

CASE CARDS

SCS

Contention One: SCS.

China's desire to control the South China Sea is rooted in its fears of domination by great powers. Yinghui 18 ae RSIS writes: Chinese leaders consider the US a destabilising force in the region, thus becoming the biggest driving force behind the regional militarization.

Since China considers the US a threat to its interests, its absence from the region has ushered in a new era of peace. Yinghui writes: many ASEAN countries have begun to question the US commitment to the region, and Beijing has skillfully capitalised on Washington's negative publicity to portray itself as the more constructive power in the region.

Yingui 18 Lee Yinghui [Senior Analyst, S. Rajaratnam School of International Studies (RSIS)], 8-1-2018, "China's charm offensive in the South China Sea," The Strategist, Australian Strategic Policy Institute, <https://www.aspistrategist.org.au/chinas-charm-offensive-in-the-south-china-sea/> //DF

China also agreed to restart negotiations for the code of conduct, which had been stalled since the signing of the Declaration on the Conduct of Parties in the South China Sea in 2002. Earlier this month, the table-top phase of the inaugural ASEAN–China maritime exercise was held in Singapore. These olive branches from Beijing were generally well received in the various ASEAN capitals, and China is keen to maintain the goodwill it has generated over the past year. At the same time, **many ASEAN countries have begun to question the US commitment to the region. America's withdrawal from the Trans-Pacific Partnership and initiation of a trade war with China were not well received in the region. Beijing has skillfully capitalised on Washington's negative publicity to portray itself as the more constructive power in the region.** It was no surprise, then, that at the 25th ASEAN Regional Forum meeting, Chinese Foreign Minister Wang Yi once again took aim at US freedom of navigation operations (FONOPs). He **counteraccused the US of being a destabilising force in the region, saying that 'some countries outside the region willfully show off their military power in the South China Sea, thus becoming the biggest driving force behind the regional militarization'**. Meanwhile, many issues remain to be ironed out during subsequent negotiations on the code of conduct, including its legal status and geographic coverage. If the history of the negotiations for the 2002 declaration is anything to go by, the road to finalising the code is likely to be a long one. But it's unlikely that China will try to draw out the negotiations. **Chinese island-building in the South China Sea appears to be almost complete, and there's no reason for China to obstruct the negotiation process further. Beijing has arrived at a crossroads in its approach to the South China Sea.** Although **China** will continue deploying more hard weaponry to the artificial islands, it **has already started using softer, more subtle means of asserting sovereignty** over the disputed features. On 5 July, the Department of Ocean and Fisheries of Hainan Province released the approval mechanism for the development of uninhabited islands in the South China Sea. Units and individuals will be allowed to apply for development of these islands, for purposes ranging

from aquaculture to the construction of ports and shipyards, for periods of 15 to 50 years. By granting rights to development, China has in fact normalised its jurisdiction over these features. The lack of open protest from the ASEAN claimants arguably helps strengthen Chinese claims.

De Tolve 12 Commander Robert C. "Rock" De Tolve, JAGC, USN, 2012, "America's UNCLOS Allergy in the Time of 'Lawfare'," NAVAL LAW REVIEW,

<http://www.jag.navy.mil/documents/navylawreview/NLRVolume61.pdf> //DF

Having long recognized the efficacy of legal "securitization" claims as a mechanism through which to bolster regional sea control, China has apparently developed an effective strategy in furtherance of its objective.⁶¹ This strategy rests upon China's UNCLOS stance and includes declaratory statements incorporated into China's UNCLOS ratification depository instrument and includes domestic legislation formally claiming security interests in its territorial seas and EEZ, development of supporting legal scholarship, and a complementary strategic communications campaign.⁶² Influence in the East, Southeast, and South Asia regions, its dramatic economic growth will likely further boost its ability to influence the behavior of smaller regional neighbors in a manner consistent with China's UNCLOS

"securitization" narrative. The absence of a formal U.S. commitment to UNCLOS is yet an additional vulnerability China can exploit in inducing its neighbors' to acquiesce in its territorial seas and EEZ claims. Such

acquiescence would strengthen China's ability to claim territorial sea sovereignty over vast swaths of the East and South China Seas, seriously hampering the United States' ability to project military power in the region.⁶³ Further evidence of a multi-pronged strategy can be inferred from China's operational military efforts to reinforce its ultra vires UNCLOS

positions. Specifically, China has, on occasion, engaged in illegal, unsafe airborne and seaborne tactical maneuvers in an attempt to dissuade the United States from conducting military operations—principally, military survey operations and intelligence collection—within the Chinese EEZ.⁶⁴ Additionally, it has occasionally demonstrated a willingness to employ military force in support of its contested claims to sovereignty over certain offshore islands.⁶⁵ Taiwan, Vietnam, Brunei, Philippines, and Malaysia are each involved in contests with China over offshore islands. Peter Dutton & John Garofano, China Undermines Maritime Laws, FAR E. ECON. REV., Apr. 2009, at 44, available at [In short, by pressing contested claims to maritime territorial sovereignty while simultaneously pursuing aggressive military tactics in support of ultra vires security rights in offshore waters, China has demonstrated an efficacious strategy to consolidate control over the vast majority of the South and East China Seas. Toward this end, China has the advantage of operating from interior lines—both geographically and rhetorically—vis a vis](#)

the United States, due both to its status as an UNCLOS member nation and a state attempting to regulate the waters adjacent to its coast. Thus, to the extent the United States seeks to project a maritime military presence in a manner inconsistent with China's UNCLOS stance, China may gain some traction domestically, as well as internationally, by criticizing the United States as an imperialistic power seeking to threaten and provoke a distant, peace-loving nation in the waters adjacent to its coast.

U.S. UNCLOS abstention will continue to facilitate China's ability to cast U.S. UNCLOS interpretation as self-serving and disingenuous by highlighting that the United States is seeking to extract the benefit of UNCLOS but avoiding membership due to its distrust of the international community. It is not inconceivable that

such a narrative would resonate with many coastal states, especially if the United States' relative regional and global primacy is seen to be diminishing. All else equal, nations with vulnerable coasts and small fleets might perceive an UNCLOS "securitization" norm as more attractive than the current, generally-accepted norm permitting robust military operations within EEZs and almost unrestricted innocent passage through territorial waters. Furthermore, as an UNCLOS member

nation, China remains better positioned than the United States to influence UNCLOS interpretation from within UNCLOS regulatory institutions such as the ISA, ITLOS, and CLCS. ⁶⁶

China's more diplomatic stance has succeeded in several areas. The South China

Morning Post reports in 2018 that foreign ministers from China and Vietnam vowed Sunday to address disputes peacefully.

SCMP 18 Agence France-Presse, 4-1-2018, "Beijing and Hanoi promise to keep the peace in South China Sea," South China Morning Post

<https://www.scmp.com/news/asia/southeast-asia/article/2139849/beijing-and-hanoi-promise-keep-peace-south-china-sea-where> //DF

China and Vietnam vowed on Sunday to keep the peace in the South China Sea, the resource-rich waterway that has long been a source of tension between Hanoi and its powerhouse communist neighbour. China claims most of the disputed sea, which is believed to be rich in oil and gas reserves and is highly strategic for trade and defence. Beijing has built up artificial islands capable of hosting military installations in recent years, stoking ire from claimants like Vietnam, which has emerged as China's most vocal opponent in the

waterway. Foreign ministers from China and Vietnam vowed Sunday to address disputes peacefully. "Both sides should abide by the basic governing principles on resolving maritime issues. Both sides should not apply unilateral measures that would complicate the situation," China's Foreign Minister Wang Yi told reporters in Hanoi during an official visit to Vietnam. His Vietnamese

counterpart echoed calls to peacefully resolve disputes. "We are ready to work with China to resolve arising issues," Vietnamese Foreign Minister Pham Binh Minh told reporters. He added both sides should "properly manage differences, not expand disputes [and] respect legitimate rights and interests of the other in accordance with international law". Taiwan, Brunei and the Philippines also have claims in the sea. But the Philippines' China-friendly leader Rodrigo Duterte has backed off disputes with Beijing after a landmark international tribunal ruling in 2016 in Manila's favour. Vietnam's tensions with Beijing in the waterway have largely played out behind closed doors. But violent protests erupted in Vietnam in 2014 after Beijing moved an oil rig into Vietnamese-claimed territory.

And ABS news reports in 2018 that the Philippines and China have reaffirmed their commitment to peacefully resolving the South China Sea dispute.

ABS 18 2-13-2018, "PH, China reaffirm commitment to peaceful resolution of South China Sea dispute," ABS-CBN News,

<https://news.abs-cbn.com/news/02/13/18/ph-china-reaffirm-commitment-to-peaceful-resolution-of-south-china-sea-dispute> //DF

The Philippines and China have reaffirmed their commitment to peacefully resolving the South China Sea dispute

as they agreed to boost joint efforts in exploring the waters. Just as in the first round of talks last year, Manila and Beijing said they are both committed to resolving the dispute through "friendly consultations and negotiations." "...Both sides reaffirmed that contentious maritime issues are not the sum total of the Philippines-China bilateral relationship," the countries said in a joint statement released Tuesday. This amid the Philippines recent decision to revoke the permission it gave China to explore the resource-rich Philippine Rise (Benham Rise) and recent reports of the latter's continued militarization of the South China Sea. The two countries also expressed interest in beginning negotiations on a Code of Conduct on the South China Sea next month. Representatives of the two countries agreed to continue exercising self-restraint in the conduct of activities in the disputed waters that "would complicate or escalate disputes and affect peace and stability." "With the objective of maintaining and promoting peace and stability in the region, both sides discussed ways to manage and prevent incidents at sea, promote dialogue and cooperation on maritime issues, and enhance mutual trust and confidence," the statement read. There was also a "productive exchange of views" on how to boost cooperation in marine environmental protection, fisheries, marine scientific research, and oil and gas in the disputed waters.

Accession strengthens US legitimacy and increases partners to combat China

Cronin 18 Patrick M. Cronin and Melodie Ha, 6-22-2018 "Toward a New Maritime Strategy in the South China Sea," The Diplomat,

<https://thediplomat.com/2018/06/toward-a-new-maritime-strategy-in-the-south-china-sea/> //DF

Finally, it's time to deny China the hollow claim that Beijing follows international maritime law, while Washington flouts it. The opposite is true. China has ratified the United Nations Convention on the Law of the Sea (UNCLOS) but adheres to it selectively by privileging domestic law and unilaterally asserting historical rights. In contrast, the United States Department of Defense abides by UNCLOS as a matter of customary international law, even though the United States has never ratified the treaty. The United States should at long last ratify UNCLOS to advance America's interests by reinforcing favorable rules for the governance of the world's oceans on which we depend. **Adopting UNCLOS would bolster American leadership at a time when many question its reliability and staying power.**

These four steps are not a substitute for a comprehensive Indo-Pacific strategy. But collectively, these steps **could be the beginning of a stronger network of partners** and provide the means of preventing any single nation from unilaterally determining the rules for the world heading into the 21st century.

Increases fear of encirclement that Chinese leaders will act on

Chang 16 Felix K. Chang [senior fellow at the Foreign Policy Research Institute. He is also the Chief Strategy Officer of DecisionQ, a predictive analytics company in the national security and healthcare industries], 6-24-2016, "China's Encirclement Concerns," Foreign Policy Research Institute, <https://www.fpri.org/2016/06/chinas-encirclement-concerns/> //DF

But even if China's fear was to manifest itself, Beijing is already developing the means to break out of it. In late 2013, China turned heads across Asia with its "One Belt, One Road" initiative. Among the many infrastructure projects it has financed in Southeast Asia are a special economic zone in Cambodia, hydroelectric dams in Laos, and energy and railway projects in Malaysia. While China's "yuan diplomacy" has not always been successful, it has had an impact. Cambodia and Laos have become reliable advocates for China within ASEAN. Malaysia largely remains on the sidelines of the South China Sea dispute, despite a rising number of Chinese infringements of its exclusive economic zone. China's initiative may prove useful even in the Philippines, which has been a thorn in Beijing's side. The Philippines' new president, Rodrigo Duterte, has indicated that he would undertake the bilateral dialogue that China has long sought in exchange for Chinese economic development assistance. Benefit of the Encirclement Still, Beijing may have reason to play up its fears of encirclement. Despite its remarkable economic achievements, China faces a host of problems. Today, Chinese leaders must manage their country's difficult transition from investment-led growth to expansion by private consumption, while dealing with its various debt-fueled bubbles. Even under the best conditions, those challenges are bound to be volatile. So some may see fears of encirclement as a way to rally public sentiment and maintain the "social stability" needed to ensure the longevity of communist rule. In any case, whether the "encirclement of China" is imagined or real, effective or not, one can expect the phrase to remain in Beijing's lexicon for years to come.

Intense nationalist sentiments fueled by Chinese leaders make war possible

Holmes 18 James Holmes, 5-30-2018, "China Could Win a War Against America in the South China Sea," National Interest, <https://nationalinterest.org/blog/the-buzz/china-could-win-war-against-america-the-south-china-sea-26033> //DF

That's the first point about a people's war at sea. A clash of arms is possible. Statesmen and commanders in places like Manila, Hanoi, and Washington must not discount Chang's words as mere bluster. Indeed, it's doubtful China could comply with the UNCLOS tribunal's ruling at this stage, even if the Chinese Communist Party leadership wished to. Think about the image compliance would project at home. For two decades now, Beijing has invested lavishly in a great navy, and backed that navy up with shore-based firepower in the form of combat aircraft, anti-ship missile batteries, and short-range warships such as fast patrol craft and diesel submarines. (This first appeared last year.) Party leaders have regaled the populace with how they will use seagoing forces to right historical wrongs and win the nation nautical renown. They must now follow through. (This first appeared in 2016.) It was foolish to tie China's national dignity and sovereignty to patently absurd claims to islands and seas. But party leaders did so. And they did so repeatedly, publicly, and in the most unyielding terms imaginable. By their words they stoked nationalist sentiment while making themselves accountable to it. They set in motion a toxic cycle of rising popular expectations. Breaking that cycle could verge on impossible. If Beijing relented from its maritime claims now, ordinary Chinese would—rightly—judge the leadership by the standard it set. Party leaders would stand condemned as weaklings who surrendered sacred territory, failed to avenge China's century of humiliation despite China's rise to great power, and let jurists and lesser neighbors backed by a certain superpower flout big, bad China's will. No leader relishes being seen as a weakling. It's positively dangerous in China. As the greats of diplomacy teach, it's tough for negotiators or political leaders to climb down from public commitments. Make a promise and you bind yourself to keep it. Fail to keep it and you discredit yourself—and court disaster in the bargain.

The fear of encirclement by hostile forces presents a real threat to nations that they are not afraid to respond to. Mearsheimer 14 writes in Foreign Affairs that in Russia's invasion of Ukraine, the United States and its European allies share most of the responsibility for the crisis. The taproot of the trouble is NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia's orbit and integrate it into the West.

Mearsheimer 14 John J. Mearsheimer, 8-20-2014, "Why the Ukraine Crisis Is the West's Fault," Foreign Affairs, <https://www.foreignaffairs.com/articles/russia-fsu/2014-08-18/why-ukraine-crisis-west-s-fault>

According to the prevailing wisdom in the West, the Ukraine crisis can be blamed almost entirely on Russian aggression. Russian President Vladimir Putin, the argument goes, annexed Crimea out of a long-standing desire to resuscitate the Soviet empire, and he may eventually go after the rest of Ukraine, as well as other countries in eastern Europe. In this view, the ouster of Ukrainian President Viktor Yanukovich in February 2014 merely provided a pretext for Putin's decision to order Russian forces to seize part of Ukraine. But this account is wrong: **the United States and its European allies share most of the responsibility for the crisis. The taproot of the trouble is NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia's orbit and integrate it into the West.** At the same time, the EU's expansion eastward and the West's backing of the pro-democracy movement in Ukraine—beginning with the Orange Revolution in 2004—were critical elements, too. Since the mid-1990s, **Russian leaders have adamantly opposed NATO enlargement and in recent years, they have made it clear that they would not stand by while their strategically important neighbor turned into a Western bastion.** For Putin, the illegal overthrow of Ukraine's democratically elected and pro-Russian president—which he rightly labeled a “coup”—was the final straw. He responded by taking Crimea, a peninsula he feared would host a NATO naval base, and working to destabilize Ukraine until it abandoned its efforts to join the West. Putin's pushback should have come as no surprise. After all, the West had been moving into Russia's backyard and threatening its core strategic interests, a point Putin made emphatically and repeatedly. Elites in the United States and Europe have been blindsided by events only because they subscribe to a flawed view of international politics. They tend to believe that the logic of realism holds little relevance in the twenty-first century and that Europe can be kept whole and free on the basis of such liberal principles as the rule of law, economic interdependence, and democracy

Nemeth 08 Stephen C. Nemeth and Sara McLaughlin Mitchell [Department of Political Science, University of Iowa], 1-1-2008, "Ruling the Sea: Institutionalization and Privatization of the Global Ocean Commons," 2007 Annual Meeting of the American Political Science

Association, https://ir.uiowa.edu/cgi/viewcontent.cgi?article=1003&context=polisci_pubs //DF

While it appears that neither privatization nor institutionalization predicts state decisions to employ militarized force over maritime claims, we do find a stronger relationship if we control for the revisionist status of the states in the dyad. The challenger state is identified by the ICOW Project as the state challenging the status quo maritime boundary or resource extraction rights, while the target state is the state defending the status quo. **If distributional issues are not resolved by the establishment of EEZs or through the institutional mechanisms created by UNCLOS, then challengers may be willing to employ militarized force as they are more likely to view the existing distribution of maritime resources as unacceptable.** When controlling for revisionist types, **we find a significant relationship between UNCLOS membership and militarization of maritime claims. Militarized disputes occur in 5% of claim dyad-years if the challenger belongs to UNCLOS, compared to 2.6% of claim dyad-years where the challenger state does not belong to UNCLOS ($\chi^2 = 4.63, p=0.031$).** Thus we have some evidence that **UNCLOS fails in its goal of promoting peaceful settlement of maritime claims** if it fails to address potential distributional problems stemming from the agreement. Hypothesis 2 suggests that EEZs and UNCLOS should promote peaceful negotiations over maritime claims. Table 3 examines this hypothesis empirically, and reveals generally stronger results than for militarized conflict. Bilateral negotiations are somewhat more likely when both states are UNCLOS members than when one or neither is a member, although this difference is not significant ($p = .153$). Bilateral talks occur in 14.6% of the observations when both claimants have

declared EEZs, as opposed to 10.5% when one has a declared EEZ and only 5.0% when neither has a declared EEZ ($p < .001$).

Indeed, China's response to what they perceive as an increase in Western aggression would be similar to Russia's actions in Crimea. They would likely pick off a smaller Southeast Asian nation to demonstrate that they still have control. Tham 18 writes in the Diplomat: when regional geopolitics shifts to one more antagonistic to Beijing's interests, there would be nothing stopping China from 'teaching its neighbours a lesson' – like how it taught Vietnam and India painful lessons during the 1979 Third Indochina War and the 1962 Sino-Indian border war respectively.

Jansen Tham, The Diplomat, 5-10-2018, "Is the South China Sea Dispute a Foregone Conclusion?," Diplomat, <https://thediplomat.com/2018/05/is-the-south-china-sea-dispute-a-foregone-conclusion/> (NK)

The above three factors – Beijing's sharpened focus on national security, lack of American resolve to balance China in the SCS, and ASEAN's prioritization of peace and stability over sovereignty considerations – have contributed to the bleak state of affairs today. What does this mean for security in Southeast Asia? From the realist perspective, as Beijing accrues naval dominance in the SCS, the rules meant to regulate its behavior are likely to matter less and less – underscoring the geopolitical truism that 'might is right.' While China foreswears the use of coercive force on its Southeast Asian neighbors and may indeed have no offensive intentions today, it has now placed itself in a position to do so in future. In other words, while it had no capacity nor intent to threaten Southeast Asian states previously, it has developed the requisite capabilities today. Under a different Chinese leader, or **when regional geopolitics shifts to one more antagonistic to Beijing's interests**, there is a very real chance that its hitherto benign intent could change. If that happens, **there would be nothing stopping China from 'teaching its neighbours a lesson' – like how it taught Vietnam and India painful lessons during the 1979 Third Indochina War and the 1962 Sino-Indian border war respectively.**

While acquiescing to preserve today's regional peace and stability makes sense, Southeast Asian states must realize the trade-off that doing so engenders potential costs of military confrontations with China tomorrow – confrontations stacked in Beijing's favor given its entrenched regional military influence henceforth.

In the Vietnam case alone, 50,000 people died in the struggle, even though it only lasted six weeks.

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

In the winter of 1978, when Deng Xiaoping made his threat of a "lesson," more than 80,000 Chinese troops were sent across the border into Vietnam. Chinese Deputy Defense Minister Su Yu boasted of being able to take Hanoi in a week, but the untested and under-equipped People's Liberation Army (PLA) met fierce resistance from battle-hardened Vietnamese forces deployed across the frontier's limestone karsts. The Chinese were slaughtered by local militia from positions that had been utilized for centuries against invaders from the north. "More Chinese soldiers were getting killed because they were fighting like it was the old times," says Vietnamese veteran Nguyen Huu Hung, who witnessed the PLA's human waves being mown down near the city of Lang Son. "They were in lines and just keep moving ahead ... they didn't run away."

it would take just six weeks for Beijing to call off its "self-defensive counteroffensive." Teaching the Vietnamese a lesson turned out to be a costly affair. Official casualty statistics have never been released by either Beijing or Hanoi; however, analysts have estimate that as many as 50,000 soldiers died during the confrontation.

"I heard that [China] said they wanted to teach Vietnam a lesson, but I can't see what the lesson was," says Hung. "Our job was to fight against them. But the losses, to be honest, were huge." When the Chinese began their pullout in early March, the retreating troops implemented a barbaric scorched-earth policy. Every standing structure in their path was destroyed. Any livestock they encountered were killed. Bitterness was sown.

Oil

600 miles into the Arctic Sea, off the coast of Alaska, lie billions of barrels of oil. U.S. oil companies are eager to profit off of these resources, and ratifying the law of the sea is the first step towards that goal. Gray 13 of the Coast Card explains that there are currently overlapping claims in the Arctic and that UNCLOS provides the legal basis necessary for resolving claims and establishing stability necessary to support development. Without UNCLOS, no U.S. company will make the multi-billion dollar investments required to recover these resources without the legal certainty the Convention provides.

Gray 13 Daniel W. Gray [U. S. Coast Guard], 2-5-2013, "CHANGING ARCTIC: A STRATEGIC ANALYSIS OF UNITED STATES ARCTIC POLICY AND THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA," NATIONAL DEFENSE UNIVERSITY, JOINT FORCES STAFF COLLEGE, <http://www.dtic.mil/dtic/tr/fulltext/u2/a581139.pdf> //DF

Contrary to some opponents claims, joining the Treaty promotes American sovereignty. LOS strengthens our sovereignty by codifying our property claims in the Arctic and on our ECS [extended continental shelf].¹⁹ The business community claims that technology is at the point where it is financially feasible to exploit these resources; however "companies need the certainty the Convention provides in order to explore beyond 200 miles and to place experts on international bodies that will delineate claims in the Arctic."²⁰ The Chairman and CEO of Exxon, R. W. Tillerson, in a 2012 letter to the Senate Foreign Service Committee, expressed his company's support for the ratification of UNCLOS as a necessity to financially and efficiently operate in the Arctic. He elaborated that **there are currently overlapping claims in the Arctic and that UNCLOS provides the legal basis necessary for resolving claims and establishing stability necessary to support development**. Otherwise, "the lack of legal certainty unnecessarily clouds our investment motivation."²¹ Thomas J. Donahue of the U.S. Chamber of Commerce echoed Tillerson's statement in a January 2012 letter to Senators John Kerry and Richard Lugar, pointing out that **without UNCLOS "no U.S. company will make the multi-billion dollar investments required to recover these resources without the legal certainty the Convention provides."**²² In addition to exploiting the resources in a respective economic exclusion zone, Arctic countries are scrambling to map out their extended continental shelves. For the United States, this could produce billions, perhaps trillions, of dollars in profits from oil, natural gas, and minerals. Of great concern is the harvesting of seabed minerals in the form of rare earth metals: namely manganese, nickel, copper, and cobalt. In discussing rare earth metals and the need for ratification, the National Association of Manufacturers claims that "China produces more than 90 percent of the world's supply and also consumes roughly 60 percent . . . China recently imposed significant export restrictions on its rare earth production. In 2010, it announced it would cut exports by 40 percent in 2012."²³ These minerals are extremely important to the production of telecommunications, defense systems, and manufacturing. Without being a ratified member of UNCLOS, proponents of the treaty point out that the United States will not be heard in the policy making process. As a non-party the U.S. does not have a representative on the International Seabed Authority (ISA) or Commission on the Limits of the Continental Shelf (CLCS).

