**We** *affirm*,

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

**Our sole contention is Reestablishing a Rules-Based Order.**

Kuok ‘18 of the University of Cambridge writes that due to a lack of American backing, smaller nations have caved to China, enabling aggressive Chinese expansion that has unraveled the rules-based order. Simultaneously, Clark of the Financial Review writes this month that because of hardline stances from both China and the U.S., tensions are rapidly rising with no end in sight. For example, Wang of the South China Morning Post writes that just days ago, American and Chinese warships came dangerously close to collision, nearly plunging the region into conflict. This isolated event is indicative of a broader trend; Richter ‘18 of UC Berkeley writes that aggressive American operations and Chinese rejection of international law has “set the two countries on a collision course with no clear resolution to the growing crisis”.

**Fortunately, acceding to UNCLOS would alter the dynamic in the region.**

Houck ‘12 of Pennsylvania State University explains that by acceding, America would take a leadership role to create a multilateral front to support the UNCLOS framework. This is because Wyne ‘16 of the Foreign Affairs Magazine writes that accession would signal American commitment to international law, which would encourage countries like Vietnam and Malaysia to enforce their own maritime rights against China.

**A multilateral front would contain Chinese expansion in two ways.**

**First, by empowering Chinese moderates.**

Zhang ‘12 of the Foreign Policy Magazine writes that to halt Chinese expansion, America and ASEAN must strengthen the position of moderates from a minority view to a majority consensus in the Chinese government. Fortunately, Wyne ‘16 of the Foreign Affairs Magazine explains that a multilateral coalition to stop Chinese expansion would strengthen moderate voices that China is only alienating other nations in the region.

**Second, by raising reputational costs.**

Prasad ‘16 of the Diplomat writes that if it ignored multilateral pressure, China would risk taking severe reputational costs, indicating that China would comply in the face of multilateral pushback. Thus, Kuok ‘18 of the University of Cambridge corroborates that China disregards international law when the world looks away, but ends expansion in the face of coordinated pressure. China would impose significant costs to their hegemonic ambitions if they continued expansion.

**Overall, multilateralism has historically been successful in checking Chinese expansion.**

Kuok ‘18 of the University of Cambridge writes that in the first year after the UNCLOS ruling, China kept in line with the agreement despite its outward rejection of the decision, but since then, our allies have caved due to a lack of American backing, prompting Chinese expansion in the region.Thus, she concludes that America must accede to embolden allies to enforce a rules-based order.

**Absent accession, two devastating scenarios will play out.**

**First, a Chinese blunder.**

French ‘14 of the Atlantic writes that with escalating tensions, Beijing could launch an invasion to make an example of a regional claimant like Vietnam to teach a lesson to other neighbors that decisive help from America is unlikely to come. As Gompert ‘14 of Harvard University writes, China might calculate that America has no security commitment to Vietnam and would thus believe that a sharp but limited use of force would invoke only a slight rebuke. Precedent exists: Stout ‘15 of TIME quantifies that in the 1980s, China invaded Vietnam, killing 50,000 soldiers.

**Second, a collapse of international maritime law.**

Hayton ‘18 of the Chatham House writes that China’s actions directly contradict UNCLOS, and if it isn’t stopped, China would set a precedent to challenge the agreement globally, leading to the “slow collapse of international peace”. Thus, Smith ‘17 of the University of Rhode Island concludes that without American accession to counteract China, UNCLOS is dangerously close to collapse. Such a collapse would be dangerous, as Nemeth ‘07 of Oklahoma State University describes that UNCLOS conflict resolution procedures successfully bring countries to the table, doubling the probability of dispute settlement. Critically, Kelly ‘05 of Global Offshore Drilling quantifies that there are 40 active maritime territorial disputes globally. Without an adequate settlement, Hensel of Florida State University writes that territorial disputes are the largest source of war during the last three centuries.

**Thus, we affirm.**

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#### Kuok ’18 – Empirics prove: a rules-based order is unraveling in the status quo; other countries have caved because of a lack of U.S. backing

Kuok, Lynn. “Countering China’s Actions in the South China Sea.” Aug. 2018. Lawfare Magazine. <https://www.lawfareblog.com/countering-chinas-actions-south-china-sea> //RJ

Instead, shortly after the one-year anniversary of the award, **Beijing** reportedly **threatened Vietnam with military action if Vietnam did not stop drilling in its own exclusive economic zone.** **Prompted by**[**concerns**](https://foreignpolicy.com/2017/07/31/the-week-donald-trump-lost-the-south-china-sea/)**that Washington did not have its back, Hanoi stopped its operations**. **The Association of Southeast Asian Nations and the rest of the international community averted their gaze**. **This might well come to be regarded as the point when a rules-based order began unraveling in the region.** In March and May this year, Vietnam again attempted to drill for oil and gas in its exclusive economic zone, and Beijing issued similar warnings. **Vietnam is not the only country Beijing has leaned on**. **Brunei, Malaysia and the Philippines have all**[**come under pressure**](http://www.hazardexonthenet.net/article/151940/Vietnam-scraps-new-offshore-oil-project-under-pressure-from-China.aspx)**to concede “joint development” in their exclusive economic zones**, a term that has come to suggest legitimate overlapping claims: Where there are such claims, the U.N. Convention on the Law of the Sea stipulates that parties should seek to enter into “provisional arrangements of a practical nature” prior to delimitation of the exclusive economic zone or continental shelf.

