

We negate, Resolved: The United States should accede to the United Nations Convention on the Law of the Sea without reservations.

### **Contention One is Arctic Drilling:**

According to **Robertson of Newsroom**, the Arctic Circle has an estimated 90 billion barrels of undiscovered oil and 1,670 trillion cubic feet of recoverable natural gas.

Ryan of the University of Dayton in 2010 furthers, The US claim under article 76 [of UNCLOS] would add an area in the Arctic roughly equal to the area of West Virginia.

Dayton furthers companies want legal certainty that is secured through the Convention's laws on oil, gas, and mineral extraction.

**Gardner in 2012** finds “ Companies like Lockheed Martin have made it clear investment in the region is only going to be secured within the established treaty-based framework.”

US drilling is problematic as drilling accelerates climate change,

**Walsh of Times finds in 2012** that potent greenhouses gases, will likely be emitted in significant amounts from arctic mining. Thus, **Wadhams of Yale in 2016** finds that warming in the Arctic is equivalent to a 25 percent boost in global CO2 emissions, and could add as much as 50 percent to the global heating effect.

**Mckinnon of Greenpeace furthers in 2015** that US scenarios of Arctic oil exploration are consistent with at least 5 degrees Celsius of global warming – a level widely considered to be disastrous.

This is crucial as the **SA in 2017** finds that for every celsius increase in temperatures, 20,000 additional people die from pollution every year.

Thus, **Mckinnon** concludes by saying, that now more than ever, pressure and action is critical to ensure companies never produce oil from the U.S. in the Arctic Ocean.

### **Contention Two is Constraint.**

The US's presence in the South China Sea, is currently maintaining stability.

**Stashwick in 2017** identifies the historical success of the current military strategy by writing, For the last 20 years American hard power, has frozen disputes and prevented conflict escalation between China and the US.

In fact, [Valencia of the Diplomat 18](#) writes that the most contentious disputes between the United States and China have now reached a state of 'new normalcy'. It concludes that because of current US policy, neither side will escalate tensions by taking confrontational actions in the south china sea.

The US is in a position of strength right now, but acceding to UNCLOS undermines its ability to utilize its hard power.

As [Kumar of the National Maritime Foundation in 2011](#) writes that by acceding to UNCLOS, the US military's flexibility in the South China Sea will be harmed by the many legal implications and hurdles created by UNCLOS. He concludes that this will diminish our naval power in the Asia-Pacific.

Indeed, if the US accedes to UNCLOS, its military would be constrained by China for 2 reasons:

1st is Article 301 and 88,

The [National Center in 2006](#) writes that inside of UNCLOS, article 301 states that, Countries must refrain from any threat or use of force against other countries and article 88 states "the high seas shall be reserved for peaceful purposes". The National Center furthers writing that once the US joins, these articles, when cited by others, have the potential of constraining U.S. defense operations on the high seas.

2nd is because of No go Zones,

**[Bolton of the Wall Street Journal in 2011](#)** writes that China will exploit the ambiguities inside of UNCLOS to constrain U.S naval activities. Specifically China will deny american access to nearby waters by declaring No go Zones, where the US is prohibited from entering or using its naval or aerial forces. This effectively means China can block the US from using its hard power.

If the US Navy left the region, China would be able to freely take over the South China Sea. [Pham of the Diplomat in 2018](#) writes that backing down to China in the South China Sea would only embolden Beijing to accelerate its expansion in the area, and reinforce the perception that Beijing is a rising dominating power, while the US is a declining one that can be intimidated out of the region, creating long term appeasement.

[The impact of letting China freely expand across the South China Sea is harming trade.](#)

[IFPA](#) in 2017 finds that if China were to gain control the of the South China Sea they would be able to freely harass commercial shipping which would increase the insurance rates on ships. Additionally, they would be able to impose targeted trade disruptions against smaller nations, in order to gain leverage.