Accession would dramatically increase oil production. Gardner 12 at the American Security Project writes: the Arctic Alaska Province is estimated hold 30 billion barrels of oil. Through acquiring resource rights, the US could substantially increase its oil production in the long term.

Gardner 12 Robert Gardner, 6-13-2012, "US Must Ratify Law of Sea Convention," American Security Project, <https://www.americansecurityproject.org/us-must-ratify-law-of-sea-convention/> //DF

The US continental shelf is estimated to extend to at least 600 miles into the Arctic Sea off the coast of Alaska. This region, called **the Arctic Alaska Province, is** an incredibly resource richest area, **estimated** by the USGS to **hold 29.96 billion barrels of oil and 72 billion barrels of natural gas** (about 33% of technically recoverable oil and 18% of technically recoverable gas in the Arctic). Supporters of the treaty assert that **through acquiring resource rights, the US could substantially increase its domestic oil and natural gas production in the long term**. Such production would lead to greater US energy security and greater investment and employment in the energy sector. With the US now having so much to lose and a great deal to gain, supporters of the treaty have been pushing congress to ratify UNCLOS. The treaty has been overwhelmingly backed by US industries, military officials, previous presidential administrations and the Obama administration as a way to confirm US sovereignty in Arctic. Yet, a small opposition to the treaty remains. The opposition asserts that US should be advancing its resource claims without ratifying what they believe to be a constraining international agreement. Opposition leaders claim that US territorial disputes over the Arctic (with Canada) should be settled through bilateral treaties, not UNCLOS.

This increase in production would come with substantial environmental costs; more frequent heat waves and higher levels of air pollution that raise health care costs; changes in food production that will be costly for farmers and consumers; and tax dollars that coastal governments will have to spend to guard against more frequent floods and storm surges. Indeed, Donagy 16 at Greenpeace estimates that offshore drilling would impose between \$59 and \$179 billion in these types of costs.

Donagy 16 Tim Donaghy [Greenpeace], 6-10-2016, "The Climate Costs of Offshore Oil Drilling," EcoWatch, <https://www.ecowatch.com/the-climate-costs-of-offshore-oil-drilling-1891170818.html> //DF

And, unsurprisingly, this increase in emissions comes at a high cost to you and me. Using the government's official estimates for the Social Cost of Carbon, we found that **the offshore drilling program would impose net social costs of between \$59 billion and \$179 billion over the next 50 years**. In his final few months in office, President Obama is looking to cement his legacy as a climate champion, building on advancements like the Clean Power Plan and the Paris climate agreement. Expanding offshore drilling would do the exact opposite, but there is still time for the president to reverse course and put a halt to new offshore oil leasing. Here's why he should. What is the Social Cost of Carbon, Anyway? Our daily lives are connected to the climate in ways both obvious and subtle and for that reason carbon pollution dumped into the atmosphere will cost us in a variety of ways. For one, climate change is already a significant threat to human health. More frequent heat waves, droughts, changing infectious disease patterns and air pollution will lead to increased risk of illness, more premature deaths and higher health costs. Similarly, climate change will impact our food systems by changing temperature and rainfall patterns and affecting crop yields. Changes in food production will be costly for farmers and consumers—and could be devastating for the planet's poorest inhabitants. And as sea-levels continue to rise, coastal governments will have to spend tax dollars to guard against floods and storm surges. The U.S. recently saw its first relocations due to climate change, where a native tribe in Louisiana is in the process of moving from its traditional lands to higher ground because of erosion and rising sea levels. A number of Alaskan Native villages are in similar predicaments, but have not yet secured the necessary funds to resettle. These climate change costs represent a stealth tax that we are already paying and which is set to increase rapidly in the years to come. Fossil fuel companies make their profits by

off-loading these costs onto the rest of us. You won't see this tax at the gas pump, but we are paying it nonetheless. The U.S. government has started to come up with a system to tally up these climate impacts. The official government Social Cost of Carbon estimates calculate the costs of emitting one metric ton of carbon dioxide in a given year. The costs inexorably rise over time as the planet's climate system becomes more and more stressed. These official numbers almost certainly underestimate the true costs of climate change, but they are a useful benchmark. The First Step is Admitting You Have a Problem But just because the government has these handy estimates doesn't mean it's using them.

Environmental Defense Fund, "The true cost of carbon pollution,"

<https://www.edf.org/true-cost-carbon-pollution> //DF

Climate change causes devastating impacts: extreme weather events like flooding and deadly storms; the spread of disease; sea level rise; increased food insecurity; and other disasters. These impacts can cost businesses, families, governments and taxpayers hundreds of billions of dollars through rising health care costs, destruction of property, increased food prices, and more. The social cost of carbon is a measure of the economic harm from those impacts, expressed as the dollar value of the total damages from emitting one ton of carbon dioxide into the atmosphere. The current central estimate of the social cost of carbon is roughly \$40 per ton. While this is the most robust and credible figure available, it does not yet include all of the widely recognized and accepted scientific and economic impacts of climate change. For that reason, many experts agree [PDF] this is far lower than the true costs of carbon pollution.

R2R

We negate that the United States should accede to the United Nations Convention on the Law of the Sea.

Contention One is destabilizing the South China Sea.

China's actions in the South China Sea are rooted in their fears of what they perceive as aggression by the United States. Yinghui 18 at the RSIS writes: Chinese leaders consider the US a destabilising force in the region, thus becoming the biggest driving force behind the regional militarization.

However, the U.S. has backed off of the global stage, lessening China's fears. Yinghui furthers: many Southeast Asian countries have begun to question the US commitment to the region, and Beijing has skillfully capitalised on Washington's negative publicity to portray itself as the more constructive power in the region.

In the absence of pressure from the United States, China has made a number of moves towards peace. The South China Morning Post reports in 2018 that foreign ministers from China and Vietnam have vowed to address disputes peacefully, and ABS news reports in 2018 that the Philippines and China have also reaffirmed their commitment to peaceful resolution.

However, affirming the law of the sea would signal a greater US presence on the international stage. Cronin 18 writes in the Diplomat: Adopting UNCLOS would bolster American leadership at a time when many question its reliability and staying power.

To Chinese leaders, this would be seen as a US attempt to undermine their control by turning other states against them, raising tensions in the region. Chang 16 at the Foreign Policy Research Institute explains: Chinese leaders see fears of encirclement as a way to rally public sentiment and maintain the “social stability” needed to ensure the longevity of communist rule.

Indeed, that public anger generated by fears of the US can itself become a pressuring force towards violence. Holmes 18 at the National Interest writes that It’s doubtful China could comply with UNCLOS provisions, even if the leadership wished to, because leaders have regaled the populace with how they will use seagoing forces to right wrongs against the state; they must now follow through on perceived threats to their sovereignty.

This escalating cycle of fears and backlash has already been shown to be dangerous. For example, Mearsheimer 14 writes in Foreign Affairs that in Russia’s invasion of Ukraine, the United States and its European allies share most of the responsibility for the crisis. The taproot of the trouble was NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia’s orbit and integrate it into the West. For Russian leaders, who adamantly opposed NATO enlargement, they made it clear that they would not stand by while their strategically important neighbor turned into a Western bastion.

China’s response to fears of US encroachment would be similar to Russia’s invasion in Crimea, where they would pick off a smaller Southeast Asian nation to show control. Tham 18 writes in the Diplomat: when regional geopolitics shifts to one more

antagonistic to Beijing's interests, there would be nothing stopping China from 'teaching its neighbors a lesson' – like how it taught Vietnam a painful lesson during the 1979 Third Indochina War.

In that instance, 50,000 people died in a conflict of just six weeks.

Contention two is Arctic drilling.

Gray 13 at the Coast Card explains that there are currently overlapping claims in the Arctic and that UNCLOS provides the legal basis necessary for resolving claims and establishing stability necessary to support development. Without UNCLOS, no U.S. company will make the investments required to recover these resources without the legal certainty the Convention provides.

Accession to the law of the sea would be good news for oil companies, since Gardner 12 at the American Security Project writes: the Arctic Alaska Province is estimated hold 30 billion barrels of oil. Through acquiring resource rights, the US could substantially increase its oil production in the long term.

But while oil companies would cheer on the treaty, the rest of the world wouldn't. More drilling inevitably leads into more emissions, which comes with high costs: bigger health bills, more insurance against extreme weather, lost earnings from storms and droughts, and the destruction of industries like agriculture and tourism. Indeed, Donaghy 16 at Greenpeace estimates that offshore drilling would result in up to \$179 billion in these types of costs to society.

Thus, we negate.

SCS FRONTLINES

R/T Multilateralism Right Now

Wade Shepard, 9-13-2016, "Is The U.S. Pushing Yet Another Country Into Closer Ties With China?," Forbes, <https://www.forbes.com/sites/wadeshepard/2016/10/11/is-the-u-s-pushing-the-philippines-into-closer-ties-with-china/#2a0d50617062> (NK)
After 20 years of being the hard-nosed mayor and congressman of Davao, the Philippines second largest city after Metro Manila, Rodrigo Duterte took his act national. Winning the presidential election and taking office in June of this year, he immediately set in motion a full-scale crime eradication initiative aimed primarily at drug dealers. As the means to these ends have reputedly involved the extra-judiciary deaths of over 3,000 suspects in three months, Duterte rapidly attracted the scorn of the U.S., EU and UN, among others, who accused him of potential

human rights violations. **The U.S. also reportedly began refusing the Philippines arms sales.** Duterte did not take these criticisms and denial of weapons passively, and verbally struck back at his Western critics with a slew of unconventionally brash insults, threats and taunts. Chief among these was a **promise to "break up with America," end joint drills with the U.S. military, and instead establish closer ties with China and Russia. Variations of "I can always go to China"** have become some of his most common rebuttals. "If you don't want to sell arms, I'll go to Russia. I sent the generals to Russia and Russia said 'do not worry, we have everything you need, we'll give it to you.' **And as for China, they said 'just come over and sign and everything will be delivered,'"** was one of Duterte's much-quoted statements. Whether anything really comes of the hotheaded president's current position other than some temporary hesitation on the part of Western investors remains to be seen, but what is highlighted is the growing trend of U.S. and E.U. economic and political penalties designed to pressure countries for reputed humanitarian abuses instead pushing them into closer relations with China — a country which strategically avoids the human rights discussion altogether.

R/T FONOPS

These are not really important

Ariffin 17 Eijas Ariffin, 1-7-2017, "Can China's militarisation of the South China Sea lead to armed conflict?," ASEAN Post,

[//DF">https://theaseanpost.com/article/can-chinas-militarisation-south-china-sea-lead-armed-conflict-0 //DF](https://theaseanpost.com/article/can-chinas-militarisation-south-china-sea-lead-armed-conflict-0)

The United States has carried out various freedom of navigation missions in the South China Sea to keep China's military moves in check. These missions often involve American warships equipped with fighter jets patrolling areas of the South China Sea. Lieutenant Commander Tim Hawkins told the Associated Press (AP) this week that the US will continue with their missions despite the presence of Chinese bases established in the area. Tim Hawkins added that they are prepared to provide any sort of assistance in the region be it in the form of "humanitarian assistance" or "send strike fighters ashore." Freedom of navigation missions more often than not receive a backlash from Beijing. The Japan Times reported last week that the Chinese military flexed its muscles by deploying fighter jets to the South China Sea. The newspaper also indicated that this could be a response to the freedom of navigation missions that the US has carried out in the region. **While antagonism continues to grow and both powers continue to assert dominance, war in the region is unlikely as both countries have too much to lose. Both countries have repeatedly spoken out against their intention of instigating a war. What we're seeing now is merely a form of gunboat diplomacy – where both countries are asserting their strength by displaying their military power.** Xu Liping, a researcher on Asian-Pacific studies at the Chinese Academy of Social Sciences told South China Morning Post on Monday that, **"The aircraft carriers' visits are only symbolic – to show that America still has a military presence in the region and that it is still a hegemon."**

R/T CN Aggression

Friedman 17 George Friedman [Hungarian-born U.S. 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], Xander Snyder and Cheyenne Ligon, 4-3-2017, "Chinese Military Installations in the South China Sea," Geopolitical Futures, [https://geopoliticalfutures.com/chinese-military-installations-south-china-sea/ //DF](https://geopoliticalfutures.com/chinese-military-installations-south-china-sea//DF)

The next day, the Chinese Foreign Ministry denied that China had intentions of building anything—including an environmental facility—on Scarborough Shoal, and a correction was issued to remove Xiao’s comments regarding Scarborough Shoal construction from the Hanan Daily, a state-backed newspaper. Duterte responded to China’s revised position by claiming that he doesn’t believe China would build on the shoal “out of respect for our friendship.” Conclusion Diplomatic spats between China and the other claimants in the South China Sea are, for now, just that—spats. China is building up military capabilities on the contested reefs, but the installations are primarily for defensive purposes. The SAMs [surface-to-air missiles] China installed on the reefs are mainly air area denial tools with a limited range of 124 miles, meant to shoot down incoming enemy planes. China’s planes spotted at these South China Sea installations have also been largely defensive (such as the J-11 fighter jet, which is used to maintain air superiority over the islands). The position of the reefs is also defensive: The location of the Paracel Islands gives China the ability to block Taiwanese or Philippine access to its Hainan submarine base. However, it is possible that Chinese involvement on these reefs could progress from a defensive nature to a more offensive one. The occasional presence of Xian JH-7 fighter bombers and the construction of large harbors that can accommodate the largest ships in the People’s Liberation Army Navy’s fleet indicate China’s interest in demonstrating that it could, if provoked, carry out future attacks from these islands. Additionally, if Scarborough Shoal becomes another base of Chinese operations, it sits close enough to the Philippines to pose an offensive threat, regardless of whether China considers it a defensive position. For now, like all Chinese moves in the South China Sea, it is just a bluff meant to make China look bigger and scarier than it actually is.

China is militarising for defensive purposes (Xiaoming - Guardian)

Liu **Xiaoming**, 6-27-2018, "China will not tolerate US military muscle-flexing off our shores," Guardian,

<https://www.theguardian.com/commentisfree/2018/jun/27/china-not-tolerate-trump-military-muscle-south-china-sea> (NK)

What is “militarisation” or “troublemaking” if not this blatant show of force? Instead of getting this straight, some countries followed suit by condescendingly accusing China of “not playing by the rules”. This is not only making a mess of the regional situation but also assisting the troublemakers. **China is naturally vigilant and on guard against provocations and needs to increase its defensive capabilities, such as building necessary facilities on its islands. This is the responsibility and right of a sovereign country.** These facilities, while serving the purpose of safeguarding the sovereignty and security of China, will also provide relevant navigational services to ships and aircraft passing through this region and help ensure the openness and safety of the shipping and flight routes. China is the biggest littoral state in the South China Sea and it is firmly committed to peaceful development, to peace and stability in the South China Sea and to regional prosperity and growth. There is no doubt about this.

R/T Conflict w/ SCS States

Eimor Santos., 6-29-2018, "China, ASEAN agree to move forward with negotiations on South China Sea code of conduct," CNN,

<http://cnnphilippines.com/news/2018/06/29/China-ASEAN-negotiations-South-China-Sea-code-of-conduct.html> //SWG

Metro Manila (CNN Philippines, June 29) — **Members of the Association of Southeast Asian Nations (ASEAN), which includes the Philippines, struck an agreement with China to move forward with negotiations for a code of conduct (COC) in the South China Sea.** The code, which will define what the six claimants to the South China Sea can and cannot do in the disputed waters, was discussed during the 15th senior officials' meeting on the implementation of the Declaration on the Conduct (DOC) of Parties in the South China Sea, held in Changsha City, Hunan Province in China this week.

There is stability in the SCS due to regional agreements (Xiaoming - Guardian)

Liu **Xiaoming**, 6-27-2018, "China will not tolerate US military muscle-flexing off our shores," Guardian, <https://www.theguardian.com/commentisfree/2018/jun/27/china-not-tolerate-trump-military-muscle-south-china-sea> (NK)

The former is an excuse to throw America's weight about wherever it wants. It is a distortion and a downright abuse of international law into the "freedom to run amok". Second, is there any problem with freedom of navigation in the South China Sea? The reality is that more than 100,000 merchant ships pass through these waters every year and none has ever run into any difficulty with freedom of navigation. **Despite some disputes between China and some of its neighbours, maintaining stability in the South China Sea has been a matter of consensus for all the countries in this region. The overall situation has been stable, thanks to the joint efforts of all the regional partners. Last August, for example, the foreign ministers of China and the Association of Southeast Asian Nations (Asean) countries agreed on the framework of a code of conduct.** The parties have agreed to hold at least three more rounds of consultations before the end of this year. The South China Sea is calm and the region is in harmony. The so-called "safeguarding freedom of navigation" issue is a bogus argument. The reason for hyping it up could be either an excuse to get gunboats into the region to make trouble, or a premeditated intervention in the affairs of the South China Sea, instigation of discord among the parties involved and impairment of regional stability.

R/T Philippines vs China

The current approach is working. Mogato 17 explains: China has assured the Philippines it will not occupy new features or territory in the South China Sea, under a new status quo.

Mogato 2017 (Manuel Mogato, Journalist for Reuters AUGUST 15, 2017 "Philippines says China agrees on no new expansion in South China Sea"

<https://www.reuters.com/article/us-southchinasea-philippines-china/philippines-says-china-agrees-on-no-new-expansion-in-south-china-sea-idUSKCN1AV0VJ> DOA: 7/3/18)
ESM

China has assured the Philippines it will not occupy new features or territory in the South China Sea, under a new "status quo" brokered by Manila as both sides try to strengthen their relations, the Philippine defense minister said. Philippine Foreign Secretary Alan Peter Cayetano also said the **Philippines was working on a "commercial deal" with China to explore and exploit oil and gas resources in disputed areas of the South China Sea with an aim to begin drilling within a year.** The defense minister, Delfin Lorenzana, told a congressional hearing **the Philippines and China had reached a "modus vivendi", or a way to get along, in the South China Sea that prohibits new occupation of islands.** **"The Chinese will not occupy new features in the South China Sea nor they are going to build structures in Scarborough Shoal."** Lorenzana told lawmakers late on Monday, referring to a prime fishing ground close to the Philippines that China blockaded from 2012 to 2016.

No risk of conflict – Philippines is bound to China

Quiano 18 Kathy Quiano and Ben Westcott, Cnn, 4-9-2018, "Philippines President Duterte says he needs China, 'loves' Xi Jinping," CNN,

<https://www.cnn.com/2018/04/09/asia/duterte-xi-jinping-boao-forum-intl/index.html> //DF

Philippines President Rodrigo Duterte has effusively praised China and its strongman President Xi Jinping on the eve of attending Beijing's signature Boao Forum. Speaking in Manila on Monday prior to his trip to China, Duterte **said the Philippines needed to deepen ties with Beijing because China is willing to invest in his country. "I need China. More than anybody else at this point, I need China," Duterte said. "I simply love Xi Jinping. He understood, he understands my problem and is willing to help, so I would say thank you China."** Every year, China holds a meeting of regional political and business leaders called the Boao Forum in the southern province of Hainan, similar to the World

Economic Forum in Davos, Switzerland. The controversial Philippines President is expected to hold a bilateral meeting with Xi on the sidelines of the forum, and said on Monday infrastructure investment would be on top of the agenda. "Our destiny lies in Asia, not in the Middle East but they're too busy fighting and they don't have money. If you don't have money, you're not my friend. So I go to China. Plenty of money," Duterte said. It isn't the first time Duterte has spoken passionately about shifting closer to Beijing politically. In October 2016, he unexpectedly announced a military and economic "separation" from the United States during a Beijing trip. While the Philippines leader quickly backed down on his bold declaration, China's Xi nonetheless signed 13 bilateral deals with him on their first meeting, including on trade and investment. Duterte close to Trump The Philippines has been a close ally and partner of the United States for decades, while its relationship with China soured early in 2016 amid the ongoing dispute over territory in the South China Sea. But under Duterte, who took power in June 2016, the country's foreign policy has been turned on its head. Duterte had a fractious relationship with former US President Barack Obama, whose administration pressed the Philippines leader on his bloody war on drugs, which left thousands dead. In September 2016, Duterte called Obama a "son of a bitch," leading to the US administration canceling a planned bilateral meeting.

Oil FRONTLINES

R/T Other Countries Drilling

Generic Frontline

The US controls the largest area in the Arctic, meaning its drilling would have the greatest impacts on the environment

Vladimir Putin,, xx-xx-xxxx, "The Emerging Arctic," No Publication,

https://www.cfr.org/interactives/emerging-arctic?cid=otr_marketing_use-arctic_infoguide%2523!#!/emerging-arctic?cid=otr_marketing_use-arctic_infoguide%2523! //DF

Few countries have been as keen to invest in the Arctic as Russia, whose economy and federal budget rely heavily on hydrocarbons. Of the nearly sixty large oil and natural-gas fields discovered in the Arctic, there are forty-three in Russia, eleven in Canada, six in Alaska, and one in Norway, according to a 2009 U.S. Department of Energy report. Development of energy in the Russian Arctic has been dominated by state-backed firms, but industry analysts expect Western petroleum companies to provide needed technology and management expertise, as demonstrated by the partnership of ExxonMobil and Rosneft. Meanwhile, Royal Dutch Shell, ConocoPhillips, and Statoil have drilling leases in the U.S. waters off the coast of Alaska, which are projected to hold the largest undiscovered oil deposits in the Arctic (roughly thirty billion barrels). Shell may resume exploratory drilling in the Chukchi Sea in the future, though since suffering major operational setbacks in 2012, it has not conducted operations in the U.S. Arctic. Shipping As Arctic sea ice retreats, shipping lanes are opening that many trading nations hope could compete with or complement conventional routes during summer months. The Northeast Passage—a roughly three-thousand-mile shipping lane across the top of Eurasia connecting the Atlantic to the Pacific—first became ice-free for a short period in the summer of 2007, and gained international attention as a seasonal shipping route between the two oceans. Russia's Northern Sea Route (NSR), which runs from the Kara Gate to the Bering Strait, was also open for the same period.

