International Seabed Authority (the Authority) administrative fees for their licenses and activities in the international seabed area (the Area) and eventually a royalty on the mining of mineral resources.3 This provision **has been dormant since the adoption of the LOS Convention. It is one of the few provisions of the LOS Convention for which few, if any, steps towards its implementation have been taken by potentially affected OCS States and the Authority.**

## A2: Hurts PSI

####  **PSI mainly encourages countries to use national/international laws rather than setting up new ones**

Ian Williams, October 10, 2016, The Proliferation Security Initiative (PSI) At a Glance, Arms Control, https://www.armscontrol.org/factsheets/PSI, 7-17-2018//ALP

The initiative does not create new law, but rather relies on existing international law to conduct interdictions in international waters or airspace. For example, a ship can be stopped in international waters if it is not flying a national flag or properly registered. It cannot be stopped simply because it is suspected of transporting WMD or related goods. PSI is primarily intended to encourage participating countries to take greater advantage of their own existing national laws to intercept threatening trade passing through their territories, where they have jurisdiction to act.

**UN Resolution 1540 is one such example (BW)**

[United Nations Office on Disarmament Affairs](http://www.un.org/en/sc/1540/1540-fact-sheet.shtml),

**In resolution 1540** (2004), the Security Council decided that **all States shall** refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes. The resolution **requires all States to adopt and enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of these weapons and their means of delivery to non-State actors, in particular for terrorist purposes.**

####  DL/Most PSI members in UNCLOS

Kelsey **Davenport**, Arms Control Association, "The Proliferation Security Initiative (PSI) At a Glance | Arms Control Association", **October 2016**, https://www.armscontrol.org/factsheets/PSI
Participants: Ten countries originally joined with the United States to shape and promote the initiative. These countries are Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, and the United Kingdom. In total, **105 countries have publicly committed to the initiative**. Membership in PSI only requires a state to endorse the PSI Statement of Interdiction Principles, a non-binding document that lays out the framework for PSI activities. PSI participants have downplayed the concept of membership in the initiative, explaining in a press statement that PSI is "an activity not an organization." U.S. officials have courted China to join the regime, but so far it has kept its distance, citing concerns about the legality of interdictions.

#### TURN/U.S. joining reinforces legitimacy->gets other countries to join

[Belcher 2009 Lowy Institute for International Policy](https://www.files.ethz.ch/isn/104487/LPolBr_Belcher.pdf)**(JF)**

**Most of these missing critical states cite legal concerns as their reasons for non-participation in the PSI. Many have expressed concern over the US’s failure to ratify UNCLOS**, which regulates activity at sea, even though the US treats this convention as customary international law. Australia should also renew efforts to urge the **US** to **ratif[ication] [of]** the UN Convention on the Law of the Sea (**UNCLOS**), which **would reinforce the legitimacy of US-led maritime operations.** PSI states could strengthen the legality of interdictions by pushing the limits of Article 27 of UNCLOS.

[Vanecko 2011](http://www.dtic.mil/dtic/tr/fulltext/u2/a546081.pdf) **(MR)**

As former Vice Chief of Naval Operations Admiral Walsh testified to in 2007, **many critical Pacific countries would like to support PSI, but are unable to “convince their legislatures that PSI interdiction activities will only occur in accordance with international law, including the Law of the Sea Convention, when** the leading PSI nation, **the United States, refuse to become a party to the Convention**.”77 The legitimacy obtained through ratification of UNCLOS would solve this problem immediately. Recruiting countries to PSI is just the first step, however, as enhanced legitimacy has second-order effects.

#### TURN/ Accession gives us increased ability to interdict ships bc more interdiction options in UNCLOS

David B. **Sandalow,** 8-19-**2004**, 4, Law of the Sea Convention: Should the U.S. Join?, Brookings, https://www.brookings.edu/research/law-of-the-sea-convention-should-the-u-s-join/, 7-10-2018//ALP

In addition, some columnists and think tank analysts have argued that U.S. accession to the Convention would interfere with the Proliferation Security Initiative (PSI), under which the United States and more than a dozen allies have agreed to interdict some ships that may present a nonproliferation risk. In fact, the Convention expands the list of justifications for ship interdictions set forth in its predecessor, the 1958 Convention on the High Seas, to which the United States has been a party for more than forty years. Among the many legal bases that may be applicable to interdictions under the PSI are the jurisdiction of coastal states in their territorial seas, the right to board stateless vessels, an agreement concerning high-seas boarding with a flag state (the country of origin of an oceangoing vessel) and the inherent right of self-defense. Indeed several allies have recently expressed concern about the U.S. failure to ratify the Convention, asserting that this failure could weaken the PSI.

#### **TURN/Accesion gives the opportunity to create change from inside int’l treaties, creating more allies and opportunities for interdiction**

[**Friedman, Benjamin and Daniel Friedman**](https://www.unclosdebate.org/citation/375/how-law-sea-convention-benefits-united-states)**.** How the Law of the Sea Convention Benefits the United States . Bipartisan Security Group: Washington, D.C., November 2004

Moreover, curenrt U.S. nonproliferation policy relies on the Convention. The Proliferation Security Initiative, an effort among more than 20 states, led by the United States, to share intelligence and stop weapons shipments, must conform to the Law of the Sea Convention. The other states in the PSI are party to the Convention.13 **In their Statement of Interdiction Principles, the PSI parties agree to adhere to international law.**14 In effect, this agreement means that when the United States works with allies as part of the PSI, it agrees to observe the rights of innocent passage and freedom of the seas. This agreement costs America nothing, because it already recognizes those rights. The United States could, of course, forcibly violate established rights of free passage in order to interdict weapons shipments. But this policy would be disastrous for two reasons. First, it would undermine the right of free passage, which is essential to U.S. trade and force projection. Second, it would destroy the Proliferation Security Initiative. **The PSI cannot work without the cooperation of our allies, and their cooperation depends on the Initiative’s adherence to the Law of the Sea. Instead of fighting proliferation outside of international law, America can use international law to fight proliferation. One way to allow interdiction of weapons shipments is to alter the Convention to make proliferation grounds for interdiction on the high seas or in coastal waters.** It would take a long negotiating effort, but the United States might succeed. By staying outside the Convention, the United States forgoes this opportunity but remains bound by the legal restrictions on interdiction.

## A2: Hurts Intel Efforts

#### 1. US led negotiations

**Hudzik 2010** (Elizabeth M. Hudzik, lawyer in St Louis, Missouri. January 2010. “A Treaty on Thin Ice: Debunking the Arguments Against U.S. Ratification of the U.N. Convention on the Law of the Sea in a Time of Global Climate Crisis”, *Washington University Global Studies Law Review.* http://openscholarship.wustl.edu/law\_globalstudies/vol9/iss2/6 . DOA: July 7, 2018.) ALP

**degree to which the treaty would endanger** that **security.** First, major concerns appear to stem from a misreading of articles 19 and 20.81 Additionally, the provisions at issue were negotiated with the input and consent of the U.S. intelligence community (including the National Security Council) and were approved by the Central Intelligence Agency and the Department of Defense.82 In fact, some of the strongest supporters of the treaty come from the intelligence community and the highest ranks of the U.S. military**.83**

#### 2. DoD and CIA leaders and State approve

**Hudzik 2010** (Elizabeth M. Hudzik, lawyer in St Louis, Missouri. January 2010. “A Treaty on Thin Ice: Debunking the Arguments Against U.S. Ratification of the U.N. Convention on the Law of the Sea in a Time of Global Climate Crisis”, *Washington University Global Studies Law Review.* http://openscholarship.wustl.edu/law\_globalstudies/vol9/iss2/6 . DOA: July 7, 2018.) ALP

were approved by the Central Intelligence Agency and the Department of Defense.82 In fact, some of the strongest supporters of the treaty come from the intelligence community and the highest ranks of the U.S. military.83

#### 3. There’s a misreading as far as Article 19-20: these apply to innocent passage, which isn’t the same thing as submarines.

**Hudzik 2010** (Elizabeth M. Hudzik, lawyer in St Louis, Missouri. January 2010. “A Treaty on Thin Ice: Debunking the Arguments Against U.S. Ratification of the U.N. Convention on the Law of the Sea in a Time of Global Climate Crisis”, *Washington University Global Studies Law Review.* http://openscholarship.wustl.edu/law\_globalstudies/vol9/iss2/6 . DOA: July 7, 2018.) ALP

Treaty proponents point out that articles 19 and 20 do not impose restrictions on U.S. ocean activity, but simply establish the conditions for invoking the “right of innocent passage” .‖Sandalow, supra note 37. Thus, in a situation involving U.S. Navy submarines on a secret maneuver, articles 19 and 20 would not apply, since it is highly unlikely that such a situation would give rise to a claim of “innocent passage”.

Oliver, John T. "National Security and the U.N. Convention on the Law of the Sea: U.S. Coast Guard Perspectives." ILSA Journal of International and Comparative Law. Vol. 15, No. 2 (2008-2009): 573-586. DOA: 7-30-2018 // MLC

**The specific argument that the Convention would prevent the United States from using its submarines to collect intelligence is fallacious. Several sources, including the Minority Views in the Senate Committee on Foreign Relations, note that Article 20 of the Convention requires submarines and other underwater vehicles to navigate on the surface and show their flag when engaged in innocent passage.** This is correct, so far as it goes. But the minority report then concludes that this would "fail to protect the significant role submarines have played, especially during the Cold War, in gathering intelligence very close to foreign shorelines." **What the minority report fails to mention is that the 1958 Convention on the Territorial Sea and the Contiguous Zone, to which the United States has long been party, contains exactly the same restriction.**39 **Moreover, the collection of intelligence in any guise within the territorial sea is not "innocent passage.**"40 Such operations are called espionage, not innocent passage. The United States would never accept foreign submarines or foreign warships engaging in intelligence-gathering operations in the territorial sea off of San Diego or Norfolk. Indeed, when President Reagan signed a proclamation extending the U.S. territorial sea to twelve nm on December 27, 1988, consistent with the Convention, one of the first things that the Coast Guard did was to advise a Soviet military vessel gathering intelligence just a few miles off of Pearl Harbor to leave the area immediately.42 The U.S. military and intelligence communities are well aware that the Convention would have a positive impact on our national security. Moreover, as Senator Richard Lugar, ranking minority member of the Foreign Relations Committee, has argued, it would be unprecedented for the Senate to deny to our nation's military and national security leadership a tool that they have unanimously claimed that they need, especially during a time of war

## A2: Tech Transfer

#### 1. No link, technology transfer is no longer a requirement of the agreement.

David B. **Sandalow,** 8-19-**2004**, 4, Law of the Sea Convention: Should the U.S. Join?, Brookings, https://www.brookings.edu/research/law-of-the-sea-convention-should-the-u-s-join/, 7-10-2018//ALP

The agreement addresses in full all concerns identified by President Reagan a decade earlier. Technology transfer requirements—a principal objection in 1982—were deleted from the agreement.

#### 2. Most tech transfer is encouraged, not mandated

**Borgerson 09** (Scott G. Borgerson, of the council on foreign relations, May 2009 “The National Interest and the Law of the Sea” <https://cfrd8-files.cfr.org/sites/default/files/pdf/2009/04/LawoftheSea_CSR46.pdf> DOA 7/10/18) MDS

U.S. Technological Advantage. It is true that the 1982 form of the convention mandated private technology transfer detrimental to U.S. national security and economic interests. That was one of the factors specifically cited when President Reagan rejected the convention. **Article 144 of the convention does encourage technology transfer**, calls for parties to “cooperate in promoting the transfer of technology and scientific knowledge,” and remains in force following the adoption of the 1994 agreement **but does not mandate technology transfer.** Such transfer, mandated by Annex III Article 5 of the convention, was eliminated by section 5 of the annex to the 1994 agreement.

#### 3. Nothing of national security

Additional **protection against national security damage through technology transfer is provided by Article 302 of the convention: “[N]othing in this Convention shall be deemed to require a State Party**, in the fulfillment of its obligations under this Convention, **to supply information the disclosure of which is contrary to the essential interests of its security.”**

### A2: Mining Tech

#### Most the biggest drilling/mining companies are not in U.S.-> impacts would’ve already happened

[**Ajay Kumar Reddy, June 2018**](https://www.mining-technology.com/features/worlds-biggest-mining-companies-2018/)

The world’s biggest mining companies in 2018
**Glencore**– $80.46bn, Headquartered in **Baar, Switzerland**, Glencore owns and operates 150 mining, metallurgy, and agricultural sites across 50 countries and employs approximately 146,000 personnel.**Rio Tinto** – $40bn, The group owns and operates open pit and underground mines, mills, refineries, smelters and power stations, research and service facilities. It constitutes the operations of **UK-based Rio Tinto and Australia-based Rio Tinto BHP** – $34.11bn, BHP also explores, develops, produces and markets oil and gas in the Gulf of Mexico, the US, Australia, and the UK. **Headquartered in Melbourne, Australia, BHP** employs 26,146 personnel across its mines and facilities worldwide. **Vale S.A.** – $33.96bn, Vale is primarily involved in the exploration and production of coal, cobalt, gold, silver and platinum group metals, fertilisers, iron ore, iron ore pellets and nickel. Vale’s business segments include Ferrous minerals, coal, base metals, fertilizers (discontinued operations) and Others. Headquartered in **Rio de Janeiro, Brazil,** Vale employs 73,596 personnel. **Jiangxi Copper Corporation Limited** (JCCL) – $31.35bn, The company was granted a total of 42 patents in 2017, of which 13 were invention patents. **Headquartered in Guixi, Jiangxi,** China, JCCL employs 20,880 people. **China Shenhua Energy Company (CSEC)** – $30bn, **Headquartered in Beijing, CSEC** is a subsidiary of Shenhua Group Corporation and, along with its branches/subsidiaries, employs 89,057 personnel. **Anglo American – $26.24bn, Headquartered in London**, Anglo American has mining operations in southern Africa, North and South America, as well as Australia, and employs 69,000 people worldwide. **Freeport-McMoRan – $16.4bn, Headquartered in Phoenix, Arizona, US,** Freeport-McMoRan is the world’s biggest publicly traded copper producer. **Corporacion Nacional del Cobre de Chile (CODELCO) – $14.64bn, Headquartered in Santiago, Chile,** CODELCO exports products such as copper concentrates, copper cathodes and wire rods, copper calcine, molybdenum, anode slime and sulfuric acid to Asia, Europe, North America and South America.**Zijin Mining Group Company Limited – $14.5bn, Headquartered in Longyan,** Zijin Mining Group has its operational footprint in 24 provinces across China and nine foreign countries.

