

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

[Ryan](#) explains in 2010 that accession to UNCLOS "would maximize legal certainty regarding...energy resources in...the areas of the Arctic Ocean. American oil companies favor ratification, as it will allow them to explore oceans beyond 200 miles off the coast."

However, drilling releases potent greenhouse gasses as [Walsh](#) writes in 2012 that "Methane and black carbon, two greenhouse gasses, will be emitted in significant amounts [by drilling in the Arctic]."

The impact is exacerbating climate change.

McKinnon finds in 2015 that Arctic drilling "will lead to at least 5 degrees Celsius warming by 2100." Overall, [Staines](#) writes in 2009 that "[accelerating] climate change... could result in the premature death of billions of people."

Contention Two is the South China Sea

Currently, [Reuters](#) finds in 2018 that "[ASEAN] and China have reached a "milestone" in talks...over a code of conduct [or a rulebook of the South China Sea]...with a working text that will serve as a basis for future negotiations," which [UNTV](#) explains in 2018 "is meant to....ensure peace, stability, and confidence gets build, whilst [they] take time to resolve the territorial disputes." Importantly, [Gupta](#) finds in 2018 that "China has resolved numerous sovereignty-linked disputes...with countries large and small. A key feature in each instance is that the United States was neither an ally nor key defence partner of that country." Thus, [Bo](#) finds in 2018 that "the situation in the South China Sea is cooling down."

However, accession reverses progress in two ways

First is blinding America

Article 19 of UNCLOS states that **ships exercising the rights of innocent passage shall not engage in "any act aimed at collecting information to the prejudice of the defence or security of the coastal State."** This is essential as **Gaffney explains in 2007** that "intelligence vital for American security has been collected on, below and above the oceans – including those considered to be "territorial waters."" These laws would restrict US intelligence gathering operations. Importantly, the [Federation of American Scientists](#) writes in 1996 that "intelligence provides information and insights that are unique, reducing the uncertainty of decision-making at all levels...With it, there is a better chance of avoiding crisis or war." Vitally, the [CFR](#) finds in 2012 that "A miscalculation or misunderstanding could then result in a deadly exchange of fire, leading to further military escalation and precipitating a major

political crisis.” The less we know about the situation, the more likely we are to misunderstand something. [Nagai contextualizes this in 2018](#) that a collision or clash could cause miscalculation in the south china sea.

Second is empowering hardliners

[Mirasola explains in 2015](#) that “[UNCLOS] provides [a] venue through which the U.S. could press its claims in the region.” Unfortunately, **Ibarra concludes in 2017** that “[international pressure], especially from the US, might push Chinese foreign policy to a hardliner position lest...the Communist Party risk their domestic legitimacy.” This is because as the [U.S Naval Institute writes in 2018](#) that “The [Chinese] People won’t tolerate it if [they] lose territory yet again” because of the memory of China’s century of humiliation at the hand of western powers. Vitally, [Allison explains in 2017](#), “Xi told his Politburo colleagues that “winning or losing public support is an issue that concerns the [communist party’s] survival or extinction.””

Problematically, **Zhang** in 2016 writes that “[the hardliner strategy is expanding China’s] territorial and military reach in the South China Sea [through] building... mini-bases, [and] conquering...features currently under other countries’ control.”, [he](#) continues in 2017 that the “costs associated with [hardliner] strategy are enormous. China’s military occupation of the Vietnam- or Philippines-held islands may very well trigger a regional war. But the hard-liners believe that these costs will be transitory and bearable.”

The impact is War.

[Winn](#) explains in 2017 that in the case of a war, "vital [trade] traffic would slow to a trickle" which the [CSIS](#) in 2017 finds "would carry a considerable monthly cost of \$2.8 billion." Vitally , [Xu](#) finds in 2014 that "1.5 billion people rely heavily on the South China Sea for food and jobs."