R/T Canada

Trudeau wants drilling of no sort (Simpson - Oil Price)

Bill Simpson On February 21 2017 Said, February 2017, "Canadian Prime Minister Bans Arctic Drilling... For Now," OilPrice, <https://oilprice.com/Energy/Energy-General/Canadian-Prime-Minister-Bans-Arctic-Drilling-For-Now.html> (NK)

Canadian Prime Minister Justin Trudeau has defended his government's decision to ban all drilling for oil and gas in the Arctic for the next five years

—for starters—in response to a local mayor's cries that the ban will cost jobs for communities, even though Big Oil can't really afford to drill right now. Trudeau referred to scientific data revealing that an oil spill in the Arctic would be much more difficult to deal with than anywhere else, but left a tiny window open for the oil industry. If Big Oil comes up with technology that can guarantee safe drilling in the Arctic, the ban could be reconsidered, he said. It is clearly a window that won't be opened in the next five years—an unrealistic timeframe for developing 100 percent safe drilling technology. In fact, it's probably safe to say that there can be no 100 percent spill-proof drilling technology, so the ban is likely to remain in effect for more than five years

R/T Norway

Companies in Norway can barely drill for themselves, let alone hand out licenses to foreign nations (Associated Press)

Associated Press · Posted, 1-4-2018, "Norway court clears way for controversial Arctic drilling," CBC, <https://www.cbc.ca/news/canada/north/norway-court-arctic-drilling-1.4472884>

A court in Norway said Thursday that the government can hand out oil drilling licences in the Arctic, dealing a blow to two environmental groups that had filed a lawsuit against further drilling in the Barents Sea. The Oslo District Court acquitted the government against charges from Nature and Youth and Greenpeace Nordic that drilling for oil and gas in Arctic waters would violate with the Paris

Agreement on climate change and the Norwegian constitution. The court cited the constitution, saying "natural resources shall be managed on the basis of long-term considerations, which will safeguard this right for future generations as well." Activists decried the decision. "Climate change is global. And climate scientists are freaking out. The Norwegian oil policy is letting down my generation and threatens my future," said Ingrid Skjoldvaer, head of Nature and Youth. The groups had sued Norway's Ministry of Petroleum and Energy in an attempt to invalidate the latest round of 10 production licences in the Barents Sea on the edge of the Arctic Ocean. **The oil ministry had said the licensing round was in compliance with the constitution and noted that it was backed by a large majority in Norway's parliament.** The government said following the court ruling that it now "had a sound basis for its

decision to award the production licences." The court also said the groups should pay legal expenses worth 580,000 kroner (about \$118,000 Cdn). Greenpeace spokesman Truls Gulowsen said the group is considering whether to appeal.

No they're decreasing drilling now

Hoag 16 Hannah Hoag [science writer based in Toronto, Canada], 1-22-2016, "Arctic Development Stalls With Tumbling Oil Prices," HuffPost,

https://www.huffingtonpost.com/entry/arctic-development-stalls_us_56a2b40be4b076aadcc6c444

//DF

There are no active oil exploration projects going on in Arctic waters offshore of the U.S., Canada or Greenland. The delay gives governments, scientists and northern communities time to think about future Arctic development, said Scott Highleyman, who directs the International Arctic Program at the Pew Charitable Trusts. "It's a chance for governments to identify and protect ecologically important areas, using a combination of western science and traditional knowledge and take those areas off the table from offshore oil and gas development," he said. But

Norway and Russia have also **backed off some of their Arctic offshore drilling programs. Despite a slight increase in crude oil production in 2015, the Norwegian Petroleum Directorate, the country's oil industry regulator, expects production to drop slightly in 2016 and continue to decline through 2019.** Director General

Bente Nyland told Bloomberg that **the "industry is in a crisis."** Last year, Norway expanded its oil drilling territory by offering new leases in the Barents Sea. Climate change has seen the sea ice edge retreat, giving the government the opportunity to open the northern waters to oil and gas exploration, over protests from environmental groups. Russia, which earns about half its government revenue from oil and gas sales, has seen its economy stumble as oil prices fall. It had planned to drill 14 offshore wells in 2017, but downgraded those aspirations to two wells in September. This week, Russia said the fall in oil prices meant the budget would be \$38 billion short of income.

R/T Russia

Russia is diversifying now away from oil

Sirius Report 17 1-22-2017, "Russian Economic Diversification in the Face of Sanctions is Reaping Benefits," The Sirius Report,

<https://www.thesiriusreport.com/economics/russian-economic-diversification/> //DF

Moscow recognised that Russia was competitive, broadly speaking, only in natural-resource sectors, and that the country needed to diversify and develop businesses in a range of other sectors. Russia embarked

on a programme that offered support for exporters and import substitution. Organisations engaged in these programmes were supported by exemption from profits tax and by having 30 per cent of their output open to purchase by the state without competitive tendering. Russia also introduced its high-profile import substitution initiative and in November 2015 The Minister of Industry and Trade, Denis Manturov, announced at a State Council meeting that 570 import substitution projects had commenced. Plans for the implementation of 2059 projects across 19 branches of the economy were due to commence between 2016 and 2020. Import substitution is already having a significant impact. In late 2016, Manturov commented that import substitution in the pharmaceutical industry had reached 76% whereby that percentage of products on the list of essential medicines are manufactured in Russia. It is envisaged that within 12 months that figure will rise to 90%. Import substitution has proved to be successful in the engineering sector, where the share of imports fell from 60% in 2014 to 48% by the end of Q3 in 2016. Import substitution has also improved in engineering industries. In heavy engineering the share of imports fell from 60 percent in 2014 to 48 percent over the first nine months of 2016. In the power engineering the drop was from 33 to 24 percent, while in oil and gas engineering from 55 to 46 percent. Russia also managed to double the production of agricultural machinery in 2015.

Sanctions and import substitution were also responsible for grain production of 126 million tons in 2016 which was a record high in Russian history and 16% more than in 2015. Food produce also showed increases e.g. sunflower oil and milk. Meat and poultry production was also a significant beneficiary of such policies with an increase of 6.3% compared to 2015 and in the same period, Russian meat imports fell by 21%. Such has been the success of the Russian import substitution programme and given Russia's status of a country free of foot-and-mouth disease, Russia's Agricultural Ministry is preparing a sub-program on the state support of export of agricultural products within the framework of WTO regulations. Russia is now in the position of turning their successful import substitution programme into export substitution and the necessary diversification from hydrocarbon industries. The programme will include support of participation of targeted global trade fairs which are of most interest to Russian exporting companies. A brand will be created, which will include market positioning of Russian agricultural produce and food products abroad, exploration of market possibilities, access to foreign markets and increasing the quality criteria associated with exported Russian products.

1. Russia drilling will max out in 2020

Slav 18 Irina Slav, 4-23-2018, "Russia Bets Big On Arctic Oil," OilPrice,

<https://oilprice.com/Energy/Energy-General/Russia-Bets-Big-On-Arctic-Oil.html> //DF

Arctic drilling was one of the top targets of U.S. sanctions that banned U.S. oil companies—and their European peers—from sharing technological know-how with Russian producers. This may have slowed down the progress of Gazprom Neft and others in the Arctic, but it did not put an end to it. Not that it could: Russia's energy industry has been working on Arctic exploration for much longer than the four years since the annexation of Crimea, which became the grounds for the sanctions. Gazprom Neft launched its first Arctic field, Prirazlomnoye, at the end of 2013, and first oil, and the new blend, ARCO, from Arctic Oil, reached markets the following year. Since then, more than 10 million barrels have been shipped from the field. Recoverable reserves at Prirazlomnoye are estimated at 540 million barrels of crude, and the peak of production is set to be reached in 2020, at 110,000 barrels per day. The Arctic as a whole is top priority for Gazprom Neft: in 2016, two new projects got the go-ahead there. Messoyakha, which is the northernmost onshore oil field in Russia to date, is estimated to hold 470 million tons of oil and condensate. Novoportovskoye, or Novy Port, field holds an estimated 250 million tons of oil and condensate.

2. Increasing US Arctic drilling is what pushes Russia in. Mcgee 18 explains: Recent geopolitical moves can be analyzed as a precursor for future tensions. For example, western sanctions on Russia, recognizing the importance of Russia's Arctic development, prohibited the export of goods, services, or technology in support of oil exploration or production ventures in Russian deepwater. Through a political lens, many view the country's moves as tied to geopolitical competition, in order to give Russia a further edge in Arctic development.

Mcgee 18 RYLIN MCGEE, 1-12-2018, "Russia's Arctic Development: Problems and Priorities," GeoHistory, <http://geohistory.today/russia-arctic-development-power/> //DF

Problem Five: Balancing Competition and Cooperation With a myriad of economic, military, and environmental factors at stake, international political interaction concerning the Arctic is likely on the horizon. However, the nature of these relations has yet to be determined. **Recent geopolitical moves can be analyzed as a precursor for future tensions.** In 2014, the United States, European Union, and several other countries imposed sanctions against Russia in response to its annexation of Crimea, which targeted the country's major banks, defense, and oil and gas industries. Specifically, **such sanctions, recognizing the importance of Russia's Arctic development, prohibited the export of goods, services, or technology in support of oil exploration or production ventures in Russian deepwater, the Arctic offshore, or shale projects.** President Putin has also asserted that the right to transport oil and gas in Russian Arctic territory should be given only to Russian-licensed ships. **Through a political lens,** however, **many view the country's moves as tied to geopolitical competition, in order to give Russia a further edge in Arctic development.** However, Article 234 of the United Nations Convention on the Law of the Sea, gives Russia the right to do this by declaring that coastal states may adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution caused by vessels in ice-covered areas within the limits of a state's Exclusive Economic Zone. In alignment with this environment consciousness, Putin also declared that Russia should move away from dirtier coal and diesel-fueled transport to cleaner, natural gas fuel. Furthering this goal, Rosneft's first order from the Zvezda Shipyards, set to be completed by 2019, includes five Liquefied Natural Gas (LNG) fueled tankers. Thus, Russia's close regulation of the ships traveling the Arctic routes can also be seen as a way to advance a more environmentally friendly policy within the region.

OSLO: In 2016, two seemingly unrelated incidents unfolded in remote and vulnerable parts of Europe. One view might suggest the events, efficiently swept away with quiet diplomacy, counted for little. Another considers **the incidents as demonstrating Russia's and China's determination to test the outer boundaries of** European and **American resolve.** There may be nothing new in that such testing happens routinely in Ukraine, the South China Sea and elsewhere. But these two events stand apart for involving the Arctic, the world's most unknown and unexplored area where melting ice and the opening of shipping lanes present a new, competitive arena among three global powers, China, Russia and the United States. Last year, Russia's President Vladimir Putin declared that the Arctic is essential in securing Russia's future, and, in January, China announced its plans to be a main player in building infrastructure, extracting resources and transporting cargoes along its new Polar Silk Road. Climatologists estimate that at least one Arctic route linking Asia and Europe, now open only during summer, will be reliably ice-free for shipping by about 2050. As routes open, resources will also be easier to extract. Beijing has no sovereign Arctic territory, while Russia claims more than 450,000 of the region's more than 6 million square miles and needs China's money and technology to exploit the resources. The Arctic is estimated to hold 30 percent of the world's undiscovered natural gas resources

and 13 percent of its undiscovered oil. When Moscow came under Western sanctions over Crimea in 2014, Beijing moved in with a substantial investment in Russia's Arctic oil and gas projects. Unlike the fractious Sino-Soviet pact of last century driven by shared communist ideology, this intensifying partnership is based on transactional business where trade, commerce and secure supply chains may prove a stronger glue holding the two countries together.

R/T Companies Won't Drill

R/T Obama Ban

Trump reversed it (Bump - WP)

Philip Bump, 12-15-2017, "Analysis," Washington Post,

https://www.washingtonpost.com/news/politics/wp/2017/08/24/what-trump-has-undone/?utm_term=.00419e7ec08a (NK)

Blocked the Clean Power Plan. The plan implemented under Obama focused on reducing greenhouse gas emissions from power plants. In October, The Post reported that **the administration** would seek to repeal it entirely. Suspended a rule limiting methane leaks from drilling on federal land. Methane is a much more potent greenhouse gas than carbon dioxide. Ended a study on the health effects of mountaintop-removal mining. The process involves blasting away the tops of hills and mountains to get at coal seams under the surface.

Rescinded a rule mandating that rising sea levels be considered when building public infrastructure in flood-prone areas. **Reversed an**

Obama ban on drilling for oil in the Arctic. Announced a reduction in the scale of several national monuments. In April, Trump

signed an executive order ordering a review of monuments added in the past 20 years, opening up the possibility that some areas previously set aside would have that status revoked. Last month, Trump announced plans to reduce the size of two, one after lobbying from a uranium company. Ignored a deadline to implement a rule regulating smog. Withdrew a rule regulating fracking on public land.

R/T Low Prices

Hoag 16 Hannah Hoag [science writer based in Toronto, Canada], 1-22-2016, "Arctic Development Stalls With Tumbling Oil Prices," HuffPost,

https://www.huffingtonpost.com/entry/arctic-development-stalls_us_56a2b40be4b076aadcc6c444

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Last year, Norway expanded its oil drilling territory by offering new leases in the Barents Sea. Climate change has seen the sea ice edge retreat, giving the government the opportunity to open the northern waters to oil and gas exploration, over protests from environmental groups.

Russia, which earns about half its government revenue from oil and gas sales, has seen its economy stumble as oil prices fall. It had planned to drill 14 offshore wells in 2017, but downgraded those aspirations to two wells in September. This week, Russia said the fall in oil prices meant the budget would be \$38 billion short of income. "Russian companies have not been hit as hard as many expected by the low oil price. There

are several ongoing Arctic projects, which are driving some of the tanker traffic along the Northern Sea Route," said Hardin. **It's realistic**

to expect Arctic sea ice to continue to retreat and oil prices to rise again, and when they do we can

expect to see more interest in frontier projects in the Arctic, unless governments adopt policies that set aside ecologically important areas from drilling. In a study published in Nature a year ago, scientists determined that all Arctic oil and gas had to stay beneath the ocean in order to limit global warming to less than 2C (3.6F).

Companies remain interested in spite of temporarily lower oil prices

Nevitt 18 Mark P. Nevitt [University of Pennsylvania Law School], 5-29-2018, "Polar Opposites: Assessing the State of Environmental Law in the World's Polar Regions," Boston College Law Review,

<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3685&context=bclr> //DF

But climate change is challenging this construct. It is transforming the polar regions in fundamental ways, calling into question the existing Arctic soft law model. Indeed, the Inter-Governmental Panel on Climate Change states that climate change's most immediate and intense effects are already appearing in the polar regions, areas already warming at twice the rate of the rest of the planet.² In July 2017, an ice sheet the size of Delaware broke away from the continent of Antarctica, potentially foreshadowing the beginning of a massive polar ice sheet fragmentation with an unknown impact on global sea level rise.³ Indeed, the Arctic polar ice caps are melting at the fastest rate in recorded history, re-making trade routes, removing the ice cap "ceiling," and opening the possibility for massive oil and gas extraction.⁴ Highlighting this remarkable change, a cruise ship with 900 passengers recently navigated the Northwest Passage in the Arctic—the largest such journey of a vessel that size in recorded human history.⁵ Natural resources abound in the Arctic, home to an estimated one-fifth of the world's oil and gas resources. Most reside offshore and lie untapped.⁶ Although lower worldwide oil prices have temporarily halted a massive Arctic oil rush, private industry remains interested in the Arctic as a future source of valuable oil, gas, and mineral resources.⁷ In light of the diverse impacts of climate change, the work of the consensus-based Arctic Council, an intergovernmental forum for the eight Arctic states, has taken on increased importance. The precise legal contours of which nation has the unadulterated rights to access these resources, however, remain unclear.

Automation and technological increases are dramatically lowering the price of drilling

Mills 18 Mark P. Mills, 6-11-2018, "Speculation About \$150 Oil And The (Inevitable) Rise Of Deep Water Companies," Forbes,

<https://www.forbes.com/sites/markpmills/2018/07/11/speculation-about-150-oil-and-the-inevitable-rise-of-deep-water-companies/#5a5b3a086129> //DF

Note that these and most other offshore projects today are not based on hopes for \$100 or even \$70 oil. According to EnSCO, the British-based off-shore drilling contractor, the average break-even cost for offshore projects is now in the \$20 to under \$40 range. And while few executives would risk promising a future with even lower costs, you can bet that is precisely the goal of every offshore company. Why are costs coming down? We are (finally) in the beginning days of deploying advanced automation machinery, machine learning, and artificial intelligence in the oil fields, particularly offshore. It's taken time to get here because it is far harder to create, validate and deploy software in big hardware domains than it is in low-risk consumer applications. Recent analyses about "digitalization" from both the IEA and Goldman Sachs estimate that if software and automation bring only modest single digit percentage gains in operational efficacy – not efficiency per se, but that too – the aggregate impact unlocks hundreds of billions of dollars of oil production. Future gains that are still hard to quantify will come from deploying next generation low-cost supercomputers, subsea robots (see the NASA spin-out Houston Mechatronics amazing video), off-shore robo-rigs (for example, see a video from Nabors, an oilfield automation leader), as well as technologies like drones and virtual/augmented reality. The bottom line is easy to predict. Offshore players will continue to drive costs down even further. It won't come in an overnight burst but in continual incremental gains year-by-year.

This will happen in the Arctic (this card is awesome)

Bennet 18 Mia Bennet [assistant professor at Hong Kong University's Department of Geography and School of Modern Languages & Cultures], 2-14-2018, "The automation of Arctic oil: good for companies,

hard for communities," CRYOPOLITICS,

<https://www.cryopolitics.com/2018/02/14/automation-may-make-arctic-oil-likely/> //DF

The drop in energy prices and pressure to cut costs has also incentivized companies to adopt new, money-saving technologies like automation. Craig Clark, vice president of finance at Houston-based National Oilwell Varco, expressed in an interview with Forbes, "In a peculiar way this downturn has increased the interests of rig contractors and service companies as they look for ways to trim costs." Realizing that oil will not reach heights of \$80-100 a barrel anytime in the near future, the industry's goal is now to make oil profitable at \$50-60 a barrel. With Arctic oil generally seen as profitable at a price of \$90 a barrel, if technologies can advance such that production costs lower significantly even if the price of oil doesn't go back up, then Arctic oil may be profitable at lower costs, too. Matt Rogers, a consultant at McKinsey, stated to the Financial Times, "I don't think we've built into our supply-side models just how much more oil this will provide...The world in 10 years will feel very different...It's going to feel like we're in Star Wars compared to where we are now." Automating oil production in the Arctic If Star Wars is the future of oil and gas, then Planet Hoth, with its gigantic robots walking mechanically walking across the snow, lies on the horizon for the Arctic oil frontier. But even AT-ATs had room for at least 40 stormtroopers inside. Years from now, drill rigs might not have any people at all. Mitch Pryor, co-founder of the Drilling and Rig Automation Group at UT Austin, remarked to Offshore Technology, "The companies are now saying the data we are getting from our sensors is something we can trust and use to make decisions possibly without a driller in the loop." Automation, which is reducing the need for human labor across numerous industries, is thus starting to make headway in the oil and gas industry. Just as Amazon rolled out its cashier-less grocery store in Seattle a few weeks ago, rigs may soon require only a fifth of their current crew sizes. The Financial Times article notes that Belani, the tech VP at Schlumberger, believes that shale drilling rigs that have 26 people today might only have five people in five years' time. The invention of automated drilling even has its roots in the Arctic. In 2006, NASA tested a Mars prototype drill on Devon Island in Nunavut, Canada, marking supposedly the first time that automation completely controlled a drill rig. While NASA's Mars drill would look for water and life on the Red Planet, the same technologies will allow industry to scour harsh environments without risk to human life. There are other overlaps between NASA's inventions and Arctic oil and gas, too. U.S. company Energid Technologies developed software for NASA to control lunar rovers that oil companies are now using to program robots to lay out a confined rig floor on the seabed. The Arctic is fast becoming an automation frontier in the oil and gas industry. In 2011, the Society of Petroleum Engineers published a newsletter that argued, "Statoil needs a rig capable of drilling in the Arctic, and other environments that would put workers out of harm's way." Last summer – six years later – Statoil was employing "the most advanced automated drilling control (ADC) system ever installed on a rig, and the first ADC system on a floating rig" on its Songa Enabler offshore drilling rig in the Koigen Central wildcat well in the Barents Sea. While the well, which proved dry, was plugged and abandoned, the attempt at least marked an advance for Statoil in using ADC technology to explore for Arctic oil. The rise of new technologies like autonomous vehicles can make monitoring of onshore and offshore pipelines easier, too. This could make Arctic drilling safer for both the environment, thanks to added monitoring, and for humans, who may no longer have to brave bad conditions to carry out checks. Automated robots could soon be probing for leaks despite stormy seas that might keep humans onshore, for instance, while automated drill pipe handling reduces human risks by obviating the need to have people manning the drill floor. More dramatically, over time, the introduction of automated technologies may mean the rise of fully automated drilling operations, according to a report from DNV GL, a risk management company based in Norway.

The price of oil is rising, and OPEC doesn't seem keen to do anything about it

Dichristopher 18 Tom Dichristopher, Natasha Turak, 11-21-2014, "Brent crude closes at highest level since Nov 2014 after OPEC refuses to boost output," CNBC,

<https://www.cnbc.com/2018/09/24/brent-crude-breaks-80-its-highest-since-2014-as-oil-market-tightens.html> //DF

Brent crude breached \$81 a barrel on Monday — its highest level in nearly four years — on the back of a tightening oil market and OPEC leaders signaling they won't be immediately boosting output. Global benchmark Brent crude rose as high as \$81.48 a barrel, its strongest level since Nov. 21, 2014. The

contract ended Monday's session up \$2.50 a barrel, or 3.2 percent, at \$81.20, its best closing prices since Nov. 11, 2014, when it settled at \$81.67. Meanwhile, U.S. West Texas Intermediate crude rose \$1.30, or 1.8 percent, to \$72.08, its best settle since July 10. Brent first hit a new four-year high in early morning trade. Oil prices extended gains at midday, and the contract's settle above \$80 a barrel positions Brent for a breakout, said John Kilduff, founding partner at energy hedge fund Again Capital. "From there then you could see a greater push higher, really to \$83 or \$85," he said. "That should engender follow-through buying." J.P. Morgan wrote in its latest market outlook that "a spike to \$90 per barrel is likely" in the coming months thanks to U.S. sanctions on Iranian oil exports, which have fallen dramatically in recent months as importers brace for the impending penalties. The bank forecasts Brent and U.S. benchmark WTI prices to average \$85 and \$76 per barrel, respectively, in the next six months. A meeting of OPEC and non-OPEC oil ministers in Algiers over the weekend concluded with the 15-nation cartel and its allies refraining from an urgent boost in output, despite President Donald Trump's demands that it work harder to bring down prices. The ministers said they would increase output only in the event that customers wanted more cargoes.

R/T Obama Ban

Obama only banned oil after corporations lost interest in the Arctic and stopped pressuring him

Eliperin 16 Juliet Eilperin, 5-10-2016, "As firms abandon Arctic drilling, Obama comes under pressure to do more to avert dangerous warming there," Washington Post, https://www.washingtonpost.com/news/energy-environment/wp/2016/05/10/as-oil-and-gas-firms-abandon-arctic-drilling-obama-comes-under-pressure-to-do-more-to-avert-dangerous-warming-there/?utm_term=.94e023292360 //DF

Major oil and gas firms abandoned most of their leases in the Arctic this week, just as President Obama and others are coming under increased pressure to avert dangerous warming in the region. Royal Dutch Shell, ConocoPhillips, Eni and Iona Energy have relinquished all but one lease in the Chukchi Sea, company officials confirmed Tuesday, as well as some in the Beaufort Sea. The move to give back roughly \$2.5 billion worth of oil and gas leases spanning 2.2 million acres of the Arctic Ocean, in the same week that the leaders of five Arctic nations are coming to Washington for a White House summit, has reignited the debate over how best to protect an area that is showing new signs of vulnerability to climate change. "Today we are an important step closer to a sustainable future for the Arctic Ocean," said Michael Levine, Pacific senior counsel for the advocacy group Oceana. "Hopefully, today marks the end of the ecologically and economically risky push to drill in the Arctic Ocean." In a statement Tuesday, Shell spokesman Curtis Smith said, "After extensive consideration and evaluation, Shell will relinquish all but one of its federal offshore leases in Alaska's Chukchi Sea."

