# A2 NEG NDF

## Overviews

### O/V East Asia stability

East Asian Stability is the biggest impact in today’s round this is because **Walter Mead from American Interest[[1]](#footnote-1)** asserts that East and South Asia will be where the 21st century is shaped, he finds that the region will be the geopolitical epicenter for US interests encompassing economic, democratic, environmental, and success against terror.

Due to the growing tensions in the area, US involvement is critical for a couple of reasons. Erickson in case finds that East Asian states are desperate for US leadership, which is contextualized by Reuters in case, who finds that because of the lack of US leadership, these states are appeasing to China.

If we let this trend continue, then China’s expansion will put us over the brink.

Because the resolution is a policy based decision on what the United States should do, look to the White Houses’ official statement on National Security Strategy who finds that “Strong and sustained American leadership is essential to a rules-based international order that promotes global security and prosperity”. This is the first place you can sign your ballot.

### O/V East Asian Tension

East Asian States are arming up in the status quo, **Felix Heiduk[[2]](#footnote-2)** finds in 2017 that military expenditure in Southeast Asia has risen by 57 percent.

In fact, we give you four specific examples of military buildup in the South China Sea

1. Japan- **The Diplomat[[3]](#footnote-3)** reports that as of a couple weeks ago, japan is moving a group of ships into the south china sea
2. **China- Anh[[4]](#footnote-4)** explains that as a response to trumps increased fonops, china has begun to increase the militarization of their islands by adding new missile systems, electronic jammers and anti-ship weapons.
	1. **VOA news[[5]](#footnote-5)** also finds that China’s Floating Nuclear Power Plants Poses Risks in South China Sea because Once China installs a nuclear barge, any protests would be too late to stop it.
3. Malaysia- **The Straits times[[6]](#footnote-6)** writes that under the new elected government, malaysia will now begin to enforce their island claims vs chinese aggression
4. Vietnam- **The East Asia Forum[[7]](#footnote-7)** writes that vietnam will begin to conduct more naval missions in the south china sea in the hopes of deterring more chinese agression.

## A2: General Treaty

### A2: Neg can accede with reservations

**1.** According to **Article 309[[8]](#footnote-8)**, UNCLOS prohibits states parties from submitting reservations or exceptions that would otherwise allow the United States to disregard provisions that do not comport with the U.S Consitution or long-standing U.S. law and policy.

### A2: Customary International Law

1. **No Solvency – Kissinger of Wall Street Journal in 2012** finds that Customary Law is not enough to solve because it is vague and doesn’t provide a strong foundation for critical national security rights. He concludes that the continued delay to accede to UNCLOS compromises our nation’s authority to exercise our sovereign interest, jeopardizes our national and economic security, and limits our leadership role in international ocean policy.

2. **Turn – Houck of PSU[[9]](#footnote-9)** finds that lack of ratification undermines customary international law. This is because currently, 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.

### A2: Lost Subjects US Military to the Discretion of Foreign Courts

1. **Panneta from the Secretary of Defense[[10]](#footnote-10)** observes that the Convention provides that a party can declare it does not accept any dispute resolution procedures for disputes concerning military activities. This has happened 20 times, and if the US accedes they would exercise the same right.

### A2: LOST Constrains the US Military

**1. TURN: Glaser at CSIS[[11]](#footnote-11)** explains that the United States only stands to benefit from acceding, as UNCLOS will allow the right of innocent passage on the high seas and allow the United States’ freedom of navigation operations to be legitimized. Regardless, they follow UNCLOS as a international norm.

**2. Panetta of the Secretary of Defense[[12]](#footnote-12)** finds that the US military would not even be subject to the foreign courts.

### A2: Hurts Freedom of Movement

**1.NO LINK - Regulatory Intelligence Data[[13]](#footnote-13)** the Convention does not limit US forces’ freedom of action. In fact, UNCLOS guarantees certain rights: the right of innocent passage, transit passage and archipelagic sea lanes passage. They furthere that these rights are especially crucial in strategic chokepoints such as the Strait of Hormuz and and Singapore Strait.

### A2: Undermines National Security

1. **Nonunique. Robertson of the International Law Studies in 2008** explains[[14]](#footnote-14) that UNCLOS contains no restrictions regarding naval operations that are not already in 1958 Convention on Territorial and Contiguous Zone which the US already ratified.
2. **Nonunique. Bower of the Center for International Studies in 2012** explains[[15]](#footnote-15) that the US Navy and Coast Guard already operate under the guidelines of UNCLOS despite not being a member.
3. **Delink**. **John D. Negroponte, Deputy Secretary US Department of State**, in 2007 explains[[16]](#footnote-16) that international tribunals don’t gain any jurisdiction over US military because the Convention permits a party to exclude from dispute settlement those disputes that concern military activities.
4. **Turn.** **Sandalow of Brookings** **in 2004** explains[[17]](#footnote-17) that by joining the Convention, Navy ensures its own freedom of navigation without a permission slip to travel in the waters of other countries. This is why Patrick of the Atlantic in 2012 explains that [[18]](#footnote-18) non-membership complicates bilateral and multilateral cooperation with international partners.
5. **Turn. Johnson of the Diplomat in 2016** explains[[19]](#footnote-19) that joining UNCLOS would allow the US to nominate members to tribunals and confirm their standings to ensure discussions on Freedom of Navigation are not inconsistent of American interest.

## A2: Environment

### AT: Rem Waste

1. **Wang of Purdue[[20]](#footnote-20)** writes that New efficient and inexpensive technologies are being developed to extract REMs from waste coal ash. Wang argues the new technology could provide ways to utilize coal ash that not only satisfy the needs of REE in the U.S., but is beneficial to the environment and could create high-tech jobs. **Free[[21]](#footnote-21)** quantifies that these new methods could take up 40% of the market. This has two implications
	1. **Harler[[22]](#footnote-22)** explains that these new methods reduce the overall waste associated with REM production.
	2. **The ITRE[[23]](#footnote-23)** writes that this switch eliminates the radioactivity associated with REM product
2. **Nield of Science Alert[[24]](#footnote-24)** finds that the ocean isn’t needed to find REM’s, scientists have found a way to get high concentration from REM’s from coal.

### E-Waste (Basically A2 Southlake Carrol)

#### Link - China controls monopoly

1. The Industry is diversifying. **Strauss ’14[[25]](#footnote-25)** finds that because of expected increases in demand, investors in the United States, Japan, and Australia, are already opening up their own REM mines and building new processing capabilities.

2. Deep Sea mining can already happen. **Heaven 18[[26]](#footnote-26)** finds that there is a new source of deep sea mud off the coast of Japan contains enough rare-earth minerals to supply the world for centuries to come.

3. **BBC[[27]](#footnote-27)** notes that China has warned that the decline in its REM reserves is accelerating, and most of the original resources are depleted.

4. **Zew ’14** explains that China is going to lose their monopoly on the rare earth minerals by the end of this decade. He goes on to say that new providers like the US are going to emerge on the market for rare earths minerals.

#### Recycling is bad

1. Their uniqueness is really bad, they read evidence from a 2013 example where China increased prices which lead to a little more recycling. However, they don’t prove any recycling is occurring in the status quo, and they don’t show the solvency of their impacts. It’s been five years, where it there impact?

 a. This is encapsulated by **Jowitt 2018** who finds that 1% of REM’s are actually recycled. This means that after five years after their uniqueness, nothing has happened

2. **Jowitt** furthers that recycling is completely infeasible because REM’s currently requires extensive dismantling, and development of infrastructure, which makes the methods very cost ineffective.

3. **Ensia** notes that recycling could create greater environmental harms than mining in the first place. This is because a lot of energy is needed to melt down and separate the elements and 90% of the actual element is lost in the process.

### AT: Dolphins / Sea Turtles

1. **TURN -**  **Colson ‘95[[28]](#footnote-28)** explains that UNCLOS is THE most comprehensive environmental treaty in existence, by regulating that the first duty of all signatories is to reduce pollution, which is critical as **England ‘17[[29]](#footnote-29)** explains that pollution is one of the biggest threats facing Dolphins’ extinction because the chemicals weaken their immune systems, which outweighs their argument on scope because pollution effects ALL dolphins in the world while their argument is specific to just a few Mexican companies
2. **TURN - Rufe ‘03[[30]](#footnote-30)** explains that U.S failure to accede has hurt marine conservation on whole, as we are the world leader in animal conservation, but we are without an avenue to ENFORCE these environmental agreements onto other nations - which outweighs because they just talk about 1 sanction, but avoid ALL laws and measures that the U.S will be able to enforce under UNCLOS

#### Mexico Regulations

1. **Platt ‘15[[31]](#footnote-31)** explains that Mexico’s new regulations to conserve sea turtles, a) arent enough to see that big of an effect, and b) are only in place for 1 year

2. They say sea turtles are going extinct in the squo, so in order to have a tangible impact they need to prove that these regulations are ENOUGH to reverse the trend

#### U.S. Dolphin Rules

1. **De-link**- WTO ruled that U.S dolphin safe labeling requirements comply with international rules and do not discriminate against countries, which is incredibly important, as the WTO is more binding than UNCLOS
2. The United States has the ability to choose what court to arbitrate in even if challenged, including the tribunal, the international court justice, or the WTO - and since the WTO already ruled in their favor, they will obviously choose them. Because of this, make them a) prove why the U.S will choose the UNCLOS court, and b) why UNCLOS would rule differently than the WTO

## A2: Arctic

### A2: Legal Certainty

First, international law can never create certainty, as it is not enforceable. No company can ever be sure that it will be followed and it would be nearly impossible to win an enforceable legal judgment against a violator of said law that is not part of one’s own country.

Second, the “economic” aspects of the LOST are not really that contested. LOST is customary international law and it is widely followed, including by the US. Other countries largely follow the EEZ provisions. The only time that CIL doesn’t work for this purpose is when there is a sizeable disagreement related to territory and self-interest. In those cases, the actual LOST doesn’t make any difference, as countries will ignore it.

Third, international law is inherently vague. Why? Because vagueness makes it possible to get many countries to sign on. For example, the Refugee convention requires countries to grant asylum to refugees, but it doesn’t define what a refugee is beyond someone fleeing a tyrannical government and it doesn’t say how many refugees a country has to accept. So, for example, Sessions and Trump say those fleeing domestic violence, gang violence, and economic turmoil are not refugees and there is no way to stop them from adopting this definition.

### A2: Drilling Harms

#### No Link

1. **The Ocean Foundation in 2018[[32]](#footnote-32)** observes that most of the maritime deposits of minerals prized by the world markets are found beyond the EEZ’s, yet companies don’t drill or mine for it. This is because they find that the world prices for these resources aren’t high enough to justify the considerable costs.
2. **CNN[[33]](#footnote-33)** in August 2018 finds that the gold rush for oil is in Texas. In the status quo, companies are rushing to drill oil for Texas, and production is spiking so much that Texas is on track to surpass Iran and Iraq. CNN concludes that Texas is the most desired region in the whole world, which means that companies aren’t going to drill in the Arctic. Their evidence is outdated.
3. **Pew Trusts in 2018[[34]](#footnote-34)** finds that mining on the international floor cannot take place until the ISA approves exploitation regulations, and drafts of those regulations are now under consideration. Final approval is expected in 2020 or 2021, which has two implications.
	1. **Probability –** Companies aren’t going to halt their industry and wait several years for an opportunity that isn’t even feasible due to the overly high prices associated with drilling. If anything they will take advantage of other regions like Texas, because they have full certainty that they can profit over there.
	2. **Sense of Urgency –** The issues that we mention in the AFF need to be solved right now or else they have a risk of escalating and getting much worse.
4. **Ford of the Christian Science Monitor in 2018[[35]](#footnote-35)** finds that ratifying the Law of the Sea won’t accomplish anything in the arctic, in fact the US won’t even increase its influence and activity in the areas it controls. In fact, Ford furthers that no grand infrastructure projects have been introduced in the arctic since the Trans American pipeline, which was 40 years ago.
5. **Ford of the Christian Science Monitor in 2018[[36]](#footnote-36)** continues that the US Coast Guard only has one fully functional ice breaker. Even though Congress approved the funds to build a new one, it doesn’t matter because Ford concludes that Washington does not have a long term strategic view in the arctic, so an icebreaker is meaningless.

IN TOTAL Bourne finalizes that the break-even-price of Arctic oil is the second highest in the world at 79 dollars per gallon, while Middle East oil costs just 43 dollars

#### Non-Unique

1. Non Unique- UNCLOS isn’t needed to drill. **Groves of the Heritage Foundation[[37]](#footnote-37)** writes other bilateral and multilateral trade agreements reach the same goal and secure US interests. IF the US wants to get involved, they’ll do so without UNCLOS.
2. **The High North News[[38]](#footnote-38)** reports in 2014 that drilling in the arctic is ultimately inevitable, as
	1. oil there is expected to exceed two thirds of the entire world’s consumption,
	2. the melting of ice caps is opening up new and affordable navigation lanes, and
	3. U.S companies can drill with no risk in our own EEZ already
3. U.S companies already have the legal protection to begin drilling in our Alaskan EEZ, which is critical, as the **Wilson Center[[39]](#footnote-39)** explains that the majority of oil resources in the U.S arctic are in our EEZ

#### Environment Turns

1. **Sheppard ‘15** explains that while there are negative effects associated with deep sea mining, ON WHOLE, it is comparatively BETTER than onshore mining, as there is less community displacement, use of freshwater supplies, erosion, and loss of land, and as the U.S will have to mine regardless of UNCLOS’ signing or not, we would contend this deep sea mining is a better solution
2. Environmental regulations, **Yalowitz ‘08[[40]](#footnote-40)** explains that a multinational organization is needed to respond to environmental problems in the arctic and one of THE BEST ways to go about achieving this is by the U.S joining UNCLOS in order to provide institutional protection and enforce regulations for the Arctic, Russia, as **Forbes** notes, Russia has already started oil drilling in the Arctic, so if the U.S doesn’t go in, Russia will, and this is by far more devastating, as **Schwartz ‘12** reports that Russia has continually been polluting in the Arctic and has no environmental policy, that’s why you should prefer the U.S who actually has good regulations
3. Arctic drilling will allow for rare earth mineral mining. Fortunately, Peterson writes that the arctic is home to the world's largest remaining untapped rare earth metals. The US is in a position to reap significant environmental rewards. As **Jones from Yale University** writes in 2013, a shortage of REMS is hampering the growth of renewable energy technologies. These elements are used in everything from electric car batteries to solar panels.

#### Oil Spill Mitigation

* + - 1. Mitigate, as the Environmental Research Consulting ‘06 notes that the chance of any oil spill is 0.04 percent. We outweigh on probability because this is only a 0.04 percent at best and the chance of US hegemony decreasing is 100 percent. We prove some risk of solvency to increase this if we sign the treaty.

#### A2: CO2 Emissions

1. A paper by **James Hansen of NASA in 2008[[41]](#footnote-41)** explains that because the amount of CO2 in the atmosphere is above 350 parts per million, even if we stopped releasing all CO2 right now, we are already past the point of no return.

### A2: Climate Change

**1.** We are already on the trajectory of their impacts happening. We outweigh for three reasons.

**Clarity of impact –** Their argument can’t be weighed because their impacts only concern the trend of climate change, not actually the effect of specific arctic drilling

**Uniqueness –** Because arctic drilling is going to happen in either world, the AFF mitigates the harms by allowing the United States to enforce a strong precedent of environmental regulations

**Magnitude –** mining for REM’s will allow to severely mitigate the current trend of climate change, as those are critical to develop green tech such as solar panels and electric cars.

### A2: Indigenous People

1. **Non-unique.** Canada,Denmark, Finland, Iceland, Norway, Russia, Sweden are all interested in arctic drilling. They have a summit dedicated to cooperating when exploiting resources in the arctic

### A2: Deep Sea Mining Bad[[42]](#footnote-42)

1. Advanced tech solves: **Mack ‘17** finds 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.

2. There are provisions in the SQUO: **Climate Interpreter ‘16** finds To avoid an Arctic oil spill and to formulate a response plan in the event that one occurs, the Arctic Council and its eight member states signed the legally binding Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic in 2013. The agreement states that each country must identify areas of special ecological significance that may be at risk, have appropriate equipment ready to be deployed, and determine who in the government can request international assistance and who in other countries can respond to such requests in a timely manner.

3. Rare Earth Mineral Extraction is not that harmful. **MIT in** **2016[[43]](#footnote-43)** finds this problem is not be nearly as troublesome as it may at first appear. Sea floor deposits are much more concentrated than those on land, meaning a significantly smaller volume of earth must be moved to extract the same amount of usable minerals. Less materials consequently have to be processed, which is what causes most of the environmental problems in the first place. Also, current technologies are able to minimize the actual sediment being thrown about, mitigating enough of the initial concern to justify further usage of these techniques

4. **No Impact. Shukman of BBC News in 2014** explains[[44]](#footnote-44) that deepsea bed mining will have a minimal long term impact because the environment is resilient and life will recover in 5 to 10 years. Their impact is only short term.

#### Long Term TURNS

**1. WE SOLVE FOR THE ENVIRONMENT: Jon Major[[45]](#footnote-45)** finds thatRare Earth Metals found in Deep Sea beds are used to create solar energy. That means that we outweigh in the long term because we are producing alternative energy sources so we can solve the problem much better than they are trying to.

**2. STOPPING CONFLICT: Spross** **of The Week** in 2018 notes that the U.S. is almost entirely dependent on China for processed rare earth minerals. Currently, **Burgess** **of the** **CSP[[46]](#footnote-46)** in 2013 90% of China’s cobalt comes from the Democratic Republic of the Congo and Zambia. **Mullins** **of the** **Public Radio International[[47]](#footnote-47)** in 2011 expands on China’s monopoly on rare earth minerals, finding that China is the sole source of support for the Congo’s mining industry. However, **Mullins** furthers that the quest for profits within the DRC has helped fuel 15 years of conflict that has resulted in 5 million deaths.

## A2: ISR

### A2: PSI/Interdictions

* + - 1. PSI was negotiated explicitly IN CONFORMANCE with UNCLOS, that's why **Song[[48]](#footnote-48)** finds that there are 18 states fully participating in PSI, while at the same time members of UNCLOS and 70 UNCLOS nations that support the PSI, and according to the national security advisor of the United States, John Boulton, a principle architect of the PSI in the first place, testified to the Senate saying that joining UNCLOS will not harm PSI efforts
			2. Turn the argument, as **Sandalow ‘04** explains that the U.S should actually JOIN UNCLOS to help interdiction efforts, as the Convention actually expands the list of justifications for interdictions compared to the Geneve convention which is what the U.S currently uses, such as the right to board stateless vessels and the inherent right of self defense
			3. **TURN.** UNCLOS increases global cooperation, what **Vanecko ‘11 of the Naval War College[[49]](#footnote-49)** explains that no one nation has the resources required to provide the safety and security throughout the entire maritime domain, he continues that acceding to the treaty would formally bind the U.S to the international legal framework of UNCLOS and reinforces commitment to multinational solutions - this can translate into greater security cooperation, like the PSI
			4. **TURN – Lloyds List of Maritime Intelligence[[50]](#footnote-50)** finds that accession would further Washington’s homeland security, especially PSI, because UNCLOS allows signatory states to conduct law enforcement on the high seas.

#### A2: Nuclear Weapon shipments

1. **Delink. Warden of the Naval War College in 2004** explains[[51]](#footnote-51) that under UNCLOS, shipments of nuclear weapons to terrorists are still considered illegal, so the US can stop the small chance of nuclear terrorism that they are talking about.
2. **Delink. Lieber of Mit** in 2013 explains[[52]](#footnote-52) because the US and its allies would easily trace a nuclear attack to that source country and punish them severely which deters the act of sending terrorists nukes, rogue states will never give nukes to terrorists.

### A2: Drug Trade

1. Article 27 of UNCLOS specifically states that the treaty allows countries to investigate ships if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.
2. They tell you that the us won’t be able to intercept ships on the ocean carrying drugs. Their argument doesn’t even make sense, the boats that are transporting the drugs aren’t even officially recognized by the governments, and they’re literally speedboats that are unmarked which logically wouldn’t violate UNCLOS as they aren’t belonging to any nation.
3. [**NBC**](https://www.nbcsandiego.com/news/local/New-Maritime-Front-Drug-War-Pacific-Coast-478290253.html)writes that Mexico, Colombia and the US are going to start information exchange on well-traveled routes for drug smugglers or preferred paths for specific smuggling organizations. They don’t provide a warrant as to why this changes in the AFF world. They further that Mexico has begun to intercept ships carrying drugs on their own, meaning that even if the us cant intercept on the high seas, Mexico still has control of its own EEZ

### A2: Tech Transfers

1. Turn: According to their **interp Article 268[[53]](#footnote-53)**, “cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions” Meaning, that there are 160 countries that are yes, losing some information, but gaining much more, as there are legitimacy 160 other countries that are releasing information. This effectively turns this argument as tech transfers would be good to improve the marine technology of every country in UNCLOS.
2. **Delink. Borgerson of the Council on Foreign Relations in 2009** explains[[54]](#footnote-54) that treaty modifications in 1994 resulted in UNCLOS encouraging technology transfers to other countries, but not actually mandating it meaning that the US won’t be required to transfer technology.
3. Delink: They haven’t named, referred, or brought up any of the 160 countries that have had this similar problem. There are other large hegemonic countries in UNCLOS, the US isn’t that unique and if this abuse of data transfer was true there would be empirical examples.
4. Delink: **Scott G. Borgeson[[55]](#footnote-55)** in 2009 finds that according to Article 302 of the convention: “Nothing 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.” This concludes that the US has the ability to withhold the damaging information that they say Russia and China will get their hands on.
5. Straight Turn: They say that tech transfer under UNCLOS is bad. However according to **Science Direct[[56]](#footnote-56)** in 2017, UNCLOS recently added Technology Facilitation Mechanism. “A mechanism that is based on multi-stakeholder collaboration between states, civil society, the private sector, the scientific community, and a UN inter-agency task team. Concluding that the establishment of networks in order to identify and examine technology needs and gaps to facilitate development, transfer, and dissemination of relevant technologies.” All of this meaning that facilitation under UNCLOS is modern, and prevents any kind of data leaks.

### A2: Submarines

* + - 1. Make them prove the threshold that is necessary for the united states to lose operational strength with their submarines. In fact, UNCLOS only forces flag to be raised at 12 miles, they give you no warrant as to why a distance of 12 miles is detrimental to American submarine power
			2. Non-unique: **Holmes[[57]](#footnote-57)** 15 writes that a tech revolution is coming that will make these subs obsolete. He explains that, “a technological revolution is about to overtake undersea warfare, rendering the wine-dark sea transparent to hostile anti-submarine (ASW) forces for the first time.”
			3. Non-unique: **Trevithick[[58]](#footnote-58)** 18 writes that new Chinese technology effectively identifies U.S. naval actions all around the south china sea. **Christopher[[59]](#footnote-59)** confirms that “Chinese listening devices may be able to pick up underwater communications transmissions. The South China Morning Post reported that there might be networks of undersea hydrophones in and around Guam that allow submarines to communicate with U.S. Navy command centers”

### A2: Harms Intelligence

**The US department of State finds[[60]](#footnote-60)** that the Department of defense, and the CIA can all confirm that intelligence gathering is not harmed by accession.

**Lynn Rich[[61]](#footnote-61)** finds that UNCLOS does not harm intelligence gathering because their legal interpretation authorizes intelligence operations because their purpose is peace.

**Brookings Institute[[62]](#footnote-62)** finds that the UNCLOS doesn’t hurt INTEL, people just think that it does because article 19 and 20 were misread, it actually helps us by providing stability and codifying navigational and overflight freedoms.

### A2: AUV

1. **Nonunique.** Moore of the University of Virginia in 2004 explains[[63]](#footnote-63) that the US already follows the 1958 Geneva Convention of the High Seas which has the same provisions of intelligence gathering.
2. **Delink.** Ivey of Dartmouth University in 2009 finds[[64]](#footnote-64) that UNCLOS allows submarines to collect intelligence underwater in Exclusive Economic Zones and in international straits. That’s why he finds that that is how most submarine operations operate.
3. **Delink.** Pham of the East Asia Forum in 2018 explains[[65]](#footnote-65) that US ISR operations without the permission of the coastal states are lawful under Article 58. In fact, over 100, including all permanent UN Security Council Members support current US operations.

### A2: Mine Sweeper

1. Double bind: Either the countries will not allow the United States to sweep for mines in either world b/c they dislike the US OR The countries realize that mines are bad and they will let us , for Example: pretty much every legitimate government with rebels doesn’t like what they’re doing

[Saied Jafari](https://www.al-monitor.com/pulse/originals/2018/07/iran-hormuz-strait-rouhani-threat-soleimani-oil-sanctions.html) of Al Moniter finds that Iran doesn’t want mines in their straights  for two major reasons.

First, shutting down the Strait would prohibit Iran from conducting most of its trade with the rest of the world, thus harming their economy.

Second, it risks harsh reactions from some of its closest eastern allies like China and India, who Iran relies on now more than ever.

## A2: China

### A2: General

**1. Malcolm Cook of the Lowy Institute for International Policy in 2010[[66]](#footnote-66)** finds that China is on the rise right now, we see their power growing. The impacts of Chinese hegemony trigger regardless, vote aff to solve.

**2. Turn the argument, as Slavin ‘15** explains that the U.S not ratifying UNCLOS actually serves to undermine the organization and the U.S’s unilateral pressure because Beijing sees the U.S as hypocritical and not following international law - thereby setting the precedent that China can do the same

**3. TURN – Hu Bo of the National Interest in 2018** states that United States’ excessive involvement in the South China Sea has forced China to deploy more defensive equipment there, and made more and more Chinese people realize the hypocrisy of the United States.