## A2: China

### A2: General

#### Turn, the U.S. would gain more information by affirming

[**Baumgartner, William D.**](https://www.unclosdebate.org/citation/749/unclos-needed-americas-security) **"UNCLOS Needed for America's Security." Texas Review of Law & Politics. Vol. 12, No. 2 (April 2008)**

PSI is explicitly based on, and requires partner nations to act consistently with, national legal authorities and relevant international law frameworks."\* That is the heart of PSI. It allows us to bring together a whole host of partners, authorities, and jurisdictions to work cooperatively. Virtually all of our partners in PSI are parties to the Law of the Sea Convention. Clearly, they see no conflict.

Far from impeding PSI, **if we accede to the Law of the Sea Convention,** it will help our PSI efforts. It will remove the invalid, incorrect, bogus argument that PSI is a renegade regime that flies in the face of international law." The result, if we accede, is that **there will be more partners, more intelligence, and more preemptive actions that will help to protect us from serious and significant threats.**

#### Turn, the U.S. gains credibility and leadership by acceding which helps international peace and stop nuclear prolif

[**Song ‘07**](http://daais.sinica.edu.tw/download/publication_list/en/99.pdf) **(NA)**

This article examines the relationship between the U.S.-led Proliferation Security Initiative (PSI) and the 1982 United Nations Convention on the Law of the Sea (UNCLOS). It answers the questions of whether the PSI is legal or illegal under international law and whether U.S. accession to UNCLOS would enhance or create difficulties for the implementation of the PSI. The success or failure of the initiative is also assessed. The author concludes that **accession to UNCLOS could help increase U.S. credibility and leadership in dealing with the threat to international peace and security posed by weapons of mass destruction proliferation**.

### A2: Increased Presence Bad/FONOPS

#### 1. Our naval operations in the area are pretty much useless anyways

[Andrew Chubb](https://www.lowyinstitute.org/the-interpreter/south-china-sea-patrols-does-trump-team-get-it) (JW)

**Moreover**, as simple exercises of navigational rights, **FONOPs are unlikely to generate much leverage for Washington. They are demonstrative acts, not coercive, and they are designed to involve** [**minimal risk**](https://warontherocks.com/2017/06/america-is-navigating-freely-to-nowhere-in-the-south-china-sea/)**.** As such, **they can hardly be expected to help compel changes in an adversary’s behaviour**. That is just not what they are designed for.

#### 2. U.S. already increasing presence with Trump -> doesn’t care about intl law

[**Steven Stashwick 2017**](https://thediplomat.com/2017/02/expecting-a-heavier-us-presence-in-the-south-china-sea-but-what-can-it-achieve/)

New reports suggest that **the United States is set to maintain a significantly more assertive presence in the South China Sea to counter Chinese claims and activity in the region.** While proponents believe that the military presence in the region was insufficient during the Obama Administration to deter China’s massive island construction campaign in the Spratly Islands, the reported proposals are unlikely to roll-back cuxrrent Chinese positions. The Trump Administration still needs to clearly define its objectives in the South China Sea and what its desired status quo is, and how expanded military presence will achieve it without inadvertently provoking China to build up its position further.

 Early remarks by Secretary of State Rex Tillerson during his confirmation hearings and follow-up comments by White House Press Secretary Sean Spicer implied that **the United States might seek to block China’s access to the island bases it has built up in the last several years, especially among the reefs in the Spratly Islands, and militarily defend other territory from incursion.** Many analysts feared position implied tactics that China could construe as acts of war, or could at least foment a major crisis until it was revealed recently that Secretary Tillerson had amended his own remarks to specify that the U.S. only needed to be able to block China’s access to its islands in the event of a conflict.

### A2: Submarines decrease

#### NU: The US Submarine abilities are not harmed by UNCLOS (JM)

[NOAA](https://www.legislative.noaa.gov/Testimony/negroponte092707.pdf)

**The Convention does not prohibit or impair intelligence or submarine activities. Joining the Convention would not affect the conduct of intelligence activities in any way.** This issue was the subject of extensive hearings in 2004 before the Senate Select Committee on Intelligence. Witnesses from Defense, CIA, and State all confirmed that U.S. intelligence and submarine activities are not adversely affected by the Convention.

#### Intel collection =/ innocent passage, don’t have to show flag

[Committee on Foreign Relations](https://www.foreign.senate.gov/imo/media/doc/092707_100407_Transcript_The%20United%20Nations%20Convention%20on%20the%20Law%20of%20the%20Sea.pdf)

The specific argument that the convention would pre- vent the U.S. from using its submarines to collect intelligence is fallacious. Several sources, including the minority views in the Senate Committee on Foreign Relations, note **that Article 20 of the convention requires submarines and other underwater vehicles to navigate on the surface and show their flags when engaged in innocent passage.** This is correct, so far as it goes. But the minority report then concludes that this would not especially during the Cold War—in gathering intelligence close to foreign shorelines

What the minority report and other critics fail to men- tion is that the 1958 Convention on the Territorial Sea and the Contiguous Zone, to which the United States has long been party, contains exactly the same restriction.15 **Moreover, the collection of intelligence in any guise within the territorial sea does not fall within the ambit of innocent passage.** The United States would never accept foreign submarines or foreign warships engaging in intelligence-gathering operations in the territorial sea off of San Diego or Norfolk. Indeed, when President Reagan signed a proclamation extending the U.S. territorial sea to 12 nautical miles on December 27, 1988, consistent with the convention, one of the first things that the Coast Guard did was to advise a Soviet military vessel gathering intelligence just a few miles off of Pearl Harbor to leave the area immediately.16

#### The 1958 treaty, which U.S. joined, has the same provisions

**What the minority report and other critics fail to men- tion is that the 1958 Convention on the Territorial Sea and the Contiguous Zone, to which the United States has long been party, contains exactly the same restriction.**15Moreover, the collection of intelligence in any guise within the territorial sea does not fall within the ambit of innocent passage. The United States would never accept foreign submarines or foreign warships engaging in intelligence-gathering operations in the territorial sea off of San Diego or Norfolk. Indeed, when President Reagan signed a proclamation extending the U.S. territorial sea to 12 nautical miles on December 27, 1988, consistent with the convention, one of the first things that the Coast Guard did was to advise a Soviet military vessel gathering intelligence just a few miles off of Pearl Harbor to leave the area immediately.16

### A2: Diplomatic Efforts Bad

#### TURN/would allow us a stronger stance to support the tribunal ruling against China

**Almond writes in 2017 that**

Almond 2017 ( U.S. Ratification of the Law of the Sea Convention Measuring the raison d’État in the Trump era. May 24, ; The Diplomat; <https://thediplomat.com/2017/05/u-s-ratification-of-the-law-of-the-sea-> convention/; Roncevert Ganan Almond is a partner at The Wicks Group, based in Washington, D.C. He has advised the U.S.-China Economic and Security Review Commission on issues concerning international law and written extensively on maritime disputes in the Asia-Pacific.

although the United States remains neutral on competing claims in the South China Sea, Washington has a compelling national security interest in upholding the substance of the arbitral tribunal’s ruling. Like U.S. claims in the Arctic, the United States’ legal rights in the South China Sea are not academic. As reported by Ronald O’Rourke, a U.S. naval affairs analyst, **the EEZ legal dispute between Washington and Beijing has led to significant confrontations between Chinese and U.S. ships and aircraft in and above international waters.** For example, in August 2014, a Chinese J-11 fighter dangerously intercepted a U.S. P-8A Poseidon, a naval reconnaissance aircraft, operating in the South China Sea approximately 117 nautical miles east of Hainan Island. Thanks to the arbitral tribunal’s artful debunking of the nature of Chinese-claimed maritime features and related entitlements, there is greater legal clarity on U.S. operational rights in the South China Sea. **By formally joining UNCLOS, the United States will be in a stronger position to support the ruling of the arbitral tribunal in the face of Chinese opposition**. More broadly, because substantial portions of the world’s oceans are claimable as EEZs, universal adoption of the Chinese position would significantly alter the U.S. military’s ability to sail and fly worldwide. These debates over high seas freedoms and EEZs are likely to continue. For example, as I wrote in the Harvard National Security Journal, the so-called “Castaneda formula” under UNCLOS (Article 59) opens the door for further articulation of EEZ functional jurisdiction and any potential limitation on the high seas freedoms.

**Burt 12**– Burt, a former national security reporter, attends Yale Law School. (5/25/2014, Andrew, The Hill, “Why U.S. Senate should ratify Law of the Sea Treaty”, http://thehill.com/blogs/congress-blog/foreign-policy/229559-why-us-senate-should-ratify-law-of-the-sea-treaty

As John Norton Moore, a professor at the University of Virginia Law School and the head of the Center for Oceans Law and Policy,told me:“It’s very difficult for the United States to protect its interests when we’re not a party.”**There’s only so much officials can say when the Chinese point out that the U.S. is attempting to enforce its interpretations of laws it hasn’t even ratified. As long as the U.S. remains on the list of countries that have yet to pass the treaty**– keeping company with such notables as Burundi, Iran and Ethiopia – **the Chinese have a point.**

### A2: ISR/Intel harmed

#### U.S. doesn’t have to turn over security information (JM)

[**John N. Moore**](http://www.virginia.edu/colp/pdf/house-testimony.pdf) **‘14 from the University of Virginia**

Criticisms that the United States will be required to turn over security information without noting **Article 302 of the Convention negating any obligation “to supply information the disclosure of which is contrary to the essential interests of its security;”**

#### Turn: UNCLOS gives clear rights for maritime travel

[John B. Bellinger ’13 from CFR](https://www.foreign.senate.gov/imo/media/doc/John_Bellinger_Testimony.pdf)

**The Convention provides clear, treaty-based rights for U.S. ships and aircraft to travel through and over the territorial seas of other** coastal **states. This is why the U.S. Navy,** with the largest fleet in the world, **has long supported the treaty.** In this time of shrinking defense budgets, the Navy wants clear legal rights to freedom of navigation when it cannot have more ships to assert these rights in practice.

#### Turn, the U.S. would gain more information by affirming

[**Baumgartner, William D.**](https://www.unclosdebate.org/citation/749/unclos-needed-americas-security) **"UNCLOS Needed for America's Security." Texas Review of Law & Politics. Vol. 12, No. 2 (April 2008)**

PSI is explicitly based on, and requires partner nations to act consistently with, national legal authorities and relevant international law frameworks."\* That is the heart of PSI. It allows us to bring together a whole host of partners, authorities, and jurisdictions to work cooperatively. Virtually all of our partners in PSI are parties to the Law of the Sea Convention. Clearly, they see no conflict.

Far from impeding PSI, **if we accede to the Law of the Sea Convention,** it will help our PSI efforts. It will remove the invalid, incorrect, bogus argument that PSI is a renegade regime that flies in the face of international law." The result, if we accede, is that **there will be more partners, more intelligence, and more preemptive actions that will help to protect us from serious and significant threats.**

#### Turn, the U.S. gains credibility and leadership by acceding which helps international peace and stop nuclear prolif

[**Song ‘07**](http://daais.sinica.edu.tw/download/publication_list/en/99.pdf) **(NA)**

This article examines the relationship between the U.S.-led Proliferation Security Initiative (PSI) and the 1982 United Nations Convention on the Law of the Sea (UNCLOS). It answers the questions of whether the PSI is legal or illegal under international law and whether U.S. accession to UNCLOS would enhance or create difficulties for the implementation of the PSI. The success or failure of the initiative is also assessed. The author concludes that **accession to UNCLOS could help increase U.S. credibility and leadership in dealing with the threat to international peace and security posed by weapons of mass destruction proliferation**.

### A2: Agrees to China Interp/Appeasement

#### T/UNCLOS is against China interp, accession allows us to better support ruling against china

[Pedrozo 2009,](http://www.dtic.mil/dtic/tr/fulltext/u2/a519335.pdf)

As previously discussed, coastal states lack security interests in the EEZ. **Nothing in UNCLOS supports the PRC position**. Similarly, **the Chinese position that the freedom of overflight** reflected in UNCLOS article 58 **is a narrow right, including only the right to transit the airspace above the EEZ, is not supported by UNCLOS**, other international agreements, or state practice. On the contrary, the negotiating history of UNCLOS and state practice before, during, and after UNCLOS support the conclusion that freedoms of navigation and overflight in the EEZ are broad freedoms; it is coastal-state rights in the EEZ that are narrowly limited. As we have seen, UNCLOS article 58 is quite clear: all states enjoy the freedoms of navigation and overflight and other internationally lawful uses of the seas related to these freedoms, such as those associated with the operation of ships and aircraft. Long-standing state practice supports the position that surveillance and reconnaissance operations conducted in international airspace be- yond the twelve-nautical-mile territorial sea are lawful activities. Since the end of World War II, surveillance and reconnaissance operations in international airspace have become a matter of routine. Many nations, including the PRC, en- gage in such activities on a routine basis. Moreover, as previously discussed, UNCLOS article 19.2(c) prohibits intelligence-gathering activities by ships en- gaged in innocent passage through the territorial sea—as noted above, no simi- lar prohibition is contained in part V of UNCLOS, and therefore, surveillance and reconnaissance activities are permitted in the EEZ. **The PRC has an obliga- tion under UNCLOS article 56 to exercise its limited resource-related rights in the EEZ with due regard for the rights of other states to engage in lawful military activities, including surveillance and reconnaissxxance operations, in the zone.**

**Almond 2017** ( U.S. Ratification of the Law of the Sea Convention Measuring the raison d’État in the Trump era. May 24, ; The Diplomat; <https://thediplomat.com/2017/05/u-s-ratification-of-the-law-of-the-sea-> convention/; Roncevert Ganan Almond is a partner at The Wicks Group, based in Washington, D.C. He has advised the U.S.-China Economic and Security Review Commission on issues concerning international law and written extensively on maritime disputes in the Asia-Pacific.

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### A2: War

#### Both sides have nuclear weapons - nuclear deterrence/mutually assured destruction makes war impossible (BW)

[National University of Singapore 2016](https://lkyspp.nus.edu.sg/gia/article/five-reasons-why-america-and-china-will-not-go-to-war)

**The main deterrent is the threat of nuclear retaliation. While clashes between ruling powers and rising powers – as the US and China are now, respectively – have led to war in the past, these instances occurred before the nuclear age.**Mr Gideon Rachman, who is the chief foreign affairs columnist for the Financial Times, noted that both the US and China now possess nuclear weapons. He said: “The stakes were much lower in the past. **The leadership of both countries are rational, and neither wants a conflict –** one hopes that **because they are both nuclear powers,** that it won’t come to war.”Mr Rachman said, however, that the tensions between the two countries were unlikely to lead to war: “Rising powers do tend to clash with established powers, and this has led to war in 12 out of 16 cases since the 1500s. But these instances were before the nuclear age, when the stakes were much lower. One hopes that because both China and the US are nuclear powers, it won’t come to war.”