R/T Oil Spills

The execs know about this

No Author, xx-xx-xxxx, ", " No Publication,

<https://www.brookings.edu/wp-content/uploads/2016/07/Offshore-Oil-and-Gas-Governance-text-revised.pdf> //DF

Furthermore, according to one oil company executive, the number of Arctic exploratory wells drilled each year in ice-covered waters "is just a handful." He continues, "since these are all at the exploration stage, it would still take 10-15 years for the wells to reach the commercial production stage." These statements echo public comments made by Total and Statoil concerning the high risk of operating in the Arctic and that large-scale commercial production is many years away. An additional point is that **the oil and gas companies actually involved, or expressing interest in the region**, are largely super-majors or state-owned firms (ExxonMobil, BP, Conoco-Phillips, Shell, Gazprom, Rosneft, Statoil, ENI, Total) with considerable resources and expertise that **are well aware of the reputational risk of drilling in the Arctic, i.e., the adverse commercial impact and negative publicity associated with an oil spill**. For example, one oil company executive differentiated between the "stretch Arctic" where drilling can technically be done today but which is challenging, and the "difficult Arctic" where technology does not yet exist to allow drilling. This official noted that **the industry must "earn" the trust of society step by step, showing that Arctic drilling is safe** and that rushing into areas where the industry is not yet ready to drill can be disastrous.¹²⁹ There is also the argument, cited often, that oil and gas exploration and production (as well as transportation, including pipelines) have been occurring in the Arctic for many decades without large-scale incidents. Onshore activities commenced in the 1920s and 1930s, and offshore exploration began in the 1970s and 1980s.¹³⁰

Shell is confident that it can avoid a spill

Mathiesen 15 Karl Mathiesen, 8-1-2015, "Can Shell afford Arctic oil?," Guardian,

<https://www.theguardian.com/environment/2015/aug/12/can-shell-afford-to-drill-for-oil-in-the-arctic> //DF

All this ignores a pretty big polar bear in the room – the risk of a large or catastrophic spill. Which most experts agree would be extremely difficult to clean up in the Arctic conditions. **Shell claims it has mitigated the chance of a really massive spill**, in the style of BP's Macondo well blow out in the Gulf of Mexico, as much as possible. That disaster cost BP more than \$50bn in clean-up costs and fines. Wheaton said **Shell would desperately want to avoid a disastrous spill and its willingness to go back after 2012 was evidence it was satisfied with its reviewed safety procedures**. "This is not rocket science; we can do this," Shell's Arctic boss recently told the Financial Times. But on Wednesday, John Browne the former head of BP and a giant figure in the industry described drilling in the Arctic as "risky" and said **oil company staff were typically "techno-optimists"**. Browne's comments reflect the view of former Total boss Christophe de Margerie, who said in 2012: "Oil on Greenland would be a disaster. A leak would do too much damage to the image of the company." Nervousness flooding through the oil industry and cash flow limited by the oil price has led to a rash of postponements and curtailed programmes, leaving Shell as practically the only company still pouring money into the far north. Environmentalists like to paint the programme as a gamble – this cultivates the perception of a fiscally and environmentally reckless company that should be stopped. But **for Shell, as long as they avoid a catastrophic spill, its a no-lose situation**. If they find nothing, a loss of \$7bn could be absorbed just fine by the \$195.4bn corporation. It's the cost of doing business in the ever-tightening race for oil reserves.

This will happen in the Arctic (this card is awesome)

Bennet 18 Mia Bennet [assistant professor at Hong Kong University's Department of Geography and School of Modern Languages & Cultures], 2-14-2018, "The automation of Arctic oil: good for companies,

hard for communities," CRYOPOLITICS,

<https://www.cryopolitics.com/2018/02/14/automation-may-make-arctic-oil-likely/> //DF

The drop in energy prices and pressure to cut costs has also incentivized companies to adopt new, money-saving technologies like automation. Craig Clark, vice president of finance at Houston-based National Oilwell Varco, expressed in an interview with Forbes, "In a peculiar way this downturn has increased the interests of rig contractors and service companies as they look for ways to trim costs." Realizing that oil will not reach heights of \$80-100 a barrel anytime in the near future, the industry's goal is now to make oil profitable at \$50-60 a barrel. With Arctic oil generally seen as profitable at a price of \$90 a barrel, if technologies can advance such that production costs lower significantly even if the price of oil doesn't go back up, then Arctic oil may be profitable at lower costs, too. Matt Rogers, a consultant at McKinsey, stated to the Financial Times, "I don't think we've built into our supply-side models just how much more oil this will provide...The world in 10 years will feel very different...It's going to feel like we're in Star Wars compared to where we are now." Automating oil production in the Arctic If Star Wars is the future of oil and gas, then Planet Hoth, with its gigantic robots walking mechanically walking across the snow, lies on the horizon for the Arctic oil frontier. But even AT-ATs had room for at least 40 stormtroopers inside. Years from now, drill rigs might not have any people at all. Mitch Pryor, co-founder of the Drilling and Rig Automation Group at UT Austin, remarked to Offshore Technology, "The companies are now saying the data we are getting from our sensors is something we can trust and use to make decisions possibly without a driller in the loop." Automation, which is reducing the need for human labor across numerous industries, is thus starting to make headway in the oil and gas industry. Just as Amazon rolled out its cashier-less grocery store in Seattle a few weeks ago, rigs may soon require only a fifth of their current crew sizes. The Financial Times article notes that Belani, the tech VP at Schlumberger, believes that shale drilling rigs that have 26 people today might only have five people in five years' time. The invention of automated drilling even has its roots in the Arctic. In 2006, NASA tested a Mars prototype drill on Devon Island in Nunavut, Canada, marking supposedly the first time that automation completely controlled a drill rig. While NASA's Mars drill would look for water and life on the Red Planet, the same technologies will allow industry to scour harsh environments without risk to human life. There are other overlaps between NASA's inventions and Arctic oil and gas, too. U.S. company Energid Technologies developed software for NASA to control lunar rovers that oil companies are now using to program robots to lay out a confined rig floor on the seabed. The Arctic is fast becoming an automation frontier in the oil and gas industry. In 2011, the Society of Petroleum Engineers published a newsletter that argued, "Statoil needs a rig capable of drilling in the Arctic, and other environments that would put workers out of harm's way." Last summer – six years later – Statoil was employing "the most advanced automated drilling control (ADC) system ever installed on a rig, and the first ADC system on a floating rig" on its Songa Enabler offshore drilling rig in the Koigen Central wildcat well in the Barents Sea. While the well, which proved dry, was plugged and abandoned, the attempt at least marked an advance for Statoil in using ADC technology to explore for Arctic oil. **The rise of new technologies like autonomous vehicles can make monitoring of onshore and offshore pipelines easier, too. This could make Arctic drilling safer for both the environment, thanks to added monitoring, and for humans, who may no longer have to brave bad conditions to carry out checks**. Automated robots could soon be probing for leaks despite stormy seas that might keep humans onshore, for instance, while automated drill pipe handling reduces human risks by obviating the need to have people manning the drill floor. More dramatically, over time, the introduction of automated technologies may mean the rise of fully automated drilling operations, according to a report from DNV GL, a risk management company based in Norway.

Human errors are the #1 cause of oil spills

Rinkesh, "Oil Spill: How Does it Happen and Various Causes of Oil Spill," Conserve Energy Future,

<https://www.conserve-energy-future.com/various-causes-of-oil-spill.php> //DF

Whenever oils spills happens, the consequences are grave including serious harm to marine mammals and birds and can also harm sea otters, shellfish, and fish. The harms are because the oils interfere with the insulating ability of mammals with furs. The animals may also get trapped in the oil, especially birds and sea otters, exposing them to cruel conditions notwithstanding the possibility of swallowing the oil which can be poisonous. As such, during oil spills, hundreds to thousands of marine mammals, birds, turtles and fish usually end up dying. Various Causes of Oil Spill Carelessness or people making mistakes Carelessness or mistakes or errors made by people is one of the primary causes of oil spills.

According to the Office of Response and Restoration with regards to oil spills, **the majority of the oil spill cases are associated with human error, carelessness and mistakes that could be avoided.** Such cases are normally noted where there are petroleum refineries, barges, tankers, storage facilities and pipelines. For instance, **all acts of human mistakes and carelessness were linked to the Exxon Valdez Oil Spill** in March 1989. On a separate case, **the BP's head of safety party blamed human error for the oil spill in 2010.** Further, reports indicated that five key human errors led to the Gulf oil rig blowout, causing one of the biggest oil spills in history.

R/T Low Oil Prices

Oil be big money soon (Dichristopher - CNBC)

Tom Dichristopher, 3-1-2018, "Big oil is sowing the seeds for a 'super-spike' in crude prices above \$150, Bernstein warns," CNBC, <https://www.cnbc.com/2018/07/06/big-oil-sowing-the-seeds-for-crude-prices-above-150-bernstein-warns.html> (NK)

Oil prices could top all-time highs near \$150 a barrel because energy companies are investing too little money in new production, Bernstein Research said Friday. Bernstein is part of a chorus of oil market watchers, including OPEC and the International Energy Agency, warning that companies are underinvesting in the type of big, long-cycle projects that yield huge payloads of crude. These projects tend to be carried out by oil majors like Exxon Mobil and Chevron, but fell out of fashion during a prolonged crude price slump. By Bernstein's count, 15 companies account for 80 percent of the world's oil reserves, and only two of them — Exxon and BP — are showing improvement in this area.

Higher oil prices will drive up offshore production

Mills 18 Mark P. Mills, 6-11-2018, "Speculation About \$150 Oil And The (Inevitable) Rise Of Deep Water Companies," Forbes,

<https://www.forbes.com/sites/markpmills/2018/07/11/speculation-about-150-oil-and-the-inevitable-rise-of-deep-water-companies/#5a5b3a086129> //DF

We've seen this movie before. Peak price speculation invariably follows an earlier period of similar guessing about how low prices will drop. All commodities in the world run in price cycles that feel a lot like "Groundhog Day," the iconic 1993 movie. No one knows where the price ceiling will be this time. But **one thing we can count on: higher prices stimulate more drilling.** America's oil production and crude exports are setting new records. But for those bullish on what America's shale producers can yet do (count me in that camp; see my earlier Shale 2.0 paper and Amazon-effect column), even if U.S. shale output doubles, America would only produce 15% of global oil. The source of the remaining 85% is a critical question for the world and for investors. Over 70% of world oil supply comes from just two sources: about 40% from OPEC, plus about 30% from offshore production. OPEC constitutes a cartel of a dozen cooperating oligarchs desperately trying to prop up prices. **The offshore industry is dominated by a dozen highly competitive companies desperately chasing technology to make profits at low prices. Of course offshore companies, and their investors, enjoy the "windfall" profits during high-price episodes.** But you can be sure they are all focused on keeping costs down in anticipation of the next inevitable down cycle. The big story that's just now becoming clear is in how much technology has lowered offshore oil costs.

This card says it's not certian, but possible, that oil prices could avoid dipping for some time

Mills 18 Mark P. Mills, 6-11-2018, "Speculation About \$150 Oil And The (Inevitable) Rise Of Deep Water Companies," Forbes,

<https://www.forbes.com/sites/markpmills/2018/07/11/speculation-about-150-oil-and-the-inevitable-rise-of-deep-water-companies/#5a5b3a086129> //DF

Accelerated by software, big offshore companies will be ramping up at the same time as America's shale fields chase the same bogey adopting similar digital tools. The inevitable dénouement — a repeat of the

world becoming, again, over-supplied with oil. But we're some years away from that part of the cycle repeating. And it's possible that the peak price this time could be lower and not last as long as last time. But that's a tough bet as we are genuinely in terra incognita when it comes to world oil. It's been over a half-century since technology unlocked so much potential in oil production. And we have yet to learn just how tolerant people will be for continuing to expand subsidies for alternatives to hydrocarbons. If tolerance ends, and economies keep growing, the call on additional oil production could be even higher than forecasts predict. How high could the price of a barrel go this time before prices collapse as producers over-produce (as they always do) and when markets react (by cutting consumption, as it always does)? Here's something to think about. Consider the market tolerance in terms of total spending on oil as a share of GDP (use the U.S. GDP as a proxy). In order for oil purchases to constitute the same share of GDP as happened at the 2014 peak, today we'd have to reach \$195 per barrel. Ouch. No one knows whether we'll hit that price, and if so for how long. But we do know that a lot more oil, even at low prices, can and must be supplied by the offshore producers. So given the obvious – more demand, more money to be made, more jobs created, more exports to alleviate a trade deficit -- it remains odd that in the world of offshore oil from green Norway and Guyana, and from Brazil to Italy, the United States is unique in making just 6% of its offshore acreage available for oil development. America doesn't know the true magnitude of its resources because even exploration is banned. But based on geophysical realities, the U.S. Bureau of Ocean Energy Management (BOEM) estimates that some 90 billion barrels resides there; triple the resources of global offshore powerhouse Brazil.

When prices do rise, attention will turn back to the Arctic

Nevitt 17 Mark Nevitt, 9-14-2017, "Climate Change and Arctic Security: Five Key Questions Impacting the Future of Arctic Governance," Just Security,

<https://www.justsecurity.org/45004/climate-change-arctic-security-key-questions-impacting-future-arctic-governance/> //DF

Follow the money in the Arctic. The primary environmental protection for Arctic waters may for now be a drop in oil prices which have made it less economically viable to drill there. In September 2015, Royal Dutch Shell became the latest company to suspend Arctic oil exploration after spending more than \$7 billion over the course of nearly a decade. Six other major oil companies had already stopped Arctic exploration, some announcing that it was too risky to drill in such a harsh environment. Although Exxon Mobil found oil in Russia's Kara Sea, economic sanctions imposed after Russian incursions in Ukraine forced a halt to its operations there. But the current Trump Administration has re-opened the door for massive Arctic drilling, proclaiming that up to 300,000 jobs would result from the Arctic drilling economy in a recent executive order that overturned a Obama Administration order banning offshore Arctic drilling. When oil prices inevitably rise, focus will once again turn to the Arctic and its vast untapped resources. Now is an opportune time for the Arctic Council to continue to improve upon its work, and adopt even greater environmental governance standards and security standards for shipping in the Arctic.

Companies will want to drill again when the price recovers

Krauss 15 Clifford Krauss and Stanley Reed, 9-28-2015, "Shell Exits Arctic as Slump in Oil Prices Forces Industry to Retrench," New York Times,

<https://www.nytimes.com/2015/09/29/business/international/royal-dutch-shell-alaska-oil-exploration-halt.html> //DF

Then, just as Shell began its Alaskan effort, the shale revolution began in the United States. Independent oil companies found ways to fracture hard rocks to produce oil, nearly doubling domestic production. That surprise development, along with the slowing Chinese and European

economies, drove the oil price down just as Shell returned to drilling in the Chukchi this year. The environmental movement delayed Shell at every turn, but the 2010 BP disaster in the Gulf of Mexico pushed the company off several years as well. **Industry experts say that there is plenty of oil in offshore Alaska and that renewed efforts are still possible if and when the oil price recovers.** But environmentalists declared a triumph. Shell has spent more than \$7 billion on an effort that has been plagued by blunders and accidents involving ships and support equipment, reaching a climax with the grounding of one of its drilling vessels in December 2012 in stormy seas. Even after ConocoPhillips and the Norwegian oil giant Statoil suspended their Alaskan offshore drilling operations, Shell carried on, asserting that the Chukchi Sea potentially represented the next great global oil find.

Breakeven price is \$100, which it could reach

Mooney 18 Chris Mooney, 10-19-2015, "The real reason Arctic drilling is faltering right now — low oil prices," Washington Post,

https://www.washingtonpost.com/news/energy-environment/wp/2015/10/19/arctic-offshore-drilling-may-be-on-hold-but-that-doesnt-mean-it-will-never-happen/?utm_term=.a18c3e7cf2f6 //DF

So if companies aren't going after this, at a time when they want to book new reserves, what's the reason? Simple: cost. "The price of energy, and the capital costs the companies are cutting, I think that's playing as much of a role in the decisions to not explore, or postpone," says

Heather Conley, senior vice president for Europe, Eurasia, and the Arctic with the Center for Strategic and International Studies. **"The cost of exploring [is] not commercially viable unless the price of oil is \$ 100 per barrel. I've seen maybe**

getting down as low as \$ 80." It's not just Shell — earlier this year Statoil, the large Norwegian oil major, said it had no plans to drill in 2015 in the Barents Sea. In a sense, then, all of this could be considered a key consequence of OPEC's decision, last November, not to curtail oil production, a move that led to a dramatic plunge in oil prices and ushered in a low price environment that still persists a year later. One major result, naturally, has been to make more costly forms of resource exploitation a lot tougher to sustain. **"It does not mean that there will never be interest in Arctic drilling," says Pavel Molchanov, an analyst with Raymond James.**

"Certainly over time it's likely that it will recover. But right now, it's just a tough landscape to do it."

Granted, it's definitely possible that the timing of the oil price plunge may in effect shut the window on developments in U.S. Arctic waters. After all, as the climate change issue becomes more and more prominent — with the Arctic as its top icon — and as environmental groups focus more and more on a "supply side" strategy that tries to prevent companies from exploiting hydrocarbon resources because of the potential to add more carbon to the atmosphere, the political risk, already high, may grow steadily higher going forward.

More of the same

Theodora 17 Varela P. Theodora [Department of Maritime Studies, Master in Maritime Studies], 10-2017, "POLAR REGIONS, HIGH SEAS AND THE DEEP SEA BED (GLOBAL COMMONS): INTERNATIONAL REGULATIONS AND POLICIES FOR THEIR MANAGEMENT AND PROTECTION UNDER THE CONCEPT OF THE COMMON HERITAGE OF MANKIND", " University of Piraeus,

http://dione.lib.unipi.gr/xmlui/bitstream/handle/unipi/10371/Varela_Theodora.pdf?sequence=1&jsAllowed=y //DF

Another field of growing financial interest is that of fishing. The environmental group Greenpeace said it was important to ensure that the Inuit people control their own fisheries, rather than let outside corporations with no link to the Arctic harvest its rich waters. "The fisheries are abundant in the Arctic," said Charles Latimer of Greenpeace. "But we don't want to make the same mistakes that we've done in other parts of the world where fisheries are collapsing." The search for fossil fuels above North America has slowed in recent years. One relevant reason is low oil prices, whose drop has hit Alaska's budget hard, because it relies heavily on oil and gas revenue. For the time being, Shell relinquished most of its federal offshore leases in Alaska's Chukchi Sea last year, after investing billions of dollars into exploration efforts over the past decade. Former Shell leases in the neighboring Beaufort Sea have been taken over by an Alaska Native-owned company. Let us not forget that the extraction of these fossil fuel sources is rather expensive and difficult to maintain long term. While Norway and the Russian Federation are pressing ahead with new oil and gas projects along their coastlines, the seas off Alaska and northern Canada are much less accessible and any major spill would be difficult and expensive to contain. **"There are a lot of hydrocarbons in the Arctic, but for them to be**

economically viable the cost per barrel has to be higher,” said David Barber, an expert on the Arctic environment at the University of Manitoba. “Of course it will go higher, and thus the Arctic issue will come to the foreground again.”

More MORE

Gosnell 18 Rachael Gosnell [is pursuing doctoral studies in International Security and Economic Policy at the University of Maryland], 7-3-2018, "What Will the Future Hold for Arctic Economics?," Center for International Maritime Security,

<http://cimsec.org/what-will-the-future-hold-for-arctic-economics/37034> //DF

While oil and gas reserves are still unknown, it is estimated that the Arctic may hold nearly one-third of the world’s natural gas and thirteen percent of global oil reserves. Yet costs of exploring, developing, and extracting these resources are very high given the harsh environment, limited infrastructure, and difficulties posed. Given the current market prices, there is limited interest in pursuing these reserves in North America, though Norway and Russia are continuing development in the Barents and Kara Seas. The Chinese Nanhai-8 rig made an April 2018 discovery that may rank the Leningradskoye field as one of Russia’s largest natural gas fields. Indeed, China has also invested in the Yamal LNG project, which has ownership of 50.1 percent by Novatek, 20 percent by total, 20 percent by China National petroleum Company, and 9.9 percent by the Chinese Silk Road Fund. Production officially began in December 2017 and officials predict an annual production of up to 360 billion cubic meters of gas. The new Christophe de Margerie class of icebreaking LNG carriers – projected to be a total of 15 vessels at more than \$300 million apiece – has commenced deliveries from Yamal to Asia. While the transit shipping of cargo may not be viable for decades, it is clear that Russia is intent on using the Northern Sea Route to ship commodities to market, albeit on a small scale when compared to the global maritime industry. Overall production of Arctic energy reserves will likely remain limited in the near future, unless the price of oil climbs significantly. Other sources of oil and gas – to include shale and using newer technology on older fields – will continue to remain a more economical option.

Goldberg 17 Shelley Goldberg, 5-12-2017, “Trump's Plan for Arctic Drilling Won't Hit a Gusher,” Bloomberg,

<https://www.bloombergquint.com/markets/2017/05/12/trump-s-plan-for-arctic-drilling-won-t-hit-a-gusher#gs.sEQ=97g> //DF

Zinke pointed out that revenue from offshore leasing had dropped by \$15 billion during the Obama administration, partially due to the decline in oil prices. With 94 percent of the nation's outer continental shelf now off limits for development, Trump claims that the industry is eager to see more of the Arctic open to leasing. Maybe so, but oil prices would have to increase sharply to spur any significant production there. When asked whether the administration had been approached by any companies interested in drilling in the Arctic, Zinke responded, “No.” The level of interest from U.S. exploration and production companies in drilling in the Arctic is unclear. Over the years, they have struggled to establish a presence in this polar region, considered unfriendly to drilling. But it’s not just about regulatory delays. The area features punishing weather conditions, remote locations on land and sea and stunted infrastructure, all of which translate to high operating costs, of particular concern now as crude oil struggles to rise from 6-month lows. For these reasons, Royal Dutch Shell in 2015 abandoned its \$7 billion attempt to extract riches beneath the seabed off Alaska’s Arctic coast. That same year, Imperial Oil, on behalf of partners ExxonMobil Canada Ltd. and BP Plc, announced an indefinite delay in plans to drill in the Arctic’s Beaufort Sea. Other companies have been abandoning old leases without seeking new ones. There is no question that Arctic sea ice continues to melt, through oil price rallies and price crashes, from oil shortages to gluts. And as the ice melts, the conditions improve for building remote oil platforms in the frigid waters and for land-based drilling operations that take advantage of newly thawed shipping routes. The timing, nevertheless, couldn’t be worse, as the world faces an oil glut. Yet rig counts in the U.S. are increasing, as are oil exports, which were banned for 40 years, with minor exceptions, until 2016. As of May 5, the U.S. total rig count was 877, a year-on-year increase of more than 111 percent, according to the rig count by Baker Hughes. Meanwhile, the Organization of Petroleum Exporting Countries, which meets on May 25, may be forced to extend its ineffective output cut.

Mullaney 18 Tim Mullaney, 7-23-2018, "Risks are rising that oil prices will cause next recession," CNBC, <https://www.cnbc.com/2018/07/13/risks-rising-that-oil-prices-will-cause-next-recession.html> //DF

Sanctions against Iran, reimposed as Trump repudiated his predecessor's deal to halt Iran's development of nuclear weapons, is playing a major role in crude oil prices. In late June the Trump administration signaled that oil buyers must stop buying Iranian crude by November, and shortly after, Trump said he had a deal with the Saudis to increase production, though doubts remain about the Saudis' ability to increase production by as much as 2 million barrels. In June figures reported last week, Saudi production was up by 500,000 barrels as it tries to tame the recent growth in crude oil prices. But the Saudis also have also said they cannot raise oil production above that level this month. Earlier this month, Sanford C. Bernstein made a call that crude could reach \$150 a barrel over the next several years. On Monday, as the U.S. and Iranian leaders ratched up their war of words, some analysts contended that oil could reach \$200 a barrel if Iran shuts down the Strait of Hormuz or takes military action. The case for a short-term surge in crude prices is that the Trump sanctions would remove much, even all, of Iran's 2.2 million barrels per day from a global market of just less than 100 million daily barrels, at the same time the global economic expansion has demand growing 1.7 percent annually, according to Bjørnar Tonhaugen, head of oil markets at Oslo-based consulting firm Rystad Energy. The market is already struggling with the loss of as many as 700,000 barrels a day of Libyan crude, and more from Venezuela, as those nations struggle with outdated or malfunctioning production systems and internal political turmoil.