This is crucial as [Crabtree '16 of CNBC](#) writes that “ \$5 trillion of trade annually passes through the region, supplying 1.5 billion people with food and jobs,” thus, any type of disruption would be jeopardizing vital trade for millions.

Even short term disruptions can spike prices of basic goods and push millions into poverty. [PBS](#) finds the last time food prices spiked it pushed 44 million into poverty.

Thus, we *Negate*.

Even if Conflict does not happen, high tensions are enough to hurt trade, as when tensions and the perception of conflict are high, the [Wall Street Journal in 2016](#) writes that traders are incentivized to take longer routes avoiding the South China Sea altogether and increase insurance rates.

This is critical as the [Canadian Government in 2018](#) quantifies that by 2030, the effects of Climate Change could push 122 million people into poverty and kill an additional 250,000 per year from malnutrition.

<https://www.circa.com/story/2017/05/25/security/china-warned-a-us-navy-warship-on-a-freedom-of-navigation-operation-to-leave> - US increasing fonops rn

When tensions and the perception of conflict are high, the [Wall Street Journal in 2016](#) writes that traders are incentivized to take longer routes avoiding the South China Sea altogether and increase insurance rates. Thus meaning the price of trade overall increases

Thus, [Gawarkiewicz in 2017](#) finds, a big 1 unit increase in tension results in a big 0.05 per cent decline in trad

A/T Us can sue

- 1)China in order to not lose face would increase aggression in response which increases tensions
- 2)UNCLOS as an entity would vote against them shifting away
- 3)Article 301 and 88 onluy require China consent to stop US military,

A/T opt of out shit

Article 88's stipulation that "the high seas shall be reserved for peaceful purposes" and Article 301's requirement that parties to the convention refrain from "any threat or use of force against the territorial integrity or political independence of any state" may be used to impede U.S. military operations at sea. The Treaty's opt-out provisions for military activities would only free the U.S. from the requirement to participate in a specific dispute resolution process, not dispute resolution itself.

A/T No article 301 right now

Proponents counter that warships of all major powers freely travel through the high seas even though the treaty is already in force for nations that have ratified it,<sup>23</sup> which, as of this writing, stood at 149 nations.<sup>24</sup> But the U.S.'s circumstances are very different than those of the 149 parties to the treaty. As the world's only remaining superpower, the U.S. is the only nation capable of extended, extensive long-range maritime operations.<sup>25</sup> What's more, the U.S. has military obligations that other nations simply do not. Many of the parties to the treaty<sup>26</sup> don't have organized navies. Others don't have significant ones.<sup>27</sup> Consequently, most parties to the treaty have less interest in the military implications of Article 88 than does the United States. The ratification of the treaty by these nations therefore should not be the yardstick by which the risks to U.S. military interests are measured.

Sub Point B: Is Appeasement

China claim expanding because hypocritical ----> but we are not we are already following UNCLOS---->real reason to accede so can weaken military---->affirming leg. Strat of do something, blame the US, and then get them to do something u want

The impact of escalating tensions is decreasing Trade

[Bolton of the Wall Street Journal in 2011](#) writes that,

With China emerging as a big major power, **ratifying the treaty now would encourage Sino-American strife, constrain U.S. naval activities, and do nothing to resolve China's expansive maritime territorial claims.** At issue is China's intensified effort to keep America's military out of its "Exclusive Economic Zone," a big LOST invention that affords coastal states control over economic activity in areas beyond their sovereign, 12-mile territorial seas out to 200 miles. Properly read, LOST recognizes exclusive economic zones as international waters, but **China is exploiting the treaty's ambiguities to declare "no go" zones in regions** where centuries of state practice clearly permit unrestricted maritime activity. **Take the issues of intelligence, surveillance and reconnaissance, both by air and sea. [UNCLOS] is silent on these subjects in the exclusive zones, so China claims it can regulate (meaning effectively prohibit) all such activity.** Beijing also brazenly claims—exploiting Western green sensibilities—that U.S. naval vessels pollute China's exclusive zone, pollution being an activity the treaty permits coastal states to regulate out to 24 miles. **China wants to deny American access to its nearby waters so it can have its way with its neighbors.** Beijing is building a big network of "anti-access" and "area denial" weapons such as integrated air defenses, submarines, land-based ballistic and cruise missiles, and cyber and anti-satellite systems designed to make it exceedingly hazardous for American ships and aircraft to traverse China's exclusive zone or peripheral seas. **If the Senate ratifies the treaty, we would become subject to its dispute-resolution**