#### Clark ’18 – tensions rising with no end in sight

Clark, Andrew. “US-China clash in the South China Sea is a huge problem for Australia.” 5 Oct 2018. Financial Review. <https://www.afr.com/opinion/uschina-clash-in-the-south-china-sea-is-a-huge-problem-for-australia-20181003-h16766> //RJ

Meanwhile, the authoritative Bloomberg-Business Week magazine reported that Chinese agents had secretly inserted surveillance microchips into servers used by major American technology companies like Apple and Amazon. Both companies vigorously denied the report which detailed an audacious, years-old effort to install the surveillance chips whose motherboards – the digital intelligence of the computers – were assembled in China. According to the Bloomberg-Business Week report, one US company had servers that were also used by US government clients, including US Defence Department data servers, navy warships, and the CIA in its targeted drone operations. **As the stakes escalate**, one of Australia's foremost experts on China, emeritus professor Richard Rigby, warns: "**It's risky, absolutely risky**. **We'll probably see more of this [rising tension] as the chances for a sort of rational mutual accommodation of interests between the US and China** being advocated by people like Hugh White and [Kevin] Rudd **appear to be diminishing**." A former head of the ANU-affiliated China Institute, and a one-time Australian consul general in Shanghai, Professor Rigby says **these prospects for a "rational mutual accommodation" were "diminishing because you've got people leading both countries who want to take a tougher line, and that's not really good for regional security and could end up getting us into greater instability**." The rivalry has taken on an intense, almost Manichaean tone, making Australia's position as the dual horse-riding acrobat even more difficult. "It's not just about trade," says McGregor, author of the book, The Party: The Secret World of China's Communist Rulers. "In many respects, **it's also an end-of-history type competition between rival political systems. It's geopolitical, military, diplomatic and economic, which is why there's no real end point in sight**." As a result, **the conviction is taking hold in both Washington and Beijing that there should be a decoupling of the two economies,** according to McGregor. "**Both sides want to disentangle parts of their economic relationship on national security grounds, to ensure that they don't rely on each other**." **It was that very same mutual reliance generated by a more globalised international economy that was deemed by its supporters, in the more optimistic era of the '90s and early 2000s, to lessen the chance of conflict between giant economies**. Indeed, the concurrent rise of liberal democracy and globalisation would lead to "the end of history", American political scientist Francis Fukuyama opined in a celebrated essay published in the National Interest magazine in the US, which was edited by an Australian academic, Owen Harries. The essay first appeared after the November 9, 1989, collapse of the Berlin Wall also heralded the collapse of the communist bloc in eastern Europe and much of Eurasia, but not China. More recently, the global goal posts have narrowed. "**Business and trade used to provide some ballast to the geopolitical competition. Now, business is just another battleground**," McGregor says. As Pence's end-of-week speech shows, "**the US is about to get serious about so-called Chinese influence operations, and they've had extensive talks with Australia about this**," he says. **The "serious", "dangerous" and "risky" state of affairs was dramatically underlined by the near collision between US and Chinese warships in the South China Sea.** "I think it's a pretty significant event in itself," says White, who is professor of strategic studies at the ANU, a former head of the defence-oriented think tank, the Australian Strategic Policy Institute, and a former deputy secretary of defence.

#### Wang ’18 – warships almost collided and triggered a hot war

Xiangwei, Wang. “Growing US Presence in South China Sea Threatens Accident that Sparks War.” South China Morning Post. 7 Oct. 2018. <https://www.scmp.com/week-asia/opinion/article/2167175/growing-us-presence-south-china-sea-threatens-accident-sparks-war> //RJ

Last week – 17 years later – there was almost a feeling of déjà vu when news broke out that **two American and Chinese warships had come dangerously close to colliding in the South China Sea. Again,**[**both sides accused each other of nearly triggering an international crisis**](https://www.scmp.com/news/china/military/article/2166565/chinese-destroyer-nearly-collided-uss-decatur-after-trying-drive). The US side blamed the Chinese destroyer for using “an unsafe and unprofessional manoeuvre” when it tried to intercept the American warship, which was sailing close to the reef claimed by China. The Chinese defence ministry spokesman slammed the US for sending warships into waters near China’s islands and reefs in the South China Sea, “gravely threatening China’s sovereignty and security, severely damaging relations between the two militaries and significantly undermining regional peace and stability”. **The intense face-off and the near miss, which came on top of a raging American**[**trade war**](https://www.scmp.com/topics/us-china-trade-war)**against China and other bilateral tensions, have heightened concerns that worsening ties, particularly between the militaries, could lead to not only a cold war but possibly a hot one as well.** The incident came after US Secretary of Defence James Mattis cancelled a trip to Beijing, and the [Chinese government last month denied a port visit to Hong Kong](https://www.scmp.com/news/china/military/article/2165697/china-denies-request-hong-kong-port-call-american-warship) by an American warship and recalled China’s top navy officer from a visit to the United States. In turn, those moves closely followed Washington’s decision to sanction the Chinese military procurement department and its top general over their purchases of Russian fighter jets and missile systems. The Chinese idiom of caqiang zouhuo springs to mind. While its literal meaning is that of a gun going off accidentally while being polished, it has been widely used to refer to an accident that sparks a conflict.