### A2: Appeasement

1. **TURN -** Turn the argument, as **Slavin ‘15** explains that the U.S not ratifying UNCLOS actually serves to undermine the organization and the U.S’s unilateral pressure because Beijing sees the U.S as hypocritical and not following international law - thereby setting the precedent that China can do the same

**2. TURN -** when U.S accedes to UNCLOS, **Borgerson ‘09** explains that they’re granted the only permanent seat on the ISA - the governing body - which is why Peters of the Truman Project explains that it would provide the U.S legal ground to challenge China, concluding that we could use our legal standing to prevent China from pushing its neighbors around, this makes a lot of logical sense as well - as the U.S is more likely to bring scrutiny to China’s actions if they have a legal basis to go off of

3. **TURN -**  **Breed ‘14[[67]](#footnote-67)** explains that as Pacific nations ramp up their military pressure and engage in hawkish rhetoric, the U.S must establish itself as a credible advocate of peace and security - not signing UNCLOS undermines this ability

### A2: FONOPS

#### Delinks

* + - 1. **Rich ‘12** explains that FONOPs in another country’s EEZs is considered routine with international law, and are thus conducted frequently around the world.

#### TURNS

* + - 1. **Turn- Anh[[68]](#footnote-68)** explains that as a response to trumps increased FONOPS, china has begun to increase the militarization of their islands by adding new missile systems, electronic jammers and anti-ship weapons.
1. **Turn** - because FONOPs make a diplomatic solution less likely, as **Perlez ‘12** [[69]](#footnote-69)explains that the escalating hard power dispute leads to less of an ability to negotiate with China diplomatically to resolve conflicts because China becomes more hard lined against U.S actions in the region. French in case explains that the only way that diplomacy is achieved is through multilateral agreements, like UNCLOS.
2. **TURN-** Fonops increase the chance of collisions between ships, which increases chinese legitimacy. **Holmes** **of the national Interest[[70]](#footnote-70)** writes that as a result of FONOPS increasing in the south china sea, the likeklihood of collision in is rising. He explains that The likeliest collision scenario would involve a U.S. Navy warship and a Chinese fishing boat or China Coast Guard cutter, which would allow China to portray the US in a negative light, which aids them in convincing asian nations to side with them against The us.
3. **TURN – Hu Bo of the National Interest** finds in 2018 that for the longest time, China has adopted a policy of responding rather than moving first, and concludes that China has mainly been responding to the United States’ more frequent and intense FONOPS operations
4. Direct conflict turn. In a comparative analysis of FONOPs effectiveness, **Stashwick ‘17[[71]](#footnote-71)** finds that the operations aren’t used as a deterrent, but rather to directly “block access” to islands - leading Patricia ‘12 furthers that conflict is most likely to erupt from a Chinese response to U.S FONOPs.

### A2: New China Agreement

* + - 1. **The South China Morning Post[[72]](#footnote-72)** explains in 2018 that the new deal
* A. is just a draft and not a final deal that can be enforced, and
* B. most likely is another Chinese ploy to open endless negotiations that lead nowhere because the draft is very vague
	+ - 1. Meaningless, **Seidel ‘18[[73]](#footnote-73)** explains that in 2002 China signed a similar code of conduct agreement but was already planning behind the scenes to violate it
			2. The Code of Conduct Pushes out United States presence. **Straits Times[[74]](#footnote-74)** explains that in the draft of the Code of Conduct, states aren’t allowed to conduct military exercises with states not apart of the COC. This leads them to conclude that China is trying to cut off all security cooperation with the United States so that they can take control of the South China Sea.

### A2: ASEAN Code of Conduct

1. **AMTI ‘18[[75]](#footnote-75)** notes that China will use ASEAN agreements to their own advantage in three ways
* **A.** China will use the COC talks to delay, exploit, and divert focus from any ASEAN consensus on the South China Sea.
* **B.** China will seek to include unhelpful and imprecise language in the COC which it could then use to justify actions
* **C.** China will nonetheless claim the COC as a diplomatic success and will use it as cover to avoid criticism while still pursuing its unilateral strategy to control the South China Sea
1. Not true- **Frances** **of the inquirer[[76]](#footnote-76)** explains that most countries wont adhere to the ASEAN code of conduct, as it hurts their diplomatic image with other non Asean-countries
2. According to the **New York Times[[77]](#footnote-77)**, in 2012 ASEAN negotiations failed to resolve disputes in the South China Sea.

### A2: Submarines

1. Non-unique, **Holmes ‘15[[78]](#footnote-78)** explains that a tech revolution is coming making these subs obsolete as Chinese sensors will be able to identify them. Already, **Trevithick ‘18[[79]](#footnote-79)** writes that China has put two sensors in the South China Sea which can see virtually all U.S submarines.

### A2: Impacts

#### A2: Building up of arms

1. **Breed ’14** explains that as Pacific nations ramp up their military pressure and engage in hawkish rhetoric, the U.S. must establish itself as a credible advocate of peace and security – not signing UNCLOS undermined this ability

#### A2: Hard Power Stop Expansion

1. **TURN -** **Hamzah ‘16[[80]](#footnote-80)** explains that hard power deterrence against China has resulted in their expansionism since it hard-lines their leaders. Since 2010 - China has occupied more features and reclaimed more land, concluding no military operations have served to rein in China’s assertive behavior

2. **TURN - Chris ‘17[[81]](#footnote-81)** explains that China uses U.S hard power initiatives as an excuse to expand and bolster their military activities because they can resort to the guise of “defense” in the face of American over-aggression

### AT: East China sea

* 1. **The World Politics Review[[82]](#footnote-82)** explains that as a result of trump’s sanction on foreign products, Japan and China have begun to cool tensions in the East china sea. There’s solvency rn, acceding to unclos doesn’t do any harms
	2. Solvency in squo. **Kyodo News[[83]](#footnote-83)** writes that Japan and China have developed a communication mechanism in order to avoid any chance of conflict in the East China Sea.

### A2: Hardliners

1. **Delink.** Heydarian of the National Interest in 2015 explains[[84]](#footnote-84) that Chinese hardliners are aware of the huge military gap between China and the West, so direction confrontation is always out of the question.
2. **Nonunique.**  Fuchs of the National Interest in 2016 explains[[85]](#footnote-85) that Chinese hardliners are already accusing the US of manipulating the Hague tribunal ruling of 2016 against them.
3. **Nonunique.** Xinbo of Brookings in 2000 explains[[86]](#footnote-86) that China already sees the US as being dominant and intrusive in maintaining regional affairs in Asia right now.
4. **Delink.** It’s not going to result in anything because French of the Atlantic explains[[87]](#footnote-87) that China won’t want to take on a coalition, so they are going to go to diplomacy anyway.

## A2: Economy

### A2: Revenue Sharing Hurts US Industry

1. **No Link - Sandalow of Foreign Policy[[88]](#footnote-88)** finds that companies in the oil and gas industry, who would likely make these payments, don’t oppose the provisions of the convention. In fact, he reports on the lead representative of the American Petroleum Institute and other major industry group, who finds that “on balance, the package contained in the convention, including the modest revenue sharing provision, clearly serves U.S. interests.

### A2: Economic harms of paying royalties

1. Mitigate: **Riddell 07[[89]](#footnote-89)** finds that foreign aid is now a $100 billion and is expanding more rapidly.
2. Delink: The oil companies want to go in despite the fact that they have to pay royalties. This means that they think that ratifying to UNCLOS still outweighs the harms of paying royalties.
3. Mitigate: Most of the gas we collect doesn’t get taxed. **James Houck of Penn State[[90]](#footnote-90)** writes in 2013 that most of the oil and gas that may be recovered would be in the first six years and thus would not ever be subject to royalty payments.
4. **Delink. Bellinger of the Council on Foreign Relations in 2012** explains[[91]](#footnote-91) that the profits and jobs created from the ability to extract resources in the Arctic and other areas far outweigh the loss of the revenue from royalties.

### A2: Corrupt Nations

1. Mitigate: Most of our resources doesn’t get taxed. **James Houck of Penn State**[[92]](#footnote-92) writes in 2013 that most of the oil and gas that may be recovered would be in the **first six years** and thus would not ever be subject to royalty payments.
2. **Mitigate.** It’s not enough. **Groves of the Heritage Foundation in 2011** explains[[93]](#footnote-93) that the US would give up 2 billion dollars per year which would then be split with the 70 different developing countries. In comparison, **Bearak of the Washington in 2017** finds[[94]](#footnote-94) that Obama spent $38 billion dollars in foreign aid to just one country in one year.
3. Turn: If we ratify UNCLOS, then we get to control where the aid goes. **Langer of Real Clear Politics** writes noes that once the U.S. ratifies the treaty, we would be granted 100% veto power as to how all ISA resources from all countries are allocated. That’s crucial, because US foreign AID has been extremely successful in two ways.
	1. First example is AIDS prevention. **Steenhuysen[[95]](#footnote-95)** finds A U.S. program has cut AIDS deaths by 10 percent which translates to about 1.1 to 1.2 million deaths that have been prevented.
	2. Second example is Poverty. **Feeny** **of the Asia-Pacific Development Journal[[96]](#footnote-96)** writes foreign aid can finance projects which directly benefit the poor and by by financing areas of government spending which are likely to benefit the poor. Which is crucial because **Elgarten**[[97]](#footnote-97) writes that the leading cause of death in developing countries is severe poverty.
4. **Turn. Alvi of Western Michigan University in 2011** finds[[98]](#footnote-98) in an empirical analysis that aid has a significant poverty-reducing effect even after controlling for average income. This shows that most of the wealth is going to the poor who need it.
5. **Turn.** Because through aid these countries can actually modernize their political systems and economies, **Tavares of the New University of Lisbon in 2003** explains[[99]](#footnote-99) that a 1% in increase in aid flows of GDP decreases corruption by 0.2%.
6. **Outweigh.** Insofar as most developing countries are not under corrupt regimes, the chance of the US giving it to legitimate countries which help their citizens is far more probable than giving it to corrupt countries which oppress people.

### A2: Tax on US Business

1. **Langer ’12 of the Institute for Liberty** finds that the idea that UNCLOS will create tax payments for US Businesses is a myth. In actuality, money is only used to guarantee companies property rights so tha they can exploite resources.

## A2: Conflicts

### A2: Piracy

#### A2: Somalia

* + - 1. **DELINK: The United States can still intervene after ascension**, as **Elmi[[100]](#footnote-100) ‘14** explains “the Somali government has failed to enact anti-piracy legislation and establish institutions. As a result, international navies capture and states in the region try, convict, and often incarcerate pirates.”
1. **Delink. Borgerson of the National Interest in 2009** explains[[101]](#footnote-101) that Somalia already allows navies to enter their waters in order to stop piracy because they cannot fight piracy since they are a failed state.

#### AT: US can’t intervene after accession

**Adriansen in 2010** writes that we currently follow the 1958 Geneva Convention rules on anti-piracy ops. This is crucial as she finds that there is literally no difference between the 1958 convention and UNCLOS. That’s why she concludes that counter-piracy efforts will not be affected by joining UNCLOS.

1. **First, delink. Ashraw finds that a 2008 UN security council resolution gave countries the authority to “undertake any means necessary to stop Somali piracy.” That supersedes UNCLOS.**
2. **Turn: the CFR in 2008 finds 2 reasons why Acceding to UNCLOS would help counter piracy operations. A because it gives the legal permission for states to arrest, seize, and prosecute pirates, and B because it allows countries to conduct counter piracy operations in the territorial seas of failed states, such as Somalia. This is why The Diplomat in 2012 concludes that ratifying the treaty allows the US to cooperate with other countries in fighting Somalian Piracy.**
3. **Ashfaw from the JTLP finds that although pirates have the ability under UNCLOS to evade pursuers by going back into their territory, the US can find a way around it. Specifically they find the US could use article 100 to force nations to cooperate in counter piracy operations. That means that the US can still run interdiction efforts.**

#### AT: Hurts ability to Police piracy

1. **TURN: Ratifying helps coordination.** **Harris[[102]](#footnote-102)** ‘12 explains “Signing the treaty would allow the U.S. to better coordinate anti-piracy and anti-terrorism efforts alongside the international community.”
2. **Turn- non-accession hurts piracy efforts**. **Kelley of the Minnesota Law Review[[103]](#footnote-103)** writes that when the United States does not ratify UNCLOS, the codification of naval law becomes so unclear to the point where it becomes unenforceable

### A2: Terrorism

1. Taft ‘04 explains that UNCLOS actually enhances our ability to wage a war on terror, as it protects maximum naval and air mobility, the stability and framework to use our forces, and preserves the right of the U.S military to use the world’s oceans to meet national security requirements
2. Even if you dont buy that, Ghafur ‘12 explains that a few years after UNCLOS’ signing, they formulated the SUA convention which established a legal basis for prosecuting maritime violence that did not fall within the UNCLOS terrorist regime, Ghafur concludes that this terrorism and potential terrorist attacks
3. Non-unique, as Bateman ‘06 explains that the 1988 Convention for the Suppression of Unlawful Acts against the Safety of maritime Navigation provides an international treaty framework for combating terrorists
4. Turn the argument, as Glaser ‘18 reports that accession would promote multilateral cooperation, which would be essential in the global war on terrorism

### A2: Taiwan Proliferation

* + - 1. The US literally just sold 400 million dollars’ worth of weapons to **Taiwan[[104]](#footnote-104)** a couple months ago, it literally doesn’t make sense that acceding to unclos would cause the US to turn its back on one of its **top** defense industry customers[[105]](#footnote-105)
			2. **Reuters[[106]](#footnote-106)** writes that just 2 months ago, congress passed a bill that encourages American and Taiwanese cooperation over trade. Again, it doesn’t make sense that we’re passing bills in the status quo and then after acceding to unclos, we’re gonna just pack our bags and leave Taiwan
			3. **Tham of the University of Singapore[[107]](#footnote-107)** writes that even hints of American abandonment of Taiwan would result in enormous electoral backlash in the us, as well as backlash from Taiwanese investors which according to the **Office of the US Trade Representative[[108]](#footnote-108)**, control 26 billion dollars of American imports and 39.2 billion dollars of exports.

#### No Probability

1. **No probability. Chang of Hawaii University[[109]](#footnote-109)** finds Taiwan lacks the tech needed for proliferation including heavy water and nuclear material.
2. **No probability: Political Science Professor Mark Fitzpatrick[[110]](#footnote-110)** finds Taiwan views nuclear proliferation as immoral, particularly in the scientific community. Even fear of China is unlikely to remove this view.
3. **No probability. Fitzpatrick[[111]](#footnote-111)** continues that Taiwan knows proliferation would instantly be likely met with an invasion from China, meaning they won’t do it.
4. **Delink again. Chang[[112]](#footnote-112)** continues that Taiwan can’t turn to proliferation due to US leverage. US sanctions which would cause extreme hardship to Taiwan’s economy and as a result the US can stop proliferation as it did with Taiwan in the past.
5. **No brightline:** **Haynes from Lipscomb University[[113]](#footnote-113)** explains that proliferation would take 8+ years and even longer to miniaturize the warhead.

## A2: lawsuits

1. **De-link: Hudzik[[114]](#footnote-114)** ’10 explains that the US already meets UNCLOS environmental requirements.
2. **Can’t force: Bonner[[115]](#footnote-115)** ‘13 finds that the U.S. would not be forced to accept environmental laws it hasn’t already agreed to as a party to UNCLOS. Clinton affirmed that the United States had no obligation to accept anything decided by the Assembly on climate change.
3. **DON’T READ ALONG WITH 4! (double turn) UNCLOS Kills: Bonner[[116]](#footnote-116)** furthers that right now the US is at a much higher risk of having an environmental lawsuit than if they were in UNCLOS because it already follows most of the UNCLOS requirements and by joining it would only legitimize our efforts to abide by the environmental standards.
4. **Turn:** Lawsuits are good for the environment, as **Prides[[117]](#footnote-117)** ‘18 writes various lawsuits have led to positive reform concerning oil spills, climate change, and emissions. These changes showed immediate positive impacts for the environment.
5. Turn- **Murray[[118]](#footnote-118)** explains that ratifying unclos would give environmental lawsuits more legitimacy in the legal system, something that they do not have right now.
6. Turn- **Murray[[119]](#footnote-119)** continues by writing that these lawsuits are the best way to reduce emissions and ultimately lead to mitigating climate change impacts.

## AT: Republican backlash

1. TURN - Contradictory because **Trump wants drilling[[120]](#footnote-120)**; if UNCLOS is the brightline he would support it.
2. Time frame- With important primaries coming up republicans and democrats don’t want to do anything drastic that could hurt their party, meaning their impacts take longer to manifest.
3. Time frame- **Democrats want to stall Trump’s Supreme Court nominee[[121]](#footnote-121)** from being confirmed by either not showing up to the vote or stalling on the floor which prevents other issues from being discussed
4. The probability that republican backlash manifests in the same way your impacts suggest is relatively low. They could try to cut a different program.
5. Delink – America is so divided that **gridlock is so high[[122]](#footnote-122)** passing anything is near impossible.
6. Non unique– Currently, republicans hold majority, so they can attempt to pass what they want, being mad doesn’t change that. Additionally, if it switches democrats would prevent it from happening. (SS)

## AT: sovereignty

* + - 1. Turn- **Moore[[123]](#footnote-123)** explains that the US would *gain* sovereignty by ratifying unclos by legitimizing their claims over economic resources
			2. Turn- **Wright[[124]](#footnote-124)** argues that *not*ratifying UNCLOS leads to the US losing legitimacy as other foreign powers are able to shape UNCLOS to America’s disadvantage
			3. The Benefits still outweigh the supposed harms, **Wright[[125]](#footnote-125)** continues that any inaction on the Ratification of unclos allows china to continue its aggression in the South China Sea, which is detrimental to American national security.

## AT: ADIZ (air defense Identification Zone)

1. delink**:** their evidence just indicates that the underlying beliefs of UNCLOS and ADIZ are the same. It doesn’t expressly indicate a relationship between American ratification and the need for America to recognize Chinese ADIZ’s. This delinks the contention drop it.
2. delink **–** **Glaser[[126]](#footnote-126)** writes that china already intercepts planes in their EEZ, it literally hasn’t led to war as they claim, otherwise we would’ve heard about it by now
3. TURN**: Glaser[[127]](#footnote-127)** continues that Ratifying UNCLOS actually decreases South China Sea tensions which is their link into an attack. Meaning we decrease the chance of escalation to nuke war.
4. TURN**: Cooper[[128]](#footnote-128)** explains thatUNCLOS provides only route to decreasing Chinese control over islands that they would need to set up an ADIZ bc US military presence necessary to ensure the international court’s decision is enforced. – Prevent China from taking over islands, without presence, China takes over islands and US loses credibility.
5. Terminal Defense**: VOA News[[129]](#footnote-129)** writes thatRight Now economic deterrence means no conflict with China in South China Sea
6. Terminal Defense: **Friedman[[130]](#footnote-130)** argues that China is not a threat as a result of strategic American bases on their islands that would facilitate a blockade in case of china becoming aggressive.

Even if you don’t buy any of that, their impact isn’t as big as they make it seem. **Fitzsimmons[[131]](#footnote-131)** concludes that even if conflict was to reach a tipping point, China would never take it to all out war, instead they would resort to quick and limited territorial aggression which ultimately leads to china’s demise

## At: Fisheries

1. Fish populations are declining in the squo, US measures have not helped. **Connor[[132]](#footnote-132)** ‘16 finds that in A new assessment of the amount of fish caught has found that the total global fisheries caught between 1950 and 2010 has been underestimated by more than 50 per cent – which also indicates a steeper decline in fish than previously estimated. results infer that the decline is due to aggressive fishing.
2. Turn: US environmental sanctions are bad, UNCLOS is a better option. **Steve Charnovtiz[[133]](#footnote-133)** finds that the United Kingdom has declared that trade sanctions are also likely to sour relations, making multilateral cooperation much more difficult and international agreements harder to achieve.
3. Turn: AFF solves better- **The Economist[[134]](#footnote-134)** finds that Overfishing is not the problem. The problem is Pollution caused by run off nd emissions. Almost 5 trillion bits of plastic are in the Ocean right now. This is prereq to over fishing because pollution is killing fish much quicker and more often. Luckly an AFF vote Solve as UNLCOS has strict no pollution standards that the US must abide by. These standards will inherently help the pollution go down in our oceans.
4. Turn: UNCLOS needs the US for global effectiveness. The United States has to approve of UNCLOS to see global fishing benefits **Talhelm of UNC[[135]](#footnote-135)** writes that UNCLOS could help the world slow overfishing through adherence to its conservation and cooperation provisions. She continues that it has already been used to negotiate fishing treaties. However she concludes that in order for these efforts to be successful, it needs American support

## A2: Sanctions

### A2: General

1. Literally the word sanctions is not in UNCLOS. Their argument is just not true.

2. Turn. **Persken of The Peace Journal** writes Outweighs their argument for two reasons.

a. **Probability.** **The Brookings Institute[[136]](#footnote-136)**, in a historical analysis of American sanctions finds that sanctions have never achieved the desired goal. Their solutions are not likely, while sanctions guarantee a worse life for the individual.

b. **Timeframe.** Sanctions are historically a short term solution, but trapping them in poverty or worsening rights becomes cyclical

3. **Mcloughlin of Penn State[[137]](#footnote-137)** explains that the alternative to sanctions is having a multilateral dialogue facilitated by UNCLOS.

 a. **The Brookings Institute[[138]](#footnote-138)** writes that multilateral support is a prerequisite to effective sanctions. This is why **Lowenberg of California State[[139]](#footnote-139)** concludes that although unilateral aid is done more, multilateral sanctions are much more effective.

### A2: Iran Sanctions

1. Either way, sanctions on Iran fail. Couple warrants
	1. **Lopez of the Hill[[140]](#footnote-140)** explains that sanctions on iran fail because of the lack of allies that are willing to join the US in sanctioning.
	2. **Hanke of the Cato institute[[141]](#footnote-141)** explains that sanctions force countries away from the best solution which is diplomacy. Indeed, he finds that sanctions empirically fail as they only affect governmental institutions, but not private firms from other countries, which allow for loopholes to exist.
	3. Turn- Sanctions on iran further empowers hardliners- **Andelman of Cnn[[142]](#footnote-142)** writes that the during the 90’s whenever the US sanctioned Iran for its nuclear power, extremists gained control of the government and further expanded iran’s nuclear program.

## A2 Wind Turbines

### A2: Link

**Institute for Energy Research in 2013[[143]](#footnote-143) – Offshore windmills cost 3x more than their on-land counterparts, they simply will not happen.**

### A2: Wind Turbines[[144]](#footnote-144)

#### 1. Delink: Companies implementing offshore wind turbines wouldn’t have legal backlash. Williams explains that, historically, legal uncertainty in the EEZ is because environmental groups would be suing for a lack of environmental protection. But there is no reason these environmental groups would be suing American companies for placing wind turbines.

#### 2. Delink: Offshore wind power is so expensive, large expansion is infeasible. The Energy Information Administration reports that offshore wind is 2.6 times more expensive as onshore wind power and is 3.4 times more expensive than power produced by a natural gas. The EIA furthers that the capital costs for offshore is 2.8 times higher for offshore wind than onshore wind power.

#### 3. Turn: Offshore wind farms are really bad for marine biodiversity. A meta analysis in 2010 by the International Union for Conservation of Nature reports that negative impacts include “habitat loss for birds and sea creatures, potential collisions with wind turbines, deviation of the migratory routes of birds and whales, noise and electromagnetic disturbance and navigational hazards for ships.” Helfrich explains that ocean biodiversity is crucial for sustained ecosystems.

### A2: Cables

* + - 1. De-link, Russia wont cut the cord as **Matsakis ‘18[[145]](#footnote-145)** explains that Russia’s cable attack would primarily harm its own people more than hurt others because they’re far more dependent on international networks than our more local networks
			2. De-link, as Russia would never risk cutting our cables because they would face immediate international retaliation (their cards never provide any likelihood that they will cut)
			3. No impact, as **Matsakis ‘18** furthers that in the event of the cord snap, much of our internet would simply be re-routed through different networks with little effect

## A2: Impacts

### A2: Nuclear Weapons

#### John Mueller of Ohio State University[[146]](#footnote-146) explains that there are so many barriers to both accessing and using a nuke that the probability of terrorists using them are less than 1 in 3 billion.