Oil prices could top \$100; from one hour ago lol

Saefong 18 Myra P. Saefong, 7-19-2018, "Why Oil Could Top \$100 a Barrel," Barron's, <https://www.barrons.com/articles/why-oil-could-top-100-a-barrel-1532027982> //DF

Oil prices have lost more than 7% this month, but investors should be aware that **a roughly 40% spike from last week's levels to more than \$100 is possible this year.** **"This is a tight market. Supply and demand are close,"** says Matt Badiali, senior research analyst at Banyan Hill. Global oil demand is expected to average 99.1 million barrels a day this year, but global oil supply stood at 98.8 million barrels a day in June, according to the International Energy Agency. **"We have supply constraints, thanks to Venezuela becoming a failed state. We have potential supply disruption with the Iran sanctions, and we have demand increasing with global growth,"** Badiali says. **"Disappointment that [the Organization of the Petroleum Exporting Countries] didn't just open the spigots"** on production also supports a higher oil price. OPEC, along with nonmember allies including Russia, reached an agreement last month to curtail some of its production cuts, essentially increasing output by one million barrels a day. In part, the move was meant to offset supply losses tied to economic woes in Venezuela, disruptions in Libya, and renewed U.S. sanctions on Iran. But the decision by major oil producers to lift output didn't cause a drop in prices—instead, they climbed shortly after the decision, with U.S. benchmark West Texas Intermediate crude futures on June 29 settling at \$74.15, their highest since November 2014.

LONDON (Reuters) - **Oil will soon cost \$100 per barrel due to supply disruptions caused by U.S. President Donald Trump,** Iran's OPEC Governor told Reuters on Thursday, as he warned **expectations that Saudi Arabia and Russia would help bring down prices were in vain.** Trump again accused the Organization of the Petroleum Exporting Countries of driving fuel prices higher on Wednesday, and urged U.S. allies such as Saudi Arabia to pump more if they wanted Washington to continue protecting them against their top foe Iran. Iran, OPEC's third-largest producer, is facing U.S. sanctions on its oil exports that are prompting some buyers to cut purchases. Iranian OPEC Governor Hossein Kazempour Ardebili told Reuters that Trump "should have expected" when blocking Iran's access to the global markets that it would end up as "hostage (to) Saudi Arabia and Russia", who he said had little vested

interest in bringing down prices. "The responsibility of paying unnecessary prices for oil by all consumers of the whole world, especially in U.S. gas stations, is solely upon your (Trump's) shoulders and the price of over \$100 per barrel is yet to come," Kazempour said. The Republican president has lashed out at OPEC in recent weeks. Rising gasoline prices could create a political headache for Trump before November mid-term congressional elections by offsetting Republican claims that his tax cuts and rollbacks of federal regulations have helped boost the U.S. economy.

Bruch 18 Michael Brush, 5-22-2018, "The increase in oil prices is just beginning," MarketWatch, <https://www.marketwatch.com/story/the-increase-in-oil-prices-is-just-beginning-2018-05-21> //DF

Rising oil prices will help a lot. And that'll be the trend. I don't know where oil will trade tomorrow or next week, but here are six reasons why oil will continue higher in the medium term, driving energy stocks up, too. **1. Strong oil demand Thanks to synchronized global growth, daily oil demand will rise by 1.5 million barrels this year** to a new high of 99.3 million barrels, says Jonathan Waghorn, who helps manage the Guinness Atkinson Global Energy Fund GAGEX, -0.36% **2. OPEC supply discipline** The Organization of the Petroleum Exporting Countries (OPEC) **cut daily production by 1.2 million barrels in 2016 and have stayed the course**. Saudi Arabia needs oil revenue to fund domestic programs that help maintain the peace. For every extra dollar in oil prices, Saudi Arabia gets about \$3.1 billion a year in extra revenue, according to Rapidan Energy Group. **3. Geopolitical risk** Energy investors wrote this off for years. But now, geopolitical risk **is putting a bid under oil again due to rising tensions between Saudi Arabia and Israel, and Iran, in Syria and elsewhere**. Two risks could drive up oil sharply in a heartbeat. **Rebel groups** have struck oil tankers in the Middle East in the past. They're also **targeting Saudi Arabian refining assets**. Any successes on either front would roil energy prices. If Israel-Iran tensions escalate, Israel might strike Iran's oil infrastructure, says Mike Breard, an energy analyst at Hodges Capital Management. That would have the same effect. **Political tensions in Libya and Nigeria limit supply growth in those countries**. Meanwhile, **Venezuela is spiraling out of control and energy production there has fallen sharply**. **4. Underinvestment in large projects When oil prices tanked a few years ago, energy giants curtailed investment in their expensive, long-term projects**, such as deep-sea production in the North Sea and Canadian oil sands. We've seen the largest capital spending slump in 20 years. Here's the problem: **The mega projects that are in production tend to naturally run dry. So there's a shortfall developing in about half the world's oil supply. It won't be resolved quickly because these projects take years to bring online**. That's a problem for energy bears. "There is a lot of oil that needs to be replaced," says Waghorn. **5. Newfound discipline in the U.S. A big fear among investors is that U.S. shale producers will once again borrow and spend a lot to ramp up production, pushing down oil prices. But that's not likely to happen. Many of these companies had near-death experiences because they were caught with too much debt when oil prices plunged a few years back**. Others did "die," in that they went bankrupt. **Survivors don't want a repeat, so U.S. producers are promising they won't borrow and spend too much again**. They're putting this message out because they want investors instead of traders in their stocks to reduce volatility. Capital discipline was a big theme in first-quarter earnings calls. "Management teams are not showing an urgency to add rigs," says Goldman Sachs analyst John Nelson. Meanwhile, there's another challenge: Many U.S. producers face shortages of labor, pressure-pumping equipment and rail-and-truck capacity in their supply chains, says Bank of America Merrill Lynch energy strategist Francisco Blanch. **6. 'Middle distillates' demand Ships are huge polluters because they use sulfur-heavy fuel oil. To clean up their act, the International Maritime Organization imposed regulations encouraging shippers to use cleaner fuel starting in 2020**. This will increase demand for a type of oil called "middle distillates," which will boost demand for overall crude oil. Morgan Stanley thinks **this effect alone is enough to drive Brent crude oil UK:LCON8 to \$85 by the end 2019 and \$90 by 2020**. Demand for middle distillates is already strong because they're turned into fuel used by planes, trains and heavy machinery, which are seeing a lot more use everywhere due to robust global growth. The bottom line in all of this: There's a growing gap between demand and supply that needs to be filled, says Waghorn. OPEC could fill any near-term gap by reversing its 1.2

million barrel-a-day production cut. But that only covers about a year of demand growth. And OPEC only has about two or three million barrels a day of spare capacity. OPEC can only do so much.

R/T Too Costly

Big oil companies like shell are willing to absorb the costs because other oil is running out

Mathiesen 15 Karl Mathiesen, 8-1-2015, "Can Shell afford Arctic oil?," Guardian,

<https://www.theguardian.com/environment/2015/aug/12/can-shell-afford-to-drill-for-oil-in-the-arctic>

//DF

Nervousness flooding through the oil industry and cash flow limited by the oil price has led to a rash of postponements and curtailed programmes, leaving Shell as practically the only company still pouring money into the far north. Environmentalists like to paint the programme as a gamble – this cultivates the perception of a fiscally and environmentally reckless company that should be stopped. But **for Shell**, as long as they avoid a catastrophic spill, **its a no-lose situation. If they find nothing, a loss of \$7bn could be absorbed just fine by the \$195.4bn corporation. It's the cost of doing business in the ever-tightening race for oil reserves.** But in the end, the decision may be out of Shell's hands. Politics could prove decisive. World leaders' response to climate change will influence the value of oil and hence the viability of Shell's Arctic expansion.

R/T Shell

Shell still wants to drill, the price environment just wasn't right

Crooks 16 Ed Crooks, 6-21-2016, "Oil groups urge US to leave door open for Arctic drilling," Financial Times, <https://www.ft.com/content/d84454d0-3799-11e6-a780-b48ed7b6126f> //DF

Their interest in the lease sale programme is an indication that, **even though costly Arctic oil does not look commercially viable with crude at today's prices of less than \$50 a barrel, the industry has not given up hopes that it could eventually be developed.** The industry has sharply cut spending on new projects and exploration for additional resources in response to the slump in oil prices, weakening its future production prospects, but **still sees the Arctic as an important potential source of future growth.** The consultation period for the BOEM lease sale proposals ended last week, and most large western oil companies submitted opinions that have been published by the US government. **Shell wrote that despite its failures, "we continue to believe offshore Alaska and the broader Arctic have strong exploration potential, and that these areas could ultimately be important sources of energy"**. It backed a suggestion from Alaska's governor that a planned lease sale in the Beaufort Sea off the state's north-east coast should be brought forward by a year to 2019. **Exxon argued that the US Arctic "possesses enormous untapped oil and gas resources"**, with the Chukchi Sea to the north-west of Alaska offering "greater resource potential than any other currently undeveloped energy basin in the US". Other companies submitted similar views. Several also complained that the administration had dropped a proposal included in the first draft of the BOEM plan that drilling rights should be offered along the US east coast, from Virginia to Georgia.

Saefong 18 Myra P. Saefong, 7-19-2018, "Why Oil Could Top \$100 a Barrel," Barron's,

<https://www.barrons.com/articles/why-oil-could-top-100-a-barrel-1532027982> //DF

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Badiali, senior research analyst at Banyan Hill. Global oil demand is expected to average 99.1 million barrels a day this year, but global oil supply stood at 98.8 million barrels a day in June, according to the International Energy Agency. "We have supply constraints, thanks to Venezuela becoming a failed state. We have potential supply disruption with the Iran sanctions, and we have demand increasing with global growth," Badiali says. "Disappointment that [the Organization of the Petroleum Exporting Countries] didn't just open the spigots" on production also supports a higher oil price. OPEC, along with nonmember allies including Russia, reached an agreement last month to curtail some of its production cuts, essentially increasing output by one million barrels a day. In part, the move was meant to offset supply losses tied to economic woes in Venezuela, disruptions in Libya, and renewed U.S. sanctions on Iran. But the decision by major oil producers to lift output didn't cause a drop in prices—instead, they climbed shortly after the decision, with U.S. benchmark West Texas Intermediate crude futures on June 29 settling at \$74.15, their highest since November 2014.

R/T Royalties

Oil companies negotiated these provisions and made them low – they're not deterrents to drilling

Donohue 12 Thomas J. Donohue [President and Chief Executive Officer U.S. Chamber of Commerce], 6-28-2012 "Hearing on the United Nations Convention on the Law of the Sea," THE COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE,

<https://www.foreign.senate.gov/imo/media/doc/Donohue%20Testimony.pdf> //DF

Opponents of the Convention often cite its imposition of royalties on ECS production as an important reason to reject the Convention. Under the Convention, parties must make payments to the ISA based on the value of resources extracted from sites on their extended continental shelves. Production companies would be able to keep the entire value of production at each site for the first five years, subject to any licensing fees imposed by the U.S. Government. Payments to the Seabed Authority would begin at 1% of the value of production in the 6th year of exploitation at a site and rise 1% per year to a maximum of 7% in the 12th year and following years. **These royalty rates were negotiated by the U.S. Government with extensive input from U.S. oil and natural gas interests. As oil and natural gas companies have recognized, the royalties are reasonable in view of the immense value of the resources that would be made subject to the United States' exclusive sovereign jurisdiction.** The oil and natural gas companies – and the U.S. Treasury – would be able to retain much more than the U.S. would be required to pay to the Seabed Authority. Notwithstanding the required payments to the Seabed Authority, joining the Convention would be overwhelmingly beneficial to U.S. economy and the U.S. Treasury.

R/T Won't Drill Past EEZ

Companies want to drill past the EEZ

Kelly 03 PAUL L. KELLY [SENIOR VICE PRESIDENT, ROWAN COMPANIES, INC], 10-21-2003, "Statement of Paul L. Kelly: ON BEHALF OF THE AMERICAN PETROLEUM INSTITUTE THE INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS AND THE NATIONAL OCEAN INDUSTRIES ASSOCIATION," HEARING ON THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS, <https://www.foreign.senate.gov/imo/media/doc/KellyTestimony031021.pdf> //DF

Offshore petroleum production is a major technological triumph. We now have world record complex development projects located in 5,000-6,000 feet of water in the Gulf of Mexico which were thought unimaginable a generation ago. Even more eyeopening, a number of exploration wells have been drilled in the past three years in over 8,000 feet of water and a world record well has been drilled in over 9,000 feet of water. **New technologies are taking oil explorers out more than 200 miles offshore for the first time,**

thus creating a more pressing need for certainty and stability in delineation of the outer shelf boundary. Before the LOS Convention there were no clear, objective means of determining the outer limit of the shelf, leaving a good deal of uncertainty and creating significant potential for conflict. Under the Convention, the continental shelf extends seaward to the outer edge of the continental margin or to the 200-mile limit of the EEZ, whichever is greater, to a maximum of 350 miles. The U.S. understands that such features as the Chukchi Plateau and its component elevations, situated to the north of Alaska, are not subject to the 350-mile limitation. **U.S. companies are interested in setting international precedents by being the first to operate in areas beyond 200 miles** and to continue demonstrating environmentally sound drilling development and production technologies.

R/T Subsidiaries Aren't Drilling

Subsidiaries are drilling

Sylvia Pfeifer,, 6-20-2018, "Royal Dutch Shell sells stakes in two Norwegian fields," Financial Times,

<https://www.ft.com/content/90ace298-747f-11e8-aa31-31da4279a601> (NK)

Under the terms of the deal, Shell's Norwegian subsidiary will sell its entire 44.56 per cent interest in the Draugen field, the first development in the Norwegian Sea, to Okea, a private equity-backed company focused on the region. Shell is also selling its 12 per cent stake in another field for a total consideration of Nkr4.5bn (\$550m). **Shell said it remained committed to Norway. The company plans to drill two exploration wells in the Norwegian continental shelf later this year.** Its share of the assets' production amounted to about 25,000 barrels of oil equivalent a day in 2017, representing about 14 per cent of the company's Norwegian production last year, it said. "This deal is part of Shell's global, value-driven \$30bn divestment programme and is consistent with our strategy to high-grade and simplify our portfolio," said Andy Brown, Shell's upstream director. **The company, he added, continued "to have strategic, long-term positions in [the] Troll and Ormen Lange [fields]"** and it is "actively seeking new growth opportunities".

Decommissioning costs for the assets are estimated to be about \$120m after tax. Shell will retain 80 per cent of the liability with Okea paying the rest. Recommended The Big Read Oil producers face their 'life or death' question The acquisition will transform Okea, which specialises in small and mid-sized developments on the Norwegian continental shelf. The company said its aim was to to extend the life of the Draugen field into the 2040s through a focus on cost efficiencies and additional resources within the licence and near-field exploration.

R/T Oil Demand Decreasing

Demand for oil will increase as the world's supply decreases

Mills 18 Mark P. Mills, 6-11-2018, "Speculation About \$150 Oil And The (Inevitable) Rise Of Deep Water Companies," Forbes,

<https://www.forbes.com/sites/markpmills/2018/07/11/speculation-about-150-oil-and-the-inevitable-rise-of-deep-water-companies/#5a5b3a086129> //DF

All of this activity comes at the right time. **Each year, world oil use grows at a rate of 1.5 million additional barrels of demand per day** (mmbd) – despite EVs and the Paris Accord. **At the same time, the world's existing oil production naturally declines at an average of about 4 mmbd.** Rising demand and eroding production add up to the need to add at least 5 mmbd of production capacity every year. That's more than Canada's total output, or more than a new Permian Basins per year: no small feat. Against these trends, consider that the oil price collapse in 2014 caused massive cancellations of new production plans equal to some 6 mmbd of output that would have come online over the coming few years. Projects coming on line now were planned and started before the 2014 collapse. In two years, the world will see the effect of these cancellations, specifically a 3-fold drop in new annual production capacity, and over a single year. Evidence of the pullback from offshore drilling: global offshore rig utilization is still at a four-decade low. **It just started rising and can only go up.** So too will the fortunes of the relatively small universe of companies that have the capability to produce oil from the world's deep-water regimes. It's a skill that requires experience and infrastructure that start-ups just can't acquire overnight, or even in a decade. Investment advisors are now charting out preferred lists of companies – many out of favor in recent years – on which to place bets

for an impending offshore boom. Anchor the deepwater future will be operators like Exxon, Chevron, Shell, BP, ENI, Statoil and Anakaroko, along with the technology providers such as Schlumberger, Halliburton, Baker Hughes, Transocean, TechnipFM and earlier noted, Nabors.

As middle classes grow in large developing nations, demand for oil will go up even in spite of more green tech

Raval 17 Anjali Raval,, 11-7-2017, "Opec sees more global oil demand despite electric cars," Financial Times, <https://www.ft.com/content/ea7f3c08-c3a9-11e7-b2bb-322b2cb39656> //DF

Opec has raised its forecast for oil demand in the coming decades despite a global push in energy policies that promotes cleaner fuels and a rise in technologies such as electric cars. World consumption will rise from 95.4m barrels a day in 2016 to 102.3m b/d in 2022, which is an upward revision of almost 2.3m b/d, the cartel said on Tuesday. Longer term oil demand has been revised upward by 1.7m b/d to 111.1m b/d by 2040. Opec said in its annual World Oil Outlook report assessing long-term trends that China, India and other emerging economies would propel demand. **"Driven by an expanding middle class, high-population growth rates and stronger economic growth potential, developing countries' oil demand is expected to increase,"** Opec said. In the shorter term, lower oil prices and stronger economic growth had propelled demand in industrialised nations. Demand in OECD countries is expected to grow for a further two years, Opec said. This is a change from previous forecasts, which expected a peak in 2017. The report has been published just weeks before oil ministers from Opec and from nations outside the cartel, such as Russia, meet to discuss prolonging a global deal to curb supplies through 2018. Producers have sought to reduce excess inventories and bolster oil prices that are recovering after a three-year downturn. "We've not had any party that is objecting to extending the supply arrangement," Opec secretary-general Mohammad Barkindo told reporters in Vienna on Tuesday. "It is the duration, and the terms and conditions that are being discussed."

Green tech will not take over oil in the coming decades – demand will only rise

Clemente 18 Jude Clemente, 1-19-2018, "The Offshore U.S. Oil And Natural Gas Treasure Trove," Forbes //DF

Oil/gas will remain an essential component of the U.S. energy portfolio for decades to come, here. For example, the notion that electric vehicles are going to soon take significant market share from oil is obviously premature: the U.S. has over 250 oil-based cars for every 1 that runs on electricity. As for more efficiency, typically installed as the first choice to reduce greenhouse gas emissions, I've already documented historical evidence that shows how efficiency gains can actually increase, not decrease, fuel consumption because they lower prices. Cutting oil/gas intensity is not the same as cutting oil/gas demand absolutely. Importantly, the push for more wind and solar will not displace our oil demand because they are strictly sources of electricity, and electricity accounts for just 1% of our oil usage. This is why the U.S. Department of Energy's (DOE) National Energy Modeling System projects that U.S. oil demand will actually rise in the years ahead, here. As for natural gas, more demand stems from its lower emissions, and gas' ability to backup wind and solar power. DOE says our own natural gas usage will increase 14-16% by 2040, not to mention our surging exports.

R/T Companies Can't Drill

R/T Most oil on land

Most oil is actually offshore

Harriss 16 Robert Harriss [Distinguished Fellow at the Houston Advanced Research Center. He now lives and works in Boulder, CO. Most recently he was a senior scientist on the Natural Gas Project at the Environmental Defense Fund], 2016, "Arctic Offshore Oil: Great Risks in an Evolving Ocean," Environment: Science and Policy for Sustainable Development, 10.1080/00139157.2016.1162006 //DF

In 2008, Director Mark Myers of the U.S. Geological Survey (USGS) released a detailed assessment of the first publicly available petroleum resource estimates of the entire area north of the Arctic Circle. Its estimate of Arctic resources would suggest that these make up about 22% of the undiscovered and technically recoverable petroleum resources worldwide. The USGS study allocated resources at about 13% of the undiscovered oil, 30% of the undiscovered natural gas, and 20% of the undiscovered natural gas liquids in the world. About **84% of the estimated resources was expected to occur offshore**. The USGS assessment stimulated wide interest among the national and international energy companies.

R/T Most not with US

Vladimir Putin,, xx-xx-xxxx, "The Emerging Arctic," No Publication,
https://www.cfr.org/interactives/emerging-arctic?cid=otr_marketing_use-arctic_Infoguide%2523!#/emerging-arctic?cid=otr_marketing_use-arctic_Infoguide%2523! //DF

Few countries have been as keen to invest in the Arctic as Russia, whose economy and federal budget rely heavily on hydrocarbons. Of the nearly sixty large oil and natural-gas fields discovered in the Arctic, there are forty-three in Russia, eleven in Canada, six in Alaska, and one in Norway, according to a 2009 U.S. Department of Energy report. Development of energy in the Russian Arctic has been dominated by state-backed firms, but industry analysts expect Western petroleum companies to provide needed technology and management expertise, as demonstrated by the partnership of ExxonMobil and Rosneft. Meanwhile, **Royal Dutch Shell, ConocoPhillips, and Statoil have drilling leases in the U.S. waters off the coast of Alaska, which are projected to hold the largest undiscovered oil deposits in the Arctic** (roughly **thirty billion barrels**). Shell may resume exploratory drilling in the Chukchi Sea in the future, though since suffering major operational setbacks in 2012, it has not conducted operations in the U.S. Arctic. Shipping As Arctic sea ice retreats, shipping lanes are opening that many trading nations hope could compete with or complement conventional routes during summer months. The Northeast Passage—a roughly three-thousand-mile shipping lane across the top of Eurasia connecting the Atlantic to the Pacific—first became ice-free for a short period in the summer of 2007, and gained international attention as a seasonal shipping route between the two oceans. Russia's Northern Sea Route (NSR), which runs from the Kara Gate to the Bering Strait, was also open for the same period.

R/T Not Much Oil

Um, there's a lot of oil

Mathiesen 15 Karl Mathiesen, 8-1-2015, "Can Shell afford Arctic oil?," Guardian,
<https://www.theguardian.com/environment/2015/aug/12/can-shell-afford-to-drill-for-oil-in-the-arctic>
//DF

But the prospects are huge. The US Geological Society estimates there could be 90bn barrels of oil beneath the Arctic Ocean. Nick Butler, a former vice president of strategy at BP and special advisor to the last British prime minister, said industry rumours hint that Shell believes it is on to something vast. Perhaps up to 30bn barrels. **30bn would be enormous in global terms - bigger than Prudhoe Bay or any of the Russian fields and comparable with the biggest in the Middle East. It would start a**

gold rush to the Arctic because people would believe there would be other comparable fields," said Butler. This is an environmentalist's nightmare. An unstoppable, market-driven race to the north. Shell has admitted this will inevitably lead to spills. A vast, new oil source will also make reducing carbon emissions more difficult.