#### Richter ’18 – on collision course with no clear resolution

Richter, Edward. “The Breakdown of International Law in the South China Sea**.”** Feb. 2018. Berkeley. <http://berkeleytravaux.com/breakdown-international-law-south-china-sea/> //RJ

**This tension can be readily observed in the current undertakings of both the US and China**. **China continues building islands to serve as military bases from which it can project the military power needed to secure its claims and grant it de-facto control over the territory. The US meanwhile authorizes ever more aggressive Freedom of Navigation Exercises (FONOPs**), **wherein US navy vessels intentionally sail through the disputed waters as a means of signifying lack of Chinese control and sovereignty over the disputed region**. **This raises tensions in the region leading to boat collisions, harassment of naval vessels, and even Chinese seizure of a US drone**. **Thus, due to the breakdown in international law and the escalating tension in the region, two of the world’s mightiest nations find themselves on a collision course with no clear resolution to the growing crisis.**

#### Houck ’12 – after accession, America would assume a natural leadership role to create coalitions that support legal prerequisites for military maritime mobility

Houck 12 [James W., Vice Admiral, Judge Advocate General’s Corps, United States Navy, Alone on a Wide Wide Sea: A National Security Rationale for Joining the Law of the Sea Convention, The Penn State Journal of Law & International Affairs, April 2012, <http://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1000&context=jlia>, 7/15/14] //RJ

Formal membership prerogatives aside, given the conflation of UNCLOS and current customary law, **U.S. membership in UNCLOS will reinforce customary law and give the U.S. a stronger basis to affect its development in the future**. Ironically, **U.S. isolationism from UNCLOS serves as the leading example for others who would selectively choose among UNCLOS provisions or even abandon it altogether, thereby eroding customary law**. **The U.S.’ current posture undermines the very legal principles the U.S. professes to support.** Today, not surprisingly, **some find inconsistency and even hypocrisy in the U.S. practice of referring others to the Convention’s obligations without incurring reciprocal treaty obligations**.97 **U.S. arguments on substantive issues are burdened with the stigma of unilateralism,**98 **making it more difficult for states committed to the Convention’s processes and multilateral framework to support underlying U.S. arguments** even where there may be basis for substantive agreement.99 **As an UNCLOS party, the U.S. would assume a natural leadership role, facilitating coalitions and eliciting support from nations inclined to support the legal prerequisites for military maritime mobility.** The U.S. relies on this support in a variety of contexts, ranging from the International Maritime Organization and regular bilateral interactions with partners and allies, such as the Proliferation Security Initiative,100 where there is direct evidence that non-party status has inhibited U.S. counter-proliferation efforts.101 **UNCLOS membership would also enhance the U.S.’ influence with other states as they continue to evaluate their own practices and legal positions.**102

#### Wyne ’16 – accession would encourage a multilateral front; this empowers Chinese moderates who fear that Chinese expansion will alienate SE Asian nations.

Wyne, Ali. “U.S. Hypocrisy in the South China Sea.” July 2016. Foreign Affairs Magazine. https://www.foreignaffairs.com/articles/china/2016-07-14/us-hypocrisy-south-china-sea/ //RJ

The tribunal’s ruling in favor of the Philippines is likely to produce a drama that plays out over years, even decades. **The United States’ long-term efforts to manage China’s resurgence and shape a more rules-based Asian–Pacific order will be more persuasive if Washington overcomes its imprudent resistance to ratifying UNCLOS**. The U.S. Naval War College’s James Kraska [notes](http://www.voanews.com/content/united-states-sign-law-sea-treaty/3364342.html) that “the United States already scrupulously follows the rules” contained in the treaty. Still, **ratifying it would enhance U.S. credibility by sending a message that the world’s preeminent power submits itself to international law. It would give Washington a much firmer legal and moral footing to criticize China’s conduct in the South China Sea. It could even encourage Vietnam and Malaysia to submit cases of their own to The Hague.** Australia National University scholar Feng Zhang [explains](http://foreignpolicy.com/2016/06/23/the-fight-inside-china-over-the-south-china-sea-beijing-divided-three-camps/) that **there is an intense battle underway between “realists,” “hardliners,” and “moderates” within the Chinese foreign-policy establishment.** **The last group fears that if China continues to define the nine-dash line as a “territorial demarcation line,” it will make the country “an adversary of most Southeast Asian states as well as the United States” and render China vulnerable to “strategic overreach.”** **With the tribunal’s decision, the United States and its regional allies have a compelling opportunity to strengthen the voice of the moderates.**

#### Zhang ’12 – hardliners don’t control power right now, but they could easily take control and de-stabilize the region.