1. ***Walter Mead, 2010, “Obama in Asia”, American Interest,*** http://historynewsnetwork.org/article/133465

The decision to go to Asia is one that all thinking Americans can and should support regardless of either party or ideological affiliation. **East and South Asia are the places where the 21st century, for better or for worse, will most likely be shaped; economic growth, environmental progress, the destiny of democracy and success against terror are all at stake here.** American objectives in this region are clear. While convincing China that its best interests are not served by a rash, Kaiser Wilhelm-like dash for supremacy in the region, the US does not want either to isolate or contain China. We want a strong, rich, open and free China in an Asia that is also strong, rich, open and free. Our destiny is inextricably linked with Asia’s; Asian success will make America stronger, richer and more secure. Asia’s failures will reverberate over here, threatening our prosperity, our security and perhaps even our survival. The decision to go to Asia is one that all thinking Americans can and should support regardless of either party or ideological affiliation. East and South Asia [is] are the places where the 21st century, for better or for worse, will most likely be shaped; economic growth, environmental progress, the destiny of democracy and success against terror [is shaped] are all at stake here. American objectives in this region are clear. While convincing China that its best interests are not served by a rash, Kaiser Wilhelm-like dash for supremacy in the region, the US does not want either to isolate or contain China. We want a strong, rich, open and free China in an Asia that is also strong, rich, open and free. **Our destiny is inextricably linked with Asia’s; Asian success will make America stronger, richer and more secure.** Asia’s failures will reverberate over here, threatening our prosperity [and], our security and perhaps even our survival. **Whether you view the world in terms of geopolitical security, environmental sustainability, [and] economic growth or the march of democracy, Asia is at the center of your concern[ed]**s. That is the overwhelming reality of world politics today, and that reality is what President Obama’s trip is intended to address. [↑](#footnote-ref-1)
2. **Southeast Asia is building up arms rapidly.** According to data published by the Stockholm International Peace Research Institute (SIPRI), military spending in the region increased by over five percent on average in 2015. If we look at the region’s arms dynamics over ten years, it becomes even clearer why the possibility of an “arms race” in this part of the Asian continent increasingly occupies political, scientific and media attention: over the past decade (2006–2015), **military expenditure in Southeast Asia has risen by 57 percent on average** [↑](#footnote-ref-2)
3. https://thediplomat.com/2018/08/japan-deploys-flotilla-to-south-china-sea/ [↑](#footnote-ref-3)
4. <https://e.vnexpress.net/news/news/south-china-sea-is-on-low-boil-analysts-warn-3798555.html>

He also noted that China is using diplomatic cover to step up its militarization of the South China Sea by deploying electronic jammers, surface to air missiles and anti-ship missiles on its artificial islands.

This, in part, is in response to the Trump Administration’s step up of freedom of navigation patrols and naval presence patrols, with the number of ship days in the South China Sea increasing from 700 in 2016 to 900 last year and continuous bomber presence patrols from Diego Garcia in the Indian Ocean and Guam, he said. [↑](#footnote-ref-4)
5. https://www.voanews.com/a/china-s-floating-nuclear-power-plants-risks-south-china-sea/4551979.html [↑](#footnote-ref-5)
6. https://www.straitstimes.com/asia/se-asia/malaysia-wants-to-continue-occupying-its-south-china-sea-islands [↑](#footnote-ref-6)
7. https://aecnewstoday.com/2018/fishing-militia-to-spearhead-vietnams-response-to-china-in-south-china-sea/#axzz5Po3TtYj4 [↑](#footnote-ref-7)
8. Steven Groves is the Bernard and Barbara Lomas Fellow in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation, 2012, the Law of the Sea: The Costs of US Accession to UNCLOS, https://www.heritage.org/testimony/the-law-the-sea-costs-us-accession-unclos

However, unlike most other treaties, the terms of UNCLOS prevent the United States from exempting itself from its more controversial provisions. Specifically, **pursuant to Article 309, UNCLOS forbids states parties from submitting reservations or exceptions that would otherwise allow the United States to disregard provisions that do not comport with the U.S. Constitution or long-standing U.S. law and policy.** [↑](#footnote-ref-8)
9. **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]

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 [↑](#footnote-ref-9)
10. Leon Panetta, (former) Secretary of Defense, 2012, <https://www.foreign.senate.gov/imo/media/doc/SecDef_Leon_Panetta_Testimonydocx.pdf> SECRETARY OF DEFENSE LEON E. PANETTA LAW OF THE SEA CONVENTION

Third, **some allege that in joining, our military would be subject to the jurisdiction of international courts** – and that this represents a surrendering of U.S. sovereignty. **But once again, this is not the case. The Convention provides that a party may declare it does not accept any dispute resolution procedures for disputes concerning military activities. This election has been made by 20 other nations that have joined the Convention, and the United States would do the same. The bottom line is that neither U.S. military activities nor a U.S. decision as to what constitutes a U.S. military activity would be subject to review by any international court or tribunal** [↑](#footnote-ref-10)
11. ####  LOST would only benefit, not harm, the US military, as the US military already complies with the treaty. It could only serve to strengthen our freedom of navigation patrols

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**Ratification benefits the United States militarily as well. The U.S. Navy has long supported and *adhered to the treaty,* because it preserves navigation and overflight rights and high seas freedoms for its fleet**, which remains the largest in the world. **UNCLOS grants the right of innocent passage for all vessels on the high seas, including within other countries’ 12nm territorial sea. The U.S. Freedom of Navigation (FON) program that asserts navigation and overflight rights** and freedoms globally, including in the South China Sea, **can gain further legitimacy and support if the United States is an UNCLOS signatory.** [↑](#footnote-ref-11)
12. ####  And LOST doesn’t subject the US military to foreign courts

Leon Panetta, (former) Secretary of Defense, 2012, <https://www.foreign.senate.gov/imo/media/doc/SecDef_Leon_Panetta_Testimonydocx.pdf> SECRETARY OF DEFENSE LEON E. PANETTA LAW OF THE SEA CONVENTION

Third, **some allege that in joining, our military would be subject to the jurisdiction of international courts** – and that this represents a surrendering of U.S. sovereignty. **But once again, this is not the case. The Convention provides that a party may declare it does not accept any dispute resolution procedures for disputes concerning military activities. This election has been made by 20 other nations that have joined the Convention, and the United States would do the same. The bottom line is that neither U.S. military activities nor a U.S. decision as to what constitutes a U.S. military activity would be subject to review by any international court or tribunal** [↑](#footnote-ref-12)
13. Regulatory Intelligence Data, September 27, 2015

Walsh also told the senators that **the convention does not unduly limit U.S. forces' freedom of action.** "There is a perception held by some that by joining the convention our armed forces will somehow be constrained - **if not by the actual language by the convention then by international tribunals or arbitration panels operating under the authority of the convention**," he said. "I could not support the treaty if I thought the treaty curbed the reach or the authority or limited in any way our actions." **From the Defense Department perspective, it's all about global mobility, said Rear Adm. Bruce McDonald, the Navy's judge advocate. "It's all about getting out and doing the business of the military on seven-tenths of the Earth's surface," he said. The need for the treaty was driven home to military leaders in the early days of Operation Iraqi Freedom, when Turkey denied overflight rights**, MacDonald said. "A lot of this was a result of the fact that we cannot rely on other nations to allow us to overfly or base forces on their territories," he said. **The treaty guarantees certain rights: the right of innocent passage, transit passage and archipelagic sea lanes passage. Of these, transit passage is the most important, MacDonald said. "It allows us to use the strategic choke points - Hormuz, Malacca, Singapore Strait - these international straits are defined as international straits under the treaty," he said. The treaty allows ships traversing these passages to do so in a normal mode.** "If you are sailing an aircraft carrier, normal mode is with aircraft flying, helos flying, a (combat air patrol) in the air providing force protection," MacDonald said. "If you are in a battle group that means you have cruisers and destroyers screening the carrier. **"If** **you are going through the Strait of Hormuz, that is important because you have Iran on the right and you want that kind of protection as you are going through."** Until now, the United States has relied on customary international law. "Yes, many of the principles enshrined in the **Law of the Sea** Treaty have become a matter of custom," MacDonald said. "The problem is that what has been the custom of nations can change over time." **The treaty gives the United States the opportunity to lock these rights in and get positive treaty law as the basis for doing the nation's business.** [↑](#footnote-ref-13)
14. <http://digital-commons.usnwc.edu/ils/vol84/iss1/7/>

There is nothing in the Convention that would change the law in any respect with respect to the US practices under the Proliferation Security Initiative. Likewise, with respect to intelligence operations, the Law of the Sea Convention contains no restrictions on US naval surveillance and intelligence operations not already included in the 1958 Convention on the Territorial Sea and Contiguous Zone to which the United States is already a party. [↑](#footnote-ref-14)
15. <https://www.csis.org/analysis/advancing-national-interests-united-states-ratification-law-sea>

The Law of the Sea has been ratified by 162 countries, including every other member of the UN Security Council and every other industrialized nation on the planet. It undergirds the modern international order in the maritime domain, an order built by the United States and its allies. It is the only comprehensive treaty recognized worldwide that lays out the rules for vessels on the high seas. The U.S. Navy and U.S. Coast Guard, recognizing its value, operate under its guidelines even in the absence of ratification. So why has it repeatedly failed to receive Senate approval? Opponents have presented four general arguments [↑](#footnote-ref-15)
16. https://www.legislative.noaa.gov/Testimony/negroponte092707.pdf

 No international tribunal would have jurisdiction over the U.S. Navy. U.S. military activities, including those of the U.S. Navy, would not be subject to any form of dispute resolution. The Convention expressly permits a party to exclude from dispute settlement those disputes that concern “military activities.” The United States will have the exclusive right to determine what constitutes a military activity [↑](#footnote-ref-16)
17. <https://www.brookings.edu/research/law-of-the-sea-convention-should-the-u-s-join/>

For these reasons and others, General Richard B. Myers, Chairman of the Joint Chiefs of Staff, recently called ratification of the treaty by the United States “a top national security priority.” Admiral Vern Clark, Chief of Naval Operations, reiterated the Navy’s longstanding support for U.S. ratification, explaining that “by joining the Convention, we further ensure the freedom to get to the fight, twenty-four hours a day and seven days a week, without a permission slip.” [↑](#footnote-ref-17)
18. <https://www.theatlantic.com/international/archive/2012/06/-almost-everyone-agrees-the-us-should-ratify-the-law-of-the-sea-treaty/258301> As it has for years, the United States Navy regularly conducts Freedom of Navigation Operations (so-called FONOPS) to challenge excessive claims of territorial exclusivity. But as non-party to the treaty, the United States lacks any legal standing to bring its complaints to an international dispute resolution body. More broadly, U.S. Navy and Coast Guard officials complain, non-membership complicates everyday bilateral and multilateral cooperation with scores of international partners. [↑](#footnote-ref-18)
19. <https://thediplomat.com/2016/04/why-the-us-needs-to-ratify-unclos/>

My colleague is exactly right. We have shut ourselves out of an international rule of law based process that the U.S. military upholds around the world – a process that reinforces diplomacy and ensures the freedom of navigation we so passionately defend across the globe. The fact that substantial amendments were made to the treaty in 1994 – at the behest of the United States and which immediately addressed American reservations – underscores how important it is for the United States to be a party to the international process of maritime dispute resolution, rather than being limited to observer status. It’s better to be a part of the conversation and at the table rather than to be sitting outside waiting in line. We have the opportunity to be involved in a critical participatory process that will serve as the foundational basis of maritime law for years to come. Ratifying UNCLOS enables the United States to nominate members to the Law of Sea Tribunal and the Continental Shelf Commission, and confirms our standing to ensure that discussions on the Freedom of Navigation are not inconsistent with American interest. [↑](#footnote-ref-19)
20. <https://phys.org/news/2017-10-inexpensive-billion-recover-rare-earth.html>

New efficient and inexpensive technologies being developed at Purdue University could allow the extraction of rare earth elements, critical components of many electronics and green products, from waste coal ash.

Read more at: <https://phys.org/news/2017-10-inexpensive-billion-recover-rare-earth.html#jCp> [↑](#footnote-ref-20)
21. <https://scienceline.org/2014/03/the-future-of-rare-earth-recycling/>

But there’s another option that has been getting a lot of attention lately: recycling. While there are many challenges ahead, some experts think that recycled rare earths from scrap materials and discarded products may eventually be able to meet up to 40 percent of global demand. That could be a boon for the U.S. and other Western nations, since China now dominates the world market for rare earths and can effectively control their supply and price. [↑](#footnote-ref-21)
22. <http://www.recyclingtoday.com/article/rare-earth-metals-recycling/>

He says receiving the award in the Additively Manufactured High-Performance Magnet category will allow Momentum to continue to push the boundaries of magnet manufacturing. “3D printed magnets have the potential to make a profound difference in industries ranging from electric vehicles to medical devices,” he says.

“Additionally, we will be able to reduce the waste of rare-earth elements experienced in conventional magnet manufacturing, which will ultimately enhance U.S. energy security,” Bryant says. [↑](#footnote-ref-22)
23. http://www.europarl.europa.eu/RegData/etudes/STUD/2015/518777/IPOL\_STU(2015)518777\_EN.pdf

in general, REE recycling has significant advantages over the mining of rare earths including savings in energy, water and chemicals consumption, along with a significant reduction of emissions, effluents and solid waste generation resulting from the extraction and processing of rare earth ores. **REE recyclates do not contain radioactive thorium and uranium, unlike the primary mined rare-earth ores**. Therefore, radioactive tailing stockpiles and mining health problems can be, at least partially, avoided. There are also possible benefits from avoiding land allocation for the mine and for radioactive waste streams and transportation.50 Furthermore, recycling helps address the so called “balance problem”51, namely the fact that certain REEs with high level of demand (e.g. Europium, Dysprosium) are present in small quantities in REE ores along with other REEs that have low demand. This means that in order to meet the demand for the former, the latter are produced in excess and are stockpiled. [↑](#footnote-ref-23)
24. David Nield, xx-xx-xxxx, "Scientists Have Figured Out a Better Way to Extract Rare Earth Elements From Coal Waste," ScienceAlert, https://www.sciencealert.com/scientists-figure-out-a-cheaper-more-efficient-way-to-extract-rare-earth-elements-from-coal

The research team was also able to identify the locations in the coal seams that were more likely to have high concentrations of REEs: namely the coal shale, or the top layer of the coal seam. This knowledge, plus the potential to increase the efficiency of the extraction process, could one day make it a genuine commercial proposition. [↑](#footnote-ref-24)
25. ####  The industry is diversifying. Strauss 14

**Struss 14** (Mark Strauss, 11-3-2014, io9, "How China's "Rare Earth" Weapon Went From Boom To Bust," <https://io9.gizmodo.com/how-chinas-rare-earth-weapon-went-from-boom-to-bust-1653638596>, July 11, 2018) ED

The rare earths market managed to attract plenty of interest outside of China prior to the 2010 incident. **Motivated by expected increases in demand, investors in the United States, Japan and Australia were already opening rare earth mines and building new processing capabilities, and other investors were moving ahead on mines around the world in places like Canada, South Africa and Kazakhstan. Major investments made by the Lynas Corporation in Australia and Malaysia started delivering non-Chinese rare earths to markets last year.** **When rare earth prices surged in 2010, hundreds of companies around the world started raising money for new mining projects.** The Rhodia Company, long established as a leading rare earth processor in Europe, ramped up its use of its existing plant capacity and accelerated plans to recycle rare earths, effectively creating a new source of supply for the global market. **Although Chinese producers will still contribute a substantial majority of rare earth elements, competition from the rest of the world will moderate Chinese pricing power.** [↑](#footnote-ref-25)
26. **Heaven 18** (Pamela Heaven, Pamela Heaven is the senior producer for [Financialpost.com](http://financialpost.com/). Before returning to Canada in 2006, Pamela worked on the Business Desk of the Daily Telegraph in London, England, 4-13-2018, Financial Post, Japan has found a ‘semi-infinite’ deposit of rare earth minerals, enough to supply the world for centuries to come, <https://business.financialpost.com/commodities/mining/japan-has-found-a-semi-infinite-deposit-of-rare-earth-minerals-enough-to-supply-the-world-for-centuries-to-come>, 7-15-2018) ED

[TOP] **Deep sea mud off the coast of Japan contains enough rare earth metals to supply the world for centuries to come**, a new study reveals. The study [published this week in Scientific Reports](https://www.nature.com/articles/s41598-018-23948-5) says **the deposit, which lies within the Japanese exclusive economic zone, contains 16 million tons of rare-earth oxides, enough to meet the demand for yttrium for 780 years, europium for 620 years, terbium for 420 years and dysprosium for 730 years.** The deposit “has the potential to supply these metals on a semi-infinite basis to the world,” the study said. [↑](#footnote-ref-26)
27. ####  China says its REM resources are sharply declining now. BBC 12

**BBC 12 BBC News- Business, “**China warns its rare earth reserves are declining”, BBC News Business, June 20 2012, <http://www.bbc.com/news/business-18516461>, CBC

China referred to "excessive mining" of rare earth reserves **China has warned that the decline in its rare earth reserves in major mining areas is "accelerating", as most of the original resources are depleted**.In a policy paper, China's cabinet blamed excessive exploitation and illegal mining for the decline. China accounts for more than 90% of the world's rare earth supplies, but has just 23% of global reserves. It has urged those with reserves to boost production of the elements, which are used to make electrical goods. "**After more than 50 years of excessive mining, China's rare earth reserves have kept declining and the years of guaranteed rare earth supply have been reducing**," China's cabinet [said in the paper](http://news.xinhuanet.com/english/business/2012-06/20/c_131665123.htm) on the rare earth industry published by the official Xinhua news agency. We're willing to cooperate with the parties involved to solve the dispute as soon as possible. At the same time, we will actively use WTO rules to defend China's legitimate rights and interests” Gao YunhuRare Earth Office The term rare earth refers to a group of 17 elements that are used to make a range of hi-tech gadgets. These elements are used in products ranging from MP3 players to mobile phones, flatscreen TVs and hybrid batteries. With those products becoming increasingly popular, the demand for rare earths has been rising. But China has imposed export quotas on these elements. It says it has done so to prevent excessive mining of these elements, which also causes damage to the environment. The US, Japan and the European Union have called the quotas illegal and dragged Beijing to the World Trade Organization (WTO) over the matter. However, Gao Yunhu, deputy chief of the Rare Earth Office at the Ministry of Industry and Information Technology, said China's policies were in compliance with the WTO rules and that Beijing was keen to settle the dispute with its trading partners. "We're willing to cooperate with the parties involved to solve the dispute as soon as possible," Mr Gao was quoted as saying by Xinhua. "At the same time, we will actively use WTO rules to defend China's legitimate rights and interests." In the policy paper, China added that it would implement "stricter standards" and "protective exploitation policies" to ensure sustained growth of the sector. [↑](#footnote-ref-27)
28. Colson, David A. &quot;U.S. Accession to the UN Convention On the Law of the Sea .&quot; U.S. Department of State Dispatch. Vol. 6, No. 7 (February 13, 1995). [ More (3 quotes) ]

This treaty champions the rights of the American people in the environmental arena. How does

it do this? It is the strongest and most comprehensive environmental treaty in existence or

likely to emerge for quite some time. The convention establishes, for the first time, a

comprehensive legal framework for the protection and preservation of the marine environment.

By addressing all sources of marine pollution, such as pollution from vessels, seabed activities,

ocean dumping, and land-based sources, it promotes the continuing improvement in the health

of the world&#39;s oceans. This treaty effectively and expressly finds the right balance between

economic and environmental interests. Of particular note, it finds the right balance between

America&#39;s interests as a coastal state in protecting its environment and natural resources with the American armed forces&#39; rights and freedoms of navigation around the world. [↑](#footnote-ref-28)
29. Charlotte England, 5-4-2017, "Our oceans are now so polluted dolphins' immune systems are starting to fail," Independent, [https://www.independent.co.uk/environment/dolphin-immune-systems-polluted-oceans-sea-water-bottlenose-georgia-aquarium-florida-south-carolina-a7717591.html](https://www.google.com/url?q=https://www.independent.co.uk/environment/dolphin-immune-systems-polluted-oceans-sea-water-bottlenose-georgia-aquarium-florida-south-carolina-a7717591.html&sa=D&ust=1534809001940000&usg=AFQjCNHpnWViZ3c8vlzKFk4VK9IDCJrwgg) [↑](#footnote-ref-29)
30. (6 quotes) ]

The Committee has heard from many witnesses that **our failure to ratify this global treaty has**

**hurt us** to some extent economically, diplomatically and **environmentally**. These witnesses have rightly noted that our failure to ratify the Convention has hurt not only our international

credibility, but also our ability to effect future changes in the terms and agreements upon which

international law is based.**The United States is a world leader in marine conservation, and our accession to UNCLOS will greatly help us advance international standards and practices. While the United States is a world superpower, we must fully engage our fellow nations and secure the cooperation of the international community if we are to be successful in protecting our oceans and their resources.**For example, currently the United States adheres to the fisheries conservation measures in the Law of the Sea and subsequent Straddling Stocks Agreement, and we treat them as customary international law. However, u**nless we become a signatory to the treaty, we are without recourse to enforce this Agreement’s terms with regard to other states which do not.**We are also unable to fully represent U.S. interests in negotiating future changes or terms to both of these agreements. Both the Pew and the Federal Oceans Commission have recently recommended accession for this purpose: to secure a positive environmental framework for U.S. ocean management.In sum, it is impossible to be a world leader relative to the health of the oceans without full participation in the international rule

of law that applies to them. [↑](#footnote-ref-30)
31. Platt 15 (John Platt, reporter for the Scientific American, 18 August 2015, “U.S. Cracks Down onMexican Seafood After Turtle Deaths” [http://www.takepart.com/article/2015/08/18/us-cracks- down-mexican-seafood-after-turtle-deaths](https://www.google.com/url?q=http://www.takepart.com/article/2015/08/18/us-cracks-%0Adown-mexican-seafood-after-turtle-deaths&sa=D&ust=1534809001979000&usg=AFQjCNFainp0mfBm9FeUcrwvgJup4e1qyQ) DOA 7/18/18) MDS

The drift-net act “is one of NOAA&#39;s tools to improve bycatch management globally,” said Kate Brogan, public affairs specialist with the fisheries service. She added that “NOAA will also continue to work with Mexico to encourage actions to address the bycatch of North Pacific loggerhead sea turtles,” which the agency has been doing for the past six months ago. Mexico has already enacted several new regulations to help conserve sea turtles, but conservation groups say they aren’t enough. “The regulations are only temporary,” said Sarah Uhlemann, international program director at the Center for Biological Diversity. They will only be in place from October 2015 through April 2017, meaning they cover just the 2016 summer fishing season. The regulations also allow Mexican fishers to kill up to 90 loggerhead sea turtles each year. “That’s much too high,” said Uhlemann. “Comparable fisheries in the U.S. are only allowed to kill two loggerheads a year, because [the fisheries service] believes additional deaths may jeopardize the loggerheads’ survival.” [↑](#footnote-ref-31)
32. The Ocean Foundation, 1-18, 18, Seabed Mining, https://www.oceanfdn.org/resources/seabed-mining

The Nautilus venture will take place within the 200-mile Exclusive Economic Zone (EEZ) of a nation state. However, **most of the marine deposits of minerals prized by world markets are found beyond the EEZ**s, on the seabeds of the High Seas. The exploration and exploitation of these High Seas mineral deposits is governed by the International Seabed Authority (ISA) under authority conferred by the United Nations Convention of the Law of the Sea (UNCLOS). The ISA has awarded TK exclusive Exploration Contracts to member nations seeking to inventory mineral deposits and assess their commercial potential within a defined area. **In theory, holders of Exploration Contracts would later seek Exploitation Contracts to conduct mining operations. That has not yet happened, largely because world prices have not risen high enough to justify the considerable costs.** [↑](#footnote-ref-32)
33. CNN, 8-15, 18, <https://money.cnn.com/2018/08/15/investing/texas-oil-permian-basin-energen/index.html> Big oil is racing to pump all the oil out of Teas

**The gold rush is on in Texas**, and **Big Oil is scrambling for a piece of the action**. **The oil industry is shelling out billions of dollars in a series of acquisitions in the Permian Basin, the hottest oilfield in the world.** The latest deal came on Tuesday when Diamondback Energy (FANG) agreed to purchase shale producer Energen (EGN) for $9.2 billion, forming one of the largest players in the Permian. Late last month, BP (BP) inked a $10.5 billion deal to buy oil assets in Texas. It was BP's biggest acquisition in two decades and first major investment in the United States since the Deepwater Horizon disaster in 2010. And Concho Resources (CXO) recently completed a $9.5 billion purchase of RSP Permian that created the largest shale producer in the Permian. Content by Morgan Stanley Rational Investing in an Age of Uncertainty Are you an irrational investor? What triggers should you watch for to avoid emotional trades? The rush of deals underscores how **eager companies are to get a foothold in the region.** Rapid technological advances have dramatically slashed the cost to frack in the Permian***. Production is spiking so much that Texas is on track to surpass Iran and Iraq***, both OPEC members. That **would make Texas No. 3 in the world if it were a country.** ***"It's the most desired region in the United States, if not globally***," said Michael Tran, director of global energy strategy at RBC Capital Markets. texas oil chart Permian could rival legendary Saudi field RBC estimates that Permian production will more than double over the next seven to 10 years, to about 6.5 million barrels per day. That's more than the entire United States produced in early 2012. "From a price perspective, the Permian Basin is extremely attractive," Tran said. "Nobody doubts the rock." The Permian boasts unique geology that allows oil companies to drill more than one layer of the earth at the same time. Wells can be profitable below $40 a barrel. That's well below today's price of about $65 a barrel. And some executives believe the amount of Permian oil rivals Saudi Arabia's legendary Ghawar Field, the world's largest conventional oilfield. By spending $9.2 billion in stock, Alabama-based Diamondback is nearly doubling its acreage in core parts of the Permian Basin. "They're as good as some of the assets we've seen anywhere," Michael Hollis, president of Diamondback Energy, told analysts on Wednesday. "We were really impressed once we got under the hood." Wall Street was less impressed. Diamondback shares plunged nearly 11% on Wednesday. Just days earlier, Diamondback swept in with a $1.25 billion deal to buy private Permian oil producer Ajax Resources. Even **some of the biggest oil companies are getting into the game.** Long before BP's big bet on shale, ExxonMobil (XOM) announced a $5.6 billion deal in January 2017 to double its assets in the Permian Basin. It was Exxon's biggest purchase since the 2010 takeover of natural gas producer XTO Energy. That $41 billion acquisition proved to be badly timed as natural gas prices later crashed. permian basin chart Victim of its own success But major obstacles loom in the booming Permian Basin, at least in the short run. Because of hyper growth, the Permian is quickly running out of pipelines to move oil out of the region. "The pipeline constraints are real, but they are transitory," said Vincent Piazza, senior energy analyst at Bloomberg Intelligence. "The infrastructure has had a difficult time keeping up with the explosive growth. More pipelines are coming, but they will take time. Clay Seigle, managing director of oil at research firm Genscape, warned of "significant challenges" for transporting oil out of the Permian until the second half of next year. At the same time, Permian producers are feeling sticker shock as prices spike for talent, supplies and services. Oil executives are betting they can maximize their chances of success by working together. The recent deals "signal a clear shift in the US shale industry towards consolidation as players seek operational and capital efficiencies," analysts at research firm Rystad Energy wrote in a report on Wednesday. The boom in the Permian has sparked some concerns that the shale industry could be overextending itself once again. It was just a few years ago that excessive shale production caused oil prices to crash around the world. Dozens of US oil companies filed for bankruptcy. Big Oil is betting this time will be different because the oil glut has largely disappeared, demand is strong and OPEC has less firepower to respond to price shocks. US crude prices plunged 3.5% on Wednesday, but they have nearly tripled since early 2016. "The market is going to need more barrels," RBC's Tran said. "OPEC and the Saudis can only do so much." [↑](#footnote-ref-33)
34. Pew Trusts, 7-10, 18, <http://www.pewtrusts.org/en/research-and-analysis/articles/2018/07/10/the-code-project-development-of-seabed-mining-regulations> The Code Project: Development of Seabed Mining Regulations