Thus, we negate

Additionally, [Ku explains in 2015](#) that “the Chinese argue that military ships should have to follow rules of innocent passage even in the 200-nautical mile EEZ.” Importantly, nations have already fallen into line with China’s interpretation of UNCLOS as [Patrick of the Atlantic](#) finds in 2012 that “Countries as diverse as Brazil, Malaysia, Peru, and India have resisted freedom of navigation within their EEZs, in contravention of their obligations.” By acceding to UNCLOS now, we would spring the trap China has set.

[Swaine '13](#) explains that “[While China supports]... efforts to... control disputes through negotiation, sustain... cooperation with neighbors, and generally avoid conflict... it [also] seeks to maintain [a] resolute defense against perceived attempts... [to] undermine China’s... position involving [maritime] disputes.”

However, he continues that “[in the case of US intervention, these objectives contradict each other, and] Beijing seems to adopt [the latter view and thus maintains its defense]... [resulting] in efforts to... strengthen [itself] by... increasing its overall ability to patrol and operate in disputed areas.

Contention 1: Shipping.

The Naval War College confirms in 2013 that Article 94 of the convention prohibits unmanned ships. Unfortunately, Kretschmann in 2017 explains that unmanned ships are cheaper to operate because of increased fuel efficiency and decreased costs.

As a result, Granot of Erasmus University in 2016 quantifies that autonomous ships would reduce shipping costs by 49%. This is critical, as Farm Futures writes in 2017 that higher shipping costs make agriculture goods more expensive. Chambliss of Carnegie Mellon in 2007 specifies that the US especially plays a large role in global agricultural trade, meaning it yields a large effect on the world market for food, and the Alliance to End Hunger finds that 50% of U.S. agricultural exports go to developing countries.

The impact is hunger. The World Food Program in 2012 explains that under threat of high prices, people start reducing the quality of their diet and skipping meals. Devastatingly, the World Health Organization in 2008 terminalizes that hunger kills 250,000 people every ten days.

Our first contention is America Rule the Waves

[Vega](#) explains in 2010 that “The US Navy controls every major ocean and sea around the world.” Indeed, [Babones corroborates in 2015](#) that “U.S. hegemony is now as firm as or firmer than it has ever been, and will remain so for a long time to come.”

However, accession would hinder our naval power

Gaffney explains in 2007 that “The Law of the Sea Treaty’s compulsory dispute resolution requirements and procedures are particularly problematic when taken together with obligations the accord entails that are at odds with our military practices and national interests” and **Douglas furthers in 2010** that “by accepting UNCLOS, U.S. bilateral leverage in navigational disputes will disappear... UN judges will freely hand down restraining orders, advisory opinions, and decisions about our Navy’s navigational activity that are unreviewable.” Importantly, **Brower finds in 2012** that “The United States was successful in only 13% of [arbitration] cases in which it served as the responding party.” Nations already believe we are acting illegally as **Geng writes in 2012** that “China argues that [our] military activities are an ‘abuse of rights’ under Article 300 and that they constituted a non-peaceful threat of the use of force prohibited under Article 301.”

Crucially, **Posen explains in 2003** that “Command of the commons is the military foundation of U.S. political preeminence. It is the key enabler of the hegemonic foreign policy.” **Borneman adds in 2012** that “With 70% of the globe covered by water, the country that wields naval power most effectively has always maintained a position of political and economic leadership. The dominance of the United States Navy must be maintained if America is serious about continuing its role as a global leader. There is no substitute for sea power and history has proven that if the United States doesn’t exercise it, some other nation will.”

The impact is a Global Scramble for Power.

Brzezinski finds in 2012 that that with the loss of US hegemony “No single power will be ready by then to exercise the role [of a hegemon]. More probable would be a protracted phase of rather inconclusive and chaotic realignments of both global and regional power.” **Rhamey elucidates the implications in 2015** that “geographic spaces in a complete dominance vacuum [are] 16.9 times more likely to experience joint major power conflicts than geographic spaces where a single state’s projected capabilities dominate and **Bremer concludes in 1992** that “challenges to the hegemon generally occur when the challenger has about as much power as the hegemon defined as the challenging state having at least 80 percent of the hegemon’s power.”