**mechanisms and ambiguities.** Right now, since we are the world's major naval power, our conduct dominates state practice and hence customary international law—to our decided advantage.

The EPA furthers in 2016 that, Methane has a big impact on climate 28–36 times more potent than that of carbon dioxide

**Warming by "only" 2 degrees by 2100 doesn't mean more splashing around at the beach. Heat is associated with more than violence, mosquitoes and insomnia. NASA itself has warned that a big 2-degree increase will likely spell widespread starvation from crop failures, coastal disaster from sea-level rise, and the extinction of the world's coral reefs (with the possible exception of Israel's reef in the Red Sea, which has evolved to be peculiarly resistant to temperature fluctuations).**

Indeg arctic

If they read ch

Referencing / CA 2nd cont

Major response: sq working with negotiations, how yours is more explained than theirs

- 1) Sq has negots, NU
- 2) Turn: hard power prereqs
- 3) CA: negs turn bad by upsetting china by acceding to unclos cause now CH has to respond to US pushing their agenda

On neg 2nd

Overarching CH gets tools

- 1) ISR Probes
- 2) Article 301
- 3) No go zones
- 4) Legitimizing China's 9 dash line
- 5) Denying an area for pollution
  - a) <https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=5599&context=lalrev>

Need to find frontline to geneva arg

Frontline to US can sue in tribunal

- 1) Inc. tensions
- 2) Timeframe, will take a big while to get the result

The first tool is ISR Probes.

**The Diplomat in 2017** writes that there are multiple reasons as to why ISR probes can be stopped by China under UNCLOS, such as “not paying due regard” to Chinese rights, and certain “obligations to Resource rights and the environment” that would stop ISR access to the waters.

<https://thediplomat.com/2017/08/the-us-china-maritime-surveillance-debate/>

In sum, **China believes that these activities violate the peaceful purpose and uses provisions of the UN Convention of the Law of the Sea (UNCLOS), as well as its UNCLOS EEZ resource rights and environmental obligations. China also thinks that the United States is “preparing the battlefield” and that this constitutes a big violation of the UN Charter as well as UNCLOS. In particular, China alleges that the United States is not abiding by its obligation to pay “due regard” to Chinese rights and duties as a big coastal state. Such due regard in the EEZ is required by UNCLOS for both the coastal state and the user state, but the term is undefined.**

**These concerns may or may not be valid. But given the difference in the scope of their ISR activities, China is probably not violating these UNCLOS provisions with its AGI vessel activities — and the United States may well be doing so on a big grand scale. The United States may want to reconsider and modify its dubious argument that both are doing the same thing.**

Moving on to our first contention with Arctic Drilling

Currently the arctic contains 90 billion barrels of oil that US companies are interested in taking advantage of, however due to legal uncertainty they won't. But, accession to UNCLOS would grant US companies legality and guarantee Arctic drilling. The impact of this is two fold. First, a 25% boost in CO2 emissions that could add 50% to the global warming effect and second, as Greenpeace in 2015 finds, a temperature increase of at least 5 degrees Celsius. This is devastating as SA find that for every celsius increase in temperature, 20,000 additional people die from pollution every year.

Our second contention is China constraint. Right now stability in the South China Sea has been maintained by US hard power that