The United Nations Convention on the Law of the Sea (**UNCLOS) established the International Seabed Authority (ISA) and invested it with the sole power to govern seabed mining in areas beyond national jurisdiction. Mining on the international ocean floor cannot take place until the ISA approves exploitation regulations, and drafts of those regulations are now under consideration. Final approval is expected in 2020 or 2021**. For perhaps the first time in history, a governing body and its member governments have the chance to establish rules for an extractive industry before it begins. [↑](#footnote-ref-34)
35. Peter Ford, Christian Science Monitor, May 18, 2018, Polar power play: Who will prevail at the rooftop of the world?; https://www.csmonitor.com/World/2018/0518/Polar-power-play-Who-will-prevail-at-the-rooftop-of-the-world

**No such grand infrastructure projects are under way in the US Arctic. None, in fact, have been built since the trans-Alaska oil pipeline was commissioned 40 years ago. "We are an Arctic nation," says Dr. Brigham, "but we lack infrastructure**." All the practical stuff, such as docks, ship repair facilities, and salvage operations, "is missing," he adds. The US certainly has plenty of military assets in the Arctic, with airbases, ballistic defense installations, and nuclear missiles at Thule in Greenland and Fort Greely in Alaska. Its nuclear submarines prowl beneath the Arctic ice. In March, US forces staged exercises testing new under-ice weapons systems. But since the cold war ended, **the US Navy has focused more on the Pacific than the Arctic**, even though the region "is vitally important to our interest" for economic and national security reasons, former Secretary of State Rex Tillerson told researchers at the Wilson Center, a think tank in Washington, last November. "We're late to the game." Mr. GrÌmsson, the former Icelandic president, jokes that during his years in office, from 1996 to 2016, he visited Alaska more often than any of his US counterparts. **The US Coast Guard has only one fully functional icebreaker**. For eight months of the year, no US Navy surface vessels can function in Arctic waters. The Russians "have got all their chess pieces on the board right now, and right now we've got a pawn and maybe a rook," Zukunft lamented last year at an event hosted by the CSIS. "If you look at this Arctic game of chess, they've got us at checkmate right at the very beginning." **Congress has now approved the funds to build a new icebreaker, due to launch in 2023, but the problem, says CSIS expert Conley, is that Washington "does not have a long-term strategic view of the Arctic, and a new icebreaker will not solve the policy deficit."** [↑](#footnote-ref-35)
36. Peter Ford, Christian Science Monitor, May 18, 2018, Polar power play: Who will prevail at the rooftop of the world?; https://www.csmonitor.com/World/2018/0518/Polar-power-play-Who-will-prevail-at-the-rooftop-of-the-world

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37. Steven **Groves, 14**, (former leader of The Freedom Project), "Accession to Convention on the Law of the Sea Unnecessary to Advance Arctic Interests", **Heritage Foundation**, 6-26-2014, https://www.heritage.org/global-politics/report/accession-convention-the-law-the-sea-unnecessary-advance-arctic-interests, DOA-7-10-2018 (MO)

A cost-benefit analysis of UNCLOS vis-à-vis U.S. Arctic policy establishes that accession would not materially advance any U.S. national interest in the region and that the costs would outweigh any intangible benefits of accession. The U.S. has already secured and continues to pursue its national security and economic objectives in the Arctic through bilateral and multilateral treaties that are not saddled with UNCLOS’s baggage. U.S. membership and participation in multilateral organizations—such as the Arctic Council, the Northern Chiefs of Defense Conference, and the Arctic Security Forces Roundtable—provide the necessary “seat at the table” to secure U.S. national interests in the region in the years ahead without accession to a deeply flawed treaty [↑](#footnote-ref-37)
38. Av Nyhetskjelleren, 8-9-2014, "“Arctic drilling is inevitable” – High North News," No Publication, [http://www.highnorthnews.com/arctic-drilling-is-inevitable/](https://www.google.com/url?q=http://www.highnorthnews.com/arctic-drilling-is-inevitable/&sa=D&ust=1531777055411000&usg=AFQjCNGYBiC2ukXeGo8a-H1hOaP2vfhWnQ) [↑](#footnote-ref-38)
39. [https://www.wilsoncenter.org/sites/default/files/Artic%20Report\_F2.pdf](https://www.google.com/url?q=https://www.wilsoncenter.org/sites/default/files/Artic%2520Report_F2.pdf&sa=D&ust=1534809001954000&usg=AFQjCNGdr7928LtYtNqNQLQyPHaBkDngTg)
Moreover, most of the sizeable oil and gas resources in the U.S. Arctic reside within the 200-mile nauti- cal boundary, so the United States does notstand to lose signi cant resource potential byremaining outside UNCLOS. [↑](#footnote-ref-39)
40. Yalowitz, Kenneth S., James F. Collins, and Ross A. Virginia. The Arctic Climate Change and Security Policy Conference: Final Report and Findings . Institute of Arctic Studies, Dartmouth College:

Hanover, New Hampshire, December 1–3, 2008 (36p). [ More (3 quotes) ]

The environment and the management of natural resources are the most pressing security issue

in the North. States are committed to addressing issues of boundaries and Arctic Ocean access

through existing institutions, principally UNCLOS. Large-scale damage to the Arctic environment

from transportation accidents, energy development, fishing, tourism, and the long-range

transport of pollutants from the South pose greater immediate threats than classic security

issues. Emergency response systems and contingency plans for the North are needed to respond

to possible ship disasters, industrial pollution, oil spills, etc. Such a response system is currently

non-existent or not up to the task. Given the increased shipping activity in the Arctic and the

lack of ports and rescue capability, the need is growing. This should be a task for the Arctic

Council in cooperation with existing specialized bodies such the International Maritime

Organization.

The need for large-scale ecosystem-based management regimes to pro- tect the integrity of the

Arctic Ocean is receiving increasing attention, including proposals for an Arctic Treaty or Park to

manage and protect the Arctic Ocean as a commons. These proposals underlie the need for a

strong Arctic Council and U.S. participation in UNCLOS in order to provide institutional

protection for the Arctic Ocean. [↑](#footnote-ref-40)
41. Ross Koningstein, November 18, 2014, “What It Would Really Take to Reverse Climate Change”, IEEE Spectrum, <https://spectrum.ieee.org/energy/renewables/what-it-would-really-take-to-reverse-climate-change>, accessed July 13, 2018. AM

“**A 2008 paper by James Hansen [PDF], former director of NASA’s Goddard Institute for Space Studies and one of the world’s foremost experts on climate change, showed the true gravity of the situation**. In it, Hansen set out to determine what level of atmospheric CO2 society should aim for “if humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted.” **His climate models showed that exceeding 350 parts per million CO2 in the atmosphere would likely have catastrophic effects. We’ve already blown past that limit. Right now, environmental monitoring shows concentrations around 400 ppm. That’s particularly problematic because CO2 remains in the atmosphere for more than a century; even if we shut down every fossil-fueled power plant today, existing CO2 will continue to warm the planet**.” [↑](#footnote-ref-41)
42. **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**](http://thehill.com/opinion/energy-environment/363613-history-shows-arctic-refuge-drilling-can-be-safe-and-responsible)

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, 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.

**Climate Interpreter 2016, "Preparation for Arctic Oil Spills," No Publication, https://climateinterpreter.org/content/preparation-arctic-oil-spills**

As the Arctic opens to more shipping and drilling, the chances for an oil spill increase. **Governments, industries, NGOs, and other organizations have many programs in place that research methods for preventing oil spills and cleaning up after any that might occur.** This is no small task. The number of organizations and programs in place to research oil spill preparedness and response in the Arctic is extraordinary.

**Valerie Cleland, 7-10-2017, "Is the U.S. Ready for an Arctic Oil Spill?," World Policy,** [**https://worldpolicy.org/2017/07/10/is-the-u-s-ready-for-an-arctic-oil-spill/**](https://worldpolicy.org/2017/07/10/is-the-u-s-ready-for-an-arctic-oil-spill/)

The Arctic may hold up to [13 percent](https://www.wilsoncenter.org/sites/default/files/Artic%20Report_F2.pdf) of the world’s untapped oil, but due to its fragile and dangerous environment, the U.S. and Canada both placed a moratorium on new oil leases in the region in December 2016. However, under the Trump administration, oil allies Rex Tillerson and Scott Pruitt may influence the decision [to lift the ban on oil drilling](https://www.washingtonpost.com/news/energy-environment/wp/2017/06/29/trump-says-the-atlantic-arctic-could-soon-be-open-to-oil-drilling/?utm_term=.2f2c17070f97) in the Arctic. Fortunately, some preventative measures have been taken by Arctic states. **To avoid an Arctic oil spill and to formulate a response plan in the event that one occurs, the Arctic Council and its eight member states signed the legally binding** [**Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic**](https://oaarchive.arctic-council.org/bitstream/handle/11374/529/EDOCS-2067-v1-ACMMSE08_KIRUNA_2013_agreement_on_oil_pollution_preparedness_and_response__in_the_arctic_formatted.PDF?sequence=5&isAllowed=y) **in 2013.** But even with this agreement, is the U.S. ready for an Arctic oil spill? The agreement is meant to enable cross-border sharing of knowledge, resources, and equipment to assist in the cleanup of large-scale disasters. Rarely do we see preventative policies enacted before a major disaster, especially on an international scale. **The agreement states that each country must identify areas of special ecological significance that may be at risk, have appropriate equipment ready to be deployed, and determine who in the government can request international assistance and who in other countries can respond to such requests in a timely manner.** The agreement also stipulates that in an emergency, regulatory barriers to shipping across borders must be removed—a direct response to the issues that arose after Deepwater Horizon. But perhaps most practically, countries are advised to carry out joint exercises to improve the ability of responders to work together. In the Arctic, where limited knowledge about the behavior of oil in an icy environment makes the potential effects of a spill difficult to predict, practice is especially important. [↑](#footnote-ref-42)
43. **MIT 2016 (**[**http://web.mit.edu/12.000/www/m2016/finalwebsite/solutions/oceans.html**](http://web.mit.edu/12.000/www/m2016/finalwebsite/solutions/oceans.html) **, DoA: July 18, 2018) AKL**

However, **this problem is not be nearly as troublesome as it may at first appear. Sea floor deposits are much more concentrated than those on land, meaning a significantly smaller volume of earth must be moved to extract the same amount of usable minerals. Less materials consequently have to be processed, which is what causes most of the environmental problems in the first place. Also, current technologies are able to minimize the actual sediment being thrown about, mitigating enough of the initial concern to justify further usage of these techniques** (Begley, 2010). The extremely rich deposits near these vents mean that mining in these areas is very economically viable, and the environmental costs are minimal enough to warrant a further application of deep sea mining. [↑](#footnote-ref-43)
44. <https://www.bbc.com/news/science-environment-27158883>

Mr Johnston said: "It's a resilient system and studies show that life will recover in 5-10 years. An active venting site 1km to the southeast has the same bugs and snails and the current will carry the bugs and snails to the mine site. We expect it to recover quite quickly." [↑](#footnote-ref-44)
45. Jon Major, 4-24-2017, "Deep sea mining could help develop mass solar energy – is it worth the risk?," Conversation, <https://theconversation.com/deep-sea-mining-could-help-develop-mass-solar-energy-is-it-worth-the-risk-76500>

 [↑](#footnote-ref-45)
46. **90% of China’s cobalt comes from the DRC and Zambia**

Stephen Burgess, “This Means War? China's Scramble for Minerals and Resource Nationalism in Southern Africa”, Contemporary Security Policy, 2013, <https://www.tandfonline.com/doi/pdf/10.1080/13523260.2013.771095>, SP, July 11, 2018

**Ninety per cent of China’s cobalt comes from the DRC’s Katanga Province and Zambia’s Copperbelt Province**. In the meantime, Chinese access to cobalt and copper has dried up in the rest of the world.33 In 2008, China and the DRC (and Gecamines, the state mining company) made a USD 6 billion concession deal – ‘Sicomines’34 – for more than 10 million metric tons of copper and more than 600,000 metric tons of cobalt. Three major Chinese companies were involved: China Railway Group, Sinohydro Corporation, and Metallurgical Group Corporation. These companies have a controlling interest of 68 per cent. The Congolese parastatal, Gecamines, has a 32 per cent interest. Almost USD 1 billion has been committed by China’s Export-Import Bank for infrastructure

**Rare earth metals include cobalt**

Massachusetts Institute of Technology, “The Future of Strategic Natural Resources”, M.I.T., 2016, <http://web.mit.edu/12.000/www/m2016/finalwebsite/elements/raremetals.html>, SP, July 11, 2018

An introduction to the rare metals Tantalum, Niobium, Cobalt, and Zirconium, the metalloids Gallium and Indium, and the alkali metal Lithium [↑](#footnote-ref-46)
47. **15 year conflict for minerals propped up by China has led to 5 million deaths**

Lisa Mullins, “Slideshow: Why Chinese Mineral Buyers are Eying Congo”, Public Radio International, October 26, 2011, <https://www.pri.org/stories/2011-10-26/slideshow-why-chinese-mineral-buyers-are-eying-congo>, SP, July 11, 2018

Your mobile phone, your computer, most of your electronics have minerals in them that can be found in the Democratic Republic of Congo. **The quest for profits from mineral mining there has helped fuel 15 years of conflict that has caused some five million deaths.** US legislation passed last year, as part of the Dodd-Frank Act, requires that US electronics companies not use conflict minerals from Africa. **That's led US and European buyers to pull back, until a system is in place to certify minerals conflict free.**

Mishiki says **Chinese purchases of minerals are keeping this region's mining industry limping along, though at a much lower level of production than before.** He says the regional government depends on mining proceeds for more than half of its budget. And while he says he's all for taking armed groups and the military out of Congo's mines, he says the pullout of Western buyers has gutted the local economy in the short term. [↑](#footnote-ref-47)
48. Song 2007 (different article) [https://sci-hub.tw/https://www.tandfonline.com/doi/full/10.1080/00908320591004405?needAccess=true](https://sci-hub.tw/https%3A/www.tandfonline.com/doi/full/10.1080/00908320591004405?needAccess=true)The first understanding to be made by the United States underscores the importance of U.S. concern over its rights under international law to take appropriate actions in selfdefense or in times of armed conflict, including, where necessary, the use of force. This understanding states that nothing in the UNCLOS impairs the inherent right of selfdefense or rights arising during armed conflict, including any Convention provisions referring to “peaceful uses” or “peaceful purposes.” For instance, Article 88 of the UNLCOS reads that “[t]he high seas shall be reserved for peaceful purposes”; Article 141 provides that “[t]he Area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination and without prejudice to the other provisions of the Part;” and Article 301 states that “[i]n exercising their rights and performing their duties under this Convention, State Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations.”

This understanding has the potential to give rise to legal disputes between the United States and China, and with other countries, such as North Korea. Under this interpretation of the Convention, the United States is taking the position that it has the authority to undertake interdiction on the high seas (including in EEZs) if it is believed that the vessels concerned carry weapons of massive destruction (WMD) or related material.56 U.S. Under Secretary of State John Bolton explained that interdiction taken under the Proliferation Security Initiative (PSI), would be “not only legitimate, it’s necessary selfdefense.”57 China, however, opposes the U.S. proposal to intercept ships suspected of carrying WMD-related materials on the high seas and warns that such actions would Downloaded by [George Mason University] at 15:40 20 December 2014 Disputes between USA and China after UNCLOS Accession 269 create a situation in which conflicts at sea might occur. On February 17, 2004, Chinese foreign ministry spokeswoman Zhang Qiyue stated that, while China agreed with the principles of the PSI, it was concerned with the legality and potential consequences of some of its actions, particularly regarding vessel interception.58 On November 4, 2004, the spokeswoman further elaborated the Chinese position on the PSI by stating that: We agree with the objective of PSI. But the Chinese side thinks that relevant measures under PSI should be taken within the reign of international law in accordance with relevant principles of UN Charter. We hold reservation on the PSI’s possibility of taking coercive interception beyond the reign of international law.59 Rear Admiral William L. Schachte of the U.S. Navy, when testifying at the hearing on the UNCLOS before the House International Relations Committee on May 12, 2004, stated: . . . the Convention provides a solid legal basis for taking enforcement action against vessels and aircraft suspected of engaging in proliferation of WMD, including: exclusive port and coastal state jurisdiction in internal waters, territorial seas and national airspace; coastal state jurisdiction in the 24 nm contiguous zone; flag state jurisdiction over its vessels on the high seas; and universal jurisdiction over stateless vessels. Ultimately, the U.S. always has the right to exercise self-defense, unaffected by the LOS Convention. The Convention’s preamble is quite clear in this regard—that is, “matters not regulated by the Convention continue to be governed by the rules and principles of general international law.’’ Thus, matters such as self defense under the UN Charter and belligerent rights under the law of armed conflict are unaffected by the Convention.60 [↑](#footnote-ref-48)
49. **Vanecko 11** (Jonathan Vanecko is the Department Head of Patrol Squadran Four in the Hawaiian Island, has a MA in International Relatiosn and National Security Studies with Distinction from the Naval War College, has an MPA from University of Illinois Springfield, has a BA in Systems Engineering with Distinction from the United States Naval Academy, was aide to Commander Carrie Strike Group Eight, and was and Aviation Safety Officer/Instructor Pilot training Squadron Ten; Paper advisors: Captain J.R. Mathis, CDR R.E. Burke; “Time to Ratify UNCLOS; A New Twist on an Old Problem”; Page 14-15; Unclassified Report by the Joint Military Operations Department of the Naval War College; 4/5/11; <http://www.dtic.mil/dtic/tr/fulltext/u2/a546081.pdf>)//hbuz

Launched in 2003, “the Proliferation Security Initiative (PSI) is a global effort that aims to stop trafficking of weapons of mass destruction (WMD).”70 The PSI is not a treaty, but instead relies on preexisting international legal frameworks – including the  Law of the Sea Convention – and voluntary commitment to a “Statement of Interdiction Principles” to guide cooperation and prevent proliferation.71,72 Despite the endorsement of ninety-eight nations, major players have proved wary to join the United States in this partnership.73,74,75

Conspicuously absent from PSI are both Indonesia and Malaysia who both border the worlds busiest maritime straight. With nearly 525 million metric tons traveling this corridor annually, the failure to expand PSI to this SLOC puts international interdiction efforts at a significant disadvantage and complicates an already difficult problem in the PACOM AOR.76 This failure to expand PSI should come as no surprise, however. 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.

Transnational threats are an issue for all nations in the SCS, and although PSI forms a framework for WMD interdiction, more critically it creates a venue for multinational cooperation, a critical PACOM function. To date 40 PSI exercises have taken place, all directly supporting the PACOM Theater Security Cooperation Plan.78 Moreover, these exercises aren‟t just a check in the box for the U.S., or another tick on a chart to show international support. Exercise DEEP SABRE II conducted in 2009 by Singapore, for example, was incredibly successful with 19 major maritime nations participating.79 Furthermore, these exercises build partnership capacity that can be leveraged in the future.80 As the U.S. Maritime strategy states: “No one nation has the resources required to provide the safety and security throughout the entire maritime domain,”81and ultimately legitimacy must underpin that philosophy. [↑](#footnote-ref-49)
50. Lloyd’s List, 10-12, 7

It does not hurt their case that under the coastal zone provisions of the convention, the US stands to gain exclusive economic rights, including the right to explore, exploit and manage all living and non-living natural resources over 200 nautical miles from the shore and up to 600 nautical miles off areas such as Alaska. **It is the US military, however, that is pushing for ratification of Unclos, stating that accession would further Washington’s homeland security policy, especially President Bush’s Proliferation Security Initiative**. **The security rationale advanced by the treaty’s proponents is quite simple. Unclos allows signatory states to conduct law enforcement on the high seas.**

 [↑](#footnote-ref-50)
51. <https://fas.org/man/eprint/warden.pdf>

 It is only in the case of shipments that are intended for terrorists, which are distinctly forbidden by the UN Charter, that right of passage laws appear non-binding. [↑](#footnote-ref-51)
52. <https://www.mitpressjournals.org/doi/pdf/10.1162/ISEC_a_00127>

The United States and its allies should be able to deter nuclear-armed states from passing their weapons to terrorists, because a terrorist nuclear strike would not remain anonymous for long and would soon be traced back to the originating state. [↑](#footnote-ref-52)
53. **Under UNCLOS, the US would be obliged and required to transfer technologies such as marine technologies.**

Gaffney ’07 (Frank J. Gaffney Jr., Center for Security Policy, Senate Foreign Relations Committee, 10/4/07, “Ronald Raegan was Right: The Law of the Sea Treaty Was and Remains Unacceptable”,<https://www.foreign.senate.gov/imo/media/doc/GaffneyTestimony071004.pdf>, accessed July 10, 2018) //AG

**UNCLOS’s Article 266 mandates that states “cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions” and “endeavor to foster favorable economic and legal conditions for the transfer of marine technology.”**

**Article 268 requires states to “promote the acquisition, evaluation and dissemination of marine technological knowledge and facilitate access to such information and data.”**

 **Article 269 calls for parties to “establish programs of technical cooperation for the effective transfer of all kinds of marine technology to States which may need and request technical assistance.”** [↑](#footnote-ref-53)
54. <https://www.cfr.org/report/national-interest-and-law-sea>

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. 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.” [↑](#footnote-ref-54)
55. **Countries don’t have to release information that could really hurt them in terms of national security.**

Scott G. Borgenson, 09, (), "The National Interest and the Law of the Sea", Council on Foreign Relations, May 2009, <https://cfrd8-files.cfr.org/sites/default/files/pdf/2009/04/LawoftheSea_CSR46.pdf> , DOA-6-27-2018 //TK

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56. TFM is the production and mechanism of which marine technology is transferred, and there is a task force that prevents leaks and improves development.