US accession will lead to UN power over navy decisions—UN will then control our navy
Richard Douglas, has served as chief counsel of the Senate Foreign Relations Committee and General Counsel of the Senate Intelligence committee. He was a Deputy Assistant Secretary of Defense from 2006 to 2009. He was recalled to active duty and deployed to Iraq in 2006-07. In the 1970s he was a machinist's mate on a fast attack submarine, February 23, 2010, The UN Law of the Sea Treaty: Threatening to Put the U.S. Navy in a Straitjacket,
http://www.familysecuritymatters.org/publications/id.5571/pub_detail.asp

In like manner, if the U.S. accedes to UNCLOS, the assurances given today to our Navy leadership won't mean a thing. It will emphatically not be Navy and State Department lawyers handing down pronouncements on what UNCLOS ("military activity") means. Rather, this function will be performed by the activist UN tribunal itself. In other words, by accepting UNCLOS, **U.S. bilateral leverage in navigational disputes will disappear with the stroke of a pen. It will be replaced with a fervent hope, a wish, and a roll of the dice that activist UN judges plucked from the developing world will resist the opportunity to go after our Navy and its global role** – no matter what the Convention text says about the sanctity of military operations. Cheered on by our adversaries, these UN judges will freely hand down restraining orders, advisory opinions, and decisions (whether we like it or not) about our Navy's navigational activity – and our intelligence activity – that are unreviewable. And unlike own system, under UNCLOS there is no vigilant legislature capable of reining in the excesses of an overreaching and politicized UN tribunal. The only way to avoid this is to avoid accession to UNCLOS.

Naval power controls all conflict escalation

Eaglen 11, Mackenzie research fellow for national security – Heritage, and Bryan McGrath, former naval officer and director – Delex Consulting, Studies and Analysis, ("Thinking About a Day Without Sea Power: Implications for U.S. Defense Policy," Heritage Foundation)

The U.S. Navy's global presence has added immeasurably to U.S. economic vitality and to the economies of America's friends and allies, not to mention those of its enemies. World wars, which destroyed Europe and much of East Asia,

have become almost incomprehensible thanks to the “nuclear taboo” and preponderant American sea power. If these conditions are removed, all bets are off. For more than five centuries, the global system of trade and economic development has grown and prospered in the presence of some dominant naval power. Portugal, Spain, the Netherlands, the United Kingdom, and now the U.S. have each taken a turn as the major provider of naval power to maintain the global system. Each benefited handsomely from the investment: [These navies], in times of peace, secured the global commons and ensured freedom of movement of goods and people across the globe. They supported global trading systems from the age of mercantilism to the industrial revolution and into the modern era of capitalism. They were a gold standard for international exchange. These forces supported national governments that had specific global agendas for liberal trade, the rule of law at sea, and the protection of maritime commerce from illicit activities such as piracy and smuggling.[4] A preponderant naval power occupies a unique position in the global order, a special seat at the table, which when unoccupied creates conditions for instability. Both world wars, several European-wide conflicts, and innumerable regional fights have been fueled by naval arms races, inflamed by the combination of passionate rising powers and feckless declining powers.

Decline destroys stability and cooperation – causes chaotic anarchy

Brzezinski '12 [Zbigniew Brzezinski, CSIS counselor and trustee and cochair of the CSIS Advisory Board, the Robert E. Osgood Professor of American Foreign Policy at the School of Advanced International Studies @ Johns Hopkins University, cochair of the American Committee for Peace in the Caucasus, member of the International Advisory Board of the Atlantic Council, national security adviser to Jimmy Carter, was awarded the Presidential Medal of Freedom. Strategic Vision: America and the Crisis of Global Power. Ebook.]