**Feng Zhang** PHD, is a Fellow in the Department of International Relations at the Australian National University’s Coral Bell School of Asia Pacific Affairs, 9-19-2012, "The Fight Inside China Over the South China Sea," Foreign Policy, <https://foreignpolicy.com/2016/06/23/the-fight-inside-china-over-the-south-china-sea-beijing-divided-three-camps/>

A new status quo demands China clarify its strategic intentions. Right now, not even the Chinese leadership has a clear answer to that question. **Among the three schools analyzed above, only the extreme hardliners have a quick, but highly destabilizing, answer**. **The rest of China is debating what China’s strategy toward the South China Sea should be. This is an important fact. It suggests that China’s South China Sea policy has not hardened yet, and is thus malleable. The international community — especially the United States and ASEAN — should create favorable conditions for shaping China’s policy toward a more conciliatory and cooperative direction. In particular, they should help raise the importance of the moderates in Chinese decision-making, turning them from a minority view to a majority consensus.** The unfortunate effect of some of the [rhetoric](https://www.washingtonpost.com/world/national-security/beijings-actions-in-south-china-sea-aimed-at-hegemony-us-admiral-says/2016/02/23/a669a0d2-da65-11e5-925f-1d10062cc82d_story.html) from U.S. officials about Chinese “hegemony” in East Asia is to confirm the hardliners’ view that the United States wants to contain China, thus undermining the moderates’ position within China’s domestic debate. Among the three schools discussed above, only hardliners unequivocally seek some sort of military hegemony. If American officials take this view as China’s national policy, they will simply talk past their more moderate Chinese interlocutors, creating a potentially dangerous communication gap between the two sides.

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Wyne, Ali. “U.S. Hypocrisy in the South China Sea.” July 2016. Foreign Affairs Magazine. https://www.foreignaffairs.com/articles/china/2016-07-14/us-hypocrisy-south-china-sea/ //RJ

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#### Prasad ’16 – China would face a reputational cost for ignoring multilateralism

Prasad, Kailash. “Incentivizing Multilateralism in the South China Sea.” The Diplomat. Jan 2016. <https://thediplomat.com/2016/01/incentivizing-multilateralism-in-the-south-china-sea/> //RJ

One straightforward way would be to remind the PRC that it has engaged in multilateral talks in the not too distant past. In 2005, China, the Philippines and Vietnam signed a proposal to map seismic zones in the SCS. That the Chinese leadership has shown faith in multilateralism to explore the SCS provides much-needed ground to encourage further talks. And though more talks aimed at joint exploration alone might do little to resolve the thorny questions of sovereignty, they will provide a welcome opportunity for collective engagement and help build trust among the claimants. It would also be useful to highlight China’s own aspirations for ocean-related industrial economic activities to account for 13 percent of its GDP by 2020. Being more open to multilateral negotiations could result in a more permissive maritime environment, making it easier for China to realize some of its economic goals in these waters. Finally, **if claimants like Vietnam, Brunei and the Philippines who are more inclined to multilateral talks can come together to discuss a solution, it could hasten the process of settlement. More than bringing about resolution by itself, coming together would convey a sense of urgency and resolve, which could make Beijing more amenable to inclusive dialogue – especially considering that by remaining aloof, China would risk taking a significant portion of the blame for the failure of multilateralism in the SCS.**

#### Kuok ’18 – Empirics Prove: our allies are caving now; we’re at a crossroads

Kuok, Lynn. “Countering China’s Actions in the South China Sea.” Aug. 2018. Lawfare Magazine. <https://www.lawfareblog.com/countering-chinas-actions-south-china-sea> //RJ

**In the first year after the award**, **compliance was**[**fair**](https://www.foreignaffairs.com/articles/east-asia/2017-07-21/progress-south-china-sea)**: Beijing largely kept its actions, if not its words, within the letter of the ruling**. In late July 2017, however, things went south. **The Chinese government** [**insists**](https://www.theguardian.com/commentisfree/2018/jun/27/china-not-tolerate-trump-military-muscle-south-china-sea) **that the situation** in the South China Sea **is “calm”** and that the region is “in harmony”; it accuses the United States of stirring up trouble. **But any stability** in the past year **has** largely **been the result of smaller countries in the region resigning themselves to the notion that the weak suffer what they must**. Two years on from the ruling, **the stakes are clear**: The challenge immediately after the award was getting smaller countries on China’s periphery to be less risk-averse in openly supporting the rule of law; now, **the test has become whether the United States and its allies can help countries** stand firm against incursions into their exclusive economic zones and **defend a rules-based order.**

#### Kuok ’18 – Empirics prove: a rules-based order is unraveling in the status quo; other countries have caved because of a lack of U.S. backing

Kuok, Lynn. “Countering China’s Actions in the South China Sea.” Aug. 2018. Lawfare Magazine. <https://www.lawfareblog.com/countering-chinas-actions-south-china-sea> //RJ