#### The US won’t go to war with China over the SCS: not at all worth it for us. (BW/NA)

[Minxin Pei, Foreign Affairs 2014](https://www.foreignaffairs.com/reviews/review-essay/how-china-and-america-see-each-other),

At first glance, this designation seems reasonable. **The United States and China** are clearly not allies. They share no overriding security interests or political values, and their conceptions of world order fundamentally clash. Whereas Beijing looks forward to a post-American, multipolar world, Washington is trying to preserve the liberal order it leads even as its relative power wanes. Meanwhile, numerous issues in East Asia, such as tensions over Taiwan and disputes between Beijing and Tokyo, are causing U.S. and Chinese interests to collide more directly. Yet the two countries are not really adversaries, either. They **do not see each other as implacable ideological or security threats. And the fact that their economies are so deeply intertwined makes both countries hell-bent on avoiding conflict.**

#### A2: Miscalc

[Peter Apps, Reuters 2016](https://www.reuters.com/article/us-commentary-china-apps-idUSKCN10I0WB)

**Washington and Beijing are each other’s most significant trading partners. The report estimates that 90 percent of that bilateral trade would cease if the two were in direct military confrontation for a year. That would hurt both sides,** but the United States could likely continue trade with much of the rest of the world while almost all imports and exports to China would have to pass by sea through a war zone. Perhaps most importantly, China might find itself cut off from vital external energy sources while Washington’s energy supply chain would be far less affected. While RAND estimates a year-long Asian war would take 5-10 percent off U.S. gross domestic product, it believes China’s economy could shrink by up to 25 percent. These are good reasons why war should never happen. Even if miscalculations pushed both countries to the brink, it’s all but impossible to make a logical argument for either side to push things over the edge.The danger, therefore, would seem to be primarily ill-conceived actions that might cause a World War One-style escalation.

[**Ratner 2017**](https://www.cfr.org/article/false-choice-war-or-accommodation-south-china-sea)

Besides, **China is** itself **deeply risk-averse and has backed down in almost every instance in which the United States has stood firm on interest and principle**. President Xi Jinping is likely aware that a war with the United States would severely damage both China's economic development and its aspirations for national reunification. Despite loose talk about China's 'core interests', recent experience suggests that **China could** certainly **be compelled into a more moderate approach in the South China Sea***,* if only the United States and its partners were willing to make a serious go of it. Promoting the misperception of China as ready to run up the escalation ladder is both wrong and counterproductive: China has instead been pushing on an open door, surprised at its ability to do so cost-free. As a more general comment, I tend to think Hugh's analyses would benefit from less certainty about the futility of deterrence, and greater scepticism of China's own willingness to fight.

## A2: Straight of Hormuz

#### Iran not gonna block cus U.S. hard power

**Johnson**, Keith. “Iran's Hollow Threats to Close the Strait of Hormuz.” *Foreign Policy*, Foreign Policy, 5 May **2016**, foreignpolicy.com/2016/05/05/irans-hollow-threats-to-close-the-strait-of-hormuz/. // TAG MLC

Mine clearance remains a challenge for U.S. forces, which have a small number of ships that can do so. It would require the area cleared of any missile threats beforehand, meaning it would need a much broader military effort. Last month, the United States and other nations conducted a minesweeping exercise in the Persian Gulf [centered](https://news.usni.org/2016/05/04/opinion-u-s-mine-countermeasures-forces-should-train-like-they-fight) on the threat posed by underwater improvised explosive devices, rather than the 5,000-odd traditional mines that Iran has in its arsenal.“Any form of mine warfare is difficult to deal with,” Cordesman said, “and recent exercises have not been reassuring.” But, he said, **in the event of any Iranian effort to mine the Persian Gulf or block the Strait of Hormuz, Washington has a lot more tools in its arsenal than minesweepers — and that could be enough to dissuade Iran from ever seriously trying.** “They have a very good understanding of what we did to Iraq’s power grid and transportation system in 1991 with precision air power,” Cordesman said.

#### UK, FR also have military presence to deter aggression, and they in UNCLOS

Martin **Waehlisch** “The Iran-United States Dispute, the Strait of Hormuz, and International Law”, *Yale Journal of International Law.*5-30-**12**. Accessed 7-12-18.

https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2070587  // TAG MLC

Since autumn 2011, **the** United States, **United Kingdom, and France have boosted their military presence in the Gulf.** In January 2012, the USS Abraham Lincoln, a U.S. aircraft carrier, was sent through the Strait to conduct 'maritime security operations,' accompanied by a British warship and a French vessel. According to a statement by the U.K. Ministry of Defense, **the move was made 'to underline the unwavering international commitment to maintaining rights of passage under international law.'** U.S. Secretary of Defense Leon Panetta recently added in February 2012: 'If we have to deal with someone trying to close the Straits of Hormuz, we have the naval and air force capability to be able to do that. We can do that in conjunction with NATO, or we can do it on our own.'

## A2: Sanctions?

## A2: Sanctions

#### The EU can still sanction other countries for unsustainable marine activity, despite most countries being party to UNCLOS

[Lubchenco 2016](http://www.pnas.org/content/113/51/14507) (JW)

Two examples of reputation-based incentives that are beginning to change behaviors globally are the 2009 Food and Agriculture Organization (FAO) Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA) and **the European Union’s issuance of warnings and trade sanctions to countries with unsustainable fisheries behaviors.** Both tools **help combat illegal, unregulated, and unreported (IUU) fishing,** which is reported to create as much as US $23.5 billion in losses annually, directly impacting the health of fisheries and the seafood market where IUU fish are sold

#### 2. (?) GATT (General Agreement on Tariffs and Trade) will inhibit any US attempt to introduce sanctions that protect marine life

[Schiffman](https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1703&context=bjil) (JW)

The ultimate goal of GATT is reduced trade barriers worldwide.' 9 **If the Pelly Amendment were to be applied to embargo the fish products of states that use cetacean-hazardous fishing methods, a future GATT panel would probably decide such action to be illegal.**

## A2: Vent Drilling

### A2: Vent Drilling Happens

#### Low pH + High temp = damage mining equipment, wont drill

[Moss 18](https://knect365.com/energy/article/9c1b0a6e-e73e-4360-9485-adf5cf141b33/renewable-energys-deep-sea-mining-conundrum?utm_source=Reddit&utm_medium=Social&utm_campaign=Reddit%20-%20Social%20Referral) (EH)

Polymetallic nodules generally occur in volcanically active areas, in close proximity to hydrothermal vents (basically the underwater equivalent of geysers). Hydrothermal vents warm the surrounding ocean, leading to unique and as yet little understood communities of marine life.

But the industry claims that **only inactive vents are likely to be targeted by mining operations, as high water temperatures and low PH levels around active vents would damage mining equipment.** A much greater impact is anticipated as a result of mining for cobalt-rich crusts. These crusts occur in a thin layer (approximately 25cm thick) over a broader area of sea floor, usually around seamounts, submerged ridges and plateaus. The International Seabed Authority estimates that as much as 1.7% of the ocean floor may be covered in cobalt-rich crusts.

#### NONUNIQUE: Most vents are in EEZs, mining will mostly occur in EEZ

[Beauliue 2013](https://agupubs.onlinelibrary.wiley.com/doi/abs/10.1002/2013GC004998)

**Discoveries** in arc and back‐arc settings **resulted in an increase in known vent fields within exclusive economic zones, consequently reducing the proportion known in high seas to one third.** The increase in known vent fields reflects a number of factors, including increased national and commercial interests in seafloor hydrothermal deposits as mineral resources.

### A2: Kill biodiversity

#### Vents are naturally violent, regeneration quick and common

[Drew 09](https://www.whoi.edu/oceanus/feature/the-promise-and-perils-of-seafloor-mining) (EH)

Just as each vent site is different, so are the ecosystems they foster. What each has in common are conditions that would be incredibly hostile to most other life—utter darkness, intense ocean pressure, hot acidic fluids. Yet most host rich communities of life, including microbes that harness energy from chemicals, instead of from sunlight as plants do. Scientists have observed that **after undersea volcanic eruptions kill off animals around a vent, life can be quick to recolonize the habitats.** “One argument that can be made—but we need to be careful about it—is that **hydrothermal systems naturally are violent environments anyway, and therefore we can do what we like because the biological communities will always recover**,” said German.

#### TURN/ New biodiversity treaty for UNCLOS being worked on, protection only happens when you accede

[Payne 2018 Harvard Law Review](https://blog.harvardlawreview.org/the-other-46-percent-new-law-of-the-sea-negotiation-on-high-seas-biodiversity/) (YZ)

Concerned that a global agreement is needed to protect this biodiversity, on December 24, 2017, **United Nations member states** [**initiated**](https://www.un.org/press/en/2017/ga11985.doc.htm) **a** [**treaty**](https://perma.cc/K47K-774N) **negotiation with the goal of allowing sustainable use of the ocean while still conserving its marine biological diversity. The negotiation is focused on four key issues of marine “biological diversity of areas beyond national jurisdiction” (BBNJ)**. **Diplomats**, lawyers, and scientists **will work to define the rules for activities** including: genetic prospecting; establishing protected areas and other marine spatial planning; environmental impact assessment for activities with potentially significant impacts; and marine scientific information sharing and other aspects of capacity building and technology transfer. Scheduled to begin in September 2018, the negotiation is budgeted for two years — which is a pretty short time to reach an agreement that will affect about 230 million square kilometers, or 46 percent of Earth’s surface. This kind of coherence may in fact derive from the constitutional system in which **the new BBNJ instrument** will be located. It **will be an implementing agreement to** the 1982 United Nations Convention on the Law of the Sea (**UNCLOS**) (which has actually been called the “constitution for the oceans”). UNCLOS could be loosely analogized to the U.S. Constitution in the way it creates institutions and a structure for governance and establishes important fundamental principles.

#### TURN: Deep Sea Mining motivates deep-sea marine research that protects biodiversity

[Niiler 2017](https://www.wired.com/story/can-science-keep-deep-sea-miners-from-ruining-the-seafloor/) (AJ)

You might see some individual species only once," says Koschinsky, "and you don’t know what their larvae look like or how they reproduce.” But **with mining as a call to action, the German government is funding environmental studies on these remote areas.**

### A2: Methane

#### 1. Methane consumed by vent organisms consists of less than 0.3% of global of methane emissions

[Boetius and Wenzhoefer, 2013](https://www.frontiersin.org/articles/10.3389/fmars.2016.00072/full#B26)

At seeps, a recent review of existing data estimated that 0.02 Gt **(20 million metric tons) of methane-C is consumed annually** in the sediment with an additional **0.02 Gt methane-C escaping annually** into the hydrosphere .

**On the other hand, the methane global initiative quantifies that**

**Global anthropogenic methane emissions for 2010 were estimated at 6,875 million metric tons (6.785 gt)**of CO 2 equivalent

## A2: Sovereignty

#### Delink: UNCLOS would not limit US sovereignty because the US already follows the provisions

[Ashfaq 2010 Journal of Transnational Law and Policy](https://docplayer.net/236808-Something-for-everyone-why-the-united-states-should-ratify-the-law-of-the-sea-treaty-sarah-ashfaq.html) (YZ)

**The sovereignty costs associated with the Convention are grossly overstated primarily because many of these costs have already been accepted by the United States.** Provisions of the Convention that infringe upon sovereignty include limitations on unilaterally claiming territorial waters, limitations on economically exploitable areas on the seas, limitations on the continental shelf, revenue sharing provisions for exploitation of resources on the high seas, imposition of environmental obligations, and a mandatory dispute resolution mechanism.22 As will be discussed next, **the United States has already agreed to most of these provisions through a variety of previously signed treaties.23**

#### TURN/Sovereignty increase bc permanent seat on ISA, nav protection, regulate maritime dispute -> more power

[Hudzik 2010 Washington University](https://openscholarship.wustl.edu/law_globalstudies/vol9/iss2/6/)

Many of these arguments have been put into perspective, however, by the actual history and operation of UNCLOS. **Instead of posing a threat to national sovereignty, U.S. ratification of UNCLOS would actually enlarge U.S. power by providing a permanent seat on the ISA,58 and would be ―the greatest expansion of U.S. resource jurisdiction in the history of the nation.**59 A permanent seat on the ISA would give the United States a strategic advantage, namely a ―greater ability to defeat amendments that are not in the U.S. interest, by blocking consensus or voting against such amendments.60 Concerns about abuse of power by the ISA are similarly unfounded, as the ISA operates independently from the U.N.61 and is comparable to other specialized U.N. organizations, many of which the U.S. already endorses. **Further, the navigational protections for American ships on the high seas would enhance, not diminish, U.S. sovereignty.**62Some UNCLOS proponents also argue that claims to U.S. sovereignty are overstated in the context of a shared resource like the world‘s oceans.63**Finally, due to the inevitability of international reliance on UNCLOS to form international maritime law and regulate maritime disputes, the United States will suffer a huge loss of power if it fails to accede to the treaty**.

# NEG A2:AFF

## A2: PSI better

#### NU – right to interdict exists in both worlds bc article 1540

United Nations Office on Disarmament Affairs, no date, UN Security Council Resolution 1540 (2004), UNODA,

<http://www.un.org/en/sc/1540/1540-fact-sheet.shtml>, https://www.un.org/disarmament/wmd/sc1540/, 7-13-2018//ALP

In [resolution 1540 (2004)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004)), the Security Council decided that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes. The resolution requires all States to adopt and enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of these weapons and their means of delivery to non-State actors, in particular for terrorist purposes.