R/T Trump Sales

These are only enabled by UNCLOS ratification

Lijstrand 18 Katherine Lijstrand [Staff Contributor], 2-8-2018, "The Deep-Sea Reasons for the Accession of the United States to the 1982 Convention on the Law of the Sea," Georgetown Environmental Law Review, <https://gelr.org/2018/02/08/the-deep-sea-reasons-for-the-accession-of-the-united-states-to-the-1982-convention-on-the-law-of-the-sea/> //DF

The two main mechanisms of UNCLOS that deal with deep seabed issues are the Commission on the Limits of the Continental Shelf^[5] and the Council of the International Seabed Authority.^[6] While the United States remains a non-party to UNCLOS, access to these two bodies – and, subsequently, to the subject jurisdictions they cover – is denied. Firstly, the Commission on the Limits of the Continental Shelf^[7] is the foremost international body which “consider[s] the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76”^[8] What this means is the Commission determines whether or not a country is able to claim its outer continental shelf (OCS) extends past the 200 nautical mile Exclusive Economic Zone (EEZ) thereby expanding its territorial rights to drill. As the United States is not currently a member of UNCLOS, the United States cannot currently claim any drilling rights over any potentially-extended continental shelf.^[9] Also, as the United States is not on the Commission, the United States cannot nominate or elect experts to a seat on the Commission and thus has no say in the establishment of outer continental shelves for other countries^[10], as when Russia submitted an overly expansive claim to its outer continental shelf.^[11] The current administration seems to be moving forward with all hands on deck in regards to offshore oil drilling^[12], so acceding to UNCLOS and nominating experts to the Commission could further those efforts. The United States needs to be on the Commission because its voice needs to be heard for the present and future of both our own extended continental shelf and the extended continental shelves of other countries. The second important environmentally-related mechanism the United States is missing out on is the Council of the International Seabed Authority and its unique process.^[13] The International Seabed Authority is the primary body that deals with the Area.^[14] The Area, as defined in Article I of UNCLOS, includes the seabed, ocean floor, and subsoil beyond the limits of national jurisdiction.^[15] The International Seabed Authority is the international body that regulates and controls all mineral-related activities in the Area, and only parties to UNCLOS can sit on the Council.^[16] The United States has a reserved, permanent spot on the Council due to having the largest economy at the time of UNCLOS’ ratification but is unable to take that spot unless it becomes a party to UNCLOS.^[17] As of currently, the United States is missing out on partaking in the Authority’s defining of the future of seabed mineral mining.

R/T Companies Can Drill w/out UNCLOS

R/T Don’t Need UNCLOS

Rogers 12 Will Rogers [Research Associate at the Center for a New American Security], 4-2012, "Security at Sea

The Case for Ratifying the Law of the Sea Convention," Center for a New American Security,
https://s3.amazonaws.com/files.cnas.org/documents/CNAS_SecurityAtSea_Rogers_0.pdf?mtime=20160906081931 //DF

The United States is committed to exploring for additional domestic reserves of oil and natural gas in an effort to bolster domestic production and provide assured access to energy resources. Increasing production from domestic reserves will not necessarily help reduce higher oil prices, since these prices are set by the global market, but it can help close the U.S. trade deficit and provide more assured access to energy if a major crisis chokes off access to foreign energy imports for any length of time. Offshore oil and natural gas exploration along the extended continental shelf – an area beyond the 200-nautical-mile EEZ – is expected to increase U.S. reserves over the next decade. However, **the United States cannot secure internationally recognized sovereign rights to those resources unless it ratifies LOSC. While the United States enjoys national jurisdiction over living and non-living resources above and below the seabed out to 200 nautical miles, claims to resources beyond the EEZ must be formally made to the U.N. Commission on the Limits of the Continental Shelf**, the international body established by LOSC for parties to adjudicate claims to the extended continental shelf. **Without the United States ratifying LOSC, U.S. companies operating beyond the EEZ would be considered on the high seas and beyond the formal legal protection of the United States.** As a result, **offshore drilling companies have increasingly expressed their concern about the lack of legal protections afforded to U.S. companies and have indicated a reluctance to assume significant risk in operating in areas beyond U.S. jurisdiction.** In short, U.S. failure to ratify LOSC could have a chilling effect on commercial resource exploration and exploitation on the extended continental shelf.

Donohue 12 Thomas J. Donohue [President and Chief Executive Officer U.S. Chamber of Commerce], 6-28-2012 "Hearing on the United Nations Convention on the Law of the Sea," THE COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE,

<https://www.foreign.senate.gov/imo/media/doc/Donohue%20Testimony.pdf> //DF

Clearly, the hydrocarbon potential of these offshore areas is enormous. Offshore oil volumes already account for about 30 percent of all U.S. production. Successful development will grow the U.S. economy, create jobs, and significantly reduce American reliance on foreign oil. The U.S. Government should enable such development, not hinder it. But that is precisely what the Senate's failure to approve the Law of the Sea Convention has done, because the U.S. cannot secure international recognition of its continental shelf beyond 200 miles without joining the Convention. **Offshore operations are capital-intensive, requiring significant financing and insurance. Oil and natural gas companies do not want to undertake these massive expenditures if their lease sites may be subject to territorial dispute. They operate transnationally, and need to know that the title to the petroleum resources will be respected worldwide and not just in the United States.** Availability of clear legal title is crucial to realizing the potential of U.S. offshore areas both now and in the future, as drilling technology continues to advance and make new projects feasible. As ExxonMobil emphasized in its recent letter to this Committee, before it undertakes the immense investments required to explore and develop resources beyond 200 miles, "legal certainty in the property rights being explored and developed is essential."

Because it would enables us to resolve disputed claims, the US could increase its land area by a lot

Praprotnik 13 Tina Praprotnik, 2013, "ARCTIC OFFSHORE ENERGY RESOURCES: DISTRIBUTION ACROSS INTERNATIONAL BOUNDARIES AND CLIMATIC IMPACT," Masters project submitted in partial fulfillment of the requirements for the Master of Environmental Management degree in the Nicholas School of the Environment of Duke University,

<https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/6855/Praprotnik%20Master's%20Project.pdf?sequence=1> //DF

Whether total or only undisputed areas are considered, Russia controls the largest portion of the Arctic seabed (41.2% in total or 32% for undisputed areas only), as well as the majority of Arctic offshore hydrocarbon resources (56.4%, or 154,245 MBOE in total; 53.3%, or 145,877

MBOE for undisputed areas only).²⁸⁵ Russia has also been most assertive in its jurisdictional claims—it has claimed by far the largest portion of the seabed beyond its undisputed area (representing 22.3% of Russia’s total shelf area, 28.7% of its undisputed area, and 9.2% of the total Arctic Ocean area). Russia’s claim also overlaps with areas potentially claimable by other states, including Denmark and Canada. **The United States, though currently a relatively minor player in the region, has the most potential for area expansion—by claiming potential areas, it could increase the area of the continental shelf under its jurisdiction by 41.0%.** Canada, however, has the most potential to increase its resource base by claiming additional areas of the Arctic Ocean—by up to 19.0%.

R/T Already Gulf Drilling

We can drill only in the Mexican Gulf

Conathan 12 Michael Conathan [Director of Ocean Policy at the Center for American Progress], 6-13-2012, "Conservatives Disregard Traditional Allies to Oppose the Law of the Sea," Thinkprogress, <https://thinkprogress.org/conservatives-disregard-traditional-allies-to-oppose-the-law-of-the-sea-2a814f04a717/> //DF

Ask Sen. Risch. Then think about how likely it would be for the United States to approve a payment formula that would send cash to Somalia or the Palestine Liberation Organization. It’s just not going to happen. **Until we ratify the treaty, no U.S. companies will operate on the extended continental shelf. Aside from a small pocket of territory in the western Gulf of Mexico where we have bilaterally negotiated a boundary with Mexico, companies cannot be granted the certainty that leases of these regions would not be challenged in international courts.**

Without becoming party to the treaty and gaining a seat at the negotiating table where decisions are made about how to partition out extended-shelf claims, we will be unable to assure industries that the international community will recognize a U.S. lease. Businesses, even those with extremely deep pockets such as Big Oil and Lockheed Martin, have been very clear: If we don’t ratify, they won’t operate. Companies want to create those jobs, generate revenue, and increase domestic production. But no certainty means no investment. No treaty means no security, no jobs, no dollars, no resources. It’s that simple.

R/T 1958 Convention and Truman Proclamations

Companies don’t think that these are enough

Pedrozo 13 Raul Pedrozo, 2013, “Arctic Climate Change and U.S. Accession to the United Nations Convention on the Law of the Sea,” Journal of International Law Studies, <http://www.usnwc.edu/getattachment/e9991b89-1193-4b32-a87e-315e06e4a5f2/Arctic-Climate-Change-and-U-S--Accession-to-the-Un.aspx> //DF

Critics suggest accession to UNCLOS is not required in order for the United States to claim an ECS, since the 1958 Continental Shelf Convention and the 1945 Truman Proclamation already support a unilateral U.S. claim. Although that may be true, **the metric for determining the outer extent of the ECS is more generous in UNCLOS than in the 1958 Convention or the Truman Proclamation, both of which rely on an “exploitability criterion” to identify the outer limit of the ECS.**³⁰ More importantly, **the U.S. oil and gas industry believes that unilaterally claiming an ECS outside UNCLOS may be challenged by other nations in courts throughout the world, and has therefore repeatedly argued that legal certainty/security of tenure to explore and exploit the resources of the ECS can be obtained only through UNCLOS.**³¹ The

bottom line is that U.S. industry will not invest in offshore oil and gas production in the ECS unless the United States is a party to UNCLOS.³²

R/T Disputes Don't Matter

Companies won't be willing or able to drill while a dispute is ongoing

Sharp 16 Greg Sharp, 6-17-2016, "An old problem, a new opportunity: A case for solving the Beaufort Sea boundary dispute," Arctic Institute,

<https://www.thearcticinstitute.org/an-old-problem-a-new-opportunity-a-case-for-solving-the-beaufort-sea-boundary-dispute/> //DF

With the election of a new government in Canada, Prime Minister Trudeau should invite the US to reopen formal negotiations on the Beaufort Sea boundary. The Prime Minister, having already met President Obama at a widely publicized event to discuss cooperation on environmental issues in the Arctic, should build on this momentum and their seemingly good relationship. Going forward, **it is very unlikely that the US BOEM would issue licenses for the contested area or that companies would be willing to risk investing in the midst of a dispute.** Evidence of as much, Secretary of State John Kerry has asked that the State Department be consulted prior to going forward with any sales due to the sensitive nature of the issue. Nevertheless, the renewed focus on the dispute is an opportunity that should not be squandered.

R/T Customary IL Solves

U.S. companies are hesitant to drill in spite of customary IL

Kelly 03 PAUL L. KELLY [SENIOR VICE PRESIDENT, ROWAN COMPANIES, INC], 10-21-2003, "Statement of Paul L. Kelly: ON BEHALF OF THE AMERICAN PETROLEUM INSTITUTE THE INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS AND THE NATIONAL OCEAN INDUSTRIES ASSOCIATION," HEARING ON THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS, <https://www.foreign.senate.gov/imo/media/doc/KellyTestimony031021.pdf> //DF

In conclusion, from an energy perspective we see potential future pressures building in terms of both marine boundary and continental shelf delineations and in marine transportation. We believe the LOS Convention offers the U.S. the chance to exercise needed leadership in addressing these pressures and protecting the many vital U.S. ocean interests. **Notwithstanding the United States' view of customary international law, the U.S. petroleum industry is concerned that failure by the United States to become a party to the Convention could adversely affect U.S. companies' operations offshore other countries.** In November 1998, the U.S. lost its provisional right of participation in the International Seabed Authority by not being a party to the Convention. At present there is no U.S. participation, even as an observer, in the Continental Shelf Commission— the body that decides claims of OCS areas beyond 200 miles— during its important developmental phase. The U.S. lost an opportunity to elect a U.S. commissioner in 2002, and we will not have another opportunity to elect a Commissioner until 2007. The United States should also be in a position to exercise leadership and influence on how the International Seabed Authority will implement its role in being the conduit for revenue sharing from broad margin States such as the U.S., yet the U.S. cannot secure membership on key subsidiary bodies of the Seabed Authority until it accedes to the Convention. Clearly United States views would undoubtedly carry much greater weight as a party to the Convention than they do as an outsider. With 143 countries and the European Union having ratified the Convention, the Convention will be implemented with or without our participation and will be sure to affect our interests.

Only UNCLOS solves the disputes

Houck, James W. The Opportunity Costs of Ignoring the Law of Sea Convention in the Arctic . Hoover Institution: Stanford, CA, February 19, 2014 (40p)

The Western Gap agreement has clear implications for the Arctic, where the United States shares a potential extended continental shelf with both Russia and Canada. UNCLOS opponents suggest that questions regarding international legal title to the U.S. potential extended continental shelf in the Arctic will be resolved conclusively when the United States enters bilateral agreements with Russian and Canada respectively.¹⁵⁶ As simple and therefore attractive as this position may be, it begs several questions. Under what legal authority would the Arctic neighbors have the right to divide and claim for themselves an area lying, at least in theory, beyond their respective national jurisdictions? Even assuming a legitimate legal basis to claim their extended continental shelves and delimit them bilaterally, what basis would the states have for desiring to and concluding their agreements outside the UNCLOS framework, including ignoring Article 82 royalty payments? Finally, even if Russia and Canada— both UNCLOS member states—choose to comply with UNCLOS on their respective sides of delimited shelves, might they object to the United States not doing so on its side, and, if so, would they pursue their objections? And how might the outer limits of the U.S. extended continental shelf in the Arctic be determined given the geographic differences from the Western Gap situation where there were only two geographically opposite states with no third state or area interests involved? The simple answer is that only by acceding to the convention can the United States obtain its full continental shelf rights in the Arctic.

R/T Dispute Resolved w/ Canada

The disputes haven't been resolved; we need to work within UNCLOS to do so

Kelly 03 PAUL L. KELLY [SENIOR VICE PRESIDENT, ROWAN COMPANIES, INC], 10-21-2003, "Statement of Paul L. Kelly: ON BEHALF OF THE AMERICAN PETROLEUM INSTITUTE THE INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS AND THE NATIONAL OCEAN INDUSTRIES ASSOCIATION," HEARING ON THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS, <https://www.foreign.senate.gov/imo/media/doc/KellyTestimony031021.pdf> //DF

As regards maritime boundaries, there presently exist about 200 undemarcated claims in the world with 30 to 40 actively in dispute. There are 24 island disputes. The end of the Cold War and global expansion of free market economies have created new incentives to resolve these disputes, particularly with regard to offshore oil and natural gas exploration. During the last few years hundreds of licenses, leases or other contracts for exploration rights have been granted in a variety of nations outside the U.S. These countries are eager to determine whether or not hydrocarbons are present in their continental shelves, and disputes over maritime boundaries are obstacles to states and business organizations which prefer certainty in such matters. We have had two such cases here in North America where bilateral efforts have been made to resolve the maritime boundaries between the U.S. and Mexico in the Gulf of Mexico and between the U.S. and Canada in the Beaufort Sea. Both of these initiatives have been driven by promising new petroleum discoveries in the regions. The boundary line with Mexico was resolved in 2000 after a multi-year period of bilateral negotiations. Negotiations with Canada, however, seem to be languishing. While such bilateral resolution is always an option, the Convention provides stability and recognized international authority, standards and procedures for use in areas of potential boundary dispute, as well as a forum for dealing with such disputes and other issues. The settlement we made with Mexico now makes it possible for leases in the Gulf of Mexico issued by the Department of the Interior's Minerals Management Service (MMS) to be subject to the Article 82 "Revenue Sharing Provision" calling for the payment of royalties on production from oil and natural gas leases beyond the EEZ. According to MMS, seven leases have been awarded to companies in the far offshore Gulf of Mexico which include stipulations that

any discoveries made on those leases could be subject to the royalty provisions of Article 82 of the Convention. MMS also reports that one successful well has been drilled about 2.5 miles inside the U.S. EEZ. Details on how the revenue sharing scheme will work remain unclear, and without ratification the U.S. Government's ability to influence decisions on implementation of this provision is limited or non-existent. This creates uncertainty for U.S. industry.

Windeyer 16 Chris Windeyer · Cbc News · Posted, 3-19-2016, "Proposed U.S. Arctic drilling leases 'a violation of Canada's Arctic sovereignty'," CBC, <https://www.cbc.ca/news/canada/north/proposed-beaufort-licences-infringe-arctic-sovereignty-1.3498469> //DF

A proposal for new oil and gas drilling leases in the Beaufort Sea could re-ignite a long-simmering border dispute between the United States and Canada. Last week, the U.S. Bureau of Ocean Energy Management issued a proposal for new leases off the coast of Alaska. The map of the area that could be opened to drilling includes offshore territory Canada claims as its own. For decades, the U.S and Canada have disagreed about the offshore boundary in the Beaufort. Canada claims it runs due North following the land border between Yukon and Alaska's North Slope. The U.S. maintains the sea border should go out at a 90-degree angle from the land. The difference is a wedge-shaped, 21,000-square-kilometre area about the size of Lake Ontario. The Yukon government is not happy with the proposal for oil and gas leases in the disputed area. Brad Cathers, the territory's justice minister, called the move "a violation of Canada's Arctic sovereignty."

R/T US-Russia 90s Deal

Russia hasn't ratified this agreement, so it has no meaning

No Author, xx-xx-xxxx, ", " No Publication, <https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/6855/Praprotnik%20Master's%20Project.pdf?sequence=1> //DF

c. 1990 U.S.-Soviet agreement. The 1990 agreement between United States and the former Soviet Union chose a line established by the 1867 Convention Ceding Alaska as the maritime boundary between the states' EEZs as well as any potential continental shelf beyond them. 110 The agreement provided that any areas east of the agreed-upon boundary that were within the Soviet EEZ ("eastern special areas") would belong to the United States, even though they were otherwise outside the U.S. EEZ. 111 Conversely, any areas west of the boundary that were within the U.S. EEZ ("western special areas") would belong to the Soviet Union, even though they were otherwise outside the Soviet EEZ. 112 The states clarified that any jurisdictional rights over those special areas would originate from the agreement and not from unilateral extension of the states' EEZs beyond the 200-nm limit. 113 The agreement also purported to "define the limits of [the states'] respective maritime jurisdictions" that may be subject to "continental shelf, but not exclusive economic zone claims" 114 by extending the agreed-upon boundary "as far [north] as permitted under international law." 115 In other words, the two states would delimit any potential extended continental shelf as between each other, but whether and how far offshore the claimed continental shelf extended would be determined by international law. As Russia has not ratified this agreement, it has not yet entered into force. 116

EXTRA CARDS

SCS

UQ – CN Motivation

Hawksley 18 Humphrey Hawksley [BBC Correspondent and Author], 2018, “Asian Waters: The Struggle Over the South China Sea & the Strategy of Chinese Expansion, The Overlook Press //DF
Beijing's construction of military bases in the South China Sea is the culmination of a plan that dates back to the seventh century BC and the first stages of the building of the Great Wall. Through Chinese eyes it is about protection, not aggression. “We are not trying to take over these island and territory,” Ruan Zongze of the China Institute of International Studies told me in Beijing. “What China is doing is to safeguard and defend its own legitimate rights, not like Americans who start wars all over the world. China will never do that.” Over the centuries China created buffers against hostile neighbors by taking territory to its north, including Manchuria, now China's northeastern region that borders North Korea and Russia and is just across the water from Japan; Mongolia, which China split in two – Inner Mongolia, controlled by Beijing, and Outer Mongolia, now an independent nation, but governed under the wings of the Soviet Union during the Cold War; Xinjiang, the troubled Muslim region that leads through to Kazakhstan, Tajikistan, Kyrgyzstan, Afghanistan, and the insurgent ridden Kashmir region, which is disputed between China and India. What it failed to construct were southern and eastern maritime defenses to protect its coastline from foreign invasion by sea and, because of this, it received a brutal wake-up call in November 1839 when British troops stormed ashore near the southern port of Guangzhou, determined to increase Britain's opium exports into China from its colony in India. In China's history, the First Opium War marks the start of its Century of Humiliation, which ended 110 years later in 1949 when Mao Zedong came to power. The defeat highlighted a weakness that China will never forget, and the story is told vividly in the amply funded Opium War and Sea Battle Museum in Humen, where the British invaded. Events are embedded in the mind of every student, from school to university and beyond. “It is not only at primary school that we are taught this, said Jinan University student Lu Chu Hau, who showed me around. “At middle school, at university, at home, at work, it is drummed into us so that we know that China must never be weak again.”

Hawksley 18 Humphrey Hawksley [BBC Correspondent and Author], 2018, “Asian Waters: The Struggle Over the South China Sea & the Strategy of Chinese Expansion, The Overlook Press //DF
The museum fails to explain exactly how broken China was in the middle of the eighteenth century. For twenty years, from 1851 to 1871, the Taiping Rebellion, led by a man who claimed to be the younger brother of Jesus Christ, left millions dead in the southern part of the country. The casualties from Britain's military action were by comparison miniscule, but drove home the point that without a better internal system of government China would never be able to withstand foreign invasion. It is this narrative of strong, forward-looking internal government coupled with effective military defense that mirrors much of China's argument today, which flows directly to Beijing's South China Sea activities and is causing antagonism. “You cannot overestimate the impact of the Opium Wars,” Milton Nong Ye, professor of history at Guangzhou Jinan University, told me. “We learned then that the international world order is unfair.” He drew a comparison between the Opium Wars and the compromises China had made to join the World Trade Organization in 2001. Only fifteen years later, thinking it had made all the necessary concessions, China found that the Western power demanded more. It found itself excluded from the US-sponsored Trans-Pacific Partnership trade deal, from which Washington has now withdrawn. “China is not safe and has been invaded many times,” Ye said. “The way to protect ourselves is to build a great wall of the sea, and you do that with big ships and strong islands.”

UQ – SCS Chill

Stashwick 17 of the Diplomat writes: China’s moves in the South China Sea were primarily a demonstration to the Chinese people that the Communist Party was fulfilling its promise to restore lost territory and honor. given China’s investment and the high-profile and provocative nature of recent U.S comments, China is unlikely to accept the domestic political embarrassment of withdrawing from those bases. Since China cannot credibly deter the U.S. Navy from operating in the South China Sea and the U.S. cannot compel China to “dig up the artificial islands it has constructed,” the outcome either China or the United States may be able to expect is a stalemate.

Stashwick 17 Steven Stashwick, 2-6-2017 “Perpetual Stalemate: China Can Neither Be Dislodged From the South China Sea Nor Control It,” The Diplomat,

<https://thediplomat.com/2017/02/perpetual-stalemate-china-can-neither-be-dislodged-from-the-south-china-sea-nor-control-it/> //DF

The Asian Maritime Transparency Initiative assesses that China has constructed over 3,000 acres of artificial land on seven reefs and features in the Spratly Islands since 2013, and covered them with airfields, hangars, command buildings, and extensive sensor array. China is unlikely to be compelled to abandon such massive, and public infrastructure projects peacefully, hence Admiral Greenert’s warning that any attempt to restore the status quo ante in the Spratlys risked a military clash. Similarly, when China began deploying missile systems to its bases on the Paracel Islands last April, I underscored the political potency of China’s South China Sea bases, despite their limited military usefulness. In a series of lectures last year Singaporean Ambassador-at-large Bilahari Kausikan argued that **China’s moves in the South China Sea were primarily a demonstration to the Chinese people that the Communist Party was fulfilling its promise to restore lost territory and honor in a way that was both low-risk and low-cost compared to Taiwan and parcels that are now part of Siberia and Mongolia**; “The very insignificance of the territories in dispute in the South China Sea may well be part of their attraction to Beijing for this essentially domestic political purpose.” However, **given China’s investment and the high-profile and provocative nature of recent U.S comments, China is unlikely to accept the domestic political embarrassment of withdrawing from those bases. China cannot credibly deter the U.S. Navy from operating in the South China Sea and the U.S. cannot compel China to “dig up the artificial islands it has constructed,”** because the only opinion on the South China Sea that the Communist Party cares about is the Chinese peoples’. For all the attention and political rhetoric that the South China Sea garners, **the best outcome either China or the United States may be able to expect is a stalemate.**

And that’s what’s happened. Bo reports in the National Interest on August 20th: the situation in the South China Sea is cooling down. No power including China and the United States has the capacity to control the South China Sea regardless its intentions, as we are living in a world where power is more balanced.