Instead, shortly after the one-year anniversary of the award, **Beijing** reportedly **threatened Vietnam with military action if Vietnam did not stop drilling in its own exclusive economic zone.** **Prompted by**[**concerns**](https://foreignpolicy.com/2017/07/31/the-week-donald-trump-lost-the-south-china-sea/)**that Washington did not have its back, Hanoi stopped its operations**. **The Association of Southeast Asian Nations and the rest of the international community averted their gaze**. **This might well come to be regarded as the point when a rules-based order began unraveling in the region.** In March and May this year, Vietnam again attempted to drill for oil and gas in its exclusive economic zone, and Beijing issued similar warnings. **Vietnam is not the only country Beijing has leaned on**. **Brunei, Malaysia and the Philippines have all**[**come under pressure**](http://www.hazardexonthenet.net/article/151940/Vietnam-scraps-new-offshore-oil-project-under-pressure-from-China.aspx)**to concede “joint development” in their exclusive economic zones**, a term that has come to suggest legitimate overlapping claims: Where there are such claims, the U.N. Convention on the Law of the Sea stipulates that parties should seek to enter into “provisional arrangements of a practical nature” prior to delimitation of the exclusive economic zone or continental shelf.

#### Kuok ’18 – solvency exists: Beijing responds to coordinated pressure

Kuok, Lynn. “Countering China’s Actions in the South China Sea.” Aug. 2018. Lawfare Magazine. <https://www.lawfareblog.com/countering-chinas-actions-south-china-sea> //RJ

At present, such control is not complete: The United States continues to assert maritime rights in the South China Sea and, in a positive development, other maritime powers—Australia, France and the United Kingdom—have also asserted such rights. These operations send the important message that countries apart from the United States care about maintaining an open South China Sea and that rules matter. However, **the Trump administration’s failure to express support for Vietnam or to condemn China’s threats suggests that while smaller countries on China’s periphery are expected to support maritime powers’ defense of navigation, overflight and other freedoms of the seas, the United States and others are quite willing to hang these countries out to dry when it comes to defending their economic rights—a matter that directly impacts their interests**. It also feeds into the narrative that support for the United States’ “America First” agenda is effectively a one-way street: all for one and one for none. As countries make their strategic calculations, **this will hurt U.S. interests**. **Holding Beijing accountable requires action**. A comparison of Beijing’s behavior in the first and second year after the tribunal ruling suggests that **it responds to coordinated pressure to abide by the rule of law and, conversely, takes advantage of times when the world looks away.** **As a major power, the United States must organize a regional and international effort to insist that Beijing abide by international law.** What should this entail? First, **coastal states must be supported in standing up to any incursions into their exclusive economic zones**, including **through legal action** initiated by coastal states. Second, there must be renewed calls to abide by the tribunal’s ruling. Washington went quiet on this partly because of Manila’s own reticence but also because of the ruling’s implications for U.S. claims to EEZs from small, uninhabited features in the Pacific. **The United States should not miss out on the opportunity to demonstrate consistency in supporting the rule of law both within and outside of the South China Sea.** In this vein, **the United States should finally accede to UNCLOS**. **The United States has already committed itself to abiding by the convention**; **acceding to it**, as Adm. Davidson [points out](https://www.armed-services.senate.gov/imo/media/doc/Davidson_APQs_04-17-18.pdf), “**would give the United States greater credibility when calling on other states to adhere to the same rules**.” Many **observers note the double standard when the United States calls on other states to abide by the U.N. Convention on the Law of the Sea and comply with decisions of courts and tribunals regarding its interpretation when the United States itself has not acceded to the convention**.

**French 14** Howard W. French, 11-2014, "China’s Dangerous Game," Atlantic, <https://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/> //RJ

**To the Vietnamese, the oil-rig incident did not reach a threshold that warranted war.** **Multiple Vietnamese officials told me that a Chinese bid to seize disputed islands from Vietnam (as it did in 1974 and 1988) probably would. The oil rig’s deployment fomented gigantic protests in Vietnam, where large public demonstrations are rare.** On the first day, May 11, hundreds of people turned out peacefully in Hanoi, carrying banners with slogans like “Protect the nation.” Over the next several days, large crowds converged on several industrial parks, attacking Chinese businesses. **Vietnamese analysts said that the unrest, in which numerous protesters died, carried a sharp warning that the state’s legitimacy might crumble if it failed to strike back after any new Chinese island grab. Many Western analysts view China’s approach in the Pacific as a sort of calibrated incrementalism, whereby a Chinese presence and de facto Chinese rights in disputed areas are built up gradually, in a series of provocations that are individually small enough to make forceful resistance politically difficult, but that collectively establish precedents and, over time, norms**. The Chinese, in fact, have a name for this approach: the cabbage strategy. An area is slowly surrounded by individual “leaves”—a fishing boat here, a coast-guard vessel there—until it’s wrapped in layers, like a cabbage. (“Salami slicing” is another metaphor for the approach.) Surely the Chinese would be satisfied if Vietnam simply accepted their slow expansion of maritime rights and territory. But **the tempo and tenor of China’s recent actions suggest that Beijing might now also be happy with a contest of strength against Hanoi, especially if Vietnam were perceived as the country that struck first**. **This, ultimately, is how China’s positioning of its oil rig, backed by an armada, should be understood: it would help legitimize Chinese claims if Vietnam did nothing, and would offer an opportunity to loudly squash the bug in some limited battle**—and perhaps to impose crippling economic sanctions—**if Hanoi lashed out**. Indeed, given Beijing’s great advantage of force, some **Vietnamese officials have recently warned that although military action by their side is emotionally attractive, and perhaps even inevitable, it may do nothing more than spring a Chinese trap**. If the question of standing up to China becomes too tightly bound with regime survival, all that might be accomplished is public failure and, ironically, regime change in Vietnam.