#### T/Being subject to court isn’t good

jeremy **rabkin**, Washington Post, "Jack Goldsmith and Jeremy Rabkin - A Treaty the Senate Should Sink", July 2, **2007**, http://www.washingtonpost.com/wp-dyn/content/article/2007/07/01/AR2007070100934.html

This is true, but **ratifying the convention won't bring this benefit. Instead it would put America's naval counterterrorism efforts under the control of foreign judges**. Suppose the United States seizes a vessel it suspects of shipping dual-use items that might be utilized to build weapons of mass destruction or other tools of terrorism. It's not a wild supposition. Under the Proliferation Security Initiative, the United States has since 2003 secured proliferation-related high-seas interdiction agreements with countries such as Belize and Panama, which provide registration for much international shipping. If the United States ratifies the Convention on the Law of the Sea, the legality of such seizures will, depending on the circumstances, be left to the decision of one of two international tribunals. The first is the International Tribunal for the Law of the Sea, based in Hamburg. **Some members of the Hamburg tribunal come from countries naturally suspicious of American power, such as China and Russia. Others are not allied with the United States. Even judges from Europe**

[Jeremy Rabkin, 2007](https://www.weeklystandard.com/jeremy-rabkin/how-many-lawyers-does-br-it-take-to-sink-the-us-navy)

Far from treating such seizures as remote hypotheticals, the Bush administration has invested considerable effort in a "Proliferation Security Initiative" (PSI) under which the United States has signed agreements with states that provide flags for most of the world's commercial shipping. These agreements may strengthen U.S. claims to intercept suspicious ships on the high seas, when flying with markings from the most common flagging states (such as Belize, Panama, and Libya, which have all signed such agreements). **But the PSI agreements do not make clear when or whether ships or crews may be subject to long-term detention, and all the agreements stipulate that they do not supersede accepted standards of international law.**

***If we ratify the Law of the Sea treaty, even a PSI agreement with the flag state won't necessarily keep a dispute about the seizure from winding up before the Law of the Sea tribunal in Hamburg.* That tribunal has asserted its right to hear claims for "prompt release" when filed by owners or operators of a ship, even when the nominal flag state takes no role in the proceedings. In past cases, ITLOS has ruled that ships cannot be detained, even when claimants refuse to supply full information about how the ship was acquired and on whose behalf. So while we have** jealously **reserved the right to detain terror suspects captured on land, we will, if we ratify this treaty, give up our right to decide when we can hold terror suspects seized at sea.**

**T/Hurts counter terror bc we literally cant interdict ships that have suspected WMD prolif**

[Derek Smith, 2006](https://sci-hub.tw/https%3A/www.tandfonline.com/doi/full/10.1080/09546550701475994?needAccess=true), Deterring America: Rogue States and the Proliferation of Weapons of Mass Destruction, Cambridge University Press

**T*he PSI is meant to "be consistent with existing national legal authorities and international law and frameworks."***  Generally, while a state has complete jurisdiction over its airspace, territory, and internal waters, its authority diminishes in relation to the distance from its coastline.  Under the principle of exclusive flag state jurisdiction, **vessels on the high seas or aircraft beyond a state's territorial seas "are subject to no authority except that of the State whose flag they fly."**  For maritime interdiction*, the primary exceptions to this rule are listed in Article 110 of* the UN Convention of the Law of the Sea [*UNCLOS]*, *granting warships the right to board and search a vessel when there is* reasonable *ground for suspecting that it is engaging in* **piracy, slave trading, unauthorized broadcasting,** lacks a flag, **or** is **flying a false flag**.  Thus, **unless one is willing to expand the definition of piracy to include WMD proliferation, which is probably quite a stretch, this means that UNCLOS bars any state from interdicting suspected WMD traffickers on the high seas without the consent of the ship's flag state.**

## A2: China

### Overview: China never listens ☹

1. Islands

[Wash Po](https://www.washingtonpost.com/news/monkey-cage/wp/2016/07/13/why-does-china-care-so-much-about-the-south-china-sea-here-are-5-reasons/?noredirect=on&utm_term=.c285d85888b5)/ Islands provide strategic military interests (power projections and submarines)

1. **Trade**

[CNBC/](https://www.cnbc.com/2018/02/07/heres-why-the-south-china-sea-is-highly-contested.html) 5.3t annual trade, ⅓ of maritime shipping

1. **Domestic Sovereignty**

[Diplomat](https://thediplomat.com/2016/05/why-does-china-want-to-control-the-south-china-sea/)/ SCS is seen as a part of china, not just a fopo position

1. **Oil/Resources**

[Forbes](https://www.forbes.com/sites/drillinginfo/2015/06/08/china-now-worlds-largest-oil-importer-effect-on-global-market/#3eb40549321f)/ China #1 oil importer, imports from unstable regions, interested in using hydrocarbons in SCS

[CFR](https://www.cfr.org/backgrounder/south-china-sea-tensions)/ 900t of natural gas in SCS

1. **U.S. can’t mili pressure**

[NYT](https://www.nytimes.com/2018/08/29/world/asia/china-navy-aircraft-carrier-pacific.html)/ China navy larger than U.S. + tech advancements, intervention too costly for U.S. to consider

Conclusion: [Xi Jinping](https://www.businessinsider.com/xi-to-mattis-we-will-never-give-even-one-inch-in-the-south-china-sea-2018-6) / can’t lose even 1 inch of territory

### Generic

#### Turn: US Joining UNCLOS makes China more suspicious->decreased chance of actual solution (MR)

[Fuchs and Sutton 2016 National Interest](http://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235)
First, while the United States has a strong interest in peaceful resolution of competing territorial claims in the South China Sea, it is not itself a claimant, and thus UNCLOS would provide no additional tools for the United States to use in addressing disputes in the South China Sea. While**U.S. ratification of UNCLOS would allow U.S. nationals to serve on arbitration panels**, such representatives are expected to exercise independent reasoning and do not take instructions from member governments. **If anything, the presence of an American on the panel would have played to the suspicions of hardliners in China who view international legal regimes as a vehicle for advancing U.S. interests**. If this sounds far-fetched, consider that the Chinese ambassador to ASEAN recently accused Washington of “staying behind the arbitration case as the manipulator, and doing whatever it can to ensure that the Philippines wins the case.”

### A2: Multilat

#### Use case: ASEAN and U.S. want increased U.S. presence

[**https://thediplomat.com/2016/05/u-s-credibility-in-the-south-china-sea/**](https://thediplomat.com/2016/05/u-s-credibility-in-the-south-china-sea/)

By drawing closer to the U.S., China’s **Southeast Asian**adversaries seek to acquire some degree of balance in the region, so as to dissuade China from brazen invocations of military might to enforce its sweeping claims. Which is to say, they **hope a more visible, active American military presence will deter China**. There is no doubt that the United States has, for the time being, adequate military resources to more than balance anything China can put into the South China Sea. But, as aficionados of the Cold War will recall, a fundamental component of deterrence is credibility. It is one thing to possess assets, it is another to convince an adversary of your willingness to use them, and another still to convince friends of your willingness to use them on their behalf. A further step requires that your friend believes that your adversary is intimidated by your posture. It is this last element that seems to be at play in the South China Sea. **The United States seeks to assure [nations like] the Philippines and Vietnam, perhaps others, that China will be sufficiently intimidated by growing U.S. involvement** t to move toward more reasonable, more accommodating policies, and accept the need to resolve the conflict through serious multilateral negotiation. There is little to indicate that the approach is working.

[**Junshe**](http://www.globaltimes.cn/content/1057993.shtml) (researcher at China Naval Research Institute), Global Times **2017**

“In fact, freedom of navigation and air space in the South China Sea has never been a problem. **If the US military continues FONOPs near China's islands** in the name of freedom of navigation, this will only impede peace and stability in the South China Sea. **Countries having disputes with China in the waters are likely to consider these** US moves **as supportive and hence take risky actions to challenge China's sovereignty and maritime claims**. This will meet **[resulting in] stern counteractions from China**. The US Navy's FONOPs in the South China Sea are a serious challenge to China in political and military terms. In the face of such muscle-flexing moves that aggravate the regional military situation and are prone to cause accidents on the sea or in the air, the Chinese army needs to strike back firmly and take necessary measures to safeguard China's territory and maritime rights and interests.”

#### Multilat pushes china away from unclos to avoid unfavorable lawsuits

[**Pan Guoping (a professor at the School of International Law and deputy secretary-general of the Institute of China-ASEAN Law with Southwest University of Political Science and Law), November 2015**](http://www.szdaily.com/content/2015-11/23/content_12510647.htm)

Beijing has been advocating a bilateral solution to the disputes and has made it clear it would never accept the court’s forced jurisdiction and would not participate in the proceedings. In official documents issued Dec. 7, 2014, the **Chinese Foreign Ministry presented reasons why China would not accept a forced arbitration and why the court has no jurisdiction, and listed the facts showing Manila violated the Declaration on the Code of Conduct on the South China Sea**. However, the court did not give full consideration to China’s stance while unfairly favoring Manila. If Manila continued to twist the United Nations Convention on the Law of the Sea (UNCLOS) and abuse means of litigation, **Beijing would have to consider withdrawing from UNCLOS. China has several reasons to do so**. UNCLOS has become a tool by some countries in infringing the lawful interests of other countries. Under UNCLOS, Vietnam, the Philippines, Indonesia, Malaysia and Brunei enjoy 200-nautical-mile exclusive economic zones, which in most cases breach China’s nine-dash line in the South China Sea. **To safeguard China’s historical rights over the nine-dash line, withdrawing from UNCLOS becomes an inevitable choice. Compliance with UNCLOS means China has to give up the nine-dash line, which means 80 percent of the South China Sea, including the Dongsha Islands, the Xisha Islands, the Zhongsha Islands and the Nansha Islands.** China should stick to its long-existing stance over the nine-dash line and should not waver even a little.

#### Multilateralism hasn’t solved any dispute with china(JL)

[Beech 2016](http://time.com/4397808/south-china-sea-us-unclos/)

Many legal experts expect the court to rule at least [partly in favor of the Philippines](http://time.com/3906811/philippines-china-nazi-germany/). Yet **China says it won’t abide by the Permanent Court of Arbitration’s ruling nor does Beijing even accept the U.N. tribunal’s authority over its South China Sea claims**. Last month, Chinese Foreign Ministry spokesman Hong Lei reiterated China’s official position. “I again stress that the arbitration court has no jurisdiction in the case,” he said. “China does not accept any dispute resolution from a third party and does not accept any dispute resolution forced on China.”

#### TURN/Increased U.S. presence through multilat encourages them to sabotage deals between China/ASEAN that threaten U.S. power

[Scimia from the SCMP](https://www.scmp.com/comment/insight-opinion/united-states/article/2158455/south-china-sea-progress-between-china-and) (JW)

**China and the** [**Association of Southeast Asian Nations**](https://www.scmp.com/topics/asean) **now have a single text to negotiate a** [**code of conduct**](https://www.scmp.com/news/china/diplomacy-defence/article/2158017/china-and-asean-reach-milestone-draft-deal-south-china) **in the** [**South China Sea**](https://www.scmp.com/south-china-sea), where four Asean member countries – Brunei, Malaysia, the Philippines and Vietnam – are locked in territorial disputes with Beijing. The announcement, which came on Thursday during the Asean-China ministerial meeting, was hailed as a milestone by both sides. However, the concerned parties are a long way from reaching a consensus on a final document, and**the United States is likely to try to sabotage any agreement that could weaken its position in the region.**The bottom line is that **the US will never accept a status quo where China maintains military outposts in the disputed Spratlys and Paracels**, turning the stretch of the South China Sea between the two groups of islands into a “Chinese channel”. In that event, **Washington is likely to work to derail a final deal between Asean and Beijing.**

[Liu 2018 The Guardian](https://www.theguardian.com/commentisfree/2018/jun/27/china-not-tolerate-trump-military-muscle-south-china-sea) (YZ)

the so-called “safeguarding freedom of navigation” issue **{Freedom of Navigation Operations]** is a bogus argument. The reason for hyping it up could be either an excuse to get gunboats into the region to make trouble, or a premeditated intervention in the affairs of the South China Sea, instigation **[would Instigate]** of **discord among the parties involved and** impairment **[impair]** of **regional stability.**

### A2: Hypocrisy

#### NU: China won’t listen either way, interests outweigh

[Gallo 2016 VOA](https://www.voanews.com/a/united-states-sign-law-sea-treaty/3364342.html) (SL) (about arbitration but)

**Steven Groves, a senior research fellow at the conservative Heritage Foundation who has written extensively on the Law of the Sea treaty**, says that argument is "completely ridiculous.""There's no evidence to support it," Groves told VOA. **"China is going to disregard any negative outcome from the arbitration whether or not the U.S. is party to the treaty or not."**Groves is among the camp of conservatives who are generally skeptical about U.S. participation in international treaties and systems, viewing them as undermining U.S. sovereignty. He also is concerned that UNCLOS will subject the U.S. to stricter and, in his view, unnecessary environmental standards."All indications are that if we joined the Law of the Sea treaty, that all kinds of meritless environmental lawsuits would be brought against us," Groves said

#### Literally doesn’t even happen bc then China would look hypocritical

[Beech from Time](http://time.com/4397808/south-china-sea-us-unclos/) (JW)

Still, even as Beijing has launched a public-relations blitz ahead of the July 12 ruling, **Chinese state media and diplomatic statements have not highlighted America’s AWOL status in UNCLOS. Perhaps critiquing the U.S. absence is harder when China itself is distancing itself from one of the treaty’s utilized tribunals.**

### A2: Militarization

#### ASEAN leaders are literally calling for non-militarization

[**Dancel 2017**](https://www.straitstimes.com/asia/se-asia/asean-calls-for-non-militarisation-of-south-china-sea) **Straits Times**

**South-east Asia's leaders are calling for the "non-militarisation" of the South China Sea to ease tensions arising from territorial disputes in this strategic waterway.**A statement released on Thursday (Nov 16) by Philippine President Rodrigo Duterte as Asean chair "emphasised the importance of non-militarisation". **The leaders "reaffirmed the importance of maintaining and promoting peace, security, stability, maritime safety and security, rules-based order and freedom of navigation in and overflight above the South China Sea**". China claims almost the entire South China Sea, through which about US$3 trillion (S$4.1 trillion) worth of goods pass every year. Brunei, Malaysia, the Philippines, Taiwan and Vietnam also have conflicting claims there.

### A2: Dispute Resolution

#### 3. The U.S. doesn’t have claims in SCS, we can’t do dispute res

[**Trevor Sutton, National Interest, 2016**](https://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235)

First, while **the United States** has a strong interest in peaceful resolution of competing territorial claims in the South China Sea, it **is not itself a claimant [in the South China Sea], and thus UNCLOS would provide no additional tools for the United States to use in addressing disputes in the South China Sea.**

**5. (I don’t understand this but Daniel says its relay good) Turn: China delegitimize UNCLOS while strengthening its own power when rulings are made against it. (DL)**

[**Kardon of UPenn in 2017**](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1037&context=alr)

 and deter future unwelcome legal infringement on what China considers to be its sovereign prerogatives. **The** central lines of PR**C[hinese]** **efforts have been to reframe the case as an instance of deliberate abuse of UNCLOS in service of political aims**, to minimize the scope of issues on which UNCLOS is treated as the authoritative set of rules and norms, **and to promote bilateral diplomatic alternatives to third-party dispute resolution.**  If these positions were to gain broad international acceptance, **the upshot would be a radical diminution of the effectiveness of** ocean governance under **the law of the sea** regime. Is there a different, Chinese-preferred mode of ocean governance apparent in this strategy? Or is there simply a reversion to the diverse domestic laws and practices of coastal states, untethered from onerous international legal obligations? First, the sheer volume of diplomatic efforts devoted to pronouncing China to be the state properly upholding UNCLOS and international law should be sufficient to indicate that Beijing has no intention of entirely discarding the law of the sea regime. Rather, we observe a far more subtle process of selectively adopting elements of UNCLOS III and forging them with elements of China’s domestic law and policy. This process amounts to “creeping jurisdiction,” wherein the steady accumulation of domestic laws and practices in zones with hazily defined rights and jurisdiction can lead to a net increase in coastal state authority over those maritime zones. **By rejecting the arbitral proceeding but**, paradoxically, **wrapping itself in the mantle of international law, China is charting a course in which it**s participation—at scale and with defined goals based on its interests—**can shape the way other states practice UNCLOS.**

## A2: Undersea Cables

#### 1. Not a problem if cut b/c:

#### a. Undersea cables are interconnected, can be rerouted

https://www.wired.com/story/russia-undersea-internet-cables/

That means Russia snipping a handful of cables in the Atlantic, where its submarines have been spotted, would disturb the global internet very little. **In fact, even if it ruptured every single cable in the Atlantic Ocean, traffic could still be re-routed the other way, across the Pacific.**

#### b. 1 disrupted daily

[Matsakis 18](https://www.wired.com/story/russia-undersea-internet-cables/) (EH)

For one, **ruptures aren’t exactly an anomaly. One of the** [**estimated**](https://blog.telegeography.com/frequently-asked-questions-about-undersea-submarine-cables) **428 undersea cables worldwide is damaged every couple of days.** Nearly all faults aren’t intentional. **They’re caused by underwater earthquakes, rock slides, anchors, and boats.** That’s not to say that humans are incapable of purposefully messing with the cables; off the coast of Vietnam in 2007, fishermen [pulled up](https://www.computerworld.com/article/2541664/networking/fishermen-pull-the-plug-on-vietnam-s-web%E2%80%93steal-cable-for-scrap.html) 27 miles of fiber cords, disrupting service for several months. (It wasn't cut off completely, because the country had one more cable that kept the internet going.) You don’t notice when a cable faults, especially if you live somewhere like the United States, because your Instagram message or Google Voice call is instantly re-routed. If you’re Skyping with a friend in Romania for instance, and **a fishing boat or anchor** ruptures **[rupturing] a cable** —as **causes two-thirds of faults** — your conversation simply goes over another line.