Hu Bo, National Interest, “No one lost the south china sea (and no one will)” August 20th, 2018

<https://nationalinterest.org/feature/no-one-lost-south-china-sea-and-no-one-will-win-29337?page=0%2C1> (NK)

As we all see, **the situation in the South China Sea is cooling down**, and the biggest variable is the emerging Sino-U.S. maritime strategic competition. There have been three major views, all of which stem from anxiety, in the western strategic sphere recently on this issue, namely, the so-called Chinese expansionism, U.S. fecklessness and China’s control of the South China Sea with at the cost of others’

interests. That would contribute to much of China-lashing rhetoric these days. In my observation, all the above points are biased to some degree. No one lost the South China Sea and no one will. Firstly, **no power including China and the United States has the capacity to control the South China Sea regardless its intentions, as we are living in a world where power is more balanced.** It's true that China has made great strides in terms of military modernization and increased power presence, but other South China Sea littoral states and outside powers such as the United States are all strengthening their power presence and military deployments in the region as well. In the foreseeable future, it's difficult to imagine that China or any other country could achieve predominance in the South China Sea. Secondly, when we talk about sea power and sea control in our current times, it just means relative influence and comparative advantage in some maritime areas, because today' sea power is definitely an inclusive system rather than exclusive one. With China's rise, it is increasingly difficult for the United States to impose the Mahan doctrine on China in the South China Sea; and **no matter how far China develops, it is not likely to pursue so called "maritime hegemony," given United States' powerful forces in and around the South China Sea. After a long term competition, both sides will finally find out that there is no choice but to establish a common and inclusive security order with ASEAN Member States and other stakeholders.** China's policy and operations is far from expansionism in the South China Sea. For a long time, **China has adopted a policy of responding rather than moving first. From 2009 to 2014, China had mainly been responding to the aggressive policies and operations of Vietnam and the Philippines; since 2015, China has been mainly responding to the United States' increasingly provocative moves such as more frequent and intense FONOPs, close reconnaissance and wargame exercise.** It's natural that China's power presence and military capacity are being improved when China is powerful, and as the largest South China Sea littoral state, China does have the right to have a powerful presence in the South China Sea. China has frequently been accused for "aggressive assault on the freedom of the seas" by some Western media, but neither Western officials nor their experts can show any specific evidence

Tensions have reached a new normal (Valencia - East Asia Forum)

Mark J. **Valencia**, 5-26-2018, "A 'new normal' in the South China Sea?," East Asia Forum, <http://www.eastasiaforum.org/2018/05/26/a-new-normal-in-the-south-china-sea/> (NK)

ASEAN countries are increasingly hedging between the two great powers. The Philippines under President Rodrigo Duterte has used this competition to its advantage, retaining US security protection while benefiting from China's economic trade and investment. Vietnam has benefited by welcoming visits by war ships of China's potential opponents like India and the United States as a deterrent to China while continuing to maintain robust economic relations with China. **The situation between China and the United States in the South China Sea is far from ideal but it does seem to have settled into a temporary 'new normal'. Nevertheless it is still quite fragile and could rapidly tilt towards conflict if not well managed. All involved need to recognise this and strive to maintain this delicate balance.**

The temperature as decreased in the SCS

Hass 17 Ryan Hass, 12-20-2017, "Risk of U.S.-China confrontation in the East China Sea," Brookings, <https://www.brookings.edu/opinions/risk-of-u-s-china-confrontation-in-the-east-china-sea/> //DF

During this same period, the maritime dispute between China and Japan in the East China Sea garnered less attention. Unlike the South China Sea, there were no new islands being constructed out of sand, no high-stakes arbitral rulings, and no sharp policy debates in Washington that spilled out into the press. Despite the lower profile, the dispute in the East China Sea may carry greater risk of drawing the United States into conflict with China than the various disputes in the South China Sea. Here's why: First, **the situation in the South China Sea is and will remain at a stalemate.** As Singaporean official Bilahari Kausikan has observed, **Washington cannot force Beijing to abandon the artificial islands it has constructed or stop China from deploying military assets on them without risking a military conflict.** By the same standard, **China cannot stop the United States from operating in the area without risking a major conflict that would expose Chinese forces to significant risk of defeat and potentially result in the rapid destruction of its artificial islands.** In other words, neither roll-back nor exclusion are policy options that attract serious consideration by governments in Beijing or Washington. Second, **the geopolitical temperature**

on the South China Sea has gone down considerably over the past year. Reasons for this include: President Trump's de-emphasis of the issue as an element of the U.S.-China relationship; Beijing's prioritization of regional economic integration via the Belt and Road Initiative; and Southeast Asian countries' growing wariness of poking China on the South China Sea and preference instead for focusing on regional connectivity and negotiations toward a China-ASEAN Code of Conduct.

Link – Fears II

Liu 16 Zihang Liu, 8-29-2016, "How the Chinese view International Law," International Policy Digest, <https://intpolicydigest.org/2016/08/29/how-the-chinese-view-international-law/>

With the precarious situation unfolding in the South China Sea and the Diaoyu/Senkaku Islands over the past several months, the world's attention has been drawn to China's pivotal role of maintaining stability in the Asia-Pacific region. As China's economic and political influence has grown in the past few decades, scholars have been analyzing and evaluating China's approach to global politics, particularly international law. In light of these continuing international disputes, it is important to understand contemporary international relations, specifically in relation to China, a significant yet relatively new player in the existing American-led international order. **In the three decades immediately following the establishment of the state's communist regime (the Peoples' Republic of China or PRC) in 1949, the Chinese government adopted a policy of "starting anew" ("另起炉灶" and "打扫干净屋子再请客"). This strategy amounted to the elimination of all traces of imperial influence over China with an emphasis on the sovereignty of an independent China, and the concordant development of the Five Principles of Peaceful Coexistence, which were enacted in 1954. The Five Principles were based, in large part, upon the core values of the United Nations Charter, which hold state sovereignty in the highest regard. Concurrent to their development, China became cautious about numerous international laws, which the PRC perceived as imperial weapons serving the agendas of Western powers.** During the Cold War era, the Western Bloc was wary of the East, as evidenced by its initial reluctance to admit the PRC into the international community. **It was not until 1971 that China regained its seat at the United Nations. The PRC's 1978 Reform and Open-Up Policy marked a new era of China's active participation in international lawmaking processes, which continues to the present. Since 1978, China has become heavily involved in international affairs, gaining admittance to over three hundred international organizations, including the prominent WTO and UNCLOS.** Professor He Zhipeng provides an analysis of China's approach to international law in his article, "The Chinese Notion of International Law" ("国际法的中国观念"). He considers China's approach to enacting and developing international laws as demonstrative of China's overall foreign policy. Drawing upon theories of international relations, he refutes liberalism, a theory which dismisses the power politics of international relations by emphasizing mutually beneficial state cooperation, devaluing the role of government, and affirming the influence of international NGOs. Instead, he promotes realism as the most beneficial philosophy to guide China's involvement in the international lawmaking process. In particular, he sees this policy as effectively complementing the current condition of the international community, which largely exists as an "anarchy state." Under the policy of realism, nations should continuously play a zero-sum game to maximize their own state interests. He bemoans the fragmentary nature of international jurisprudence—that is, he argues that (a) there exists no clear system of law under which a constitution is deemed absolute, and (b) complementary laws fail to form an accountable and efficient legal system. Furthermore, he finds the inefficiency of certain international institutions, which must constantly negotiate greater powers' political considerations, another lamentable reality that renders international law incompetent and the global community anarchistic. Thus, while lauding the achievements accomplished thus far within the field of international law, he simultaneously warns against a blind belief in its efficacy. He reminds readers of the realities of power politics and the significance of state sovereignty. He suggests that China should, as it has often done in the past, follow the tenets of realism, under which sovereignty is valued and states pursue their own interests as often as possible. Thus, when applying international laws or participating in the lawmaking process, he argues that the furtherance of national interests is the ultimate purpose for which China should strive. He additionally contends that international laws generally fail to function as consistent rules according to which states must adjust their behavior or accept punishment for transgressions. He asserts that international law has instead become the constantly evolving product of state interactions. Essentially, internati Therefore, **international law does not**

offer a system of rule that governs nations but rather a system of compromises, agreements, and treaties that constantly adapt to national demands and interests. The legality of the nine-dash line demarcating sovereignty in the South China Sea, for instance, is not legitimized by existing international law; rather, it is empowered via state recognition and practices. As a result, he asserts that the nine-dash line will likely become a new norm of international law as long as it continues to be customarily accepted by states in the region. This method of interpreting international law renders it flexible enough to be utilized as a tool forwarding Chinese state interests on the international stage. It is furthermore able to accommodate China's evolving state interests, such as the state's sovereign claim over the South China Sea. Many in the West strive to enshrine the theory of liberalism and construct an international system wherein democratic states choose to avoid military aggression, while instead interacting, cooperating, and peacefully competing according to set principles, adopting a Lockean approach. However, as China's past practices have shown, and as Professor He has demonstrated, **China continues to hold state sovereignty and state interests in esteem.** In contrast to the West, China essentially considers the international community in a manner more similar to Thomas Hobbes' concept of the Leviathan, whereby one must act for oneself and by oneself. **For China, therefore, national interests and sovereignty are supreme, while international law can be manipulated in order to serve the state's needs. This conflict in values thus creates a dilemma between two distinct sets of ambitions. While China and the West have generally worked concomitantly to develop international laws, their agendas occasionally diverge on critical issues. For instance, while the United States, Japan, and other states adhered to customary international law by upholding Freedom of Navigation Operations (FONOPS) with regard to the South China Sea, China, as a party to UNCLOS, they fiercely fought for its sovereignty over the territory.** Alternatively, China's support of the "Responsibility to Protect" (R2P) has led to great success in terms of cooperation and reconciliation between China and the West. R2P provides a framework under which the UN Security Council can sanction the use of force in order to prevent atrocities and human rights violations in independent states. Thus far, such unanimity has already significantly supported stabilization efforts in, for example, Côte d'Ivoire. As China's history has shown, however, its leadership often values state sovereignty and national interests above all else. Therefore, rather than maintaining universal values, China remains more concerned with its own interests. Nevertheless, by understanding the approach that China takes in international relations and global lawmaking, it is feasible to work with the nation to develop a more cooperative international community. Thus, in the future, we may see more coordinated achievements resembling the enactment of R2P if Western states take note of China's international relations philosophy

Thomas E. Kellogg, The Diplomat, 7-14-2016, "The South China Sea Ruling: China's International Law Dilemma," Diplomat,

<https://thediplomat.com/2016/07/the-south-china-sea-ruling-chinas-international-law-dilemma/>

Perhaps for the first time ever, the somewhat obscure UN Convention on the Law of the Sea (UNCLOS) is making global headlines. On July 12, **The Hague-based Permanent Court of Arbitration (PCA) issued a ruling on a case brought by the Philippines, holding that China's expansive claims to much of the South China Sea were not valid under international law. The decision, which landed on the front page of newspapers around the world, represented a near-complete victory for the Philippines, and a strong challenge to China's decades-long efforts to strengthen its hold over the Sea. The verdict came as no surprise: most legal experts viewed China's legal position as weak, and gave Beijing little chance of emerging unscathed. China could have used the months leading up to the verdict to formulate a plan to lose gracefully, and to use the PCA's verdict as an opportunity to change course on the South China Sea. Instead, Beijing doubled down on intransigence, signaling repeatedly that it would unreservedly reject an unfavorable**

verdict. Speaking at a conference in Washington just days before the decision was announced, former top diplomat Dai Bingguo referred to the then-pending ruling as “nothing more than a piece of waste paper,” and warned that “no one and no country should implement the award in any form.” In case there were any lingering doubts, the Chinese foreign ministry issued a statement rejecting the verdict within hours of its publication. “The award is invalid and has no binding force,” the Ministry said. “China does not accept or recognize it.” Perhaps unsurprisingly, much of the recent commentary on the case has focused on what the ruling might mean for the reduction or escalation of tensions in the South China Sea. But **China’s response to the verdict also sheds light on Beijing’s attitude toward international law more generally, as well as toward the U.S.-led international system. The decision may prove to be a turning point of sorts: China may be entering a new phase of its relationship with the international order. The past 40 years have been about China’s integration into the world community. The question going forward is whether China will begin to turn away from the international system, and instead take a more overtly interest-based approach to international norms, laws, and institutions.** The story of China’s return to the world stage is a dramatic one: few countries have moved as quickly as China over the past several decades from almost-complete isolation to deep integration in the international system. When the United States finally established diplomatic relations with the People’s Republic in 1979, the country was in rough shape, still reeling from the ten-year debacle of the Cultural Revolution and slowly trying to regain its footing under the leadership of newly-installed *de facto* chief Deng Xiaoping. With assistance from the international community, **China shed what one former U.S. president called its “angry isolation,” and gradually became an influential player in world affairs. From 1979 to 1989, China joined key international organizations, signed and ratified an impressive number of international instruments, and created the domestic governance infrastructure needed to handle its growing list of international obligations. It joined the World Bank, for example, in 1980, and quickly became one of the leading recipients of development loans. It joined the IMF in the same year, and the ILO in 1983.** An alphabet soup of other organizational memberships followed. The process of integration was brought to a standstill in the wake of the Tiananmen Square tragedy in 1989, but resumed in the mid-1990s. For the most part, the deepening integration and engagement continues to this day: **China is now a key player on virtually every aspect of global politics. Take the Paris Agreement on climate change, for example: observers generally agree that China helped shepherd the December 2015 agreement to the finish line. Or the January 2016 nuclear deal with Iran: China signed on to the tough economic sanctions on Iran that made the deal possible, and was also at the table as a member of the so-called P5+1 group of nations that negotiated the agreement with Tehran. And yet, despite all of this progress, China is not yet the robust supporter of the international system that many had hoped it would become. It is not yet, to use the famous phrase coined by former World Bank President Robert Zoellick, a “responsible stakeholder,” a nation that regularly acts, even against its own self-interest, for the good of the international order as a whole. When China declined in 2014 and 2015 to back the damning report by the UN Commission of Inquiry on Human Rights in North Korea, it gave short shrift to its global responsibilities. The same could be said of its decision in May 2014 to team up with Russia to block a UN Security Council Resolution on the humanitarian crisis in Syria. And that is what’s troubling about China’s reaction to the South China Sea decision: it exposes the underlying ambivalence of China’s leaders toward not just the Law of the Sea treaty, but also the international system as a whole. Beijing’s intemperate reaction to the verdict from The Hague raises the disquieting possibility that China may act on its ambivalence more and more often, refusing to follow laws and norms it doesn’t like. If it does so, it will further undermine the international system**

at a time when it is already under severe strain. Where to go from here? In light of the PCA ruling, the United States and its allies need to deepen their engagement with Beijing. The U.S. government in particular should continue to encourage Beijing to see this loss as an opportunity to turn the page on a dispute that has harmed China's reputation, both in the region, and beyond. At the same time, Washington should also look for other opportunities for constructive collaboration with Beijing on other issues of mutual concern. Beijing began its reentry into the world community in the 1970s, but the events of the past several days show all too clearly that the process of integration is not yet fully complete.

Link – FONPS

Stashwick 17 Steven Stashwick, 8-22,2-17, "Leveraging US Military Power in South China Sea," The Diplomat, <https://thediplomat.com/2017/08/leveraging-us-military-power-in-south-china-sea/> //DF
The biggest hurdle to such an agreement is the unwillingness of either country to be seen as conceding to the other. For the United States, scaling back its military presence in the South China Sea would communicate diminished regional influence. For China, to abandon the massive island military outposts it has built would concede that its "rise" has fallen short, and would bear untenable comparisons to imperial China's capitulations during the "Century of Humiliation," which many Chinese policies in the South China Sea today ostensibly aim to rectify. The solution is not for either country to concede current ground or presence in the region, but to concede those prospective build-ups and capabilities that would fuel more intense competition. Many analysts believe China will use any substantial increases in U.S. military presence in the South China Sea as pretext to deploy forces to its (for now) largely empty bases in the Spratly Islands. But if China agrees to keep its fighter squadrons and missile regiments on the mainland in return for the United States keeping its (as-yet notional) expeditionary containment capabilities out of the Western Pacific, a tense but fundamentally peaceful status quo in the South China Sea can be preserved without either power being seen to withdraw. Implicit acceptance of the status quo may be dissatisfying, but it saves all parties the humiliation of officially conceding their claims, and has the virtue of being a dissatisfaction that is equitably distributed.

Erickson 15 Andrew Erickson [Associate Professor, China Maritime Studies Institute, U.S. Naval War College], 7-23-2015, "Testimony of Andrew Erickson: Hearing on America's Security Role in the South China Sea," Testimony before the Testimony before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific, <http://docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf> //DF

As mentioned previously, the enhanced legitimacy gained through ratification of UNCLOS would aid PACOM in several ways. First, legitimacy gives FON assertions and diplomatic protests more weight, and leaves nations such as China constrained in their ability to challenge U.S. action. **Because UNCLOS is almost universally accepted, U.S. actions would receive "tacit support" from the 160 nations party to the convention allowing commanders to more aggressively assert navigational rights within the approved framework of UNCLOS** should diplomacy fail.⁶⁶ In other words, after military capability, legitimacy is the second prong necessary to unilaterally conduct effective FON assertions in the SCS. Unilateral action is always the last resort, and ratification of UNCLOS helps dramatically increase the legitimacy of U.S. FON assertions when viewed from a multinational vantage point. Rhetoric marching lock step with action will decrease PACOM difficulties convincing SCS nations that U.S. interests are not just self-serving. Although self interest plays a part, the externalities of the U.S. FON program help all coastal and maritime nations, especially those like the Philippines who do not have a strong blue water navy able to conduct these assertions on their own. Restated, ratification of the convention shows our allies and partners that we are committed to international law and a global "partnership of maritime nations sharing common goals and values."⁶⁷ Additionally, legitimacy serves to underpin United States assertions that we are committed to the rule of law; critical if the U.S. hopes to achieve maritime security goals in the SCS. Looking closely at the EP-3 incident from 2001, notably absent is any real resolution of the underlying issues. Mainly the serious disconnect between Chinese and U.S. interpretations of UNCLOS provisions as related to military activities

in the EEZ. Moreover, other than saber rattling by the U.S. and China, our closest allies in the region failed to lodge strong protests against this clear violation of UNCLOS. At best this shows other regional powers at least marginally acknowledge Chinese EEZ regulations, and at worst brings into question whether international powers fully believe U.S. actions are completely legitimate. Ratification eliminates that seam and the increased legitimacy gained helps U.S. allies come to our defense should similar issues arise in the future.

Charlotte Gao, 3-26-2018, "After US FONOP, China Intensifies Military Drills in South China Sea,"

Diplomat,

<https://thediplomat.com/2018/03/after-us-fonop-china-intensifies-military-drills-in-south-china-sea/>

//AM

According to Reuters' exclusive report, USS Mustin "traveled close to Mischief Reef in the Spratly Islands and carried out maneuvering operations." A spokeswoman for U.S. Pacific Fleet added: "We conduct routine and regular freedom of navigation operations, as we have done in the past and will continue to do in the future." This "freedom of navigation operation" instantly triggered China's harsh condemnation. Also on March 23, **China's Defense Ministry** released a strongly worded statement, in which spokesperson Ren Guoqiang referred to this U.S. operation as a "serious political and military provocation." Claiming that "China resolutely opposes such actions," Ren **warned the United States that such actions** "could lead to misjudgment and even accidents" and **"would only drive the Chinese military to continue to improve its defense capabilities."** He also revealed that two Chinese vessels had identified USS Mustin and warned it off.

Alex Lockie, 1-13-2017, "China expert: Tillerson's plan for the South China Sea would 'certainly end up in a shooting war with China'," Business Insider,

<http://www.businessinsider.com/tillerson-south-china-sea-war-2017-1> //AM

"The bottom line is the international waters are international waters, and we have got to figure out how do we deal with holding on to the kind of rules that we have made over many years," Mattis said on Thursday. Tillerson seems to want to stop China from operating in international waters. And his testimony contained a major contradiction, Glaser said. "Tillerson did say that there would not be any change to the US position on recognizing China's sovereignty on land features in the South China Sea," Glaser told Business Insider. "If we don't object to China's land claims, do we have a legal right to deny China access to its sovereign territory?" Furthermore, if the US tried to blockade China from the islands in the South China Sea, "that position would result in conflict," Glaser said. **If the US were to place "a cordon of ships around one or all of the islands,** and the Chinese flew in aircraft to one of their new islands, what are we going to do? Shoot it down?" Glaser said. **"We'd certainly end up in a shooting war with China."** Short of shooting the planes and killing the pilots, what would stop Chinese aircraft from landing on Beijing's claimed islands in the South China Sea? Xinhuanet However, some legal experts side with Tillerson. In a piece published Thursday in Lawfare, James Kraska of the Naval War College wrote this: "China's interference with US warships and military aircraft in the South China Sea constitute a breach of its legal obligations under UNCLOS (United Nations Convention on the Law of the Sea) and customary international law and are internationally wrongful acts within the law of state responsibility. In such law, injured states are entitled to take lawful countermeasures to induce compliance, such as withholding recognition of China's right to freedom of navigation and overflight in the South China Sea to block access to its islands." But both Glaser and outgoing US Secretary of State John Kerry believe the US will take a more peaceful approach than outlined by Tillerson.

FONOPs could result in war

Farley 17 Robert Farley, 8-11-2017, "All of the Terrifying Ways America and China Could Go To War in the South China Sea," National Interest,

<https://nationalinterest.org/blog/the-buzz/all-the-terrifying-ways-america-china-could-go-war-the-south-21864> //DF

Over the past several months, China has stepped up construction of what observers are calling "The Great Wall of Sand." **This "great wall" involves expanding a group of islands in the Spratly chain so that they can support airstrips, weapons, and other permanent installations. It appears that Beijing is committed to defending these**

new islands as an integral parts of Chinese territory, a position that the UN Convention on the Law of the Sea does not support. Washington has other ideas, and has maintained that it will carry out freedom-of-navigation patrols in areas that China claims as territorial waters. The prospects for conflict are clear. If U.S. ships or aircraft enter waters that China claims, then Chinese sailors, soldiers, and pilots need to take great care about how they respond. A militarized response could quickly lead to escalation, especially if American forces suffer any kind of serious damage. It's also easy to imagine scenarios in which island-building leads China to become embroiled against an ASEAN state. In such a case, a freedom-of-navigation patrol could put China in an awkward position relative to the third party.

Mark J Valencia, National Institute for South China Sea Studies, May 26th 2018, "A 'new normal' in the South China Sea?" <http://www.eastasiaforum.org/2018/05/26/a-new-normal-in-the-south-china-sea/>

The United States and China have apparently reached a tacit agreement to disagree and maintain a leaky status quo in the South China Sea. Not coincidentally, relations on this issue between ASEAN claimants and between ASEAN and China are more or less at the same place.

In this 'new normal', **the United States will continue its freedom of navigation operations (FONOPs) challenging what it views as China's (and others') 'illegal' maritime claims. But it will not publicise them as China views doing so as purposely stirring up domestic Chinese nationalists.** The United States will also continue to argue — some would say disingenuously — that it is defending the freedom of navigation that is threatened by China's 'militarisation' of the features it occupies and in doing so is upholding 'international law and order'.

The United States will not try to remove Chinese (or other) forces on the disputed features, nor will it 'blockade' them. **The United States will continue to criticise China's positions and actions and try to convince others of the righteousness of US policy and its actions in implementing it. Washington will also continue to strengthen its military relationships with its allies, 'strategic partners' and 'friends' in the region and to provide them with training and assets to help it in its self-appointed task. It will also urge ASEAN members to negotiate a binding, robust code of conduct for actions taken in the disputed areas in the South China Sea.**

The United States has successfully recruited Japan to join its struggle against China. Japan's new defence policy criticises China's 'unilateral moves to change the status quo and attempts to establish such changes as accomplished facts' in sea lanes critical to Japan. To counter such moves, Japan plans to enhance the capability of countries situated along these sea lanes to protect them — including in the South China Sea.