IF AMERICA FALTERS, THE WORLD IS UNLIKELY TO BE DOMINATED by a single preeminent successor, such as China. While a sudden and massive crisis of the American system would produce a fast-moving chain reaction leading to global political and economic chaos, a steady drift by America into increasingly pervasive decay and/or into endlessly widening warfare with Islam would be unlikely to produce, even by 2025, the “coronation” of an effective global successor. **No single power will be ready by then to exercise the role that the world, upon the fall of the Soviet Union in 1991, expected the United States to play. More probable would be a protracted phase of rather inconclusive and somewhat chaotic realignments of both global and regional power**, with no grand winners and many more losers, in a setting of international uncertainty and even of potentially fatal risks to global well-being. dWhat follows analyzes the implications of that historically ominous—though certainly not predetermined—“if.” 1: **THE POST-AMERICA SCRAMBLE In the absence of a recognized leader, the resulting uncertainty is likely to increase tensions among competitors and inspire self-serving behavior.** Thus, international cooperation is more likely to decline, with some powers seeking to promote exclusive regional arrangements as alternative frameworks of stability for the enhancement of their own interests. Historical contenders may vie more overtly, even with the use of force, for regional preeminence. Some weaker states may find themselves in serious jeopardy, as new power realignments emerge in response to major geopolitical shifts in the global distribution of power. The promotion of democracy might yield to the quest for enhanced national security based on varying fusions of authoritarianism, nationalism, and religion. The “global commons” could suffer from passive indifference or exploitation produced by a

defensive concentration on narrower and more immediate national concerns. Some key international institutions, such as the World Bank or the IMF, are already under increasing pressure from the rising, poorer, but highly populated states—with China and India in the forefront—for a general rearrangement of the existing distribution of voting rights, which is currently weighted toward the West. That distribution has already been challenged by some states in the G-20 as unfair. The obvious demand is that it should be based to a much greater degree on the actual populations of member states and less on their actual financial contributions. Such a demand, arising in the context of greater disorder and percolating unrest among the world's newly politically awakened peoples, could gain popularity among many as a step toward international (even though not domestic) democratization. And before long, the heretofore untouchable and almost seventy-year-old UN Security Council system of only five permanent members with exclusive veto rights may become widely viewed as illegitimate. Even if a downward drift by America unfolds in a vague and contradictory fashion, it is likely that the leaders of the world's second-rank powers, among them Japan, India, Russia, and some EU members, are already assessing the potential impact of America's demise on their respective national interests. Indeed, the prospects of a post-America scramble may already be discreetly shaping the planning agenda of the chancelleries of the major foreign powers even if not yet dictating their actual policies. The Japanese, fearful of an assertive China dominating the Asian mainland, may be thinking of closer links with Europe. Leaders in India and Japan may well be considering closer political and even military cooperation as a hedge in case America falters and China rises. Russia, while perhaps engaging in wishful thinking (or even in *schadenfreude*) about America's uncertain prospects, may well have its eye on the independent states of the former Soviet Union as initial targets of its enhanced geopolitical influence. Europe, not yet cohesive, would likely be pulled in several directions: Germany and Italy toward Russia because of commercial interests, France and insecure Central Europe in favor of a politically tighter EU, and Great Britain seeking to manipulate a balance within the EU while continuing to preserve a special relationship with a declining United States. Others still may move more rapidly to carve out their own regional spheres: Turkey in the area of the old Ottoman Empire, Brazil in the Southern Hemisphere, and so forth. None of the foregoing, however, have or are likely to have the requisite combination of economic, financial, technological, and military power to even consider inheriting America's leading role. Japan is dependent on the United States for military protection and would have to make the painful choice of accommodating China or perhaps of allying with India in joint opposition to it. Russia is still unable to come to terms with its loss of empire, is fearful of China's meteoric modernization, and is unclear as to whether it sees its future with Europe or in Eurasia. India's aspirations for major power status still tend to be measured by its rivalry with China. And Europe has yet to define itself politically while remaining conveniently dependent on American power. A genuinely cooperative effort by all of them to accept joint sacrifices for the sake of collective stability if America's power were to fade is not likely.

US hegemonic decline causes major power wars.

Zhang and Shi 11

Yuhan Zhang, researcher at the Carnegie Endowment for International Peace, Washington, D.C., and Lin Shi, from Columbia University. She also serves as an independent consultant for the Eurasia Group and a consultant for the World Bank in Washington, D.C., East Asia Forum, January 22, 2011, “America’s decline: A harbinger of conflict and rivalry”, <http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry>

Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear, many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However, as the hegemony that drew these powers together withers, so will the pulling power behind the US alliance. The result will be an international order where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America’s emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain ‘rules the waves.’ Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere’s security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America’s influence declines? Given that America’s authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return to the problems of the 1930s: regional blocs, trade conflicts and strategic rivalry. Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington’s withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973).