#### c. Ships remain on patrol ready to repair cables

[Matsakis 18](https://www.wired.com/story/russia-undersea-internet-cables/) (EH)

**Because faults happen so frequently, cable repair ships patrol nearly all of the world’s waters. Even if Russia did start snipping, there are crews equipped to rapidly repair them.** Besides, Russia’s epic hypothetical cable attack would primarily harm its own people, as another Telegeography analyst pointed out in a [video](https://blog.telegeography.com/can-russian-submarines-attack-submarine-cables). “It would hurt the Russians perhaps even more than it would hurt [Americans]. They’re far more dependent on international networks than we are, because so much of our content is stored locally” says senior analyst Jonathan Hjembo.

#### Cable cutting hurts Russia more than us

[Matsakis 18](https://www.wired.com/story/russia-undersea-internet-cables/) (EH)

Because faults happen so frequently, cable repair ships patrol nearly all of the world’s waters. Even if Russia did start snipping, there are crews equipped to rapidly repair them. Besides, **Russia’s** epic hypothetical **cable attack would primarily harm its own people, as** another Telegeography analyst pointed out in a [video](https://blog.telegeography.com/can-russian-submarines-attack-submarine-cables). “It would hurt the Russians perhaps even more than it would hurt [Americans]. **They’re far more dependent on international networks than we are, because so much of our content is stored locally**” says senior analyst Jonathan Hjembo.

####  **Non-unique, UNCLOS is barely a change from the previous convention.**

Paolo Vargiu and Fiammetta Borgia 11-15-2013, 13, When Investment Law Takes Over: Towards a New Legal Regime to Regulate Asia Pacific's Submarine Cables Boom:: SSRN, University of Leicester School of Law, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2354590&download=yes, 7-10-2018//ALP

The UNCLOS was the result of a fifty-year long process of codification of international law relating to the law of the sea.17 Even though most of the provisions included in UNCLOS have a customary nature, some of them were relatively new. With regard to submarine cables, the UNCLOS mostly featured the provisions already set out in the 1884 Convention and in the 1958 Geneva Conventions on the High Seas and Continental Shelf, adding only a few amendments. The freedom to lay submarine cables was proclaimed to constitute, inter alia, part of the freedom of the high seas open to all states with due regard of the provisions of Part VI of the Convention devoted to the continental shelf (Article 87 UNCLOS).

#### The US already has a multilateral treaty protecting its cables

[POSC](http://www.loc.gov/law/help/us-treaties/bevans/m-ust000001-0089.pdf) (JM)

**The United States signed the Convention for the Protection of Submarine Telegraph Cables that regulates submarine communication cables and their repair. It also gives these cables protection.**

**The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.** This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

## A2: Royalties Good

#### 1.Link is some sort of mining

#### 2. Turn: (Food Aid) Increases dependency on Aid, which discourages long-term sustainability (PG)

[**Foreman 15**](https://www.washingtonexaminer.com/does-foreign-aid-really-do-good)

Large inflows of development aid also seem to encourage political instability. This makes sense to the extent that once the state becomes the sole source of wealth and leverage, getting control of it for one's own party or tribe becomes all the more important, certainly worth cheating, fighting and killing to secure. Aid can also encourage a dependency that is not just morally problematic, but also dangerous. Food aid is particularly destructive. **When foreign aid agencies hand out grain, it bankrupts local farmers or at least discourages them from sowing next year's crops, all but guaranteeing future shortages.**

#### 3. Turn: Foreign aid weakens the economy, and leaves the government less accountable.

[Swanson 2015 World Economic Forum](https://www.weforum.org/agenda/2015/10/does-foreign-aid-always-help-the-poor/)(YZ)**The countries that** receive less aid, those on the left-hand side of the chart, tend to have higher growth — while those that **receive more aid**, on the right-hand side, **have lower growth.** Why was this happening? The answer wasn’t immediately clear, but Deaton and other economists argued that it had to do with how foreign money changed the relationship between a government and its people. Think of it this way: **In order to have the funding to run a country, a government needs to collect taxes from its people.** Since the people ultimately hold the purse strings, **[thus,] they have a certain amount of control over their government. If leaders don’t deliver the basic services** they promise, **the people have the power to cut them off.** Deaton argued that **foreign aid** can **weaken[s] this relationship, leaving a government less accountable to its people**, the congress or parliament, and the courts.

**5. Turn it, foreign aid increases dependency and stops any actual growth (VR/NO)**

[**Juliette Lyons, 10-13-2014**](https://www.lejournalinternational.fr/Foreign-aid-is-hurting-not-helping-Sub-Saharan-Africa_a2085.html)**, Foreign aid is hurting, not helping Sub-Saharan Africa, Le Journal International - Archives, https://www.lejournalinternational.fr/Foreign-aid-is-hurting-not-helping-Sub-Saharan-Africa\_a2085.html, //VR**

The money is not distributed evenly among the population or used to promote growth and to help the poor but is instead used on military equipment, white elephant projects, dishonest procurements, etc. It is also used by leaders who are short of time with policies and want to achieve them quickly, i.e.: increasing the size of the government with civil servants (who don’t necessarily contribute anything more to the system or development) to cut down the unemployment rate.

**Another consequence is aid dependence. These countries have become used to receiving such large sums of money that they don’t promote local business because they have “free” money at their disposal instead. This prevents any form of improvement in terms of human development and per capita income.**

## A2: REM’s

### A2: Chinese Monopoly

#### 1. failed historically, WTO lawsuits

[The Guardian 2015](https://www.theguardian.com/world/2015/jan/05/china-scraps-quotas-rare-earth-wto-complaint) (YZ)

**China has scrapped its export quotas for rare earths, minerals** used in mobile phones and other high- tech products, **after losing a World Trade Organisation case brought by Washington and other trading partners over controls that alarmed global technology producers.**

#### 2. Turn: Chinese monopoly incentives the US to create clean cost efficient REM substitutes; see japan switching

**[Vincent 18](https://www.theverge.com/2018/4/17/17246444/rare-earth-metals-discovery-japan-china-monopoly)**

All this looks like it gives China immense power over the market, but the truth is the world is benefiting at China’s expense. Proof of this came **in 2010 when China did actually start limiting rare earth exports because of a dispute with Japan. This threat to the supply chain caused prices to rise, and so investment flowed into new and old rare earth mining projects. Meanwhile, consumers of rare earths like Hitachi and Mitsubishi altered their products to use less of each substance.**

[Kramer 2011 Physics Today](https://physicstoday.scitation.org/do/10.1063/PT.4.0573/full/)(YZ)

**China’s stranglehold on world supplies of rare-earth elements** has eased slightly, and prices for the minerals have fallen in response to slackened demand brought about by the recession. That is the testimony of industry experts before House subcommittee hearing on 7 December. Still, **[has caused house committee] witnesses [to say that]** said, **the US must pursue new sources of production and R&D to find substitutes and minimize the use of rare-earth and other materials that are critical to clean energy, electric vehicles, electronics, and other applications.**

Katherine Bourzac, "Can the U.S. Rare-Earth Industry Rebound? - MIT Technology Review", October 2010, https://www.technologyreview.com/s/421472/can-the-us-rare-earth-industry-rebound/

Contrary to their name, rare-earth metals are abundant in the Earth’s crust, and significant reserves are concentrated in the United States, Australia, Brazil, and other countries. According to the U.S. Geological Survey, there are 13 million tons of extractable rare earths in the United States, 5.4 million in Australia, and 19 million in Russia and neighboring countries. In 2009, China had 36 million.

### A2: DRC Cobalt

#### Most tech is made for shallow waters that are already under coastal jurisdiction

Pedrozo 2010 (downloaded pdf)

Moreover, ISA fact sheets **acknowledge that most technology for exploring and exploiting the seabed has been developed for use in shallower waters. This is particularly true for cobalt-rich crust mining**, which is much more difficult than manganese-nodule mining - research and development of mining technology for crusts exploitation is in its infancy.' Finally, proposed environmental standards being developed by the ISA to minimize the effects of deep seabed mining on the marine environmental will undoubtedly significantly raise the costs of deep seabed mining operations.

#### Delink – only 8% on conflict from mineral war, and loss of mineral reserves just make them turn to other resources to make up

[Wolfe 2015](https://foreignpolicy.com/2015/02/02/how-dodd-frank-is-failing-congo-mining-conflict-minerals/) of FP

In 2012, she [estimated](http://afraf.oxfordjournals.org/content/early/2012/02/09/afraf.adr080.abstract) that **only 8 percent of the country’s ongoing conflict has anything to do with natural resources.** Moreover, in the September 2014 letter, the signatories noted that “**armed groups are not dependent on mineral revenue for their existence.” Many groups can easily turn from minerals to palm oil, charcoal, timber, or cannabis to make money — not to mention extortion, illegal taxes, and other means.**

#### 2. Decreased sales of Congo REM’s has resulted in people joining army groups bc they are the only other jobs left. 2 implications: Army groups then force children into slavery on mines without any pay and forcing them to stay by threatening their life, human rights violations. Lowering prices on cobalt only makes this worse as mines try to stay cost competitive 2. Larger military only makes resource wars more likely and more deadly

[Magistad 2011](https://www.pri.org/stories/2011-10-26/slideshow-why-chinese-mineral-buyers-are-eying-congo)

"Since this Dodd-Frank Act was enacted, t**here are more people recruited into army groups than before,"** Mishiki says**. "Because all these guys … who used to depend on the artisanal mining, they are jobless now. They have mines, but they cannot sell. So they have to go where they can survive. And the only place to go, because there are no factories … the only way to survive is to be recruited into the army groups.** And then they can go somewhere and try to make money to survive."

[**Congo Report, Free The Slaves, 2015**](https://www.freetheslaves.net/wp-content/uploads/2015/03/The-Congo-Report-English.pdf)

**Researchers uncovered mass forced recruitment, enslavement and concealment of evidence by FARDC soldiers** of the 212th brigade during the period that it was based in Bisie. After the official suspension of mineral exploitation in the Kivu and Maniema provinces, **FARDC soldiers reportedly initiated forced recruitment of miners in night-time raids** on the town of Ndjingala. Village youth were forcibly recruited and brought to Bisie, where they were given army uniforms and put to work under armed guards in the mine shafts of Bisie hill. **They could not escape nor were they paid for their work**. Throughout the suspension period, forcible recruitment of miners and porters continued in the villages surrounding the city of Ndjingala (for the Bisie site) and around Mubi (for the Omate gold site). Fatalities were common. In September 2010, a landslide at Bisie resulted in 15 deaths. At least one man fled to Kisangani (over 440 km or 275 miles from Bisie) after receiving threats from security services when he divulged information about the deaths of slaves in the mining shafts.

1. Children will work in other places/become soldiers instead

[Raghavan 2014](https://www.washingtonpost.com/world/africa/how-a-well-intentioned-us-law-left-congolese-miners-jobless/2014/11/30/14b5924e-69d3-11e4-9fb4-a622dae742a2_story.html?noredirect=on&utm_term=.d7343dc66a9e) JL

That has led**[When] foreign companies** to **avoid buying the minerals**, which has**[it] drive[s]**n **down prices. Many miners are forced to find other ways to survive, including by joining armed groups. Meanwhile, the militias** [**remain potent threats**](http://www.washingtonpost.com/sf/world/2014/09/27/in-congo-trapped-in-violence-and-forgotten/)**.**

[Wolfe 2015](https://foreignpolicy.com/2015/02/02/how-dodd-frank-is-failing-congo-mining-conflict-minerals/) of FP - When mining companies stopped selling minerals--

Seay [estimated](http://www.cgdev.org/sites/default/files/1425843_file_Seay_Dodd_Frank_FINAL.pdf) in 2012 that **between five and 12 million Congolese had been “inadvertently and directly negatively affected” by the loss of employment created by the ban [that Kabila placed on selling minerals] and its aftershocks.**

**A/2 illegal and stopped**

[**Kate Hairsine 2017**](https://www.dw.com/en/democratic-republic-of-congo-army-general-profits-from-illegally-mining-conflict-gold/a-40325398)

The northeastern corner of the Democratic Republic of the Congo (DRC) is home to some of Africa's richest goldfields. From 1998 to 2003, the mineral helped fuel the deadliest conflict in the history of the continent.

**Today, armed groups, from government forces to rebel militia, continue to benefit from illicit trade in gold, finds a new**[**United Nations report**](http://undocs.org/S/2017/672/Rev.1)**.**

Two of the experts working on the UN report were [kidnapped and killed](https://www.dw.com/en/bodies-of-missing-un-officials-in-dr-congo-reported-found/a-38173729) in March 2017 while carrying out field work in DRC, highlighting the [widespread crisis](https://www.dw.com/en/crisis-in-dr-congo-worsens-as-death-toll-rises-and-refugees-flee/a-39403262) facing the country.

**The report by the group of experts on the Democratic Republic of the Congo also finds that a high-ranking Congolese army commander, Major General Gabriel Amisi Kumba, is running a gold mining operation.**

According to the report, mine workers and agents said Amisi owned dredges through a local company that is extracting gold from the Awimi River in the country's northeastern Tshopo province.