Link – Tribunals

Affirming upsets this balance of power and increases the risk of Chinese aggression for two reasons.

First, international law.

China is deeply skeptical about international law, which they view as an imperial weapon serving the agendas of Western powers. They have already demonstrated that they will respond to attacks on them through international law with more aggression. After an international court ruled that China's claims to the South China Sea were illegal, they lashed out. Schake 16 writes in the Los Angeles Times: China likely will test the U.S.' readiness to uphold the rules, creating military provocations that could escalate into war. It will redouble the use of civilian fishing fleets for military purposes and likely will try to intimidate Asian countries over which it has economic leverage.

Schake 16 Kori Schake, 7-14-2016, "Why Americans should care about the South China Sea," latimes, <http://www.latimes.com/opinion/op-ed/la-oe-schake-south-china-sea-ruling-20160714-snap-story.html> //DF
What makes China's policy in the South and East China seas so curious is that it is so contrary to the government's description of its "peaceful rise." At the most recent meeting of the Association of Southeast Asian Nations — a regional organization not notable for taking tough, principled stands on security issues — the group issued a unanimous condemnation of China before governments got cold feet and retracted it. China's behavior is so egregious that other countries now blow up the country's vessels captured in their waters. It should worry China that so many nations overpowered by it militarily and linked to it economically are willing to challenge it. **In the aftermath of the court decision, China likely will test the U.S.'** readiness to uphold the rules, creating military provocations that could escalate into war. It will **redouble the use of civilian fishing fleets for military purposes and likely will try to intimidate Asian countries** over which it has economic leverage. **The government will argue that because the U.S. is not an Asian power, it should not be allowed to set the rules in Asia.** It is reasonable to ask why Americans should care about uninhabited rocks in the South China Sea. Would we really risk war over that? The answer is that war will become more likely if we do not run the risks of enforcing the rules that every country in Asia except China accepts.

Were the US to have responded with the law of the sea, their reaction would have been more extreme. Fuchs 16 writes in the National Interest: U.S. ratification of UNCLOS would allow U.S. nationals to serve on arbitration panels, and the presence of an American on the panel would have played to the suspicions of hardliners in China who view international legal regimes as a vehicle for advancing U.S. interests.

Fuchs 16 Michael Fuchs, 8-3-2016, "UNCLOS Won't Help America in the South China Sea," National Interest, <https://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235> //DF

First, while the United States has a strong interest in peaceful resolution of competing territorial claims in the South China Sea, it is not itself a claimant, and thus UNCLOS would provide no additional tools for the United States to use in addressing disputes in the South China Sea. While **U.S. ratification of UNCLOS would allow U.S. nationals to serve on arbitration panels**, such representatives are expected to exercise independent reasoning and do not take instructions from member governments. If anything, **the presence of an American on the panel would have played to the suspicions of hardliners in China who view international legal regimes as a vehicle for advancing U.S. interests**. If this sounds farfetched, consider that the Chinese ambassador to ASEAN recently accused Washington of “staying behind the arbitration case as the manipulator, and doing whatever it can to ensure that the Philippines wins the case.” Second, the only thing that the United States would achieve by joining UNCLOS—at least from the perspective of modifying Chinese behavior—would be to deprive Beijing of its talking point that U.S. exhortations to claimant states to comply with UNCLOS amount to “hypocrisy.” Deprived of this talking point, there’s no reason to believe that Beijing would submit to the tribunal’s authority. Although U.S. ratification of UNCLOS would be a boost to the prestige of the convention, Beijing has evidently made a calculated judgment that defending its perceived sovereignty and the strategic value of physical control of large stretches of the South China Sea outweighs whatever reputational damage it suffers as a result of flouting the tribunal’s decision.

UNCLOS ratification would never resolve SCS disputes. Fuchs 16 explains: there’s no reason to believe that Beijing would submit to the tribunal’s authority because Beijing has evidently made a calculated judgment that defending its perceived sovereignty and the strategic value of physical control of large stretches of the South China Sea outweighs whatever reputational damage it suffers as a result of flouting the tribunal’s decision.

Fuchs 16 Michael Fuchs, 8-3-2016, "UNCLOS Won't Help America in the South China Sea," National Interest, <https://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235> //DF

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Just makes China more agro

Fuchs 16 Michael Fuchs, 8-3-2016, "UNCLOS Won't Help America in the South China Sea," National Interest, <https://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235> //DF

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Mollman 16 Steve Mollman, 7-18-2016, "Beijing announces new plans for breaking international law in the South China Sea," Quartz, <https://qz.com/734635/beijing-plans-to-break-international-law-in-the-south-china-sea-starting-tomorrow/> //DF

China appears to have timed military activities in the South China Sea to take place in the days both before and after a ruling that largely invalidated its sweeping claims to the strategic waterway. The country’s maritime safety agency announced today (July 18) that military exercises will be held in an area of the sea southeast of China’s Hainan Island, from tomorrow through Thursday. The short announcement included the dates of the drill, the geographic coordinates of the area, and the terse warning: “Entering prohibited.” China made a similar announcement earlier this month when it cordoned off a larger area of the sea for drills that included live-fire war games and lasted from July 5 to July 11—ending one day before the ruling. The problem with both drills is the “entering prohibited” part. China has every right to conduct military drills. But it doesn’t have a right to cordon off the high seas, even in its own exclusive economic zone (EEZ), as per the United Nations Convention on the Law of the Sea, the main treaty of international maritime law. China signed the treaty in 1996, but Beijing’s response to the international tribunal’s ruling, and its military exercises in the area, suggest it has no intention of complying with it.

<https://thediplomat.com/2012/02/why-to-forget-unclos/>

Where customary international law has protected the traditionally expansive understanding of freedom of the seas – allowing open access to all but narrow bands of territorial waters along national coastlines – China is trying to curtail that access, fence off its peripheral waters, and deny to other maritime nations the freedom of navigation they have long and lawfully enjoyed. **What’s the argument for signing UNCLOS when China itself doesn’t adhere to the law? When it turns out that the letter of the**

law is less clear than its proponents think? Given these problems, U.S. ratification of UNCLOS won't resolve Sino-U.S. disagreements; it will only lead to endless legal and diplomatic wrangling.

Schake 16 Kori Schake, 7-14-2016, "Why Americans should care about the South China Sea," latimes, <http://www.latimes.com/opinion/op-ed/la-oe-schake-south-china-sea-ruling-20160714-snap-story.html> //DF
What makes China's policy in the South and East China seas so curious is that it is so contrary to the government's description of its "peaceful rise." At the most recent meeting of the Association of Southeast Asian Nations — a regional organization not notable for taking tough, principled stands on security issues — the group issued a unanimous condemnation of China before governments got cold feet and retracted it. China's behavior is so egregious that other countries now blow up the country's vessels captured in their waters. It should worry China that so many nations overpowered by it militarily and linked to it economically are willing to challenge it. **In the aftermath of the court decision, China likely will test the U.S.' readiness to uphold the rules, creating military provocations that could escalate into war. It will redouble the use of civilian fishing fleets for military purposes and likely will try to intimidate Asian countries** over which it has economic leverage. **The government will argue that because the U.S. is not an Asian power, it should not be allowed to set the rules in Asia.** It is reasonable to ask why Americans should care about uninhabited rocks in the South China Sea. Would we really risk war over that? The answer is that war will become more likely if we do not run the risks of enforcing the rules that every country in Asia except China accepts.

<https://www.theguardian.com/world/2016/jul/12/philippines-wins-south-china-sea-case-again-st-china>

Ashley Townshend, a scholar at the University of Sydney's United States Studies Centre, said the tribunal's decision to disqualify China's "nine-dash" claim on the basis of historic rights was "a huge setback for Beijing". **China had stirred up so much nationalism over the South China Sea issue that it would now have to respond in some way. "In terms of China's domestic politics [the ruling] is unacceptable to the regime and unfortunately the regime will perceive that the Chinese people view that as unacceptable," Townshend predicted. "So there will be huge pressures on Beijing to respond, to save face, to demonstrate with more than just words that it doesn't abide by and doesn't credit the ruling with any legal validity and will not adhere to it and will defend its 'sovereign space' in the South China Sea.**

Impact – War

Intense nationalist sentiments fueled by Chinese leaders make war possible

Holmes 18 James Holmes, 5-30-2018, "China Could Win a War Against America in the South China Sea," National Interest, <https://nationalinterest.org/blog/the-buzz/china-could-win-war-against-america-the-south-china-sea-26033> //DF

That's the first point about a people's war at sea. **A clash of arms is possible.** Statesmen and commanders in places like Manila, Hanoi, and Washington must not discount Chang's words as mere bluster. Indeed, **it's doubtful China could comply with the**

UNCLOS tribunal's ruling at this stage, even if the Chinese Communist Party leadership wished to. Think about the image compliance would project at home. **For two decades now, Beijing has invested lavishly in a great navy, and backed that navy up with shore-based firepower in the form of combat aircraft, anti-ship missile batteries, and short-range warships such as fast patrol craft and diesel submarines. (This first appeared last year.)** **Party leaders have regaled the populace with how they will use seagoing forces to right historical wrongs and win the nation nautical renown. They must now follow through.** (This first appeared in 2016.) It was foolish to tie China's national dignity and sovereignty to patently absurd claims to islands and seas. But party leaders did so. And they did so repeatedly, publicly, and in the most unyielding terms imaginable. By their words they stoked nationalist sentiment while making themselves accountable to it. **They set in motion a toxic cycle of rising popular expectations. Breaking that cycle could verge on impossible. If Beijing relented from its maritime claims now,** ordinary Chinese would—rightly—judge the leadership by the standard it set. **Party leaders would stand condemned as weaklings who surrendered sacred territory, failed to avenge China's century of humiliation** despite China's rise to great power, and let jurists and lesser neighbors backed by a certain superpower flout big, bad China's will. **No leader relishes being seen as a weakling. It's positively dangerous in China.** As the greats of diplomacy teach, it's tough for negotiators or political leaders to climb down from public commitments. Make a promise and you bind yourself to keep it. Fail to keep it and you discredit yourself—and court disaster in the bargain.

Jansen Tham, The Diplomat, 5-10-2018, "Is the South China Sea Dispute a Foregone Conclusion?," Diplomat,

<https://thediplomat.com/2018/05/is-the-south-china-sea-dispute-a-foregone-conclusion/> (NK)

The above three factors – Beijing's sharpened focus on national security, lack of American resolve to balance China in the SCS, and ASEAN's prioritization of peace and stability over sovereignty considerations – have contributed to the bleak state of affairs today. What does this mean for security in Southeast Asia? From the realist perspective, **as Beijing accrues naval dominance in the SCS, the rules meant to regulate its behavior are likely to matter less and less – underscoring the geopolitical truism that 'might is right.'** While China foreswears the use of coercive force on its Southeast Asian neighbors and may indeed have no offensive intentions today, it has now placed itself in a position to do so in future. In other words, **while it had no capacity nor intent to threaten Southeast Asian states previously, it has developed the requisite capabilities today.** Under a different Chinese leader, or when regional geopolitics shifts to one more antagonistic to Beijing's interests, there is a very real chance that its hitherto benign intent could change. If that happens, **there would be nothing stopping China from 'teaching its neighbours a lesson' – like how it taught Vietnam and India painful lessons during the 1979 Third Indochina War and the 1962 Sino-Indian border war respectively.** While acquiescing to preserve today's regional peace and stability makes sense, Southeast Asian states must realize the trade-off that doing so engenders potential costs of military confrontations with China tomorrow – confrontations stacked in Beijing's favor given its entrenched regional military influence henceforth.

Chinese leaders have made these nationalist sentiments

Holmes 18 James Holmes, 5-30-2018, "China Could Win a War Against America in the South China Sea," National Interest,

<https://nationalinterest.org/blog/the-buzz/china-could-win-war-against-america-the-south-china-sea-26033> //DF

Last year **China's defense minister, General Chang Wanquan, implored the nation to ready itself for a "people's war at sea."** The purpose of such a campaign? To **"safeguard sovereignty"** after an adverse **ruling from the International Tribunal for the Law of the Sea**. The tribunal upheld the plain meaning of the UN Convention on the Law of the Sea (UNCLOS), ruling that Beijing's claims to "indisputable sovereignty" spanning some 80-90 percent of the South China Sea are bunk. A strong coastal state, in other words, cannot simply wrest away the high seas or waters allocated to weaker neighbors and make them its own. Or, at any rate, it can't do so lawfully. It could conceivably do so through conquest, enforced afterward by a constant military presence. Defenders of freedom of the sea, consequently, must heed General Chang's entreaty. Southeast Asians and their external allies must take such statements seriously—devoting ample forethought to the prospect of marine combat in the South China Sea. That's the first point about a people's war at sea. A clash of arms is possible. Statesmen and commanders in places like Manila, Hanoi, and Washington must not discount Chang's words as mere bluster.

Yann-Huei 08 Song Yann-Huei, 2-1-2008, "The growing danger in the Strait," TaipeiTimes, <http://www.taipetimes.com/News/editorials/archives/2008/02/01/2003399787> //DF

Third, the US senate passed a resolution regarding the ratification of the UN Convention on the Law of the Sea (UNCLOS) in December last year, in which it is stipulated that US submarines need not surface while passing through foreign territorial waters; furthermore, it defines the Taiwan Strait as one of the "straits used for international navigation," allowing "transit passage" rights, as outlined in Part III of UNCLOS. If the US ratified UNCLOS, this could cause conflict with China due to Beijing's interpretation of the rights of vessel passage and aircraft fly-overs in the Taiwan Strait according to international law.

Fourth, China has decided to construct a new commercial aviation route along the western side of the centerline (or "Davis Line") through the Taiwan Strait, and redefine the Taipei Flight Information Region (FIR) as the ninth in China's 11 FIRs. This change would significantly influence the national security, aviation routes, and military deployment of Taiwan, Japan and the US.

Chang 16 Felix K. Chang [senior fellow at the Foreign Policy Research Institute. He is also the Chief Strategy Officer of DecisionQ, a predictive analytics company in the national security and healthcare industries], 6-24-2016, "China's Encirclement Concerns," Foreign Policy Research Institute, <https://www.fpri.org/2016/06/chinas-encirclement-concerns/> //DF

But even if China's fear was to manifest itself, Beijing is already developing the means to break out of it. In late 2013, China turned heads across Asia with its "One Belt, One Road" initiative. Among the many infrastructure projects it has financed in Southeast Asia are a special economic zone in Cambodia, hydroelectric dams in Laos, and energy and railway projects in Malaysia. While China's "yuan diplomacy" has not always been successful, it has had an impact. Cambodia and Laos have become reliable advocates for China within ASEAN. Malaysia largely remains on the sidelines of the South China Sea dispute, despite a rising number of Chinese infringements of its exclusive economic zone. China's initiative may prove useful even in the Philippines, which has been a thorn in Beijing's side. The Philippines' new president, Rodrigo Duterte, has indicated that he would undertake the bilateral dialogue that China has long sought in exchange for Chinese economic development assistance. Benefit of the Encirclement Still, Beijing may have reason to play up its fears of encirclement. Despite its remarkable economic achievements, China faces a host of problems. Today, Chinese leaders must manage their country's difficult transition from investment-led growth to expansion by private consumption, while dealing with its various debt-fueled bubbles. Even under the best conditions, those challenges are bound to be volatile. So some may see fears of encirclement as a way to rally public sentiment and maintain the "social stability" needed to ensure the longevity of communist rule. In any case, whether the "encirclement of China" is imagined or real, effective or not, one can expect the phrase to remain in Beijing's lexicon for years to come.

Cronin 16 Dr. Patrick Cronin [Senior Advisor and Senior Director, Asia-Pacific Security Program], 11-10-2016, "Power and Order in the South China Sea," Center for a New American Security, <https://www.cnas.org/publications/reports/power-and-order-in-the-south-china-sea> //DF

Rachman is hardly the first, but is among the latest to describe a gradual global power shift from West to East, and from the Atlantic to the Pacific and Indian Oceans.¹⁵ This diffusion of power is a long-term trend after centuries of greater Western influence, dating from the 15th century and clearly making its mark by the 18th century. That pace has undoubtedly quickened in the past half-century. Even in historical terms, the recent rise of Asia in general and China in particular is astounding. Numerous statistics and forecasts document the magnitude of the power shift. Most assuredly, by 2025 about two-thirds of the world's population will call Asia home. More speculatively, the National Intelligence Council—which is preparing to roll out a new estimate—declared in its 2012 forecast that "In a tectonic shift, by 2030, Asia will have surpassed North America and Europe combined, in terms of global power, based upon GDP, population size, military spending, and technological investment."¹⁶ Even if that estimate proves to be technically true, it feeds into a storyline that obscures other important realities. In the first place, straight-line projections amid myriad variables and the vicissitudes of international politics beg for caution. Linear projections about

future Asian growth and U.S. decline suggest that more is known about tomorrow than is humanly possible. Indeed, in the midst of writing his trenchant book, Rachman becomes acutely aware of how quickly fortunes can change. In 2015, Rachman observes, "China experienced a sharp slowdown in growth, a spectacular plunge in the stock market, an increasingly harsh political crackdown on domestic dissent, and the arrest or interrogation of high profile political, media and business figures." He then draws an obvious inference: "It may well be that China's economy will slow sharply in the coming years and will fall well short of the 7 percent growth a year that President Xi told my group was his aim, for the years running up to 2020."¹⁷ He might have extrapolated even further. If one cannot forecast a year ahead, what does this portend for forecasts that span decades? Moreover, the bigger challenge for the United States and Southeast Asian region might not be the continued rise of China as much as the faster-than-expected slowdown of China. An economically weakened China, fueled by nationalism and clinging to a heightened sense of entitlement, could well be the most dangerous combination.¹⁸

Gretchen Schrock-Jacobson, The Violent Consequences of the Nation: Nationalism and the Initiation of Interstate War, The Journal of Conflict Resolution, Vol. 56, No. 5 (October 2012), pp. 825-852

The percentage of nonnationalist states initiating a war is significantly smaller than the percentage of states with any form of nationalism initiating a war. Approximately 56 percent of ethnic nationalist states and 56 percent of counterrevolutionary nationalist states initiated wars, while 37 percent of civic nationalist states and 50 percent of revolutionary nationalist states did. Ethnic and counterrevolutionary nationalism may drive the positive relationship between nationalism and interstate war initiation found earlier. A rare-events logit regression supports this assertion. Table 4 shows that ethnic and counterrevolutionary nationalism increase interstate war's likelihood. Hypothesis 3 and part of Hypothesis 4 find some support. However, the significance of counterrevolutionary nationalism's effect is weak so any conclusions made in that regard are tentative.

Oil

Link

US needs to ratify UNCLOS to make Arctic claims

Ford 18 Peter Ford, 5-18-2018, "Polar power play: Who will prevail at the rooftop of the world?," Christian Science Monitor,

[//DF">https://www.csmonitor.com/World/2018/0518/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) //DF

In more traditional terms, the US Geological Survey has estimated that about 30 percent of the world's undiscovered gas and 13 percent of the world's undiscovered oil may be found within the Arctic Circle. Most of those reserves lie on land or inside one country or another's maritime exclusive economic zone. But that hasn't stopped Denmark, Canada, and Russia from filing rival competing claims to parts of the Arctic seabed that each argues is an extension of its continental shelf. The Kremlin claims almost half of the Arctic Ocean floor, and a patriotic Russian adventurer once descended in a mini-submarine to plant a titanium Russian flag on the seabed directly beneath the North Pole. The US,

though a polar nation because of Alaska, can press no such territorial claims, since any petitions will be decided by a commission under the United Nations Convention on the Law of the Sea, which Washington has not ratified.

Gray 13 Daniel W. Gray [U. S. Coast Guard], 2-5-2013, "CHANGING ARCTIC: A STRATEGIC ANALYSIS OF UNITED STATES ARCTIC POLICY AND THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA," NATIONAL DEFENSE UNIVERSITY, JOINT FORCES STAFF COLLEGE,
<http://www.dtic.mil/dtic/tr/fulltext/u2/a581139.pdf> //DF

Contrary to some opponents claims, joining the Treaty promotes American sovereignty. LOS strengthens our sovereignty by codifying our property claims in the Arctic and on our ECS [extended continental shelf].¹⁹ The business community claims that technology is at the point where it is financially feasible to exploit these resources; however "companies need the certainty the Convention provides in order to explore beyond 200 miles and to place experts on international bodies that will delineate claims in the Arctic."²⁰ The Chairman and CEO of Exxon, R. W. Tillerson, in a 2012 letter to the Senate Foreign Service Committee, expressed his company's support for the ratification of UNCLOS as a necessity to financially and efficiently operate in the Arctic. He elaborated that there are currently overlapping claims in the Arctic and that UNCLOS provides the legal basis necessary for resolving claims and establishing stability necessary to support development. Otherwise, "the lack of legal certainty unnecessarily clouds our investment motivation."²¹ Thomas J. Donahue of the U.S. Chamber of Commerce echoed Tillerson's statement in a January 2012 letter to Senators John Kerry and Richard Lugar, pointing out that without UNCLOS "no U.S. company will make the multi-billion dollar investments required to recover these resources without the legal certainty the Convention provides."²² In addition to exploiting the resources in a respective economic exclusion zone, Arctic countries are scrambling to map out their extended continental shelves. For the United States, this could produce billions, perhaps trillions, of dollars in profits from oil, natural gas, and minerals. Of great concern is the harvesting of seabed minerals in the form of rare earth metals: namely manganese, nickel, copper, and cobalt. In discussing rare earth metals and the need for ratification, the National Association of Manufacturers claims that "China produces more than 90 percent of the world's supply and also consumes roughly 60 percent . . . China recently imposed significant export restrictions on its rare earth production. In 2010, it announced it would cut exports by 40 percent in 2012."²³ These minerals are extremely important to the production of telecommunications, defense systems, and manufacturing. Without being a ratified member of UNCLOS, proponents of the treaty point out that the United States will not be heard in the policy making process. As a non-party the U.S. does not have a representative on the International Seabed Authority (ISA) or Commission on the Limits of the Continental Shelf (CLCS).

Acceding to the law of the sea allows oil companies to gain access to these resources. Marta 10 at the University of Dayton explains: The Convention would maximize legal certainty regarding the United States' rights to energy resources in the Arctic Ocean. Not surprisingly, the American oil companies favor ratification, as it will allow them to explore oceans, where evolving technologies now make oil and natural gas recoverable.

Kolcz-Ryan, Marta. "[An Arctic Race: How the United States' Failure to Ratify the Law of the Sea Convention could Adversely Affect its Interests in the Arctic](#) ." [University of Dayton Law Review](#). Vol. 35. (2009-2010): 149-173.//JH

The Convention also gives the United States an opportunity to expand its sovereignty rights over resources on and under the ocean floor beyond 200 nautical miles to the end of its continental shelf, up to 350 nautical miles.¹⁴⁰ This mechanism is especially valuable to the United States as it would maximize legal certainty regarding the United States' rights to energy resources in large offshore areas, including the areas of the Arctic Ocean. However, the United States must ratify the Convention for its

claims to be internationally recognized.¹⁴¹ **Not surprisingly, the American oil companies favor ratification, as it will allow them to explore oceans beyond 200 miles off the coast, where evolving technologies now make oil and natural gas recoverable.**¹⁴² If the United States ratifies the Convention it could expand its areas for mineral exploration and production by more than 291,383 square miles.¹⁴³ The United States' claim under article 76 would add an area in the Arctic (Chukchi Cap) roughly equal to the area of West Virginia.¹⁴⁴ With a successful claim the United States would have the sole right to the exploitation of all the resources on and under the Arctic Ocean bottom. These potential energy resources could make significant contributions to United States energy independence. Because the Convention is the only means of assuring access to the mineral resources beneath the Arctic Ocean, American companies "wishing to engage in deep seabed mining operations will have no choice but to proceed under the flag of a country that has adhered to the treaty."¹⁴⁵