Morgera, E. and Ntona, M. (2018). *Linking small-scale fisheries to international obligations on marine technology transfer*. [online] Marine Policy. Available at: <https://www.sciencedirect.com/science/article/pii/S0308597X17303238> [Accessed 10 Jul. 2018]. //TK

Partnerships constitute a key component of the **Technology Facilitation Mechanism** (TFM), which was launched under the Addis Ababa Action Agenda [[80, para 123; SDG 17(6)]](https://www.sciencedirect.com/science/article/pii/S0308597X17303238#bib80) and has emerged as one the first major UN initiatives to support the realization of the SDGs [[81]](https://www.sciencedirect.com/science/article/pii/S0308597X17303238#bib81). **The Mechanism is based on a multi-stakeholder collaboration between States, civil society, the private sector, the scientific community, UN entities and other stakeholders, and is composed of a UN inter-agency task team on science, technology and innovation for the SDGs**; an online platform which serves as a gateway for information on existing initiatives, mechanisms and programmes; and a collaborative multi-stakeholder forum, which provides a venue for facilitating interaction, matchmaking and the **establishment of networks in order to identify and examine technology needs and gaps and to facilitate development, transfer and dissemination of relevant technologies.** [↑](#footnote-ref-56)
57. <http://nationalinterest.org/feature/are-submarines-about-become-obsolete-12253>

James Holmes: first posted in 2015

#### *"The Navy's Greatest Fear: Submarines Could Soon Be Obsolete." The National Interest. N. p., 2018. Web. 10 July 2018.*

*For instance, ASW hunters could look for minute disturbances a submarine makes to its tactical surroundings.* ***The most hydrodynamic hull makes a wake as it travels through water. Engineering plants discharge heat. Undersea craft may interfere with sea life as they pass. Finding such traces of an American sub’s presence—and parleying that information into actionable tracking and targeting data—would nullify its core advantage in whole or in part—namely its ability to vanish beneath the waves. A*** *visible boat is a vulnerable boat. The competition between hiders and finders could swing decisively in favor of super-empowered sub finders after six decades of supremacy for the hiders.* S’pose Bryan Clark has it right. The Center for Strategic and Budgetary Assessments (CSBA) analyst and retired U.S. Navy commander  [postulates](http://csbaonline.org/wp-content/uploads/2015/01/CSBA6117-New-Era-Undersea-Warfare-Reportweb.pdf) that[**a technological revolution is about to overtake undersea warfare**](http://nationalinterest.org/feature/are-submarines-about-become-obsolete-12253) **, rendering the wine-dark sea transparent to hostile antisubmarine (ASW) forces for the first time.** This would be a bad thing from the standpoint of U.S. naval mastery. It would place in jeopardy America’s capacity to execute an ambitious foreign policy in distant waters, preside over the liberal maritime order, or accomplish all manner of worthy goals. Such matters were much on my mind while  [careening](http://www.topgear.com/uk/tv-show/series-7/episode-5) down I-95 to the submarine base at Groton, Connecticut last week, there to  [commemorate](http://www.realcleardefense.com/articles/2015/06/03/midway_end_of_the_beginning_108007.html) the anniversary of the Battle of Midway. The event took place on the pier where USS Nautilus—the United States’ and the world’s first atomic submarine—lies berthed as a  [nautical museum](http://www.ussnautilus.org/) . Earlier this year the silent service  [marked](http://www.ussnautilus.org/nautilus/) the sixtieth anniversary since the day when Nautilus’s skipper first radioed home: “Underway on nuclear power.” That signal heralded a new age in undersea combat—the age our doughty CSBA analyst contends is giving way to another new age. The advent of naval nuclear propulsion let these newfangled craft remain underwater for long stretches of time. It spared them the need for regular refueling. Machinery needed little sustenance apart from routine upkeep and overhauls. Stores such as food and other necessities for the crew became the chief limiting factors on nuclear boats’ voyages. For the first time submarines became true denizens of the deep, as opposed to surface ships able to submerge temporarily. Nuclear power, moreover, shunted the competition between subs and sub hunters—what Clark  [calls](http://csbaonline.org/wp-content/uploads/2015/01/CSBA6117-New-Era-Undersea-Warfare-Reportweb.pdf) the “hider-finder” competition—into the acoustic realm. No longer could anti-submarine forces count on finding enemy boats cruising on the surface, lurking just below the surface with a periscope or snorkel peeking above, or using radio or radar with their telltale electromagnetic emissions. They could hide more or less indefinitely. (Note: This appeared in June 2015 and is being reposted due to reader interest.) Sound, then, is the chief limiting factor on stealth. Sub designers and crews go to elaborate lengths to keep machinery and other sources of noise quieter than an opponent’s passive sonar—sophisticated listening devices, and any navy’s ASW tool of choice—can detect. A quiet boat is an elusive boat. It can prowl the depths, prey on fellow subs or surface craft, or project power onto hostile shores. But, writes Clark, **Big Data coupled with non-acoustic detection, tracking, and fire-control technology may soon expose American boats to the prying eyes of hostile forces**. For instance, ASW hunters could look for minute disturbances a submarine makes to its tactical surroundings. The most hydrodynamic hull makes a wake as it travels through water. Engineering plants discharge heat. Undersea craft may interfere with sea life as they pass. Finding such traces of an American sub’s presence—and parleying that information into actionable tracking and targeting data—would nullify its core advantage in whole or in part—namely its ability to vanish beneath the waves. A visible boat is a vulnerable boat. The competition between hiders and finders could swing decisively in favor of super-empowered sub finders after six decades of supremacy for the hiders. That leaves the silent service—where, precisely? Struggling to stay abreast of the times, one suspects. That’s how beneficiaries of a congenial status quo commonly respond when change shakes their world.  [Paradigm shifts](http://www.goodreads.com/book/show/61539.The_Structure_of_Scientific_Revolutions)  are agony for entrenched cultures. Stakeholders in the ancien regime resist believing that shifting circumstances have rendered old ways partly or wholly moot. Oftentimes they fight against unorthodox methods that are better fitted to the times. Progress is fitful and uncertain. Strategic innovation tends to lag behind events. [How can the silent service stay in tune with the times?](https://medium.com/the-bridge/recommendation-hail-to-the-deep-2a9f2746435)  First and foremost, by acknowledging the danger posed by foreign navies toting gee-whiz gadgetry. Clark hints at how hard adapting to more transparent seas could prove: “unless U.S. forces adapt to and lead the new competition, the era of unrivaled U.S. undersea dominance could draw to a surprisingly abrupt close.” That’s a grim prognosis in itself. Abrupt change begets major traumas in big institutions like navies. It’s hard to get ahead of the process. [↑](#footnote-ref-57)
58. **Trevithick, Joseph**. "China Reveals It Has Two Underwater Listening Devices Within Range Of Guam." *The Drive*. N. p., 2018. Web. 10 July 2018.

**The Chinese government has revealed the existence of two underwater sensors situated between the United States** [**island of Guam**](http://www.thedrive.com/the-war-zone/15133/u-s-navy-shows-off-might-in-south-korea-as-north-threatens-guam-once-again) **and the South China Sea.** Though officially for scientific research, **the undersea listening devices are likely doing double duty,** [**monitoring the movements**](http://www.thedrive.com/the-war-zone/10906/south-china-sea-underwater-environmental-sensor-net-could-track-u-s-subs) **of American and other foreign submarines and potentially intercepting their communications. The state-run Chinese Academy of Sciences only disclosed the pair of acoustic sensors earlier in January 2018, but had been operating them since 2016,** according to a report from the [*South China Morning Post*](http://www.scmp.com/news/china/society/article/2130058/surveillance-under-sea-how-china-listening-near-guam). One of them is in [the Challenger Deep](https://en.wikipedia.org/wiki/Challenger_Deep), located at the southern end of [the Marianas Trench](https://en.wikipedia.org/wiki/Mariana_Trench) and the deepest known point on earth, and the other is situated further west near the island of Yap, part of the [Federated States of Micronesia](https://en.wikipedia.org/wiki/Federated_States_of_Micronesia). **Both reportedly can pick up acoustic signatures more than 620 miles away, putting them within range of Guam and the major strategic** [**U.S. naval base**](https://en.wikipedia.org/wiki/Naval_Base_Guam) **at Apra Harbor.** [↑](#footnote-ref-58)
59. ####  Woody, Christopher. "China's Growing Submarine Force Is 'Armed To The Teeth' — And The Rest Of The Pacific Is Racing To Keep Up." *Business Insider*. N. p., 2018. Web. 10 July 2018.

#### At the same time, those same sensors cannot help but offer a way to listen for submarine traffic. Their strategic locations near Guam, a major staging base for U.S. submarines and surface warships, as well [as long-range bombers](http://www.thedrive.com/the-war-zone/17704/b-52h-bombers-have-arrived-in-guam-to-take-over-the-continuous-bomber-presence-mission), only reinforces the likelihood that the devices have secondary military early warning and intelligence gathering roles. Just being able to monitor underwater movements to and from Guam, and elsewhere in the general vicinity, is an important capability. Capable of operating for protracted periods below the surface, submarines [have inherent deterrent qualities](http://www.thedrive.com/the-war-zone/10615/trump-lets-slip-that-american-subs-may-be-ready-to-attack-north-korea) and are well suited to avoiding detection in order to get close to a particular area to [launch a no-notice strike](http://www.thedrive.com/the-war-zone/15828/china-shows-off-hypersonic-vehicle-test-model-after-us-navy-weapon-test) or to [discreetly gather intelligence](http://www.thedrive.com/the-war-zone/11110/the-future-of-naval-warfare-will-have-a-lot-more-spy-submarines). On top of that, the Chinese listening devices may be able to pick up underwater communications transmissions. The South China Morning Post reported that there might be networks of undersea hydrophones in and around Guam that allow submarines to communicate with U.S. Navy command centers without having to get to periscope depth or surface completely and reveal their position.

 [↑](#footnote-ref-59)
60. ####  U.S. Department of State n.d. – Witnesses from DoD, CIA, and State all confirm that intelligence gathering is not harmed by accession.

https://2001-2009.state.gov/s/d/2007/92921.htm

**Myth: The Convention would prohibit or impair U.S. intelligence and submarine activities. Reality:**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 [UNCLOS]. We follow the navigational provisions of the Convention today and are not adversely affected; similarly, we would not be adversely affected by joining.** [↑](#footnote-ref-60)
61. ####  Lynn Rich of The US Army War College in 2012 – UNCLOS does not harm intelligence gathering, the United States’ legal interpretation authorizes intelligence operations because their purpose is peace

file:///Users/alexandernelson-groocock/Downloads/ADA561782.pdf

While UNCLOS is widely considered to be the most significant contribution to maritime law in the 20th century, it is not definitive. In particular, **UNCLOS does not explicitly address military vessels or activities** in EEZs **and leaves open** the interpretation of **significant concepts, like “peaceful purposes,” “innocent passage,” and so on.** This lack of clarity leaves room for coastal states and sea powers to apply opposing interpretations to EEZ rights and jurisdictions, based upon their different national interests. **From the U.S. perspective, UNCLOS EEZs are consistent with freedoms of the high seas and international laws. Therefore, the lack of navigational and operational restriction on military vessels and aircraft in EEZs is intentional because sea powers want no restrictions on their military operations.** From China’s perspective, the omission of EEZ military operations indicates that foreign military operations are not permitted in EEZs. In addition, the Chinese view foreign military operations, like ISR missions, as a violation of “peaceful uses of the seas,” since they represent a “threat or use of force against the territorial integrity or political independence of any State,” as specified by UNCLOS Article 301.38 **The U.S. considers these military activities to be “peaceful, stabilizing military activities that have characterized great power politics at least since the 19th century.”39 They are also consistent “with the principles of international law embodied in the Charter of the United Nations,”40 which is also a stipulation of Article 301.**  [↑](#footnote-ref-61)
62. ####  BLOCK- UNCLOS doesn’t hurt intel (A19&20 misread), actually helps by providing stability (Sandalow- Brookings)

David B. Sandalow, 8-19-2004, "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/>

Finally, some treaty opponents have argued that joining the Convention would hamper U.S. intelligence activities, citing a supposed restriction on intelligence-gathering and submerged transit of submarines in coastal waters. **This argument is based on a simple misreading of Articles 19 and 20 of the Convention, which impose no restrictions on any activity but simply establish conditions for invoking the “right of innocent passage.”** As Admiral Clark has written**, the Convention “supports U.S. efforts in the war on terrorism by providing important stability and codifying navigational and overflight freedoms, while leaving unaffected intelligence collection activities.”** [↑](#footnote-ref-62)
63. <http://www.virginia.edu/colp/pdf/house-testimony.pdf>

Criticisms that under Article 20 of the 1982 Convention submarines are required to navigate on the surface and to show their flag, without noting that this obligation is already binding on the United States under Article 14 of the 1958 Territorial Sea Convention. Nor does this criticism even bother to mention the critical difference between the 1958 and 1982 Conventions, that under the 1982 Convention, this obligation no longer applies in straits used for international navigation. In such straits there is a right under the 1982 Convention of “transit passage,” permitting transit in the normal mode; which includes submerged transit and overflight [↑](#footnote-ref-63)
64. https://www.scribd.com/document/22672916/10-15-09-8-29-Pm

Nevertheless, the Convention mandates that ships refrain from acts that are "prejudicial," including submerged transit in territorial waters; failure to meet this obligation results in a vessel's loss of innocent passage status.63 But, UNCLOS does not explicitly prohibit submerged transit in territorial seas altogether, especially in international straits.64 This notion is echoed by Deputy Secretary of Defense, John Negroponte, who has stated that UNCLOS "does not prohibit or impair [. . submarine activities in anyway." [↑](#footnote-ref-64)
65. <http://www.eastasiaforum.org/2018/06/29/the-world-is-pushing-back-in-the-south-china-sea/>

US ISR operations — which are conducted inside other countries’ exclusive economic zones (EEZs) — are lawful under customary international law and [Article 58](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) of the United Nations Convention on the Law of the Sea (UNCLOS). [↑](#footnote-ref-65)
66. https://archive.lowyinstitute.org/sites/default/files/pubfiles/Asian\_security\_futures\_1.pdf

What is clear is that the current trends of shifting power to and in Asia pose a challenge to the economic and strategic foundations of American primacy in the region. **While the United States is likely to remain the most powerful regional actor for many years to come, both economically and militarily, Asia’s power transition portends a new security order – one potentially shaped to a far greater extent by the countries of Asia itself – in which American dominance could be less pronounced and more contested.** In the absence of war or acute security competition, it has become tempting to conceive of peace and economic dynamism as immutable features of Asia’s strategic environment. Yet these exist largely as a by-product of US primacy, and the strategically predictable environment that America’s preponderant power has underpinned. Alternative security orders are possible, and in none of them can peace and stability be taken for granted, since the region’s power transitions continue to unfold against the backdrop of divergent national interests, historical mistrust, signs of increasingly strident nationalism, unresolved territorial disputes, the proliferation of gamechanging military technologies, and growing competition for energy and resources. **China is a decisive participant in most of these uncertainties, from the South China Sea to maritime disputes with Japan and from border differences and potential maritime competition with India to the unresolved problems over the Taiwan Strait and on the Korean Peninsula. At the same time, there is a need to take into account countervailing factors, notably the impact of globalisation and regional economic integration, a commitment among many actors to democratic values, efforts to build regional security architecture, and the potentially unifying impact of common dangers – such as terrorism, climate change and resource shocks.** As the scenarios and discontinuities explored in this publication illustrate, the region’s security future is by no means predetermined solely by power relations, even though the distribution of power will largely shape the limits of possible cooperation. [↑](#footnote-ref-66)
67. John Breed of the American Security Project in 2014 – The United States wants to engage in hawk-like policies, we will critique China if given the legal ability.

https://www.americansecurityproject.org/the-united-states-must-sign-and-ratify-the-u-n-convention-of-the-law-of-the-sea/

In May, President Obama stood before newly commissioned Army officers at the United States Military Academy and called on the Senate to ratify the U.N. Convention of the [Law of the Sea](https://www.americansecurityproject.org/american-competitiveness/law-of-the-sea/) (UNCLOS).  This appeal is not new.  Presidents Clinton and Bush both understood the importance of this treaty, and since the Convention opened for signature in 1982, our top military leaders have said that ratification is in the direct interest of U.S. national security.  The Senate, however, will not act. One hundred and sixty-two countries, including China and Russia, are signatory to the treaty that governs the world’s oceans. It is worth noting that seven coastal nations, including Syria and Venezuela, join the United States in refusing the accord.  The Senate’s rejection of this important treaty has led top decision and policy makers to operate under the spirit of the law. **This means that the United States abides by the rules and regulations of the treaty while forfeiting the legal rights, privileges and protections – most importantly those dealing with freedom of navigation, territorial and economic zones and dispute mediation.** As a former active duty Naval Officer, I say that it is time to move forward.  During my time at sea in the Western Pacific Ocean, I not only witnessed the rising tensions between the U.S. and China, but I have also seen how disputes over territories like the Parcel and Senkaku Islands and the Scarborough and Thomas Shoals have eroded regional security and stability among countries like the Philippines, Vietnam, Indonesia, China and Japan.  **As these Pacific nations increase military spending budges and engage in hawkish rhetoric, the United States must establish itself as a credible advocate of peace and security.  Not participating in UNCLOS directly undermines our ability to do this.**  As the President recently stated: “**It’s a lot harder to call on China to resolve its maritime disputes under the Law of the Sea Convention when the United States Senate has refused to ratify it.**” As the world watches a standoff develop in the South China Sea, the United States must stay focused on future threats.  In the newly released National Climate Assessment, experts say that warm conditions in the Arctic will yield new sea-lanes through the region by 2030.  By mid-century, models predict that the region will be largely ice-free. In simple terms, the United States government must do something that it has never done.  Plan for a new ocean. [↑](#footnote-ref-67)
68. <https://e.vnexpress.net/news/news/south-china-sea-is-on-low-boil-analysts-warn-3798555.html>

He also noted that China is using diplomatic cover to step up its militarization of the South China Sea by deploying electronic jammers, surface to air missiles and anti-ship missiles on its artificial islands.

This, in part, is in response to the Trump Administration’s step up of freedom of navigation patrols and naval presence patrols, with the number of ship days in the South China Sea increasing from 700 in 2016 to 900 last year and continuous bomber presence patrols from Diego Garcia in the Indian Ocean and Guam, he said. [↑](#footnote-ref-68)
69. Jane Perlez, 4-2-2012, "Chinese Insider Offers Rare Glimpse of U.S.-China Frictions," New York Times, https://www.nytimes.com/2012/04/03/world/asia/chinese-insider-offers-rare-glimpse-of-us-china-frictions.html

In a joint conclusion, the authors say **the level of strategic distrust between the two countries has become so corrosive that if not corrected the countries risk becoming open antagonists.** The United States is no longer seen as “that awesome, nor is it trustworthy, and its example to the world and admonitions to China should therefore be much discounted,” Mr. Wang writes of the general view of China’s leadership.

*This escalating dispute will not only lead to less of an ability to negotiate with China using diplomacy to resolve conflicts but it also greatly increases the probability of a miscalculation* [↑](#footnote-ref-69)
70. <https://nationalinterest.org/blog/buzz/south-china-sea-showdown-what-happens-if-us-navy-and-chinese-vessel-collide-32612>

**The likeliest collision scenario would involve a U.S. Navy warship and a Chinese fishing boat or China Coast Guard cutter**. Beijing uses fishing craft crewed by maritime militiamen and backed by cutters as the vanguard of its strategy in the South China Sea and East China Sea. It floods the zone with them to the tune of thousands of fishing craft. Trawlers ply their trade in expanses where China asserts sovereign rights to natural resources. China Coast Guard white hulls dash to the rescue if a rival navy or coast guard challenges the fishing fleet’s presence.

This is the paramilitary fleet that harassed the U.S. survey ship *Impeccable* in 2009 and has faced off against Philippine and Vietnamese maritime forces. There hasn’t been a collision yet—quite—but there have been close calls. Should non-military ships block the path of an American warship and a crash ensue, the optics—photos of a hulking destroyer mowing down a civilian vessel—would favor Chinese efforts to brand the U.S. Navy as overbearing, blundering, or both. The truth would take a backseat to messaging.

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**still, it’s fair to forecast that China would reprise its efforts to define what had transpired, fitting events to its preexisting tale about American aggression and Chinese ascendancy. And it would again seek to extract some confession of U.S. culpability** [↑](#footnote-ref-70)
71. Steven Stashwick, The Diplomat, 2-15-2017, "Expect a Heavier US Presence in the South China Sea, But What Can It Achieve?," Diplomat, <https://thediplomat.com/2017/02/expecting-a-heavier-us-presence-in-the-south-china-sea-but-what-can-it-achieve/>

The question now is whether substantially increased U.S. presence in the South China Sea and a higher tempo of FONOPs will deter China from deploying power projection capabilities to its islands, or motivate it to do so faster. If it turns out to be the latter, those same more frequent U.S. patrols will not prevent Chinese warplanes from landing or weapons-laden ships from docking, either. If China subsequently does pursue unambiguous militarization of its Spratly bases, the only way the military can prevent it would be to physically “block access” to them, inviting the very risk of conflict that worried analysts about Secretary Tillerson’s original remarks. [↑](#footnote-ref-71)
72. South China Morning Post, 8-1-2018, "China and Asean agree on draft South China Sea code of conduct," <https://www.scmp.com/news/china/diplomacy-defence/article/2158017/china-and-asean-reach-milestone-draft-deal-south-china>

Observers said the agreement showed that China and the Association of Southeast Asian Nations (Asean) could make progress through talks despite rising regional tensions, but they also warned that there was still a long way to go until a final deal.

“In substantive terms, this looks more like another Chinese ploy to put a veneer of breakthrough over snail-paced, open-ended negotiations,” Manila-based political analyst Richard Heydarian said. [↑](#footnote-ref-72)
73. Jamie Seidel, xx-xx-xxxx, "Photos expose Beijing’s South China Sea fortresses," NewsComAu, <https://www.news.com.au/technology/innovation/photos-reveal-chinas-south-china-sea-island-fortresses-are-complete/news-story/776e1a695fb41ccb7e47a436594c1530>

In 2002, the Association of Southeast Asian Nations (ASEAN) signed an agreement to not build or modify any of the reefs or outcrops in the South China Sea. Beijing agreed, and embarked on talks to establish a ‘code of conduct’ for negotiating disagreements over who had what rights to which patch of water.

But behind the scenes it was already planning and preparing to arbitrarily undertake one of the largest engineering projects in history: turning the reefs into islands. [↑](#footnote-ref-73)
74. Richard Javad Heydarian is a Manila-based author and non-resident fellow at the Stratbase ADR Institute for Strategic and International Studies. 9-6, 18 Straits Times, Duterte's dilemma as the new Asean-China bridge

At the centre of the ongoing dialogue between Asean and China are the decades-long negotiations over a legally binding Code of Conduct (COC) in the South China Sea. During the latest Asean Foreign Ministers Meeting in Singapore, China and South-east Asian nations triumphantly declared the completion of the "Single Draft COC (Code of Conduct) Negotiating Text" as a major diplomatic milestone. Chinese President Xi Jinping (left) and Philippine President Rodrigo Duterte at the Boao State Guesthouse in Boao, China's Hainan province, during a bilateral meeting in April. Last month, the Philippines took over from Singapore as Asean's coordinator for relations with China. PHOTO: EPA-EFE **What's particularly worrying is China's suggestion under the section "Duty to Cooperate" that "the parties shall not hold joint military exercises with countries from outside the region**, unless the parties concerned are notified beforehand and express no objection**". This is a controversial demand, given the Philippines' century-old alliance with the United States and its burgeoning maritime security cooperatio**n with non-Asean countries such as Japan and Australia. The direction and substance of the COC under negotiation has, however, come under fire in the Philippines. **Many prominent experts** and political leaders have questioned its utility in protecting the Philippines' interests in its disputes with China. The outline of the COC framework, they point out, ***made it clear that the final document won't serve as "an instrument to settle territorial disputes or maritime delimitation issues".*** There is also dismay that the Philippines' landmark arbitration award at The Hague, which reaffirmed the country's sovereign rights in the South China Sea, seems to have been expunged from the COC negotiations altogether. As Professor Jay Batongbacal, a leading maritime law expert, lamented in a recent newspaper commentary : "Before, **when the Philippines started the advocacy in the late 1990s to early 2000s, we were pushing for a binding COC, with dispute settlement provisions. That was the original idea. That, in recent years, was reduced to merely a COC with dispute settlement provisions, which later on became just a (plain) COC."** The latest surveys show a majority of Filipinos (seven out of 10) want the Duterte administration to raise the arbitration award in its negotiations with China, while a bigger majority (nine out of 10) sought the return of Philippine-claimed land features occupied by China, particularly the Scarborough Shoal. Looking at the draft text, what's particularly worrying is China's suggestion under the section "Duty to Cooperate" that "the parties shall not hold joint military exercises with countries from outside the region, unless the parties concerned are notified beforehand and express no objection". This is a controversial demand, given the Philippines' century-old alliance with the United States and its burgeoning maritime security cooperation with non-Asean countries such as Japan and Australia. Surveys consistently show that a majority of Filipinos view the US, Japan and Australia favourably, welcoming robust relations with these like-minded democratic nations. ***The concern is that China is trying to limit, if not cut off, maritime security cooperation between Asean members and these external powers with a direct stake in freedom of navigation and overflight in the South China Sea.*** Influential figures such as Supreme Court Justice Antonio Carpio have argued that Manila should welcome Freedom of Navigation Operations and expanded security cooperation with external powers in order to protect the country's sovereign rights in the South China Sea. He has described "naval and air operations" by US and European powers as part of "heavy lifting" efforts to "enforce the part of the (Philippine arbitration) award", which affirm Manila's sovereign rights in the area and challenge China's sweeping claims in the South China Sea. China has also suggested joint exploration of energy resources in the South China Sea as part of a final COC. But this proposal has also run into resistance in the Philippines. The Philippine Constitution has strict restrictions on resource-sharing with foreign powers within the country's exclusive economic zone (EEZ). It mandates that any foreign partner should recognise the Philippines' exclusive sovereign rights before any joint development agreement is pushed through. Furthermore, the Hague ruling made it clear that the Philippines and China have no overlapping EEZs, raising questions over the basis for the Chinese move for a share of the resources. As former president Benigno Aquino recently complained, any joint development agreement is unacceptable as it is tantamount to China saying : "What is ours is ours, and what is yours, we share." In an acknowledgement of the domestic criticism, Mr Cayetano has tried to put a positive spin on the job as Asean-China country coordinator, observing that even though it is challenging, "at least we're sure that in all the negotiations, our claims are protected". In the months ahead, the Duterte administration will face the triple challenge of mollifying a domestic audience critical of China and seeking a tougher stance on the South China Sea disputes; representing the broader consensus among Asean members; as well as maintaining friendly relations with China. This will be an uphill battle. [↑](#footnote-ref-74)
75. ***Huong Le Thu, 7-13-2018, "The Dangerous Quest for a Code of Conduct in the South China Sea," Asia Maritime Transparency Initiative, https://amti.csis.org/the-dangerous-quest-for-a-code-of-conduct-in-the-south-china-sea/***

	1. China will use the COC talks to delay, exploit, and divert focus from any ASEAN consensus on the South China Sea;
	2. China will seek to include unhelpful and imprecise language in the COC which it could then use to justify its actions;
	3. China will nonetheless claim the COC as a diplomatic success and will use it as cover to avoid criticism while still pursuing its unilateral strategy to control the South China Sea. [↑](#footnote-ref-75)
76. http://globalnation.inquirer.net/168932/draft-code-conduct-will-weaken-asean-ties-countries-expert [↑](#footnote-ref-76)
77. Jane Perlez, 7-12-2012, "Asian Leaders Fail to Resolve Disputes on South China Sea," New York Times, <https://www.nytimes.com/2012/07/13/world/asia/asian-leaders-fail-to-resolve-disputes-on-south-china-sea-during-asean-summit.htmlAsian> Leaders at Regional Meeting Fail to Resolve Disputes Over South China Sea.  Disputes in the strategically important South China Sea proved so contentious here  that an annual regional gathering has ended without even a basic diplomatic communiqué, which appeared to have been blocked by [China](http://topics.nytimes.com/top/news/international/countriesandterritories/china/index.html?inline=nyt-geo). [↑](#footnote-ref-77)
78. "The Navy's Greatest Fear: Submarines Could Soon Be Obsolete." The National Interest. N. p., 2018. Web. 10 July 2018.