**DRC's mining code forbids senior military personnel from owning mining rights.**

Old jobs good

[Matthysen of IPIS](http://afrikarabia.com/wordpress/wp-content/uploads/2014/01/IPIS-Conflict-minerals-local-perception-novembre-2013-.pdf) in 2013 states that

All of the case studies revealed that the presidential **suspension of** artisanal **mining had dramatic socio-economic consequences for local mining communities***.* The de facto embargo that followed this suspension, due to the international market’s rejection of Congolese minerals after the Dodd-Frank Act, prolonged this situation. Some encouraging changes have, however, been observed in a few bigger mines, where certain initiatives have progressively improved the situation, as discussed below. Nevertheless, most interviewees described the negative socio-economic consequences on their communities. They **[Miners] explained that they used to be able to send their children to school, buy medicine, and even invest in small livestock and save money***.* The means enabling**this standard of living came largely from mining**. As the mineral market declined, this standard of living did too. Mineral trade instigates the circulation of money in these communities.

### A2: REM drilling

#### 1. U.S. doesn’t need to accede for American companies to access Deep Sea Resources – subsidiary companies solve

[Copley 2014 of the University of Southampton](http://moocs.southampton.ac.uk/oceans/2014/03/09/shedding-some-light-on-the-international-seabed-authority/) (same thing as Groves without the stigma) (AJ)

As an aside, the requirement for sponsorship by a nation that has ratified UNCLOS excludes the USA from participating at present, and would therefore seem to exclude US companies as contractors. But **multinational companies, even if of US origin, can have subsidiaries in other countries that can apply as contractors, if that subsidiary’s application has the support**

 **of a “host” nation that has ratified UNCLOS. UK Seabed Resources Ltd, which is a subsidiary of US giant Lockheed Martin, holds two exploration licences sponsored by the UK government**

#### Most minerals under coastal jurisdiction, and most tech made for that

Pedrozo 2010, downloaded pdf

More importantly, it has been determined that crusts **containing the greatest concentration of minerals are found in shallow waters in areas under coastal state, not ISA, jurisdiction.** Similarly, according to ISA fact sheets, only five percent of the 60,000 km of oceanic ridge worldwide that could contain deposits of polymetallic sulphides have been surveyed in any detail. Moreover, **ISA fact sheets acknowledge that most technology for exploring and exploiting the seabed has been developed for use in shallower waters**

#### Other countries can still drill and have more REM’S

[Berke of Business Insider in 2018](https://www.businessinsider.com/rare-earth-minerals-found-in-japan-2018-4?r=UK&IR=T) (NO),

Researchers have found **a deposit of rare-earth minerals off the coast of Japan** that could supply the world for centuries,   according to a new study. The study, published in the journal Nature on Tuesday, says the deposit **contains 16 million tons of the valuable metals**. The newly discovered deposit is **enough to "supply these metals on a semi-infinite basis to the world,"** the study's authors wrote in the study. There's enough yttrium to meet the global demand for 780 years,  dysprosium for 730 years, europium for 620 years, and terbium for 420 years. The cache lies off of Minamitori Island, about 1,150 miles southeast of Tokyo. It's within Japan's exclusive economic zone, so the island nation has the sole rights to the resources there.`

#### 3. (t) Most REM’s used for petroleum mining, the 2nd highest cost, meaning decreased cost of Greentech is offset

[**Guelly and Kleit 13**](https://www.sciencedirect.com/science/article/pii/S0301420713000676) **(NA)**

**The use of REEs in fluid catalytic cracking (FCC) units for petroleum refining is the largest domestic use of REEs (**[**U.S. Department of Energy [DOE], 2011**](https://www.sciencedirect.com/science/article/pii/S0301420713000676#bib21)**), and FCC catalysts are a refinery′s second highest raw material cost behind crude oil** ([Baillie and Schiller, 2011](https://www.sciencedirect.com/science/article/pii/S0301420713000676#bib1)). During the FCC process, heavy oils generated from distillation enter the FCC unit and are heated to approximately 1000 °F, at which point the oil begins to vaporize. In the presence of zeolite catalysts, the oil is cracked into smaller, more valuable hydrocarbons ([Sadeghbeigi, 2012](https://www.sciencedirect.com/science/article/pii/S0301420713000676#bib19)). Zeolites are solid acids and are the key ingredients in FCC catalysts. The negative charge of the zeolites′ porous framework is balanced by the positive charge of the water molecules and sodium in the pores ([Weitkamp, 1999](https://www.sciencedirect.com/science/article/pii/S0301420713000676#bib22)).

In order to enhance activity and thermal stability of zeolites, the sodium content must be reduced. Lanthanum and cerium were discovered to be useful cations for replacing the positively charged sodium in the zeolite structure through ion exchange. The REEs stabilize the aluminum atoms in the zeolite structure, preventing them from separating from the lattice when the catalyst is exposed to the high temperatures of the FCC unit. As a result, REEs increase FCC catalyst activity, as well as the thermal and hydrothermal stability of the zeolites in the FCC process, which ultimately increases the gasoline yield per unit of catalyst and allows the catalysts to remain effective longer ([Sadeghbeigi, 2012](https://www.sciencedirect.com/science/article/pii/S0301420713000676#bib19)).

#### 4. Renewable energy isn’t enough

[**Koningsten and Fork 2014**](https://spectrum.ieee.org/energy/renewables/what-it-would-really-take-to-reverse-climate-change)

**Even if every renewable energy technology advanced as quickly as imagined and they were all applied globally,** atmospheric CO2 levels wouldn’t just remain above 350 ppm; they would continue to rise exponentially due to continued fossil fuel use. So our best-case scenario, which was based on our most optimistic forecasts for renewable energy, **would still result in severe climate change, with all its dire consequences: shifting climatic zones, freshwater shortages, eroding coasts, and ocean acidification**, among others. Our reckoning showed that reversing the trend would require both radical technological advances in cheap zero-carbon energy, as well as a method of extracting CO2 from the atmosphere and sequestering the carbon.

### A2: Tellerium/Solar

#### 1. Concentration [in canary] is still like 100x less in concentration than when we get it on land

[Tim Worstall of Forbes in 2017](https://www.forbes.com/sites/timworstall/2017/04/12/the-bbc-and-the-amazing-tellurium-find-in-the-atlantic/#1a495bdd5953) (JW)

But there's more to this too. It's, given the concentrations being talked about, most unlikely that we would ever regard this as a useful resource or reserve of tellurium. **We're told the concentration is 50,000 times that of the normal findings. But the normal finding is that Te is 0.001 to 0.005 ppm in the Earth's crust. 50k times that is 50 to 250 parts per million. But we normally get our tellurium from a source which is 0.5% to 2% by weight, or 5,000 to 20,000 ppm.**

#### Methods to not use abundant materials to replace rare ones in solar panels that are cheaper/sustainable

[**American Chemical Society 2012**](https://www.acs.org/content/acs/en/pressroom/newsreleases/2012/august/new-solar-panels-made-with-more-common-metals-could-be-cheaper-and-more-sustainable.html) **(NA)**

“Sustainability involves developing technology that can be productive over the long-term, using resources in ways that meet today’s needs without jeopardizing the ability of future generations to meet their needs,” said Harry A. Atwater, Ph.D., one of the speakers. “That’s exactly what we are doing with these new solar-energy conversion devices.” **The new photovoltaic technology uses abundant, less-expensive materials like copper and zinc ― “earth-abundant materials” ― instead of indium, gallium and other so-called “rare earth” elements.** These substances not only are scarce, but are supplied largely by foreign countries, with China mining more than 90 percent of the rare earths needed for batteries in hybrid cars, magnets, electronics and other high-tech products. **Atwater and James C. Stevens, Ph.D., described successful efforts to replace rare earth and other costly metals in photovoltaic devices with materials that are less-expensive and more sustainable.** “The United States alone has about 69 billion square feet of appropriate residential rooftops that could be generating electricity from the sun,” Stevens said. “The sunlight falling on those roofs could generate at least 50 percent of the nation’s electricity, and some estimates put that number closer to 100 percent. With earth-abundant technology, that energy could be harvested, at an enormous benefit to consumers and the environment.”

Tellurium you see is a "minor metal." That means one gained as a byproduct of extracting something else. When we make copper we end up at one stage running the not very pure copper through an electrolytic tank to make it more pure copper. What tellurium there is around ends up in the sludge on the bottom of that tank. We actually call it copper sludges too. And there's a company out there which collects all those copper sludges and takes it off to their factory in the Philippines (at least, last time I talked to them that's where it was) and extracts it. There's not even any shortage of tellurium that anyone can see. The world uses perhaps 80 tonnes a year and it costs between--last year at least--$11 and $22 a pound. That's just not the price of something in vitally short supply.

https://investingnews.com/daily/resource-investing/critical-metals-investing/tellurium-investing/tellurium-production-by-country/

That said, the tellurium market is also highly dependant on [copper](https://investingnews.com/category/daily/resource-investing/base-metals-investing/copper-investing/), as more than 90 percent of tellurium is extracted as a by-product of copper mining and processing. For that reason, only small amounts of tellurium are produced annually. In fact, in 2016, world tellurium production by country was estimated to be just 400 metric tons (MT), the same amount as the previous year.

There's not even any shortage of tellurium that anyone can see. The world uses perhaps 80 tonnes a year and it costs between--last year at least--$11 and $22 a pound. That's just not the price of something in vitally short supply.

### A2: Green Tech

#### 1.Japan has already found a vast supply of Rare Earth Minerals, the US doesn’t need more supply

[Berke of Business Insider in 2018](https://www.businessinsider.com/rare-earth-minerals-found-in-japan-2018-4?r=UK&IR=T) (NO),

Researchers have found **a deposit of rare-earth minerals off the coast of Japan** that could supply the world for centuries,

according to a new study. The study, published in the journal Nature on Tuesday, says the deposit **contains 16 million tons of the valuable metals**. The newly discovered deposit is **enough to "supply these metals on a semi-infinite basis to the world,"** the study's authors wrote in the study. There's enough yttrium to meet the global demand for 780 years,  dysprosium for 730 years, europium for 620 years, and terbium for 420 years. The

#### 2. Even with aggressive green tech growth rates, the current supply is enough

[**Teske 2016**](http://dscc.hifrontier.com/wp-content/uploads/2017/03/Teske_Sven_ISF-Kingston-11-July-2016.pdf%2C7-16-18/ALP) **(NA)**

**Metal demand associated with the dominant renewable technologies evaluated in this report, even assuming very aggressive growth rates under the most ambitious future energy scenarios, do not require deep-sea mining activity.**

#### 3. Turn: Producing REMS are horrible - processing one ton of REMS produces 2000 tons of radioactive and carcinogenic waste

[Kaiman 2014 The Guardian](https://www.theguardian.com/sustainable-business/rare-earth-mining-china-social-environmental-costs)

**Processing rare earths is a dirty business. Their ore is often laced with radioactive materials such as thorium, and separating the wheat from the chaff requires huge amounts of carcinogenic toxins – sulphates, ammonia and hydrochloric acid. Processing one ton of rare earths produces 2,000 tons of toxic waste**; Baotou's rare earths enterprises produce 10m tons of wastewater per year. They're pumped into tailings dams, like the one by Wang's village, 12km west of the city centre.

#### 4. Turn: Shortages encourage companies to cut down on REM’s and find alt methods (read tellurium thing)

[Kristin Majcher from MIT Technology Review in 2015 finds that:](https://www.technologyreview.com/s/535381/what-happened-to-the-rare-earths-crisis/)

Although the properties of rare earths are hard to mimic, **the prospect of shortages led several companies and researchers to find ways to reduce their need for the materials.** The U.S. Geological Survey points out that the lighting industry decreased its use of rare earths last year because new light emitting diode (LED) bulbs contain less rare earth material than compact fluorescent bulbs. **[Large corporation like] General Electric** tells MIT Technology Review that it expects to significantly cut down on the rare earths it uses in its lighting products, thanks to new materials it has developed to replace them. **Siemens** [appears](http://www.google.com/patents/US20140110948) to be considering technology that eliminates dysprosium in its wind turbines, **and Nissan [have all already significantly cut down on their dependency of Rare Earth Elements]**  announced in 2012 that it cut the dysprosium in the Leaf electric car’s motor by 40 percent by using a new manufacturing process.

#### 5. Turn: Deep Sea Mining leads to a lost of biodiversity.

[Gizmodo](https://gizmodo.com/the-impacts-of-deep-ocean-mining-will-last-forever-sci-1796392074)

In a letter published in Nature Geoscience today, marine scientists from roughly a dozen universities—including two who have received research support from deep ocean mining company Nautilus Minerals—argue that **if the deep ocean is opened up to mining, a loss of biodiversity is “inevitable” and “likely to last forever on human scales, given the very slow natural rates of recovery in affected ecosystems.”** The authors call for caution in green-lighting any efforts to mine these delicate ecosystems, emphasizing that the public has to have full knowledge of the implications and risks. “Our intent is to contribute to the discourse about how best to manage deep-sea mining,” Cindy Van Dover, a professor at the Division of Marine Science and Conservation at Duke University and lead author of the new letter, told Gizmodo. “We came to an understanding that loss of biodiversity at a mine site in the deep sea is unavoidable, and we want this to be part of the public discourse.”

[US EPA](https://www.iucn.org/news/secretariat/201706/deep-sea-mining-threatens-unique-marine-life-experts-warn)

Human-dominated marine ecosystems are experiencing accelerating loss of populations and species, with largely unknown consequences. We analyzed local experiments, long-term regional time series, and global fisheries data to test how biodiversity loss affects marine ecosystem services across temporal and spatial scales. Overall, rates of resource collapse increased and recovery potential, stability, and water quality decreased exponentially with declining diversity. Restoration of biodiversity, in contrast, increased productivity fourfold and decreased variability by 21%, on average. **conclude that marine biodiversity loss is impairing to the ocean's capacity to provide food, maintain water quality; and recover from perturbations.**

[World Wildlife Foundation](https://www.worldwildlife.org/industries/sustainable-seafood)

As the largest traded food commodity in the world, seafood provides sustenance to billions of people worldwide. **Approximately three billion people in the world rely on both wild-caught and farmed seafood as their primary source of protein.**

## A2: Bioprospecting

#### Non-Unique it because the U.S. can still apply for consent without acceding (VR)

[The Department of State](https://www.state.gov/e/oes/ocns/opa/rvc/) explains,

**The Office of Ocean and Polar Affairs (OPA)** within the Department’s Bureau of Oceans and International Environmental and Scientific Affairs (OES) **formulates and implements U.S. policy related to the conduct of marine scientific research in the territorial sea** (up to 12 nautical miles from shore), in the **exclusive economic zone** (from 12 to 200 nautical miles from shore), **and on the continental shelf** (from 12 to, in some cases, beyond 200 nautical miles from shore).