#### Gompert ’14 - Perception of weak US commitment to Vietnam leads to Chinese miscalculation that spills over into conflict

**Gompert et al. 14** — David C. Gompert, Adjunct Senior Fellow at the RAND Corporation, Former Principal Deputy Director of National Intelligence, M.P.A. in International Affairs from Princeton University, Hans Binnendijk, Adjunct Political Scientist at the RAND Corporation, Ph.D. in International Affairs from Tufts University, M.A.L.D. in International Relations from Tufts University, Bonny Lin, Associate Political Scientist at the RAND Corporation, Ph.D. in Political Science from Yale University, M.A. in Asia Studies from the University of Michigan, B.A. in Government from Harvard University, 2014 (“Blinders, Blunders, and Wars,” *RAND Corporation,* Accessible Online at <http://www.rand.org/content/dam/rand/pubs/research_reports/RR700/RR768/RAND_RR768.pdf>) //RJ

Thus, **U.S. interests in the South China Sea go far beyond its legal obligations** (to the Philippines). **If the Chinese were to get into an armed confrontation with another state** over activities on or near contested islands, **the Chinese might underestimate the will of the United States to respond militarily**. **Take the case of Vietnam**: **The Chinese would note that the United States has no security commitment to Vietnam** and takes no position with regard to the conflicting territorial claims. Moreover, **China might infer that U.S. interest in the South China Sea, though important, does not rise to the level of core—sovereign—interest**. Not being a “sea power” in the classical sense, **the Chinese might not appreciate how seriously the United States would regard infringement on its freedom of the seas**, especially in such important waters. **Although the Chinese would acknowledge that U.S. naval capabilities in the South China Sea are superior to China’s** and are currently beyond the reach of China’s sensors, submarines, and land-based missiles, **they might believe that a sharp but limited use of force against Vietnam, in this example, would produce no more than a U.S. rebuke**.35 In a matter more important to China than to the United States and with no U.S. obligation to act, **U.S. aversion toward conflict with China would prevail—or so Beijing might think**. **The actual U.S. decision model in this case could be quite different** from that inferred by China. **U.S. decisionmakers might conclude that failure to respond would embolden the Chinese, undermine U.S. credibility in the region, weaken the resolve of Southeast Asian states to resist Chinese pressure, and set in motion a chain of incidents leading to virtual Chinese control of the South China Sea**. Knowing that it has military-operational superiority, **the United States might decide that this is the right time and the right place to show that China cannot have its way by threatening or using force**. The lack of a security obligation to Vietnam might enter into U.S. thinking but not dominate it. **U.S. decisionmakers might also believe that the Chinese would not risk armed conflict with the United States,** especially with local military inferiority. Indeed, **they might think that the Chinese would not have dared use force against Vietnam if they expected the United States to intervene**. It follows, **according to the U.S. decision model**, that **threatening and if need be inserting forces into the conflict in support of Vietnam would cause China to back down**. In sum, **it is not hard to imagine that China and the United States would each assume it has the upper hand in a South China Sea crisis—China by virtue of having greater will to prevail, and the United States by virtue of having greater capability to prevail**. **Given the disparity in capabilities, the Chinese would be making a blunder that could lead to military defeat and a risk of wider conflict with the United States**. **The critical Chinese miscalculation would be to figure that the United States would not use force to support Vietnam, when in fact the United States could have several compelling reasons to use force**.

#### Stout ’15 – 50,000 soldiers died last time

**David Stout May 15, 2014, 5-10-2014, "The Last Time China Got Into a Fight With Vietnam, It Was a Disaster," Time,** [**http://time.com/100417/china-vietnam-sino-vietnamese-war-south-china-sea/**](http://time.com/100417/china-vietnam-sino-vietnamese-war-south-china-sea/) **(NK)**

In the winter of 1978, when Deng Xiaoping made his threat of a “lesson,” more than 80,000 Chinese troops were sent across the border into Vietnam. Chinese Deputy Defense Minister Su Yu boasted of being able to take Hanoi in a week, but the untested and under-equipped People’s Liberation Army (PLA) met fierce resistance from battle-hardened Vietnamese forces deployed across the frontier’s limestone karsts. The Chinese were slaughtered by local militia from positions that had been utilized for centuries against invaders from the north. “More Chinese soldiers were getting killed because they were fighting like it was the old times,” says Vietnamese veteran Nguyen Huu Hung, who witnessed the PLA’s human waves being mown down near the city of Lang Son. “They were in lines and just keep moving ahead … they didn’t run away.” I**t would take just six weeks for Beijing to call off its “self-defensive counteroffensive.” Teaching the Vietnamese a lesson turned out to be a costly affair. Official casualty statistics have never been released by either Beijing or Hanoi; however, analysts have estimate that as many as 50,000 soldiers died during the confrontation.** “I heard that [China] said they wanted to teach Vietnam a lesson, but I can’t see what the lesson was,” says Hung. “Our job was to fight against them. But the losses, to be honest, were huge.” When the Chinese began their pullout in early March, the retreating troops implemented a barbaric scorched-earth policy. Every standing structure in their path was destroyed. Any livestock they encountered were killed. Bitterness was sown.