*For instance, ASW hunters could look for minute disturbances a submarine makes to its tactical surroundings.* ***The most hydrodynamic hull makes a wake as it travels through water. Engineering plants discharge heat. Undersea craft may interfere with sea life as they pass. Finding such traces of an American sub’s presence—and parleying that information into actionable tracking and targeting data—would nullify its core advantage in whole or in part—namely its ability to vanish beneath the waves. A*** *visible boat is a vulnerable boat. The competition between hiders and finders could swing decisively in favor of super-empowered sub finders after six decades of supremacy for the hiders.* S’pose Bryan Clark has it right. The Center for Strategic and Budgetary Assessments (CSBA) analyst and retired U.S. Navy commander [postulates](http://csbaonline.org/wp-content/uploads/2015/01/CSBA6117-New-Era-Undersea-Warfare-Reportweb.pdf) that [**a technological revolution is about to overtake undersea warfare**](http://nationalinterest.org/feature/are-submarines-about-become-obsolete-12253) **, rendering the wine-dark sea transparent to hostile antisubmarine (ASW) forces for the first time.** This would be a bad thing from the standpoint of U.S. naval mastery. It would place in jeopardy America’s capacity to execute an ambitious foreign policy in distant waters, preside over the liberal maritime order, or accomplish all manner of worthy goals. Such matters were much on my mind while [careening](http://www.topgear.com/uk/tv-show/series-7/episode-5) down I-95 to the submarine base at Groton, Connecticut last week, there to [commemorate](http://www.realcleardefense.com/articles/2015/06/03/midway_end_of_the_beginning_108007.html) the anniversary of the Battle of Midway. The event took place on the pier where USS  Nautilus—the United States’ and the world’s first atomic submarine—lies berthed as a [nautical museum](http://www.ussnautilus.org/) . Earlier this year the silent service [marked](http://www.ussnautilus.org/nautilus/) the sixtieth anniversary since the day when  Nautilus’s skipper first radioed home: “Underway on nuclear power.” That signal heralded a new age in undersea combat—the age our doughty CSBA analyst contends is giving way to another new age. The advent of naval nuclear propulsion let these newfangled craft remain underwater for long stretches of time. It spared them the need for regular refueling. Machinery needed little sustenance apart from routine upkeep and overhauls. Stores such as food and other necessities for the crew became the chief limiting factors on nuclear boats’ voyages. For the first time submarines became true denizens of the deep, as opposed to surface ships able to submerge temporarily. Nuclear power, moreover, shunted the competition between subs and sub hunters—what Clark [calls](http://csbaonline.org/wp-content/uploads/2015/01/CSBA6117-New-Era-Undersea-Warfare-Reportweb.pdf) the “hider-finder” competition—into the acoustic realm. No longer could anti-submarine forces count on finding enemy boats cruising on the surface, lurking just below the surface with a periscope or snorkel peeking above, or using radio or radar with their telltale electromagnetic emissions. They could hide more or less indefinitely. (Note: This appeared in June 2015 and is being reposted due to reader interest.) Sound, then, is the chief limiting factor on stealth. Sub designers and crews go to elaborate lengths to keep machinery and other sources of noise quieter than an opponent’s passive sonar—sophisticated listening devices, and any navy’s ASW tool of choice—can detect. A quiet boat is an elusive boat. It can prowl the depths, prey on fellow subs or surface craft, or project power onto hostile shores. But, writes Clark, **Big Data coupled with non-acoustic detection, tracking, and fire-control technology may soon expose American boats to the prying eyes of hostile forces**. For instance, ASW hunters could look for minute disturbances a submarine makes to its tactical surroundings. The most hydrodynamic hull makes a wake as it travels through water. Engineering plants discharge heat. Undersea craft may interfere with sea life as they pass. Finding such traces of an American sub’s presence—and parleying that information into actionable tracking and targeting data—would nullify its core advantage in whole or in part—namely its ability to vanish beneath the waves. A visible boat is a vulnerable boat. The competition between hiders and finders could swing decisively in favor of super-empowered sub finders after six decades of supremacy for the hiders. That leaves the silent service—where, precisely? Struggling to stay abreast of the times, one suspects. That’s how beneficiaries of a congenial status quo commonly respond when change shakes their world. [Paradigm shifts](http://www.goodreads.com/book/show/61539.The_Structure_of_Scientific_Revolutions)  are agony for entrenched cultures. Stakeholders in the  ancien regime resist believing that shifting circumstances have rendered old ways partly or wholly moot. Oftentimes they fight against unorthodox methods that are better fitted to the times. Progress is fitful and uncertain. Strategic innovation tends to lag behind events. [How can the silent service stay in tune with the times?](https://medium.com/the-bridge/recommendation-hail-to-the-deep-2a9f2746435)  First and foremost, by acknowledging the danger posed by foreign navies toting gee-whiz gadgetry. Clark hints at how hard adapting to more transparent seas could prove: “unless U.S. forces adapt to and lead the new competition, the era of unrivaled U.S. undersea dominance could draw to a surprisingly abrupt close.” That’s a grim prognosis in itself. Abrupt change begets major traumas in big institutions like navies. It’s hard to get ahead of the process. [↑](#footnote-ref-78)
79. [2] **Trevithick, Joseph**. "China Reveals It Has Two Underwater Listening Devices Within Range Of Guam." *The Drive*. N. p., 2018. Web. 10 July 2018.

**The Chinese government has revealed the existence of two underwater sensors situated between the United States** [**island of Guam**](http://www.thedrive.com/the-war-zone/15133/u-s-navy-shows-off-might-in-south-korea-as-north-threatens-guam-once-again) **and the South China Sea.** Though officially for scientific research, **the undersea listening devices are likely doing double duty,** [**monitoring the movements**](http://www.thedrive.com/the-war-zone/10906/south-china-sea-underwater-environmental-sensor-net-could-track-u-s-subs) **of American and other foreign submarines and potentially intercepting their communications. The state-run Chinese Academy of Sciences only disclosed the pair of acoustic sensors earlier in January 2018, but had been operating them since 2016,** according to a report from the [*South China Morning Post*](http://www.scmp.com/news/china/society/article/2130058/surveillance-under-sea-how-china-listening-near-guam). One of them is in [the Challenger Deep](https://en.wikipedia.org/wiki/Challenger_Deep), located at the southern end of [the Marianas Trench](https://en.wikipedia.org/wiki/Mariana_Trench) and the deepest known point on earth, and the other is situated further west near the island of Yap, part of the [Federated States of Micronesia](https://en.wikipedia.org/wiki/Federated_States_of_Micronesia). **Both reportedly can pick up acoustic signatures more than 620 miles away, putting them within range of Guam and the major strategic** [**U.S. naval base**](https://en.wikipedia.org/wiki/Naval_Base_Guam) **at Apra Harbor.** [↑](#footnote-ref-79)
80. B.A. Hamzah, 4-29-2016, "Restraining China in the South China Sea: The Limits of U.S. Leverage," Institute for Security and Development Policy, <http://isdp.eu/publication/restraining-china-south-china-sea-limits-u-s-leverage/>

The United States has bolstered its naval and air presence in the South China Sea as well as sought to strengthen the military capabilities of its allies in the region. The objective is to send a message to China to tread more carefully regarding its territorial and maritime ambitions. And yet, seeking to deter China, the result has in fact been the opposite. Since 2010, China has occupied more new features, reclaimed more land, and built more airstrips; it has also deployed more civilian, naval, and air assets in the South China Sea. Neither U.S. military policy nor ASEAN-coordinated confidence-building measures have served to substantively rein in China’s assertive behaviour. This calls into question U.S. policy, why it has failed to restrain China’s ambitions, and what the implications of this are looking ahead. [↑](#footnote-ref-80)
81. Buckley, Chris. 11 August, 2017. The New York Times, Beijing Warns U.S. Over Navy Patrol in South China Sea. https://www.nytimes.com/2017/08/11/world/asia/south-china-sea-trump-navy-patrol.html

But in separate statements, China’s Ministry of Foreign Affairs and Ministry of National Defense accused the United States of stirring regional conflict and suggested that such operations bolstered China’s case for building military facilities across the sea to defend its claimed territory. Vietnam, the Philippines and other governments also claim islands and adjacent waters in the sea. “We strongly urge the United States to immediately mend its ways and end illegal provocations in the name of so-called freedom of navigation,” Senior Col. Wu Qian, a spokesman for the Chinese Ministry of Defense, said Friday on its website. “The American military provocation will only induce the Chinese military to further build up various defensive capacities.” The loud, swift denunciations by the Chinese government stood in contrast to its muted public response to tensions over North Korea. Pyongyang vowed this week to fire missiles near Guam, an American territory, after President Trump warned of unprecedented “fire and fury” if it threatened the United States. [↑](#footnote-ref-81)
82. <https://www.worldpoliticsreview.com/articles/26002/the-limits-of-japan-and-china-s-gradual-thaw>

## **For all the warm statements and gestures, the China-Japan relationship suffers from a long-running and structural deficit in trust on a range of issues.**

A second factor that is emerging, but tends to be overplayed, is the shared concern over the Trump administration’s [draconian use of high tariffs](https://www.worldpoliticsreview.com/articles/25427/trump-s-tariffs-herald-the-return-of-managed-trade) against a range of states—allies and rivals alike. Washington has mainly zeroed in on China with significant tariffs on a variety of products, while trying to penalize Beijing for its unfair trade practices and track record of intellectual property theft. But Japan has also been affected, as the Trump administration declined to exempt Japan from its tariffs on steel and aluminum imports, and even framed such moves as necessary for American national security, a move that has especially irritated its ally. Although Japan and China continue to be far apart on most trade policy and investment issues, there has been a shared concern about the new hard-line American approach. As Abe [declared](http://the-japan-news.com/news/article/0004729471) during his meeting in Vladivostok with Xi, “Amid ever-changing situations surrounding trade and investment, it is important to maintain close communications between Japan and China.”  [↑](#footnote-ref-82)
83. <https://english.kyodonews.net/news/2018/06/d690bde410a4-update1-japan-china-communication-mechanism-launched-to-avert-clash-at-sea.html>

Japan and China launched a communication mechanism between their defense authorities on Friday to avert accidental clashes at sea and in the air, while sidestepping a territorial row over a group of small islands in the East China Sea.

"The start (of the system) is an important step to enhance the mutual understanding and trust between Japan and China," Japanese Defense Minister Itsunori Onodera said, noting that arrangements are under way to open a hotline between the countries' defense officials.

The launch of the Maritime and Aerial Communication Mechanism was a long-pending issue, with the two countries initially having agreed to set up such a system in 2007. They finally reached an agreement in May amid a recent thaw in bilateral relations that have been marred by disputes over territory and history. [↑](#footnote-ref-83)
84. https://nationalinterest.org/feature/china%E2%80%99s-soft-power-bubble-about-burst-13683?page=4%2C1

His work shows that even hardliners ( *Ying Pai* ) in Beijing are aware of the huge (quantitative and qualitative) military gap between China and the West, so a direct confrontation is out of question for, at the very least, the next two decades. [↑](#footnote-ref-84)
85. <https://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235>

If this sounds farfetched, consider that the Chinese ambassador to ASEAN recently [accused](http://www.straitstimes.com/opinion/us-rebalancing-is-fishing-in-s-china-seas-troubled-waters) Washington of “staying behind the arbitration case as the manipulator, and doing whatever it can to ensure that the Philippines wins the case.” [↑](#footnote-ref-85)
86. <https://www.brookings.edu/research/u-s-security-policy-in-asia-implications-for-china-u-s-relations/>

Another misperception is that in the long run China will endeavor to drive the U.S. out of East Asia. Again this is not a correct assumption. From Beijing’s perspective, the United States is an Asia-Pacific power, although not an Asian power, and its political, economic and security interests in the region are deep-rooted, as are its commitments to regional stability and prosperity. In fact, Beijing has always welcomed a constructive U.S. role in regional affairs. At the same time however, Beijing also feels uneasy with certain aspects of U.S. policy. As a superpower, the United States has been too dominant and intrusive in managing regional affairs. It fails to pay due respect to the voices of other regional players, and sometimes gets too [heavily] involved in the internal affairs of other states, lacking an understanding of their culture, history and values. While there is no danger of the U.S. being driven out of East Asia, its current policy may result in the U.S. wearing out its welcome in the region, thus undermining its contributions to stability and prosperit [↑](#footnote-ref-86)
87. <https://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/>

**The more China sees a coordinated response to its military buildup and naval forays, the more likely it might be to turn toward diplomacy, and to stop seeking overwhelming superiority in the region.** And yet, of course, that is not the only possibility, as Luttwak’s analogy makes plain. The biggest question today is whether or not China’s political elite under Xi Jinping, an unusually assertive new leader, has crossed a line similar to the one that German elites did a century ago, or may soon cross it. [↑](#footnote-ref-87)
88. [**David B. Sandalow**](http://www.brookings.edu/experts/sandalowd.aspx)**, 2004,** Senior Fellow, [Foreign Policy](http://www.brookings.edu/foreign-policy.aspx), Brookings, August 2004, http://www.brookings.edu/papers/2004/08energy\_sandalow.aspx

Some opponents of ratification have objected to the Convention's provisions concerning revenue sharing of proceeds from the outer continental shelf. Under the Convention, no payments are owed for the first five years of production (which are typically the most productive). Beginning in year six, payments equal to 1 percent of the value of production at the site, increasing 1 percent each year to a maximum of 7 percent, are owed to the International Seabed Authority.

Significantly, **the U.S. oil and gas industry, which would likely make these payments, does not oppose the Convention's revenue sharing provisions**. After noting "the significant resource potential of the broad U.S. continental shelf,'' Paul Kelly of Rowan Industries, representing the American Petroleum Institute and other major industry groups, told the Senate Foreign Relations Committee in October 2003 that **"on balance the package contained in the Convention, including the modest revenue sharing provision, clearly serves U.S. interests**.'' [↑](#footnote-ref-88)
89. Roger C. **Riddell**. “24 Apr. 20**07**, (Author; Non-Executive Director, Oxford Policy Management; and a Principal, The Policy Practice)

Does Foreign Aid Really Work?” *ODI*, [www.odi.org/events/184-does-foreign-aid-really-work](http://www.odi.org/events/184-does-foreign-aid-really-work). DOA: 07/10/18 (DP)

**Foreign aid is now a $100bn business and is expanding more rapidly today than it has for a generation.**But does it work? Indeed, is it needed at all?Does Foreign Aid Really Work? sets out the evidence and exposes the instances where aid has failed and explains why. The book also examines the way that short-term political interests distort aid, and disentangles the moral and ethical assumptions that lie behind the belief that aid does good. The book concludes by detailing the practical ways that aid needs to change if it is to be the effective force for good that its providers claim it is. At this ODI and Oxford University Press event, Roger Riddell presented his findings and Sir Michael Aaronson, former Director of the Save the Children Fund and Simon Maxwell, Director, ODI offering comment.\ [↑](#footnote-ref-89)
90. James **Houck, 13**, (), " The Opportunity Costs of Ignoring the Law of Sea Convention in the Arctic", Penn State, 2013, https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&amp;context=fac\_works, DOA-6-28-2018 (MO)

**Opponents argue that U.S. royalty payments will go to an inefficient and corrupt “UN-style bureaucracy**” and that the United States will lose control over the money upon transfer to the ISA.136 As former Senator Jim DeMint asked, “how is it in the interests of the United States to turn the royalties over to an unaccountable international bureaucracy [when the royalties] will be distributed to countries that may be our enemies, like Sudan.”137 These arguments have proven a successful rallying point for UNCLOS opponents and a potential political millstone for senators who might otherwise be inclined to support the convention. The arguments have retained force **despite the fact that the United States itself originally conceived the royalty plan under the Nixon Administration, with the full support of U.S. industry—support that has remained consistent**

**across nearly four decades.**Royalties were proposed as a modest concession in return for agreement on the U.S.-sponsored extended continental shelf regime.138 Indeed,**most of the oil and gas that may be recovered would be in the first six years and thus would not ever be subject to royalty payments**. The “UN-style bureaucracy” argument has also endured despite the fact that opponents **have presented no evidence that the ISA is either inefficient, overstaffed, or corrupt at any time throughout the nearly 19 years since its founding in 1994.** [↑](#footnote-ref-90)
91. <https://www.foreign.senate.gov/imo/media/doc/John_Bellinger_Testimony.pdf>

First, the fees are minimal in comparison to the enormous economic value that would be received, and the jobs that would be created, by the United States if its industry were to engage in oil, gas, and mineral development on the U.S. extended continental shelf in the Arctic. The U.S. would be required to make no payments for the first five years of production at any site, and then to pay a fee of one percent per year starting in year six, up to a maximum of seven percent in year twelve. Assuming the U.S. Government imposed, for example, a royalty fee of approximately 18 percent on the value of production on the U.S. extended continental shelf, that would be 18 percent more than the U.S. would gain if we stayed outside the Convention. In other words, joining the Convention would attract substantial investment, and produce substantial revenues for the Treasury, that would not otherwise be produced. So, even when the Convention payment is at its highest rate of 7 percent, the U.S. Treasury would still be 11 percent better off with respect to each production site than it would be if the U.S. does not join the Convention. This would be an enormous benefit -- not a loss -- to the U.S. budget [↑](#footnote-ref-91)
92. **across nearly four decades.**Royalties were proposed as a modest concession in return for agreement on the U.S.-sponsored extended continental shelf regime.138 Indeed,**most of the oil and gas that may be recovered would be in the first six years and thus would not ever be subject to royalty payments**. The “UN-style bureaucracy” argument has also endured despite the fact that opponents **have presented no evidence that the ISA is either inefficient, overstaffed, or corrupt at any time throughout the nearly 19 years since its founding in 1994.** [↑](#footnote-ref-92)
93. https://www.heritage.org/report/un-convention-the-law-the-sea-erodes-us-sovereignty-over-us-extended-continental-shelf#\_ftn39

 Such vast resources will continue to generate billions of dollars in royalty revenue for the United States. A recent report by the Institute for Social and Economic Research at the University of Alaska evaluated further development of the Alaskan OCS,[[38]](https://www.heritage.org/report/un-convention-the-law-the-sea-erodes-us-sovereignty-over-us-extended-continental-shelf#_ftn38) focusing on the Beaufort Sea OCS and the Chukchi Sea OCS, the two OCS areas off the northern shore of Alaska. Assuming a minimum royalty rate of 12.5 percent, mineral exploitation in these two areas would generate almost $92 billion in royalty revenue over the next 50 years.[[39]](https://www.heritage.org/report/un-convention-the-law-the-sea-erodes-us-sovereignty-over-us-extended-continental-shelf#_ftn39) [↑](#footnote-ref-93)
94. <https://www.washingtonpost.com/graphics/world/which-countries-get-the-most-foreign-aid/>

ast month, the Obama administration announced an eye-popping $38 billion security assistance deal with the Israelis, to be disbursed over ten years starting in 2019. That caught us off-guard. It seemed like a ton of money. But as we looked into the deal, and others like it, we began to realize how little we knew about the U.S. government’s assistance budget, which ranges from programs combating HIV/AIDS to those directly funding other nations’ armed forces [↑](#footnote-ref-94)
95. **This means aid is now on a US basis, which is crucial because US aid is really good for developing countries in 2 ways. First is medicine.**

Julie Steenhuysen, 6 Apr. 20**09**, (Health & Science Correspondent at Thomson Reuters)“U.S. AIDS Program Saved Million African Lives: Study.” *Reuters*, Thomson Reuters,DOA: 07/10/18 [www.reuters.com/article/us-aids-pepfar/u-s-aids-program-saved-million-african-lives-study-idUSTRE5356BB20090406?feedType=RSS](http://www.reuters.com/article/us-aids-pepfar/u-s-aids-program-saved-million-african-lives-study-idUSTRE5356BB20090406?feedType=RSS). (DP)

**A U.S. program launched during the Bush administration has cut AIDS deaths by 10 percent in targeted African nations compared to their neighbors and** saved more than a million lives, U.S. researchers said on Monday. A Kenyan woman prepares ribbons ahead of December 1st, the World Aids Day at Beacon of Hope centre in Nairobi. Picture taken on November 25, 2004. REUTERS/Antony Njuguna. The study tracked AIDS deaths and HIV infections in 12 African countries getting aid under the President’s Emergency Plan for AIDS Relief, or PEPFAR, during the four years after it was launched in 2003 as a five-year, $15 billion effort. The program has made a major impact in saving lives but has done little to reduce the number of people infected with the human immunodeficiency virus, or HIV, which causes AIDS, the researchers found. “It has averted deaths — a lot of deaths — with about a 10 percent reduction compared with neighboring African countries,” Dr. Eran Bendavid of Stanford University School of Medicine in California, whose study appears in the journal Annals of Internal Medicine, said in a statement. “However, we could not see a change in prevalence rates that was associated with PEPFAR,” Bendavid said. Bendavid said**the 10 percent decline translates to about 1.1 to 1.2 million deaths that have been prevented**. PEPFAR is the largest U.S. foreign aid program devoted to a single disease and has been lauded as a bright spot of former President George W. Bush’s tenure. It pays for drug treatment for people infected with HIV as well as other steps such as prevention efforts. [↑](#footnote-ref-95)
96. **Second is Poverty.**

Simon **Feeny**. “Document Not Found.” *CiteSeerX*, Asia-Pacific Development Journal, Dec. **2003**, citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.596.5110. DOA: 7/10/18 (DP)

This paper examines this issue in more detail by investigating the impact of foreign aid on poverty and human well-being in Papua New Guinea. The debate on aid effectiveness has focused on evaluating the impact of aid on growth. Despite These goals include halving the proportion of people suffering from hunger, eliminating gender disparity in all levels of education, reducing under-five and infant mortality rates by two-thirds, and halving the proportion of people without access to improved water sources. The results are based on linear interpolation of trends in the 1990s. Data relating to the achievement of universal primary education were not available. The increasing emphasis on poverty reduction as an objective of foreign aid, the empirical literature seeking to evaluate the direct impact of aid on poverty and human well-being is sparse. Growth is often viewed as the primary driver of poverty reduction and therefore inferences of the impact of aid on poverty are commonly drawn from the impact of aid on growth. However, foreign aid can reduce poverty via other channels than growth. For example,**foreign aid can finance projects which directly benefit the poor. Alternatively, aid can have an indirect effect by financing areas of government spending which are likely to benefit the poor.** [↑](#footnote-ref-96)
97. ####  Poverty leading cause of death in developing nations

Taylor **Elgarten, 17**, (), "Speaking About the Leading Causes of Death in Developing Countries", BORGEN, 5-26-2017, <http://www.borgenmagazine.com/leading-causes-of-death-in-developing-countries/>, DOA-7-10-2018 (MO)

**The leading causes of death in developing countries are severe poverty** and pollution. Between 50 and 60 percent of all deaths in the poorest developing countries occur before a child reaches the age of five. This means that for every 1,000 births, there are 100 to 150 deaths in the first year and an additional 100 to 150 deaths before the age of five. **Severe poverty is one of the two leading causes of death in developing countries. Poverty results in malnutrition, poor living conditions, overcrowding, inadequate sanitation and unclean drinking water.**With environments prone to infection and disease, developing countries have high contraction rates for diseases such as malaria and sepsis. High infant mortality rates are compounded by a lack of access to quality healthcare. Governments have worked to make healthcare and sustainability a priority for developing countries. One initiative was the U.N. Millennium Development Goals (MDGs). These ran from 1990 to 2015 and aimed to reduce global poverty. Solutions that resulted ranged from providing universal vaccine coverage to creating sustainable clean water systems within developing areas. [↑](#footnote-ref-97)
98. <https://onlinelibrary.wiley.com/doi/pdf/10.1002/jid.1790>

This paper examines the effect of foreign aid on poverty. The impact of aid on poverty is assessed using dynamic panel estimation techniques, which enable us to control for time‐invariant country‐specific effects and endogeneity of aid. **The results suggest that aid has a significant poverty‐reducing effect even after controlling for average income. Specifically, foreign aid is associated with a decline in poverty as measured by the poverty rate, poverty gap index and squared poverty gap index.** We also find that the composition of aid matters— multilateral aid and grants do better in reducing poverty than bilateral aid and loans. Copyright # 2011 John Wiley & Sons, Ltd [↑](#footnote-ref-98)
99. <https://www.dochas.ie/sites/default/files/DoesForeignAidCorruptFinal.pdf>

An increase in aid inflows of 1% of GDP leads to a decrease in corruption of | 0.2 points out of a possible range of 10. [↑](#footnote-ref-99)
100. **The United States can still intervene.**

**Dr. Afyare Elmi & Dr. Ladan Affi, 11-20-2014, "Barriers to Developing Anti-Piracy Law in Somalia(1)," No Publication,** [http://studies.aljazeera.net/en/reports/2014/11/2014112010310522448.htm](http://studies.aljazeera.net/en/reports/2014/11/2014112010310522448.html)