In accordance with the Law of the Sea Convention, coastal States have the right to regulate and authorize marine scientific research in these maritime areas and, in all instances, consent of the coastal State is required. **The Law of the Sea Convention further provides that “appropriate official channels” be used to obtain consent for marine scientific research. OPA serves as the appropriate official channel for U.S. (public- or privately funded) researchers seeking foreign coastal State consent as well as for foreign researchers seeking U.S. consent.** On an annual basis, OPA manages approximately 400 applications for foreign coastal State consent and 70 applications for U.S. consent. OPA also maintains an archive of application and consent records that dates back to 1990.

1. **Russia/China approve most requests (BW)**

[**UNB**](https://journals.lib.unb.ca/index.php/ihr/article/viewFile/20761/23922)

that regulation should mean that there would, in effect, be no restriction on research conducted in the ‘high seas', such a term to be widely defined. This approach has, to a large extent, been borne out by the practice of the major maritime powers: the IOC/ABE-LOS survey records that the US claimed to have approved every MSR application made in the years 1998 -2002, whilst the UK claimed only to have refused 2 requests out of the 80 or 90 made each year. **Russia permitted about 80%, [of MSR requests] and China about 72%.** Japan, however, only permitted 10 out of 52 requests

#### All their solvency comes from 4 month loophole. This loophole is bad since it bypasses regulations

[**International Hydrographic Association, no date**](https://www.iho.int/mtg_docs/com_wg/ABLOS/ABLOS_Conf4/GuyPaper.pdf)

A coastal State has the further responsibility to cooperate with competent international organisations of which it is a member. Should such an organisation express the intention to conduct research in the EEZ or on the continental shelf the **coastal State has to state its objection within four months of the notification of this intent. Failure to do so will imply automatic consent.**

#### 1. Forced wait for consent is important, since otherwise we are allowed to bypass regulatory procedures, since the reason for denial is lack of meeting msr conditions

[**CNN 2018**](http://cnnphilippines.com/news/2018/02/26/Breach-of-marine-scientific-research-permit-can-be-grounds-for-denial-of-future-applications-DFA.html)

**Filipino scientists were only on board the Chinese research vessel for half the time it was in the Philippine exclusive economic zone (EEZ),** the University of the Philippines Marine Science Institute (UP MSI) said on Monday. This was **a breach of the marine scientific research** (MSR) **permit** issued by the Department of Foreign Affairs (DFA) to China, Senator Bam Aquino said during the Senate panel hearing on Benham Rise MSRs. Aquino, chair of the Committee on Science and Technology, said although this was the MSI's choice, the MSR permit was still not followed. Foreign Affairs Assistant Secretary Lourdes Yparraguirre said violations of the MSR permit can have implications in future applications. **"If the conditions set in the MSR (marine scientific research permit) between the foreign research institution and the research institution of the coastal state are not met, it can be a reason for denial of consent in future MSRs** by that particular research institution," Ypparaguirre said.

* 1. [Warner 08 University of Wollongong](http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1178&context=lawpapers)

Bioprospecting, while not as invasive as deep seabed mineral exploration, does entail[s]  physical disturbance, alteration and introduction of alien elements to deep sea habitats.31  Current deep sea research projects, principally on hydrothermal vent sites, have progressed  beyond simple observation of the benthic fauna from manned or remotely controlled submersible vessels to actual sampling of the fauna and faunal infrastructure and installation  of scientific instruments in the deep seabed environment to record experimental observations on a regular basis.32 As well as disturbing the physical habitat, research vessels and scientific  equipment also introduce light and different noise patterns into the fragile deep sea  environment and may discharge marine pollutants and alien biological material into the previously pristine environment of the deep seabed.33 The negative impact of frequent  research expeditions on particular deep seabed sites and the potential for conflicting or  incompatible research activities which duplicate adverse effects on fragile deep sea sites has  also been noted by scientists and other commentators.34

In addition, the primary motive for commercial investment will be the maximisation of profits rather than any commitment to the fair and equitable benefit sharing of global commons resources for current and future generations. While bioprospecting activities continue to be predominantly conducted by state sponsored research institutions with the dual purpose of marine scientific research, voluntary codes of conduct introduced by deep sea scientists will afford some level of protection for the surrounding marine environment. The next section will examine the content of one of these codes. These measures are voluntary, however, and will not bind commercial operators who conduct bioprospecting activities in a private enterprise framework. **Ultimately failure to address the regulation of bioprospecting activities could lead to rapid over exploitation of these valuable resources of the deep seabed and the loss of important genetic and biochemical material not yet discovered by marine scientists.**

This wouldn’t happen normally bc we would be abiding by the msr regulations

* 1. [**BBC News 2002**](http://news.bbc.co.uk/1/hi/in_depth/sci_tech/2002/boston_2002/1823770.stm)

**As scientists scour our planet for** previously undescribed and **exotic lifeforms,** they are acutely aware of the health dangers they could also be digging up.  Probably less than one percent of all the microbes on Earth have been categorised by science, and some of the as yet unidentified species could show us how to tap new energy sources and make novel drugs.  But it is also likely that **many of these** simple **organisms** - were they ever to come into contact with large numbers of people - **could trigger the emergence of new infectious diseases.**  "It's not so much that we are worried that a devil is going to emerge from the bowels of the Earth, but there is no need to take the chance," said Professor Abigail Salyers, the current president of the American Society of Microbiology.  She was making her comments at a symposium sponsored by the society at the annual meeting of the American Association for the Advancement of Science in Boston. Out of this world  **"We must accept the fact that we don't know how many microbes in nature really are capable of causing disease in humans.** We thought we knew - but we don't. We don't even know what 99.8% of the organisms are."

More research -> more spooky disease

## A2: Robo-Boats

#### De-link – only req is that you have “an appropriate number of crew members”, but theres no lower limit and is subjective, so you can submit that 0 = safe. Proof japan and Norway dev/planning it.

 [**Pol Deketelaere, 17**](https://lib.ugent.be/fulltxt/RUG01/002/349/671/RUG01-002349671_2017_0001_AC.pdf)

Following this vision, unmanned vessels can enjoy the rights and freedoms and must comply with the applicable duties, that are similar to those applying to traditional ships. 67 This view must be supported, because **there is no indication in the UNCLOS, that the presence of a crew would be an essential element to speak of a ship**. **Thus, the UNCLOS rules, defining the rights and duties of states, with regard to international shipping, will also apply to unmanned ships.**

[Carey, National University of Singapore 2017](https://law.nus.edu.sg/cml/pdfs/wps/CML-WPS-1706.pdf)

**The United Nations Convention on the Law of the Sea (UNCLOS) requires that a flag state must take steps to ensure safety at sea, including measures to ensure that a ship flying its flag has a crew that is appropriate in numbers and qualifications**. 41 The Safety of Life at Sea convention (SOLAS) requires that a ship must be ‘sufficiently and efficiently manned’. 42 **Neither Convention, however, provides specific or prescriptive guidance as to what constitutes an appropriate number. A safe manning level is therefore subjective,43 and jurisdictions have a discretion as to the adequate numbers.** For example, in the United Kingdom an owner of a ship submits to the Secretary of State its proposal for safe manning numbers according to the type of vessel and nature of the voyage.44 **Therefore, the owner of an autonomous ship may submit that a safe manning number is zero.** This contrasts with the Singapore position, where the regulations specify the minimum number of crew according to the type of vessel.

[**Laura Cox, 2017**](https://disruptionhub.com/author/laura/)

Autonomous ships will work much like any other autonomous transportation method, using data from sensors and external sources to map the world around them. They’ll then applying this information to routes, docking and loading. Metrics will be vital in predicting weather conditions, avoiding obstacles, dealing with ocean traffic and keeping the ship itself running efficiently. At first, crews will be aided by remote support. The next step is to send remote controlled ships into coastal waters, and eventually into the ocean. After that, AI will supposedly take care of the journey without human intervention. **A giant collaboration between Japanese shippers and shipmakers is aiming for 2025 as the benchmark for fully independent liners, and Norwegian company Yara International plans to send a remote controlled ship across the sea by 2019.**

#### Turn: Accidents with no crew are more costly (which links into food prices as well) (PG)

[**Mathews, 17**](https://phys.org/news/2017-09-unmanned-ships-cargo-industry-dearly.html)

**However, removing experienced crew from ships means that any accidents that do occur could be far more severe.** On top of this, many practical, regulatory and technological barriers remain in turning the world's cargo ships into a fully autonomous fleet, and that could mean it's a long time before it's actually profitable to invest in the technology. The IMO's Maritime Safety Committee sat for the 98th time in June 2017, starting discussions that may well lead to a change in the rules set by the International Convention for the Safety of Life at Sea. But indications are that it is likely to be a long and complex process. **The issues relating to the safety and economics of unmanned ships have barely started to be considered. A lot of work will need to be done before solutions are found, or agreements are reached.**

## A2: Enviro Lawsuits

#### NU – We’ve already ratified the U.N. Framework Convention on Climate Change with this exact same law - these international law lawsuits should have happened by now if what they say is true (BW)

[UN 1992](http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm)

**States have**, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and **the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**

#### NU - can happen rn under customary international law. Even if unlikely, companies don’t want to lose international reputation and hurt multilat trade forums

[James H. Houck](https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&context=fac_works) Penn State Law 2013

Public international law governs the relationships between states and, on occasion, the relationships of states to international organizations. Nations commonly assume obligations to each other through treaties; however, a state may be bound by a norm of customary international law notwithstanding its failure to enter a treaty. Customary international law is created in a variety of ways, including by treaty provisions adopted and followed by sufficiently large numbers of states as a matter of legal obligation. Customary international legal obligations also give rise to an array of international remedies. Thus, **the fact that the United States has not ratified UNCLOS does not necessarily mean the United States is free—as a matter of international law—to ignore particular UNCLOS legal norms or processes.** If, in fact, **the United States is under an obligation to comply with an UNCLOS provision that has also become customary international law, failure to comply could give rise to international liability and subject the United States to international legal remedies**. **The fact that a contentious UNCLOS suit before the ICJ is unlikely does not, however, render the ICJ irrelevant. Even without consent by the United States, the ICJ could issue an “advisory opinion.”** The UN General Assembly or the UN Security Council may seek an advisory opinion “on any legal question” from the ICJ,178 including disputes between states in which one has not consented to ICJ jurisdiction.179 In addition, **the assembly can authorize any other organ of the UN or any special agency to seek an advisory opinion “on legal questions arising within the scope of their activities.”180 Although advisory opinions are not legally binding, they may, depending on the surrounding context, carry political weight. Moreover, such an opinion might also be employed as precedent in foreign domestic courts and international trade forums, or prove harmful to a corporation’s international reputation, each of which is discussed below.**

#### 1. We already meet

[**Hudzik 2010**](https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1049&context=law_globalstudies) **(NA)**

Finally, as I have noted previously, those who are rightly concerned about international litigation against the United States should be much more concerned about subjecting the United States and U.S. businesses to international claims if the United States were to try to claim the resources on its extended continental shelf or on the deep seabed without becoming party to the Law of the Sea Convention. In my view, the risk of environmental litigation against the United States if it joins the Convention is low. The risk of international litigation against the United States if it were unilaterally to claim the resources on its extended continental shelf or on the deep seabed, without becoming party to the Convention, is much higher. Fundamental differences on environmental policy have also been raised as objections to UNCLOS. Opponents see UNCLOS as a 'back door' for environmental activists to circumvent the U.S. Congress on international environmental law.70 Alternatively, accession might encourage foreign governments to bring action against the United States for environmental transgressions under the treaty‘s mandatory dispute resolution protocol.71 **Use of the outlined dispute resolution process against the United States seems unlikely, though, since the United States already complies with or exceeds the environmental standards set out in UNCLOS.**72 Further, provisions meant to protect the sustainability of the world‘s oceans are of global concern 73 and benefit U.S. ocean-based industries.74 Even while it complies with the substance of the environmental provisions, the United States may be seen as a block to global environmental action until it actually ratified UNCLOS.

#### 2. UNCLOS doesn’t create any commitment on greenhouse gases or any obligation to implement CC polices

[Thinkprogress](https://thinkprogress.org/conservatives-disregard-traditional-allies-to-oppose-the-law-of-the-sea-2a814f04a717/), Citing the State Department, 2012 (DS)

In response, Secretary Clinton cited the State Department legal team, saying, “**there is nothing in the [Law of the Sea Convention] that commits the United States to implement any commitments on greenhouse gases under any regime, and it contains no obligation to implement any particular climate change policies**.”

#### 3. Legal barriers make these lawsuits unlikely to succeed (BW)

[Shi-Ling Hsu Florida State University - College of Law 2013](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1014870)

Several dozen cases that can be classified as climate change litigation have been filed worldwide, and legal scholars have already generated a considerable amount of writing on the phenomenon. The debate and scholarship has sometimes gotten ahead of itself, reflecting on the normative implications of outcomes that are still speculative at this point. This article seeks to ground this debate by analyzing the actual legal doctrines that may serve as bases for liability, and seeks to make a realistic evaluation of the likelihood of success of these types of suits. **Climate change litigation**, in its various forms, **raises issues of standing [proving connection to law], choice of law [conflict between intl and domestic law] , pre-emption [conflict between diff levels of law], redress, causation,** separation of powers, and international comity. Wrestling all of these issues down to an analytical conclusion is intractable; this article seeks to make the problem more manageable by finding a plaintiff that would have a strong and viable claim for climate change damages, and finding a defendant that could most plausibly be sued for such damages. Analyzing the merits of such a suit and the possible forums in which the suit could be brought sheds considerable light on the more general phenomenon of climate change litigation.  This article shows that even with a strong plaintiff - the Inuit people of the Arctic region - and vulnerable defendants - U.S. electricity generating companies - the prospects of a successful lawsuit for climate change related damages are mixed. Current law seems to suggest that liability is slightly less probable than not, but certainly not inconceivable. However, **the tenuous bases for liability in this hypothetical lawsuit,** and the rarity of the characteristics of this plaintiff and these defendants that make this lawsuit plausible, **suggests that climate change litigation is unlikely to play a significant role in arresting global climate change.** In the end, the bulk of the work in reducing greenhouse gases must be undertaken by nation-states and international agreements.

#### The new supreme court with Kennedy’s retirement is really against environmental lawsuits (BW)

[Emily Gertz Popular Science July 2018](https://www.popsci.com/supreme-court-first-environment-test)

**Environmental advocates still believe Kennedy’s retirement is a blow to broader conservation and enforcement. “It will have a chilling effect on which cases environmental groups decide to get Supreme Court review [for],**” says David Bookbinder, chief counsel for the Niskanen Center, a center-libertarian nonprofit that advocates a carbon tax as the best solution to curbing climate change.The Trump administration, meanwhile, may try and move environmental lawsuits, such as Juliana or potential challenges of its revision of WOTUS, to the Supreme Court as fast as possible, he says. If confirmed, **Kavanaugh will likely give legal teams as much pause as any other potential Kennedy replacement. “You are now running the risk of taking a bad Circuit Court decision and turning it into a bad Supreme Court decision,”** Bookbinder adds. A loss in an appellate court will get deeper consideration before moving forward. “If we get review, what are our chances of winning, and what are our chances of losing and making things worse?”