A strong US navy is key to heg

Gerson, 2012 (AFSC interviewing and citing Joseph Gerson, AFSC’s disarmament coordinator, as director of programs in New England, and as director of the Peace and Economic Security Program. He has worked with AFSC since 1976,

the author of the renowned *Empire and the Bomb*. Joseph has served as co-convenor of the NPT Review 2010 International Planning Committee for Nuclear Abolition, Peace and Justice and of Network for a NATO-Free Future, “Maintaining Hegemony”, AFSC, 01/29/2012, <https://afsc.org/story/maintaining-hegemony>)

All of this has come at an enormous cost to the Japanese people in the forms of seizures of people’s homes and land, environmental degradation – including terrifying sonic booms, crimes and sexual harassment, national sovereignty, and even financial support for the bases by Japanese tax payers, who help to pay for the bases even as the country struggles with the catastrophic legacies and costs of last year’s earthquake, tsunami and Fukushima melt downs. The situations are analogous in South Korea and Australia. With its military bases across South Korea, and until the late 1980s U.S. support for military dictatorships there, Washington has maintained a functional military occupation. To this day, in the case of a war on the Peninsula, a U.S. general would be the military commander of South Korean military forces. South Korea serves as a geopolitical obstacle to Chinese access to the Pacific, and, like Japan, it serves the U.S. encirclement of China, including so-called “missile defenses” designed to “neutralize all of China’s missiles.” **The U.S. Navy has long been the hegemonic power controlling the sea lanes across the Indian Ocean, through the Strait of Malacca, and the South China Seas, over which the Middle East oil that fuels East Asia’s economies must pass. This provides the U.S. a hand on the jugular veins of their economies.** More recently, as oil, natural gas and other mineral wealth has been found under the South China Seas’ (West Philippine Sea from the perspective of Filipino nationalists) sea beds, there has been an increasingly militarized competition for these resources. China has begun building a blue water Navy to equalize power relations in the area (and perhaps to dominate South China Seas resources.) The decision to base 2,500 U.S. Marines in Australia, the tacit U.S. alliance with India, the new opening with Myanmar, and the U.S. naval build up in the Indian Ocean are all designed to reinforce U.S. hegemony over these sea lanes and resources. With the Obama Administration’s Trans Pacific Partnership initiative – the negotiation of the world’s most demanding free trade agreement which would exclude China – the U.S. is seeking to further integrate Japanese, Korean, Australian and other Asia-Pacific nations’ economies and societies into the U.S. dominated system, at China’s expense.

The US Navy is key to hegemony

Ricks 14’ (Thomas Ricks. Lieutenant Robb holds graduate degrees in security studies from Georgetown’s School of Foreign Service and the U.S. Naval War College. A view from the high seas: The Navy is now more important than other services because it provides unfettered presence”. April 3, 2014.

“http://ricks.foreignpolicy.com/posts/2014/04/03/a_view_from_the_high_seas_the_navy_is_now_more_important_than_other_services_becaus”)

The Navy is omnipresent in every major geographic area around the world. The very presence of naval ships simultaneously deters military aggression and assures our allies, safeguards the sea lanes and the commerce that flows through them, preserves territorial waterway boundaries and the right to resources contained therein, and facilitates a response to natural disasters and other catastrophes -- like the disappearance of MH370. In this case, showing up is well

more than half the battle.¶ The U.S. Navy's resilience can only endure with the understanding that a firm commitment to building and maintaining a first-rate Navy -- capable of being present where our national interests lie -- is not only desirable, it is necessary. This commitment is a policy prerequisite if the United States -- a maritime nation whose interests have been safeguarded by the Navy since the country's founding -- wants to retain the ability to influence outcomes, create additional windows of diplomacy, and control escalation..