The United Nations Security Council, through multiple resolutions, called for all nations to criminalize the crime of piracy. In particular, the SC demanded from the Somali government to enact antipiracy legislation and declare an exclusive economic zone that is in agreement with the UNCLOS treaty. Although it has been notoriously slow, Somalia has recently proclaimed its EEZ by recalling the already existing 1989 Somali Law of the Sea. However, **the Somali government has failed to enact anti-piracy legislation and establish institutions. As a result, international navies capture and states in the region (Kenya, Seychelles and Mauritius) try convict and often incarcerate pirates.** In this paper, we examine the factors that have prevented Somalia to pass anti-piracy law. Based on interviews with different actors, archival research and content analyses of the four past and relevant legislations on the issue, we argue that lack of institutional memory, public belief that Kenya was annexing Somali territories and resources, poor capacity, and the international community’s practice of outsourcing the functions of the Somali state explain the slow base of the development of anti-piracy legislation. [↑](#footnote-ref-100)
101. <https://www.cfr.org/report/national-interest-and-law-sea>

The convention provides two essential and immediate components for responding to piracy off the coast of Somalia. First, the convention permits any state to arrest pirates, seize pirate vessels, and prosecute pirates in the courts of the interdicting naval authority. Second, and equally important, the convention protects the sovereign rights of ocean-going states that participate in antipiracy naval operations in the territorial seas of failed states such as Somalia. This is critical for build- ing international naval flotillas for combating the growing pirate problem in the Indian Ocean. [↑](#footnote-ref-101)
102. **TURN: International cooperation benefit in piracy when you affirm.**

**Capt. (Ret.) Gail Harris, The Diplomat, 3-23-2012, "U.S. Must Remove UNCLOS Handcuffs," Diplomat, https://thediplomat.com/2012/03/u-s-must-remove-unclos-handcuffs/**

And **ratifying the treaty saves the United States boatloads of cash.** Approving it would allow us to reduce our military expenditures yet maintain naval strength at a time when our nation’s debt keeps climbing. One example is over piracy. **The total economic costs of Somali piracy in 2011 were** [**approximately $7 billion**](http://www.huffingtonpost.com/2012/02/08/somali-piracy-costs-shipping-industry-governments-7-billion-2011_n_1263253.html) **by some estimates. Signing the treaty would allow the U.S. to better coordinate anti-piracy and anti-terrorism efforts alongside the international community.** Instead of policing the world’s waters by ourselves, we could share the burden. [↑](#footnote-ref-102)
103. http://www.minnesotalawreview.org/wp-content/uploads/2011/06/Kelley\_PDF.pdf

When the United States does not rati- fy UNCLOS, a treaty purporting to codify customary law, and then chooses not to cite its predecessor in applicable court deci- sions, this codification becomes more questionable. [↑](#footnote-ref-103)
104. http://www.dsca.mil/major-arms-sales/taipei-economic-and-cultural-representative-office-tecro-united-states-surveillance [↑](#footnote-ref-104)
105. https://www.cnn.com/2016/05/24/politics/us-arms-sales-worldwide/index.html [↑](#footnote-ref-105)
106. https://www.reuters.com/article/us-usa-taiwan-china/trump-signs-u-s-taiwan-travel-bill-angering-china-idUSKCN1GS2SN [↑](#footnote-ref-106)
107. <http://www.eastasiaforum.org/2018/06/15/can-the-united-states-abandon-taiwan/> [↑](#footnote-ref-107)
108. https://ustr.gov/countries-regions/china/taiwan# [↑](#footnote-ref-108)
109. *Alan K. Chang. Fall 2011.* http://www.hpu.edu/CHSS/History/GraduateDegree/MADMSTheses/files/alanchang.pdf

E. CONSTRAINTS FOR TAIWAN TO DEVELOP A NUCLEAR PROGRAM *The challenges for Taiwan in pursuing a new nuclear weapons program are* not only potential US and international scrutiny, but also *the difficulty of obtaining the necessary equipment and material*. After Chang lisien-yift defection, *Taiwan sealed off its heavy water facility permanently and If nuclear weapons were to be developed, Taiwan would need to build a new facility. The material to construct such a reactor would be difficult to get and would certainly trigger immediately scrutiny*, especially from the US. Taiwan's three existing nuclear power plants and the planned but stalled fourth one are only light water reactors and cannot be used to produce plutonium 239, the essential element to produce nuclear weapons. Specifically, there are intamal and external constraints that would prevent Taiwan from acquiring nuclear weapons. Intemally, *the number one would be material*. As mentioned earlier, Taiwan must acquire additional material and equipment from abroad, which would attract intemational attention, since Taiwan is in worse shape than 1988, as far as material and reprocessing capabilities. Taiwan's research reactor and its reprocessing facility were shut down during the •resence of US and IAEA observers and dismantled permanently.21F 129 [↑](#footnote-ref-109)
110. *Criticism of Taiwan nuclear weapons would be likely to find expression in various forms of sanctions* that Would risk Taiwan's dependency on international trade' and exacerbate its diplomatic isolation. The security and economic risks underscore the political factors and physical contrainsts that argue against any Taiwan pursuit of nuclear weapons today. *The non-proliferation norm is universally accepted in Taiwan, which accepts every non-proliferation instrument and practice in which it is eligible to participate*. As in Japan, *development of nuclear weapons is widely regarded as immoral, particularly by the scientific community whose talents would need to be harnessed for a strategic weapons programme*. Only a deep shock to the collective psyche could change this mentality. A move by Beijing that induced such fear is not inconceivable, but it remains unlikely. Meanwhile, although the US security commitment remains ambiguous, wholesale abandonment by Washington is not likely in the foresseable future either. Among the three democracies that are the subject of this book, Taiwan is the least likely to acquire nuclear weapons today, even though it was once the party that was the most intent on this path. [↑](#footnote-ref-110)
111. *Fitzpatrick ’16* http://dx.doi.org/10.1080/19445571.2015.1146023

The budget allocation process is transparent; no public spending can avoid legislative scrutiny. As every observer of Taiwan politics is quick to point out, it would be impossible to keep a nuclear-weapons programme confidential for the period of time it would take to build them. While Taiwan would be most vulnerable when the effort was discovered, US Taiwan expert Alan Romberg notes that 'even having a complete ready-to-go weapon would not make Taiwan invulnerable. Beijing could not sit by and not respond.'95 The most compelling argument against Taiwan embark-ing on its own Manhattan Project is the vulnerability that it would invite. Beijing would probably learn of the project well before any weapons were produced, and would regard it as a casus Bell. *If war broke out and Taiwan could not count on an American intervention, which would probably be the case if Taiwan broke its non-proliferation promises, Taiwan could not hold out against the mainland for more than a month or two before munitions and oil reserves ran out. Even if an A-bomb could be produced in the shortest imaginable time period, say six months at a bare minimum, it would be too late. Revelation of such a programme would make Taiwan immensely vulnerable. In 1998, Beijing officially asserted that the development of nuclear weapons would be an induce-ment for an attack on the island, putting in writing something it had unofficially made known for over a decade*.96 Although this criterion has not been repeated in subsequent policy pronouncements or White Papers, it is widely regarded as still valid and as a reason why the Taiwan military would not support a nuclear weapons programme. Whether Or not the mainland would use force to disallow nuclearization,Taiwan's economic integration gives it other ways to exert pressure. [↑](#footnote-ref-111)
112. *Alan K. Chang. Fall 2011.* http://www.hpu.edu/CHSS/History/GraduateDegree/MADMSTheses/files/alanchang.pdf

. While the US has a strategic interest in preventing mainland China from seizing Taiwan, it is certainly not looking forward to a military conflict with the PRC. Since China considers Taiwan's research and development of nuclear weapons as a preset condition to take Taiwan by force, it would be in the best interests of the US to prevent Taiwan from achieving this goal Unlike possible strategies against Iran, Iraq, and North Korea, a military magical strike to eliminate Taiwan's research is extremely unlikely. *The US does have enormous leverage with Taiwan, such as the threat of halting weapon sales, which would be devastating* to Taiwan since the US is Taiwan's main arms supplier. Taiwan also trades heavily with the US and any economic *sanctions could also cause extreme and immediate hardship to Taiwan's economy.* Although the US would be the most Important country able to restrain Taiwan's nuclear intention, it is certainly not the only one with the will and ability to do so. While Japan has been supportive toward Taiwan against their mutual 131 rival— China--, it is certainly very sensitive to the nuclear issue.

 [↑](#footnote-ref-112)
113. ] *Haynes, 7/1/16-* ***Assistant Professor at Lipscomb University in political science.***http://www.airuniversity.af.mil/Portals/10/SSQ/documents/Volume-10\_Issue-2/Haynes.pdf

There is no evidence to indicate Taiwan resumed the pursuit of nuclear weapons after its 1976 shutdown. *Though it has the technological expertise, it no longer has the infrastructure*. Its three nuclear power reactors use low-enriched uranium provided by other countries, and the country does not have the capability to make highly enriched uranium. *As a result, experts estimate that it would take Taiwan* somewhere between one to *eight years to develop a nuclear warhead and even longer to miniaturize this warhead to fit on a missile*.32 This timeframe, along with the lack of evidence that Taiwan is pursuing a nuclear option, leaves many in China dismissing Taiwan as a nuclear threat. In fact, when participants at the US-China Strategic Dialogues mention Taiwan, it is always in relation to speculation of US intervention. Taiwan, without the consideration of the United States, is not a threat. Another state which cannot be viewed in isolation is Japan. [↑](#footnote-ref-113)
114. **3. Hudzik 10 explains the US already meets UNCLOS environmental requirements of UNCLOS giving there no president for the suits to occur in the first place**

Hudzik, Elizabeth M. 2010 "[A Treaty on Thin Ice: Debunking the Arguments against U.S. Ratification of the Law of the Sea in a time of Global Climate Crisis](http://openscholarship.wustl.edu/law_globalstudies/vol9/iss2/6/) ." [Washington University Global Studies Law Review](https://www.unclosdebate.org/citations/source/Washington%20University%20Global%20Studies%20Law%20Review). Dated Accessed 7-10-18 // WS

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**. [↑](#footnote-ref-114)
115. Bonner, Patrick, 2013 " U.S. would not be exposing itself to liability for environmental damage in international courts by ratifying UNCLOS," No Publication, https://www.unclosdebate.org/argument/854/us-would-not-be-exposing-itself-liability-environmental-damage-international-courts, Date Accessed 7-10-2018 // WS

Another concern, as voiced by U.S. Senator James Risch of Idaho, is that ratification of UNCLOS could be grounds for ratifying the Kyoto Protocol on Climate Change and all other conventions drafted by international bodies.26 Legal advisor John Bellinger in the first Bush administration commented that Section 222 of UNCLOS encompasses applicable international rules and standards, and if the United States does not ratify Kyoto or other conventions, these treaties are not applicable to the United States.27 This logic does not satisfy U.S. senators like Risch.28 Senator Mike Lee of Utah took this argument one step further. He hypothesized that the Assembly could take the position in the future that UNCLOS ties the United States into a climate change regime like the Kyoto Protocol. Secretary Clinton disagreed and stated that the United States had no obligation to accept anything decided by the Assembly on climate change. Should this thinking—that in ratifying UNCLOS, the United Nations can call for blanket application of other international laws—become an eventuality, the United States can simply withdraw from UNCLOS. This could be something agreed by all in advance of the ratification. [↑](#footnote-ref-115)
116. **Patrick Bonner finds that right now the US is at a much higher risk of having an environmental lawsuit than if they were in UNCLOS because right now the Us already follows most of the UNCLOS requirements and by joining it would only legitimize our efforts to abide by the environmental standards.**

2. Bonner, Patrick, 2013 " U.S. would not be exposing itself to liability for environmental damage in international courts by ratifying UNCLOS," No Publication, https://www.unclosdebate.org/argument/854/us-would-not-be-exposing-itself-liability-environmental-damage-international-courts, Date Accessed 7-10-2018 // WS

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117. Devin Prides, 2-19-2018, "3 Environmental Lawsuits That Have Helped Society," sustainablebrands, http://www.sustainablebrands.com/news\_and\_views/leadership/devin\_morrissey/3\_environmental\_lawsuits\_have\_helped\_society, Date Accessed 7-10-2018 // WS

 Greenhouse gases have an indisputable effect on the environment. Before 2007, however, very few regulations were in place to protect the environment from their effects. In the face of rising global temperatures, there arose a need for an answer to an important legal question: Does the government have an obligation to [regulate the release of carbon dioxide and other harmful gases](http://www.sustainablebrands.com/news_and_views/cleantech/sustainable_brands/new_epa_regs_will_require_natural_gas_industry_come_clea) into the atmosphere that affect both the planet and human health? The answer was given through the verdict of a Supreme Court case in mid-2007. Just over a decade ago, the Supreme Court made a landmark environmental decision as a result of the case between the state of Massachusetts and the EPA. The state sought to shed light on the environmental issues caused by the federal government’s failure to regulate tailpipe emissions from cars and trucks. The Bush Administration argued that it did not have the right (and would not exercise the authority if it did) to regulate carbon emissions under the Clean Air Act. [The Supreme Court disagreed](http://www.nytimes.com/2007/04/03/washington/03scotus.html), arguing that it needed to be proven that greenhouse gases do not contribute to climate change — or a reasonable explanation needed to be provided as to why the government would be incapable of restricting pollution. The verdict definitively stated that action needed to be taken to combat climate change, and it needed to be taken immediately. The ramifications of this verdict have been extremely positive for environmental litigation. The verdict validated the perspective that the government has a responsibility for addressing climate change. In many cases, the consequences were immediate; in 2007, many court cases involving environmental issues across the country were postponed until this verdict was announced. This ruling informed many other lawsuits involving the importance of government regulation to better the environment. Deepwater Horizon Litigation, Ongoing Unlike other matters in this list, this incident involves many high-profile lawsuits, several of which are ongoing. With the Deepwater Horizon incident, however, that changed. The BP oil spill on April 20, 2010, was an unprecedented disaster. When the Deepwater Horizon drilling rig on the Gulf of Mexico exploded due to negligence on the part of BP, 11 people were killed and the equivalent of nearly 5 million barrels of oil were spilled into the Atlantic Ocean. Not only did the explosion have a profound effect on nearby people — [30 percent of all locals suffered from mental illness](https://www.medicalnewstoday.com/articles/196296.php) in the wake of the event — the accident had a global impact, affecting an untold number of people. So what consequences does BP face? It pled guilty in November 2012, reaching a settlement with the U.S. Department of Justice to pay $4.5 billion. While that may seem like a lot of money, it’s nothing compared to what the company is being held liable for today. While BP allotted $3.5 billion to the case, the actual costs have skyrocketed beyond that figure; in addition to the $28 billion already spent in cleanup costs and paid out in claims, it may be subject to $18 billion more in penalties. For far too long have [fossil fuel lobbyists](http://www.sustainablebrands.com/news_and_views/marketing_comms/libby_maccarthy/koch_industries_plays_minority_card_push_forward_foss) protected corporations from being held responsible for their impact on the environment. This litigation provides a clear message in a language that Big Oil and its investors understand: You have a responsibility to protect the planet and the people on it. While the net worth of BP has not suffered drastically, the company is being held culpable for its actions against the environment. Indeed, [it is still working to rebuild its reputation](http://www.sustainablebrands.com/news_and_views/marketing_comms/leon_kaye/five_years_after_deepwater_horizon_can_bp_repair_its_reputa). [↑](#footnote-ref-117)
118. **1. IDK WHAT TO CALL THIS: Environmental groups’ suits will be fairly heard in US court**

Iain Murray, 3-25-2013, "UNCLOS at Sea," National Center for Policy Analysis, <http://www.ncpathinktank.org/pub/bg167> DOA-7-10-18 (HC)

**A fair suit in US court is guaranteed by UNCLOS. An illegitimate suit will fail in court, whereas a legitimate one might institute a necessary change to US policy, that would benefit the environment. Murray 13’ explains such a process saying,**

“Anti-Pollution Measures. The environmental dangers of the treaty are contained in Part XII, most significantly:

[3] “The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, inter alia, those designed to minimize to the fullest possible extent:”

[a] “the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping…” 44

**“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 UNCLOS would therefore enable environmental groups to sue to ensure the release of toxic substances is minimized “to the fullest possible extent”**  [↑](#footnote-ref-118)
119. **2. TURN: Environmental groups’ suits mitigate climate change consequences**

Iain Murray, 3-25-2013, "UNCLOS at Sea," National Center for Policy Analysis, <http://www.ncpathinktank.org/pub/bg167> DOA-7-10-18 (HC)

**In the age of Trump and the EPA’s declaration that “The war on coal is over,” UNCLOS may be one of the only ways to convert to clean energy and avoid dangerous climate change consequences. Murray expands;**

**“The Environmental Protection Agency has made a determination that carbon dioxide is harmful to human health, and some scientists have claimed that the substance has been accumulating in the oceans, leading to rising acidity and harm to marine life, such as shellfish. In practice, that would mean the end of fossil fuels in the United States. Oil and natural gas also emit large amounts of carbon dioxide into the atmosphere every day. While minimizing their use “to the fullest possible extent” may not be practical, and would be extraordinarily expensive, it is possible. Wind, geothermal and solar power would become the only means of generating electricity (nuclear energy would be unlikely to survive a UNCLOS challenge), and electric cars would become mandatory.”** [↑](#footnote-ref-119)
120. 1. Lisa Friedman, January 4th, 2018, NYT. “Trump Moves to Open Nearly all Offshore Waters to Drilling.” https://www.nytimes.com/2018/01/04/climate/trump-offshore-drilling.html SS

“WASHINGTON — The Trump administration said Thursday it would allow new offshore oil and gas drilling in nearly all United States coastal waters, giving energy companies access to leases off California for the first time in decades and opening more than a billion acres in the Arctic and along the Eastern Seaboard.” [↑](#footnote-ref-120)
121. 3. Liz Goodwin, June 28th, 2018, Boston Globe. “Democrats, with few options to stall Trump’s Supreme Court pick, will emphasize abortion stakes”<https://www.bostonglobe.com/news/politics/2018/06/28/democrats-with-few-options-stall-trump-supreme-court-pick-will-emphasize-abortion-stakes/VG6JlX98dpdJw2cc1xjO6O/story.html> SS

“WASHINGTON — Senate Democrats are vowing a fight for the ages to stop President Trump’s as-yet-unnamed Supreme Court pick from getting confirmed. Senator Elizabeth Warren said Thursday that she is “prepared to fight with every bone in my body.””

She later adds, “But **Democrats have few procedural tricks available. They can refuse to show up for votes,** but can be compelled to return to the Senate floor under the institution’s rules. **[or] They can slow hearings,** but only for so long.” [↑](#footnote-ref-121)
122. 5. Sheryl Gay Stolberg, January 27th, 2018, NYT, “As Gridlock Deepens in Congress, Only Gloom Is Bipartisan.” https://www.nytimes.com/2018/01/27/us/politics/congress-dysfunction-conspiracies-trump.html SS

WASHINGTON — As lawmakers recover from a dispiriting government shutdown and prepare for President Trump’s State of the Union address on Tuesday, **Capitol Hill is absorbed with concern that Mr. Trump’s presidency has pushed an already dysfunctional Congress into a near-permanent state of gridlock that threatens to diminish American democracy itself.** [↑](#footnote-ref-122)
123. Moore ’04 (John Norton Moore, Senate Committee on Armed Services, 4/8/2004, Senate Advice and Consent to the Law of the Sea Convention”,<http://www.virginia.edu/colp/pdf/armed-services-testimony.pdf>, accessed 7/10/18) AG

**Nothing could be further from the truth. The United States does not give up an ounce of sovereignty in this Convention. Rather, the Convention solidifies a truly massive increase in resource and economic jurisdiction of the United States, not only to 200 nautical miles off our coasts, but to a broad continental margin in many areas even beyond that.** [↑](#footnote-ref-123)
124. **Wright ’12 (Thomas Wright, Foreign Affairs, 8/7/2012, “Outlaw of the Sea”,** [**https://www.foreignaffairs.com/articles/oceans/2012-08-07/outlaw-sea**](https://www.foreignaffairs.com/articles/oceans/2012-08-07/outlaw-sea)**, accessed July 10, 2018). AG**

**During the 1994 renegotiation, the United States ensured that it would have a veto over how the ISA distributes funds if it ever ratified the treaty. As written, UNCLOS would actually increase the United States' economic and resource jurisdiction. In fact, Ayotte, DeMint, and Portman's worst fears are more likely to come to pass if the United States does not ratify the treaty. If the country abdicates its leadership role in the ISA, others will be able to shape it to their own liking and to the United States' disadvantage.** [↑](#footnote-ref-124)
125. Wright ’12 (Thomas Wright, Foreign Affairs, 8/7/2012, “Outlaw of the Sea”,<https://www.foreignaffairs.com/articles/oceans/2012-08-07/outlaw-sea>, accessed July 10, 2018). AG

**Protecting national sovereignty is a legitimate aim -- and one that some liberal internationalists may have been too cavalier about in the past**. But for the goal to have any meaning, **it must be framed so that it can be met**. This is certainly what Reagan had in mind when he articulated a specific set of problems with the original UNCLOS that could be (and eventually were) dealt with. This time around, however, **those who object to the treaty have defined sovereignty in such ideological terms that they will never be satisfied**. **By their reckoning, the United States can never be party to an international organization, even if it has veto status in it.**