#### Hayton ’18 – Collapse of international peace imminent if China is successful

Hayton, Bill. “Two Years On, South China Sea Ruling Remains a Battleground for the Rules-Based Order.” Chatham House. 11 July 2018. [https://www.chathamhouse.org/expert/comment/two-years-south-china-sea-ruling-remains-battleground-rules-based-order#](https://www.chathamhouse.org/expert/comment/two-years-south-china-sea-ruling-remains-battleground-rules-based-order) //RJ

**UNCLOS is a cornerstone of international peace and security**. It was negotiated over nine years and agreed, in 1982, by almost every country in the United Nations. (The United States government signed it but the US Senate has not yet ratified it.) UNCLOS provides a neutral mechanism to allocate the world’s maritime resources but what we are seeing in the South China Sea is an effort by China to overturn it. In effect, China is deploying military might to overturn the legal rights given to the other countries. **If this is allowed to succeed, UNCLOS will be weakened everywhere, not just in the South China Sea. If countries can treat international treaties as simply ‘pieces of waste paper’ then no agreement is safe: international order begins to break down**. It is imperative, therefore, that all the other signatories of UNCLOS defend it from predatory behaviour. This means speaking up for the rights and obligations contained within its text – defending legitimate claims from those have been clearly ruled incompatible with international law. Small states need to be protected from the predatory behaviour of large states. **The alternative is the slow collapse of international peace and security.**

#### Smith 17 – UNCLOS on brink of collapse right now

Smith, Leland Holbrook. "To accede or not to accede: An analysis of the current US position related to the United Nations law of the sea." *Marine Policy* 83 (2017): 184-193. <[https://scholar.google.com/scholar?hl=en&as\_sdt=0%2C14&q=To+accede+or+not+to+accede%3A+An+analysis+of+the+current+US+position+related+to+the+United+Nations+law+of+the+sea&btnG=>](https://scholar.google.com/scholar?hl=en&as_sdt=0%2C14&q=To+accede+or+not+to+accede%3A+An+analysis+of+the+current+US+position+related+to+the+United+Nations+law+of+the+sea&btnG=%3e%20)  //RJ

UNCLOS is the net result of a battle between age old ideologies. The desire for an open ocean with free trade is pitted against the benefits of apportionment and property rights. **While geopolitical circumstances change, the underlying problems that drove the development of UNCLOS remain as relevant as ever.** For example, **resource scarcity, territorial disputes, pollution, piracy, and safety at sea must be continuously addressed**. Ideologically, developed nations with established nationalistic and corporate interests have an ever-increasing appetite fueled by an interconnected global commercial web, while smaller nations are increasingly constrained to their own resources. **As the strength of large economic powers push smaller nations further into poverty, those nations increasingly rely on international law to sustain themselves. UNCLOS addresses** all of **these** competing **interests, but without leadership support from the US, its future is in jeopardy**. **US military, economic, and moral backing will be required to ensure that the smaller nations of the world will not run out of the resources upon which they depend, that the global economy continues to reach its full potential through interconnected growth, and that the seas do not become the lawless bastions of crime they once were**. On top of that, **if the US joins it gains the ability to compete for access to Arctic and other resources through continental shelf claims, participate in the mining of the deep seabed through the International Seabed Authority, and to have a greater role in the international decision-making processes**. **UNCLOS is dangerously close to deterioration, and so US involvement is a critical component to global stability.** **Fundamental geopolitical changes since the time the law was developed have further exacerbated the timeless matters that UNCLOS addresses.** **China** has **emerged as a world power** and **is reshaping trade agreements and resource use with all of the South China Sea countries**, **neglecting lawsuits through proper UNCLOS channels.** China also has a fleet of 2600 distant water fishing vessels, ten times that of the US, that travel all the way to Senegal, which relies on those fish for 85% of the nation's protein consumption, and costs West African countries $2 billion annually [5]. Arctic ice is melting with the potential of opening new trade routes [6]. **Piracy has also re-emerged as a threat to the shipping industry** [7]. With all of these changes, **it is time for the US to reevaluate its critical role in relation to UNCLOS**. As a world leader, the **US** support for and **accession to UNCLOS would legitimize the multidimensional agreements within the document and directly benefit the United States.**

#### Nemeth ’18 – UNCLOS is successful at bringing third parties to the conflict management table

Nemeth, Stephen & Mclaughlin, Sara & A Nyman, Elizabeth & Hensel, Paul. (2018). UNCLOS and the Management of Maritime Conflicts. <https://www.researchgate.net/publication/228882805_UNCLOS_and_the_Management_of_Maritime_Conflicts> //RJ