1. We don’t see their impacts manifesting in the 160 other countries

## A2: Offshore Wind

#### Econ Certainty – twice the cost per kW than onshore

[**Roberts 2018 of Vox**](https://www.vox.com/energy-and-environment/2018/5/25/17393156/offshore-wind-us-massachusetts-rhode-island-zinke)

**In 2017, Maryland commissioned two offshore-wind projects** (together 368 MW) **at a price of $0.132/kWh,** just over half. **That’s still well over onshore wind’s high-end price of $0.06/kWh**, but headed in the right direction quickly.

[Howland 12](http://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1060&context=honors)

**Offshore wind will not be viable in the coming years without a carbon tax and a potential government subsidy**. If no developers invest in a farm, learning curve effects will be stunted and not be able to take the course of action predicted. The effect of learning-by-doing over time is crucial to decreasing costs. If an aggressive pricing scheme on carbon is adopted, it is possible deepwater offshore wind energy could become competitive in less than two decades.

[Roach, J. (2014)](https://www.researchgate.net/profile/J_Roach/publication/264562914_Today%27s_Customary_International_Law_of_the_Sea/links/568bf1eb08ae129fb5cb95a6/Todays-Customary-International-Law-of-the-Sea.pdf?origin=publication_detail)

**As early as 1984 a chamber of the International Court held that the concept of the exclusive economic zone (EEZ) was customary international law**.66 Shortly thereafter, the full Court similarly ruled in the Libya v. Malta Case. 67 In the 1985 Libya v. Malta Case, the Court also held that Article 57 is customary international law.68 In its 1986 decision on the merits in the Nicaragua v. United States Case, the International Court stated the high seas freedoms of navigation apply in the EEZ, citing Article 58.69 In 2012 the same Court ruled that the delimitation provisions of Article 74(1) were customary international law.70

[Robin Craig, 2017](https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1065&context=scholarship)

Despite its lack of party status, the United States observes these zones, as well. In 1988, President Reagan proclaimed a 12-nautical-mile territorial sea for the United States.88 President Clinton added a contiguous zone extending to 24 nautical miles in 1999.89 As a result, **the United States has more or less adopted the UNCLOS III scheme of geographic division in ocean regulation, and it regards the treaty’s jurisdictional provisions as customary international law.**

**https://www.boem.gov/FY-2019-2021-SDP/**

Figure 3 depicts, as of May 2017, those areas of the OCS that are (or could potentially be) under the purview of BOEM for development of conventional and renewable energy resources and extraction of marine minerals. Currently, approximately 16 million of these acres are actively leased by BOEM (BOEM 2017) which provide for about 4% of the Nation’s natural gas production and about 18% of domestic oil production. B

## A2: Drug Trafficking

1. **NU: UNCLOS doesn’t solve more than status quo. (NM)**

[**Efthymios Papastavridis**](https://lawexplores.com/the-illicit-trafficking-of-drugs-efthymios-papastavridis/) **July 2016**

The point of departure for assessing the legal contours of drug trafficking at sea is necessarily the United Nations Convention on the Law of the Sea 1982 (UNCLOS).[14](https://lawexplores.com/the-illicit-trafficking-of-drugs-efthymios-papastavridis/#law-9780199683949-chapter-15-note-1466) **The UNCLOS scarcely refers to illicit drug trafficking at sea. Indeed, the only explicit authorization to States, in particular coastal States, to enforce their jurisdiction over vessels engaged in drug trafficking is in Article 27** UNCLOS, which sets out that the criminal jurisdiction of the coastal State ‘should not’ be exercised on board a foreign vessel passing through th

**2. Nonunique: The United States is already part of the North American Maritime Security Initiative, which is successful in its multilateral approach against drug trafficking. (JF)**

[**Department of Homeland Security, 2012**](https://www.dhs.gov/news/2012/06/18/written-testimony-us-coast-guard-house-homeland-security-subcommittee-border-and)

To address the threats and leverage the opportunities for improving border security closer to the United States, the Coast Guard, U.S. Northern Command (NORTHCOM), the Mexican Navy (SEMAR), and the Mexican Secretariat for Communications and Transportation (SCT), have strengthened their collective relationship, in part through the Security and Prosperity Partnership (SPP). This commitment demonstrates that the United States and Mexico share many areas of mutual interest that are vital to the security of each country. SEMAR and SCT are increasing their engagement with the Coast Guard through training, exercises, coordinated operations, and intelligence and information sharing. The North American Maritime Security Initiative (NAMSI) provides an operational relationship between SEMAR, NORTHCOM, the Government of Canada, and the Coast Guard and coordinates standard procedures for communications, training, procedures, and operations. **Since the inception of NAMSI in December 2008, there have been 24 joint cases yielding 62,816 pounds of narcotics seizures.**

<http://www.unodc.org/pdf/resolutions/cnd_2006_49-8.pdf>

Urges the continued and strengthened commitment of Member States to multi-jurisdictional law enforcement investigations targeting transnational criminal syndicates involved in the manufacture of and trafficking in illicit drugs.

Recognizing the continuing importance of interdicting illicit drugs at their point of cultivation, manufacture or production or as close to that source as possible in order to minimize the harm caused to communities in producer, transit and destination countries and the profiteering of criminal groups, which increases significantly at each stage of the drug trafficking route,

Lieutenant Commander Aaron J. Casavant 2017

http://harvardnsj.org/wp-content/uploads/2017/02/Casavant\_MDLEA.pdf

**Despite the fact that certain drug crimes take place thousands of miles from the United States, aboard vessels registered in foreign countries and crewed by foreign nationals, drug traffickers are often successfully prosecuted in U.S. federal courts. This system is firmly grounded in international and domestic law** and enables the U.S. government to deliver serious criminal consequences to regional drug trafficking organizations (DTOs), as well as to individual drug smugglers**. Smugglers often receive lengthy prison sentences for violating U.S. laws like the Maritime Drug Law Enforcement Act** (MDLEA).

Regarding maritime drug trafficking and law enforcement, any discussion must occur within the context of the United Nations Convention on the Law of the Sea (UNCLOS). 67 Concluded in 1982, this multi-national convention is the foundational framework for peacetime ocean governance and defines the rights and responsibilities of all nations, coastal or landlocked, with respect to the use of the world’s oceans.68 Although the United States has not ratified UNCLOS, **it considers the Convention’s navigation and overflight articles as codifications of customary international law.**69 As such, any maritime law enforcement agency must chart a course through UNCLOS to determine when law enforcement operations against a particular vessel comply with international law.

## A2: Overfishing

#### Turn: US accession to UNCLOS would put an end to crucial unilateral US Sanctions used to protect marine life

[McLaughlin 1994 Ecology Law Quarterly](https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1452&context=elq) (YZ)

This article examines UNCLOS' compulsory dispute settlement provisions and the important role they may play in the development and implementation of U.S. policy on the protection of international marine living resources. **The United States may have to relinquish its use of unilateral economic sanctions as a method of protecting dolphins, sea turtles, and whales if it chooses to become a party to UNCLOS and the Convention enters into force.** 9 This assertion is based upon an analysis of the substantive rights granted to States Parties under **the Convention'** ° and its compulsory dispute settlement provisions, which **prevent parties from imposing unilateral remedies against other parties.” …. The bottom line is that U.S. membership in UNCLOS will significantly reduce its freedom to impose unilateral economic sanctions to protect marine living resources.**

[Carr 2002 Berkeley Law](https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1480&context=facpubs) (YZ)

1. **In 1992, Congress** amended the Magnuson-Stevens Fishery Conservation and Management Act to **prohibit[ed] imports of fish and fish products from states whose vessels conduct large-scale driftnet fishing** beyond their EEZs.74 **The U.S. government has used this authority to encourage countries to reach agreement on measures to end large-scale high seas driftnet fishing.** Such an agreement was reached with Italy in the summer of 1999." 5
2. **The United States has also used unilateral trade sanctions to address the incidental catch of sea turtles in shrimp trawl nets.**

**The United States has also used unilateral trade sanctions to persuade nations to comply with the conservation and management measures of the International Whaling Commission** (IWC). Between 1971 and 1979, the United States certified two nations as conducting fishing operations in a manner that diminished the effectiveness of the IWC, but in each instance the President declined to impose import restrictions on their fish products because the nations committed to future compliance with IWC quotas.

The Economist, 2-24-2014, 14, In deep water, The Economist, https://www.economist.com/international/2014/02/24/in-deep-water, 7-11-2018//ALP

But UNCLOS has significant faults. It is weak on conservation and the environment, since most of it was negotiated in the 1970s when these topics were barely considered. It has no powers to enforce or punish. America’s refusal to sign makes the problem worse: although it behaves in accordance with UNCLOS, it is reluctant to push others to do likewise.

UN fish stocks treaty fail

http://www.un.org/Depts/los/convention\_agreements/convention\_overview\_fish\_stocks.htm

The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in the Convention, that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone.

## A2: Midterms

## A2: Oil Independence

#### 1. Turn, the US not buying from the Middle East will have very severe economic consequences for them. The impact to the decrease in government earnings will spark frequent violence and instability in oil-exporting regions (VR)

[Gregory D. **Miller**, April **2010**, The Washington Quarterly,](https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/twq10aprilmiller.pdfhttps%3A/csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/twq10aprilmiller.pdf)

The United States only gets about 15 percent of its oil from the Middle East. Nearly 22 percent of all OPEC oil, however, is sold to the United States.26 The United States is the world’s largest consumer of oil (more than 25 percent), and a reduction in U.S. demand will have a dramatic effect on the price of oil and on the world’s oil-exporting states. The real effects of a drop in U.S. consumption are difficult to predict and may depend on how the United States reduces its demand. If it does so simply through conservation, then the gradual decline in demand will likely have minimal effects on oil exporters. On the other hand, **a drastic drop in demand,** such as that associated with the development of a new technology, **will have significant economic repercussions for a number of countries, even those that do not sell much oil to the United States.**

[Gregory D. **Miller**, April **2010**, The Washington Quarterly,](https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/twq10aprilmiller.pdf)

Although internal violence, including terrorism, is often believed to be born out of economic hardship, the number of terrorists coming from Kuwait is greater than the number from Niger. 6 This suggests that some level of wealth is necessary for violence to occur; bomb-making requires some education, and ammunition costs money. The most dangerous situations appear to be when individuals have wealth, but then lose what they have or fear they are about to, therefore engaging in violence out of dissatisfaction. For example, Professor Scott Atran shows that suicide terrorists are not poor or lacking in opportunities, but that relative loss of economic or social advantage by educated persons might encourage support for terrorism.7 If true**, current oil-exporting states are particularly susceptible to internal violence as a result of this relative deprivation. Several of these states already suffer from internal problems because of social divisions, but these issues will grow as national wealth declines, making governments less capable of dealing with unrest either by providing social programs or through intimidation.** Even in states where the majority of the population does not directly profit from the sale of oil**, many people still benefit from oil wealth, such as better roads, more educational opportunities, and more advanced technology. Even relatively small cuts in revenue will negatively affect those populations.**

#### 2. Nonunique, US is already achieving oil independence in the s-quo. Thus, neg accesses the same benefits.

[**Rapier 2017 Forbes**](https://www.forbes.com/sites/rrapier/2017/11/14/is-u-s-energy-independence-in-sight/#1726ea2571a6) **(SL)**

**The International Energy Agency made headlines Monday when it declared in its** [**World Energy Outlook 2017**](http://www.iea.org/weo2017/) **that the U.S. could be a net exporter of oil within a decade. The IEA also projected that the U.S. is set to become the world’s dominant oil and gas production leader for decades**.Is that a realistic assessment? Is the U.S. on the cusp of achieving energy independence for the first time in nearly 70 years?

[**Moor 2018, Investor’s Business Daily**](https://www.investors.com/politics/columnists/oil-production-saudi-arabia-fracking-trump-energy-policy/) **(SL)**

**The Energy Information Administration reports that the U.S. could surpass Saudi Arabia in oil and gas by the end of the year. With massive oil and gas shale reserves, we could be No. 1 in the world before the end of the decade.**

**The Wall Street Journal confirms that U.S. oil production "is expected this year to surpass Saudi Arabia's" and that we will rival Russia for No. 1 in the world.** American production will rise to almost 11 million barrels a day, the most ever in American history. Doesn't it seem like yesterday when the left was running around shrieking about "peak oil"? More like peak idiocy. Last week Reuters argued that the American shale boom should be called "Donald Trump's Revenge." The story reported that U.S. oil "now floods Europe at the expense of OPEC and Russia." Couldn't have happened to a couple of nicer guys. America is now selling more than a half-million barrels a day, thanks in no small part to the end of the oil and gas export ban in 2016. What all of this means is that **we are getting very close to the day when America returns to becoming a net exporter of oil.** **This would reduce our trade deficit by more than $200 billion a year.** Saudi Arabia is still a major player in the market that can move world price by turning on and off their spigots. The recent spike in gas prices to more than $3 a gallon is due to Russia and Saudi Arabia's production cuts. But the OPEC nations can no longer hold the world hostage, as they did in the 1970s when we had gasoline lines and price controls and had to bow to the Saudi oil sheiks.

#### EEZ solves

[**Steven Groves ’14 of the Heritage Foundation**](https://www.heritage.org/global-politics/report/accession-convention-the-law-the-sea-unnecessary-advance-arctic-interests)

**The United States may successfully advance its** economic **interests in the Arctic—securing hydrocarbon resources,** facilitating maritime traffic, and regulating commercial fishing—**without accession to UNCLOS.** First, **the United States has engaged in hydrocarbon exploration activities in the Arctic Ocean** within its 200 nm **EEZ since 1979.** [25] **No foreign nation has challenged the U.S. right to do so or has interfered with U.S. exploration efforts. Extending beyond the U.S. EEZ** toward the North Pole is a large area of “extended continental shelf” over which the **United States has jurisdiction and control** to develop hydrocarbon resources to the exclusion of all other nations.

[**James W. Houck ’13 of the Hoover Institute**](https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&context=fac_works)

There have been sixty-six extended continental shelf submissions to the CLCS made by fifty-four member states to date.83 This process takes several years to complete and it is anticipated that the **CLCS will not render decisions on some submissions (for example, those submitted in 2010 or later) until as late as 2030**.84 Pursuant to Article 77.3, the coastal state is entitled to explore and develop the resources of its extended continental shelf, subject to the royalty provisions set forth in Article 82. Article 82.1 mandates that a state make annual payments with respect to its exploitation of non-living resources on its extended continental shelf. **Beginning in the sixth year of production, payments are made starting at the rate of 1 percent of the total value of production at each site, increasing by 1 percent each year until the twelfth year when the payment plateaus at 7 percent** of production value for every year thereafter.85