**An international organization might very marginally limit U.S. freedom of action, but this is negligible in comparison to the harm that instability and conflict in the South China Sea could inflict on U.S. interests**. Previous presidents from both parties understood the trade-off: In challenging times, and to exercise global leadership, Washington protected its interests by making enlightened commitments overseas, whether in the form of alliances, institutions, or foreign assistance [↑](#footnote-ref-125)
126. 2. **Bonnie S. Glaser**,. "Armed Clash in the South China Sea." Council on Foreign Relations. Council on Foreign Relations, Apr. 2015. Web. 11 Dec. 2016. <http://www.cfr.org/asia-and-pacific/armed-clash-south-china-sea/p27883>. (MO)
The most likely and dangerous contingency is a clash stemming from U.S. military operations within China's EEZ that provokes an armed Chinese response. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without permission of the coastal state violate Chinese domestic law and international law. **China routinely intercepts U.S. reconnaissance flights conducted in its EEZ and periodically does so in aggressive ways that increase the risk of an accident similar to the April 2001 collision of a U.S. EP-3 reconnaissance plane and a Chinese F-8 fighter jet near Hainan Island.** A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as occurred in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. [↑](#footnote-ref-126)
127. **3. Bonnie S. Glaser 2012** Senior Fellow, Center for Strategic and International Studies April 2012 http://www.cfr.org/world/armed-clash-south-china-sea/p27883 (MO)
**Therefore, both U.S. and regional policymakers should seek to create mechanisms to build trust, prevent conflict, and avoid escalation. First, the United States should ratify UNCLOS;** though it voluntarily adheres to its principles and the Obama administration has made a commitment to ratify the convention, the fact that the United States has not yet ratified the treaty lends credence to the perception that it only abides by international conventions when doing so aligns with its national interests. Ratifying UNCLOS would put this speculation to rest. It would also bolster the U.S. position in favor of rules-based behavior, give the United States a seat at the table when UNCLOS signatories discuss such issues as EEZ rights, and generally advance U.S. economic and strategic interests. [↑](#footnote-ref-127)
128. **4. Zack Cooper and Mira Rapp-Hooper '16**, "Protecting the Rule of Law on the South China Sea" Wall Street Journal, 3-31-2016, DOA 12-17-2016. <http://www.wsj.com/articles/protecting-the-rule-of-law-on-the-south-china-sea-1459441981> (NR)
To uphold regional security, the U.S. should therefore clarify that the mutual-defense treaty applies to Philippine forces operating in the South China Sea. Defense Secretary Ash Carter has an opportunity to do so during his visit to the Philippines later this month. The U.S. should also declare that it will directly challenge any attempt to seize or build on features occupied by other countries. The Obama administration’s efforts to prevent reclamation, construction or militarization on Chinese-held features in the South China Sea have so far failed, but the U.S. must not tolerate the seizure of additional features. Rumors of Chinese activity at Scarborough Shoal are particularly concerning. China wrested control of Scarborough from the Philippines in 2012 despite efforts by the Obama administration to mediate a resolution. Should it successfully build a base there, Beijing would gain a strong perch from which to enforce the northeast portion of a potential South China Sea Air Defense Identification Zone. To support its commitment to the region, the U.S. should substantially increase its regional military presence in and near the South China Sea in advance of the court’s decision. There is good news on this front. The U.S. and the Philippines recently announced that U.S. forces will have access to five facilities in the Philippines as part of the bilateral Enhanced Defense Cooperation Agreement. **A robust, sustained, and visible presence by U.S. ships and aircraft will help demonstrate to China and the other states in the region that the U.S. has the capability and will to uphold the rules-based order.** This is a perilous time in the South China Sea. The Philippines has staked its claims on the outcome of its legal case before The Hague, and China has forewarned of its intent to thwart the decision. If Washington appears unwilling to affirm and legitimize the court’s decision, Beijing will likely continue to alter the regional status quo and Asian states will wonder whether the U.S. committed to actively upholding the rules-based order. China isn’t the only big country with vital interests in the South China Sea. [↑](#footnote-ref-128)
129. **5. Voice of America News**, October 15, 2015, Oil Shipments Steady as South China Sea Dispute Heats Up, http://www.voanews.com/author/4677.html DOA: 2-27-16 (NR)
With the United States poised to step up naval patrols within disputed maritime borders of the South China Sea, energy analysts are downplaying worries about potential clashes with China over a waterway that sees one-third of the world's waterborne traded oil passing through its shipping lanes. The 15 million barrels of oil transported daily through the Malacca Strait and South China Sea en route to East Asia are triple the amount that moves through the Suez Canal and more than five times the tonnage that transits the Panama Canal. The volume of shipping through the sea's waters has skyrocketed as China and ASEAN nations increased international trade and oil imports. China and Japan by themselves rank as two of the top five consumers and importers of oil in the world. "Any increased rhetoric caused by U.S. warship [maneuvers] should not affect the region's underlying energy markets," said Matt Smith, an analyst at ClipperData, which tracks global flows of waterborne crude oil. "**China imports 5.5 million barrels of waterborne oil per day, the vast majority through the South China Sea," Smith said. "That's 50 percent of China's daily consumption. They need those oil flows to continue."** US Navy Reports suggest that within days the U.S. Navy could sail warships inside the 22-kilometer territorial zones around the artificial islands China is building in the disputed Spratly archipelago. Beijing considers these areas a legitimate extension of its territory. U.S. Defense Secretary Ash Carter, who has called on Beijing to stop the construction, this week insisted the U.S. will "fly, sail and operate wherever international law allows," noting that the South China Sea is not an exception to that policy. China's Foreign Ministry has warned against engaging in "provocative behavior" in the South China Sea, and vowed it will "never allow any country to violate" its territorial waters or airspace. Swaths of the South China Sea are also claimed by the Philippines, Vietnam, Taiwan, Brunei and Malaysia. Beneath its floor, the waterway holds proven oil and natural gas deposits of significant importance to these smaller nations at odds with Beijing. The reserves also represent energy security for China's large, growing economy. But it's the nearly 30 percent of global maritime trade traversing the sea's vital shipping lanes that greases so many economic wheels. Heated rhetoric These shared interests are why, despite the heated rhetoric, the potential to disrupt global oil flows is small and there have been no changes in shipping patterns or orders thus far, some energy analysts say. "China's basic strategy is push, push, but don't break," said David Rosenberg, professor of political science at Middlebury College. "China will increase pressure but not disrupt the oil or container trade that's a vital part of its existence. "For their part, the U.S. and Japan have taken clear steps to assert freedom of the seas, and it's very important they do this," Rosenberg added. Eight out of 10 of the world's busiest container ports are located in the Indian Ocean, the South China Sea and East China Sea region. Other global hot spots worry oil traders more. "[The South China Sea issue] really hasn't attracted much attention and it's not going to trigger much of an oil price response, certainly not in the coming months," said Jim Ritterbusch, president of Ritterbusch and Associates, a Chicago-based oil trading advisory firm. "So far, it's an isolated issue that's been overshadowed by the military havoc in the Middle East," Ritterbusch said. [↑](#footnote-ref-129)
130. **6. George Friedman ‘16** , December 19, 2016, Maintaining Perspectives About Adversaries, https://geopoliticalfutures.com/maintaining-perspective-about-adversaries/ George Friedman is a geopolitical forecaster and strategist on international affairs. He is the founder and chairman of Geopolitical Futures, a new online publication that analyzes and forecasts the course of global events (NR)
China is a significant power with problems and limits. Its core problem is a significantly weakened economy due to a decline in exports and a troubled financial system. This would be manageable in most countries, but enormous inequality and poverty has made normal adjustments to its new situation difficult. The fear of social unrest has generated a dictatorship that is carrying out an aggressive purge to ensure the party remains stable. People discuss the money China has invested in U.S. government bonds and see it as a strength. In fact, it is a weakness. It represents China’s inability to utilize this money because of an undeveloped economy, and repatriating the money would have massive effects on the yuan and inflation, further undermining China’s economy. No other banking system is large enough to absorb the money and stable enough to guarantee it. There is a significant overestimation of China’s power and a failure to see its weakness. Militarily, China is far from ready to wage war. The People’s Liberation Army is designed for internal security. China’s geography makes aggressive warfare almost impossible. The Chinese navy does not have an operational carrier battle group. It has ships. But it has never waged intense warfare at sea, and its admirals and staff are untested in battle. Most importantly, the traditions for developing doctrines and coordinating air-sea operations don’t exist. There is discussion of China invading Taiwan. China has two brigades of fully operational marines, with two others in reserve. Taiwan has 10 well-trained and armed divisions and over 200 aircraft. China lacks sufficient amphibious vessels and the ability to resupply a force capable of engaging Taiwan. In an invasion, the balance of power is in Taiwan’s favor even without the United States. **China’s behavior in the South China Sea is similarly limited. Its problem there is that the sea is enclosed by a string of islands that would facilitate a U.S. blockade of China’s access to the global oceans. China wants to create an opening the U.S. can’t block. But its behavior has been entirely a bluff.** It has constantly signaled hostile intent, but never actually engaged in significant hostile actions, which I call shooting. It stole a U.S. sea drone last week. Notable, but not significant. The point is that China has done everything it can to appear strong without taking any significant action. China is substantially weaker than it looks; China knows this and is doing what it can to appear stronger and more menacing than it is to set the stage for a political solution to its problems. [↑](#footnote-ref-130)
131. **7. Michael Fitzsimmons, 17**, (), "The False Allure of Escalation Dominance", War on the Rocks, 11-16-2017, DOA 7-10-2018, https://warontherocks.com/2017/11/false-allure-escalation-dominance/, (NR)
Is escalation dominance still relevant to U.S. strategy today? A debate on this question may soon be revived. In the next few months, the Trump administration will publish the results of its Nuclear Posture Review, the first comprehensive review of U.S. nuclear strategy and capabilities since 2010. Among the topics most worth watching is whether and how the review addresses U.S. strategy for managing escalation. Perhaps even more than the Obama administration’s team in 2010, the current Nuclear Posture Review authors must confront a growing risk of escalation from limited regional conflicts to nuclear war. Tensions with North Korea may pose the most obvious of such risks at the moment, but unfortunately, the problem is broader and more deeply rooted. Two related factors account for this growing risk. First, the erosion of U.S. conventional superiority — especially with the growing sophistication of “anti-access / area denial” capabilities — **means adversaries may be increasingly tempted to engage in quick, limited, territorial aggression — a fait accompli — against a U.S. ally.** For China, this could be over contested islands in the South or East China Seas or over Taiwan. For Russia, it could be anywhere in its “near abroad,” even against the Baltic NATO allies. On the Korean Peninsula, U.S. conventional superiority remains intact, but major gains in North Korea’s nuclear and missile capabilities could serve as a shield for a number of different limited provocations against South Korea. However, even where U.S. power projection advantages over regional challengers may be strained, they are still sufficiently robust to potentially foil or reverse an attack. So the result of this evolution in conventional military balances is a set of increasingly plausible scenarios in which a nuclear-armed power launches a limited attack on its neighbor, only to find itself on the verge of conventional defeat at the hands of the United States. [↑](#footnote-ref-131)
132. **Steve Connor Science Editor, 1-19-2016, "Overfishing is causing fish populations to decline faster than we previously thought," Independent,** [**https://www.independent.co.uk/environment/overfishing-causing-fish-populations-to-decline-faster-than-thought-study-finds-a6821791.html**](https://www.independent.co.uk/environment/overfishing-causing-fish-populations-to-decline-faster-than-thought-study-finds-a6821791.html) **DoA: July 10,2018) AKL**

The world has been taking far more fish out of the ocean than admitted in official records over the past half century, suggesting there are more fish in the sea than once supposed but that they are declining faster than thought, a study has found. **A new assessment of the amount of fish caught** by everything from a small, one-man boat to an industrial factory ship **has found that the total global fisheries catch between 1950 and 2010 has been underestimated by more than 50 per cent – which also indicates a steeper decline in fish than previously estimated.** “**Our results** indicate that the decline is very strong and not due to countries fishing less but fishing more and exhausting the supply. We **infer that the decline is due to aggressive fishing**,” he said.The study, published in the journal Nature Communications, analysed the fisheries of more than 200 countries and territories. It found that more than 32 million tonnes of caught fish goes unreported each year – more than the weight of the entire US population of 320 million. [↑](#footnote-ref-132)
133. ####  Steve Charnovtiz 1994 (American University International Law Review , <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1474&context=auilr> , DoA: July 10, 2018) AKL

The conventional wisdom is that both considerations should be answered in the negative. For example, the GATI' Secretariat has pronounced that "negative incentives-in particular, the use of discriminatory trade restrictions on products unrelated to the environmental issue at hand-are not an effective way to promote multilateral cooperation."'**"** Piritta Sorsa, a World Bank economist, has written that, "unilateral sanctions are unlikely to be effective in solving the cause of the environmental damage. The polluter can always direct exports to other countries. 3 - W. Rob Storey, New Zealand's Minister of Transport, has stated that "[u]nilateral measures to reconcile trade and environmental objectives are likely to be ineffective or counterproductive."33 Additionally, **the National Consumer Council of the United Kingdom has declared that "[t]rade sanctions are also likely to sour relations, making multilateral cooperation much more difficult and international agreements harder to achieve**."' No empirical evidence, however, was offered to support any of these statements. [↑](#footnote-ref-133)
134. The Economist, 5-27-17, "Getting serious about overfishing," Economist, https://www.economist.com/briefing/2017/05/26/getting-serious-about-overfishing, Date Accessed 7-10-2018 // WS

Overfishing is not the only problem. Pollution, notably fertiliser run-off, damages a lot of marine ecosystems. There are estimated to be 5trn bits of plastic in the ocean, with over 8m tonnes of the stuff added every year. By the middle of the century the sea could contain more plastic than fish by weight, according to research done for the Ellen MacArthur Foundation. Not all the harm comes directly from the land; some comes via the sky. Carbon dioxide accumulating in the atmosphere has so far raised the world’s average sea-surface temperature by about 0.7ºC. This has effects at depth; when seas warm up they become more stratified, making it harder for nutrients in the waters below to rise to where they are most needed by fish and plankton. Given this, it might seem fortunate that the ocean absorbs a fair bit of that carbon dioxide, thus reducing the warming. But doing so changes the ocean’s chemistry, making it more acidic. This is a particular problem for creatures with calcium-carbonate shells—which includes not just crabs and oysters but quite a lot of larvae, too. Acidification makes carbonates more likely to dissolve.

André Monacosearch, 11-6-2015, "Marine Pollution: Introduction to International Law on Pollution Caused by Ships," No Publication, https://onlinelibrary.wiley.com/doi/10.1002/9781119116233.ch3, Date Accessed 7-10-2018 // WS

Marine pollution, whatever its source, has long been an ongoing concern for governments, the public and environmental advocates. Part XII, or articles 192 to 237, of the United Nations Convention on the Law of the Sea (UNCLOS) are devoted to the protection and preservation of the marine environment. Article 194 of UNCLOS targets all forms of marine pollution, and article 192 makes it “the business of governments”, flag States and coastal or port States. Hence, it is a case of relying on international law on marine pollution by ships, since the actions of this law are aimed as much at the prevention of pollution as at intervention in the event of an accident, and at the repair of damage caused by pollution.

PLYMOUTH , 5-27-17, "Getting serious about overfishing," Economist, https://www.economist.com/briefing/2017/05/26/getting-serious-about-overfishing, Date Accessed 7-10-2018 // WS

Good management could in principle get the stocks back up through the use of quotas, property rights and other constraints on untrammelled exploitation. Quotas and similar controls have worked well in some cases. In American waters 16% of stocks were overfished in 2015, down from 25% in 2000. But they have drawbacks. Because they want to land the largest fish they can find, fishers throw back undersized specimens, which often die as a result. And because fish mix, species caught by accident are thrown back if a fisher has no quota for them. [↑](#footnote-ref-134)
135. **Jennifer L. Talhelm 2000 of the north carolina of international commerce and resource regulation (“Curbing International Overfishing and the Need
for Widespead Ratification of the United Nations
Convention on the Law of the Sea”,** [**http://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=1671&context=ncilj**](http://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=1671&context=ncilj) **, July 9, 2018, page 384) AKL**

Although UNCLOS III became binding in 1994, the United States and other major fishing nations have not yet adopted it.2° **UNCLOS III could help the world slow overfishing through adherence to its conservation and cooperation provisions**. It provides a framework for future agreements that can address specific problems more fully.2 2 In fact, **it has already been used to negotiate fishing treaties**.23 **The convention, however, needs widespread support, particularly from the United States, to be truly effective**.24 This Comment addresses how UNCLOS III could help solve the international overfishing problem. Section II discusses the problem of overfishing and how it led to the third Law of the Sea Convention.5 Section III details specific provisions of UNCLOS III and how they will affect overfishing. 6 Section IV examines the effect of UNCLOS III to date.27 This section also touches on arguable drawbacks of UNCLOS III, specifically as it relates to the Third World.28 Finally, this Comment concludes that [↑](#footnote-ref-135)
136. [https://www.brookings.edu/research/economic-sanctions-too-much-of-a-bad-thing/](https://www.google.com/url?q=https://www.brookings.edu/research/economic-sanctions-too-much-of-a-bad-thing/&sa=D&ust=1539057841910000&usg=AFQjCNFK4i2leHChklw5DECEtDVXkNhENg) [↑](#footnote-ref-136)
137. If the United States becomes a party to UNCLOS, there is no reason to assume that it will be prevented from achieving any of its international environmental policy goals. On the contrary, it can still meet its goals as long as it is willing to forgo the quick and easy solu- tions sometimes provided by unilateral trade sanctions and to engage instead in the more tedious process of negotiating international agreements.

[https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1452&context=elq](https://www.google.com/url?q=https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article%3D1452%26context%3Delq&sa=D&ust=1539057841950000&usg=AFQjCNHfw8nxpIF5MACUfIgnWqDI5l1oFw) [↑](#footnote-ref-137)
138. [https://www.brookings.edu/research/economic-sanctions-too-much-of-a-bad-thing/](https://www.google.com/url?q=https://www.brookings.edu/research/economic-sanctions-too-much-of-a-bad-thing/&sa=D&ust=1539057841923000&usg=AFQjCNG00M5Df6Tj_k28yxuwB5dE0gDuzQ) [↑](#footnote-ref-138)
139. [https://www.jstor.org/stable/2600964](https://www.google.com/url?q=https://www.jstor.org/stable/2600964&sa=D&ust=1539057841934000&usg=AFQjCNGEaDJNjj1XXraHtr5227BzD40e7w)
The dominant view of economic sanctions suggests that multilateral sanctions, often orchestrated through international organizations, are more effective than unilateral sanctions in generating economic damage in target countries. The present article has re-examined this issue from a public-choice perspective, using an interest-group analysis of endogenous policy. We have argued that multilateral sanctions, despite, and in some cases partially because of, their greater terms-of-trade effects, often are less effective than unilateral sanctions in bringing about desired political results. [↑](#footnote-ref-139)
140. [https://thehill.com/opinion/international/400533-the-iran-sanctions-are-bound-to-fail](https://www.google.com/url?q=https://thehill.com/opinion/international/400533-the-iran-sanctions-are-bound-to-fail&sa=D&ust=1539057841898000&usg=AFQjCNFp_PtRPIX7OYXIbjD4PgUKdmE5aw)

First, sanctions attract allies only if they are mechanisms in service to a foreign policy that also employs other diplomatic tools to attain their goals. To impose secondary sanctions on friend and foe alike so they join this coercive campaign demands a smart appeal to the political economy concerns at stake in each relationship. For friends to support sanctions despite the economic losses requires the United States to articulate the shared goals of the wider policy that makes their pain temporary and worth it. With foes, the United States must either make it far too costly for the foe to assist the primary target, or to offer incentives on other tension points in exchange for cooperation in economic targeting.

Any honest assessment shows the administration has not articulated a coherent foreign policy that will lead to sanctions success. Nothing could more undermine the forming of an effective sanctions coalition than a tariff and trade war that attacks friends and sends contradictory signals to foes. Most damaging is the deprecating diplomatic behavior of President Trump toward allies and then imposing secondary sanctions that follow tariffs on their companies. Moreover, the allies reject categorically the U.S. withdrawal from the Iran nuclear deal as the basis for new sanctions and believe that the demands are not best realized by sanctions. [↑](#footnote-ref-140)
141. [https://www.cato.org/publications/commentary/failure-iranian-sanctions](https://www.google.com/url?q=https://www.cato.org/publications/commentary/failure-iranian-sanctions&sa=D&ust=1539057841908000&usg=AFQjCNG-B2Z0jd1fgA7wMcvaJTrOnLwnvA)

While Iran’s annual inflation rate remains very high, its spiral into hyperinflation has subsided — for the time being, at least. Beyond the government’s establishment of a convoluted multiple-exchange-rate regime and its suppression of currency trading, Iranians have also become increasingly effective at evading Western sanctions.

The most glaring example of this can be seen in the influx of gold into Iran in recent months. With inflation eroding consumer wealth and purchasing power, and Iranian companies effectively unable to access the global financial system, Iranians have turned to gold as a stable, non-traceable store of value and a reliable medium of exchange. Much of this gold has come from Turkey, which is heavily dependent on Iranian natural gas. While Turkey — under pressure from its Western allies — has suspended gold exports to Iran via the Turkish banking system, this has not stopped private couriers from facilitating the Turkish-Iranian gold-for-natural-gas trade, primarily via the U.A.E.
While the collective punishment delivered by the sanctions has been devastating, it has ultimately failed to deter the Iranian regime from developing nuclear capacity. Instead, it has generated a great deal of resentment. Given the rotting situation in Iran, and the time horizon for Iran to develop nuclear capabilities, it seems that the interests of all concerned are converging on a diplomatic solution. Indeed, it is the only viable option left. [↑](#footnote-ref-141)
142. The evidence of the failure of sanctions is buried in a large collection of international cables, e-mails and memoranda, which the Washington-based National Security Archives managed to have declassified, at least in part. In the mid-1990s, the warnings were simple and direct: ratchet up sanctions against Iran for its nuclear program, and it will be pushed ever more deeply into the arms of its most rabid extremists. Sure enough, Clinton did ratchet them up, and the results were exactly what were predicted.
The warnings were strikingly similar in tone and language to many of those Trump has been hearing today. So, let's examine these warnings and their consequences.
[https://www.cnn.com/2018/08/14/opinions/sanctions-fail-iran-clinton-trump-andelman/index.html](https://www.google.com/url?q=https://www.cnn.com/2018/08/14/opinions/sanctions-fail-iran-clinton-trump-andelman/index.html&sa=D&ust=1539057841846000&usg=AFQjCNHXtwBkmkv4iMv0K3-ib9rGGaCzTg) [↑](#footnote-ref-142)
143. [www.instituteforenergyresearch.org/wp-content/uploads/2013/06/Offshore-Wind-Energy-DRS-4.pdf](http://www.instituteforenergyresearch.org/wp-content/uploads/2013/06/Offshore-Wind-Energy-DRS-4.pdf)

According to the Energy Information Administration (EIA), **offshore wind is 2.6 times more expensive as onshore wind power and is 3.4 times more expensive than power produced by a natural gas combined cycle plant**. • On a kilowatt hour basis, **offshore wind power is estimated to cost 22.15 cents per kilowatt hour, while onshore wind is estimated to cost 8.66 cents per kilowatt hour**, and natural gas combined cycle is estimated to cost 6.56 per kilowatt hour. • Overnight capital costs (excludes financing charges) are 2.8 times higher for offshore wind than onshore wind power. **According to EIA, an offshore wind farm is estimated to cost $6,230 per kilowatt, while those costs for an onshore wind farm are estimated to be $2,213 per kilowatt.** [↑](#footnote-ref-143)
144. ####  US Environmental groups sue over oil drilling in arctic

**Williams 2006** Williams, Nigel. *Fears over Arctic Research Plans*, 2006, [www.cell.com/current-biology/pdf/S0960-9822(06)01476-X.pdf](http://www.cell.com/current-biology/pdf/S0960-9822%2806%2901476-X.pdf). DOA 7/12/18 //SWG

Documents on the IPY website show that BP and Statoil, a Norwegian company, are significant consortium members on a USGS proposal to assess “energy resources in the circumarctic area including oil, gas, coalbed methane and methane hydrates”. Geologists estimate that a quarter of the world’s undiscovered oil and gas reserves lie under the Arctic, and analysts have predicted a 21stcentury goldrush to tap them as the Arctic Ocean’s ice cover retreats. Launching the polar initiative last month, Chris Rapely, director of the British Antarctic Survey, said that scientists would work on projects “that will tackle the urgent environmental issues” because “rapid climate change is already impacting local peoples... and it is only a question of time before the wider consequences become apparent”. The Inuit people have filed a lawsuit against the US government claiming that greenhouse gas pollution is damaging their livelihoods. Experts have warned the only realistic way to prevent dangerous climate change is to curb carbon dioxide emissions from burning fossil fuels.

#### Offshore wind energy is very expensive

**Institute for Energy Research. 2013.** *Offshore Wind Energy: A Very, Very Expensive Electricity Source*, 2018, [www.instituteforenergyresearch.org/wp-content/uploads/2013/06/Offshore-Wind-Energy-DRS-4.pdf](http://www.instituteforenergyresearch.org/wp-content/uploads/2013/06/Offshore-Wind-Energy-DRS-4.pdf). DOA 7/12/18 //SWG

According to the Energy Information Administration (EIA), offshore wind is 2.6 times more expensive as onshore wind power and is 3.4 times more expensive than power produced by a natural gas combined cycle plant. • On a kilowatt hour basis, offshore wind power is estimated to cost 22.15 cents per kilowatt hour, while onshore wind is estimated to cost 8.66 cents per kilowatt hour, and natural gas combined cycle is estimated to cost 6.56 per kilowatt hour. • Overnight capital costs (excludes financing charges) are 2.8 times higher for offshore wind than onshore wind power. According to EIA, an offshore wind farm is estimated to cost $6,230 per kilowatt, while those costs for an onshore wind farm are estimated to be $2,213 per kilowatt.

#### Offshore wind harms marine biodiversity

**International Union for Conservation of Nature, 6-24-2010,** "Offshore wind farms – green energy or biodiversity threat?,"<https://www.iucn.org/content/offshore-wind-farms-%E2%80%93-green-energy-or-biodiversity-threat> DOA 7/12/18//SWG

But if not properly planned and managed, the installations can adversely affect marine biodiversity. The report highlights issues such as habitat loss for birds and sea creatures, potential collisions with wind turbines, deviation of the migratory routes of birds and whales, noise and electromagnetic disturbance and navigational hazards for ships. The report reviewed over a thousand scientific sources to provide the most up-to-date knowledge on the possible impacts of offshore wind farms on the marine environment and animals, from the planning phase through to the construction, operation and decommissioning of the farm.

#### Sustained biodiversity is important for sustained ecosystems

Louis Helfrich, ND Virginia cooperative Extension,<http://pubs.ext.vt.edu/content/dam/pubs_ext_vt_edu/420/420-520/420-520_pdf.pdf> DOA 7/12/2018 //SWG

Sustaining biodiversity is essential to the health of our environment and to the quality of human life. We depend on many aquatic plants and animals, and their ecological functions, for our survival. For example, we use surface waters and their inhabitants to help process our waste products. Each day, aquatic organisms (bacteria and fungi) continually break down harmful toxins and nutrients that we flush into our sewage systems or discard directly into our rivers and streams [↑](#footnote-ref-144)
145. Matsakis 18 Louise Matsakis, 5-25-2018, "WIRED," Wired, [https://www.wired.com/story/russia-undersea-internet-cables/](https://www.google.com/url?q=https://www.wired.com/story/russia-undersea-internet-cables/&sa=D&ust=1535252698026000&usg=AFQjCNEtkqBRH-Ty--lZsJfbyPixtMKQRQ) //DF
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. “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. That’s not to say that the world’s undersea cables aren’t at risk, or that they don’t need protection—especially in areas of the world with less internet infrastructure, like Africa and some parts of Southeast Asia. When a fault happens there, the consequences can be more severe, including genuine internet disruption [↑](#footnote-ref-145)
146. John Mueller, Ohio State University: “The Atomic Terrorist?” The International Committee on Nuclear Disarmament, 2009. http://icnnd.org/Documents/Mueller\_Terrorism.pdf

“The discussion thus far has followed a qualitative approach: synthesizing a considerable amount of material to lay out the route a terrorist group must take to acquire and detonate an atomic bomb in the most likely scenario. It seems to me that this exercise by itself suggests the almost breathtaking enormity of the difficulties facing the would-be atomic terrorist. This conclusion can be reinforced by a quantitative assessment. Assigning a probability that terrorists will be able to overcome each barrier is, of course, a tricky business, and any such exercise should be regarded as rather tentative and exploratory, or perhaps simply as illustrative—though it is done all the time in cost/benefit analysis.One might begin a quantitative approach by adopting probability estimates that purposely, and heavily, bias the case in the terrorists’ favor. In my view, this would take place **if it is assumed that the terrorists have a fighting chance of 50 percent of overcoming each of the 20 obstacles displayed in Table 1, though for many barriers, probably almost all, the odds against them are surely much worse than that. Even with that generous bias, the chances that a concerted effort would be successful comes out to be less than one in a million, specifically 1,048,576. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds they will be able to pull off the deed drop to one in well over three billion—specifically 3,486,784,401. What they would be at the (still entirely realistic) level of one in ten boggles the mind. Moreover, all this focuses on the effort to deliver a single bomb. If the requirement were to deliver several, the odds become, of course, even more prohibitive**.” [↑](#footnote-ref-146)