However, **UNCLOS is a strong institution when evaluated as a means of resolving conflicts regarding maritime resources**. **The design of UNCLOS allows a conflict management system**, minimal rights to organize, and has elements of nested enterprises. One of the most significant features of the UNCLOS agreement was its commitment to be a comprehensive and universally accepted delineation of maritime law (Boyle, 1997) as well as an institution with a strong and wide-ranging conflict resolution system. As such, UNCLOS follows Ostrom’s (1990) design element that CPR institutions have well developed conflict resolution mechanisms. **Signatories to the convention are mandated to peacefully resolve their maritime claims.** **In the case of disputes, states have the ability to initially choose one of two dispute settlement procedures – conciliation or negotiation**, in either a bilateral or regional setting (Borgese, 1995). If these methods are not acceptable to the parties, then states must choose from one of four additional options – arbitration, the International Tribunal on the Law of the Sea, the International Court of Justice, or “special arbitration” involving a qualified international organization (Borgese, 1995: 32). If a decision still cannot be reached, arbitration is selected. Regardless of the method chosen, all decisions are binding upon the signatories.

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We start by evaluating the bivariate relationships between our key variables in the ICOW claim dyad-year data set (N=3,231). These analyses select on pairs of states that have one or more ongoing competing claims to a maritime area. Table 3A presents the institutional effects of UNCLOS on the occurrence of bilateral negotiations, third party settlement attempts, and militarized disputes. Consistent with hypothesis 2, membership in UNCLOS has a significant effect on third party settlement attempts (p=.013). **Third party settlement is more than twice as likely if both states in a dyad share membership in UNCLOS (7.7% vs. 3.2%).** Bilateral negotiations are also more frequent between dyads with shared UNCLOS membership (5.5% vs. 3.2%), although the difference is not statistically significant (p=.153).Table 3B presents the effects for privatization of the seas through declared economic exclusive zones on the occurrence of bilateral negotiations, third party settlement attempts, and militarized disputes. **We find support for hypothesis 1; the establishment of joint EEZ boundaries more than doubles the likelihood of bilateral negotiations to resolve maritime claims (27.0% vs. 12.5%); this difference is statistically significant (p<.0001).**

## Kelly ’05 – 40 territorial disputes in the status quo

Kelly, Paul L. "Evaluating the Impact of the Law of the Sea Treaty on Future Offshore Drilling ." Global Offshore Drilling 2005 Conference. (April 19, 2005) <http://www.oceanlaw.org/downloads/unclos/GlobOffDrlg05.pdf> //RJ **As regards maritime boundaries, there presently exist about 200 undemarcated claims in the world with 30 to 40 actively in dispute.** There are 24 island disputes. The end of the Cold War and global expansion of free market economies have created new incentives to resolve these disputes, particularly with regard to offshore oil and natural gas exploration. **During the last few years hundreds of licenses, leases or other contracts for exploration rights have been granted in a variety of nations outside the U.S. These countries are eager to determine whether or not hydrocarbons are present in their continental shelves, and disputes over maritime boundaries are obstacles to states and business organizations which prefer certainty in such matters.** We have had two such cases here in North America where bilateral efforts have been made to resolve themaritime boundaries between the U.S. and Mexico in the Gulf of Mexico and between the U.S. and Canada in the Beaufort Sea. Both of these initiatives have been driven by promising new petroleum discoveries in the regions. The boundary line with Mexico was resolved in 2000 after a multi-year period of bilateral negotiations. Negotiations with Canada, however, seem to be languishing. Another area where bilateral boundary discussions are in process is the Barents Sea where Russia and Norway are trying to address a number of serious issues. For a long period of time there has been a moratorium on delimitation for the development of mineral resources in the central part of the Barents, which the Russians believe could be as rich in hydrocarbons as the Caspian. While such bilateral resolution is always an option, **the Convention provides stability and recognized international authority, standards and procedures for use in areas of potential boundary dispute, as well as a forum for dealing with such disputes and other issues.**

#### Hensel ’00 – territorial disputes are number one cause of conflict.

Hensel, Paul R. "Territory: Theory and evidence on geography and conflict." *What do we know about war* (2000): 57-84. <http://www.paulhensel.org/Research/terr2000.pdf> //RJ

Although many types of issues may be salient enough to lead to war, the territorial perspective suggests that territorial issues are especially salient and especially likely to lead to conflict and war (Vasquez, 1993, 1995, 1996; Hensel, 1996b). Perhaps because of this salience, most recent empirical research on contentious issues has focused on disagreements over territory. Scholars have argued that **territory is "conspicuous among the causes of war**" (Hill, 1945: 3), "**perhaps the most important single cause of war between states in the last two or three centuries**" (Luard, 1970: 7), **or "the source of conflict most likely to end in war"** (Vasquez, 1993: 124). Territory is often seen as highly salient for three reasons: its tangible contents or attributes, its intangible or psychological value, and its effects on a state's reputation.