# Clements KG Septober 18’ AFF

**We affirm resolved: The United States should accede to the United Nations Convention on the Law of the Sea without reservations.**

[**Sorokin of Berkeley Law**](http://berkeleytravaux.com/un-convention-law-sea-u-s-hasnt-ratified-stands-today/) **defines the Convention on The Law of the Sea, or UNCLOS, as an international treaty establishing global norms governing the use of the world’s oceans. He continues that the US has declined to ratify, failing to gain the required vote in the Senate.**

**Sorokin**, Iosif. “The UN Convention on the Law of the Sea: Why the U.S. Hasn't Ratified It and Where It Stands Today.” **Berkeley Journal of International Law** Blog, 30 Mar. **2015**, berkeleytravaux.com/un-convention-law-sea-u-s-hasnt-ratified-stands-today/

**The UN Convention on the Law of the Sea (UNCLOS III) set down international norms governing the use of the world’s oceans and their resources by states.** Also known as the Law of the Sea Treaty, UNCLOS III replaced two prior attempts in 1956 (UNCLOS I) and 1960 (UNCLOS II) to define the rights of states with respect to their territorial seas, continental shelves, use of the high seas, and management of marine natural resources. Since its adoption in 1982, 167 states have joined the treaty, including Russia, China, and the European Union. **But despite its acceptance in much of the world, the U.S. has not joined the treaty, with the most recent ratification attempt failing to get the requisite two-thirds of votes in the Senate.**

**Problems at sea are reaching the brink to explode in the status quo**. [**Chaudhury of The Economic Times**](https://economictimes.indiatimes.com/news/defence/south-china-sea-emerging-as-a-dangerous-flashpoint/articleshow/65218028.cms) **reports this August that China’s outright rejection of UNCLOS, blatant disregard of the norms of maritime engagement, militarization of the artificial islands, and the power projection over its much smaller and weaker neighbors has turned the South China Sea into a dangerous flashpoint. At the same time,** [**Fernando for AU News**](https://www.news.com.au/technology/innovation/military/a-major-new-war-is-looming-and-this-one-sits-worryingly-close-to-home/news-story/c7df5e33026348beb5ed54afd6cb706c) **reports that this flashpoint is going through a series of individual crises that feed off and escalate one another, a similar pattern that occurred before the outbreak of both World Wars.**

**Chaudhury**, Dipanjan Roy. “South China Sea Emerging as a Dangerous Flashpoint.” The Economic Times, Economic Times, 1 Aug. 2018, [economictimes.indiatimes.com/news/defence/south-china-sea-emerging-as-a-dangerous-flashpoint/articleshow/65218028.cms](http://economictimes.indiatimes.com/news/defence/south-china-sea-emerging-as-a-dangerous-flashpoint/articleshow/65218028.cms)

**China’s outright rejection of 2016 UNCLOS judgement and blatant disregard of rules and norms of maritime engagement, militarization of the artificial islands, and the exercise of might over its much smaller and weaker neighbours has turned the South China Sea a dangerous flashpoint.** Two years have passed since the Permanent Court of Arbitration (PCA) gave its landmark ruling on the South China Sea dispute that could have been the template for a rule-based maritime order and a basis for determining a country’s claim to the Exclusive Economic Zone (EEZ) and territorial waters.

**Fernando**, Gavin. “‘The Doomsday Clock Is Ticking.".” **NewsComAu**, 9 Aug. **2018**, [www.news.com.au/technology/innovation/military/a-major-new-war-is-looming-and-this-one-sits-worryingly-close-to-home/news-story/c7df5e33026348beb5ed54afd6cb706c](https://www.news.com.au/technology/innovation/military/a-major-new-war-is-looming-and-this-one-sits-worryingly-close-to-home/news-story/c7df5e33026348beb5ed54afd6cb706c)

**At the same time, Asia is going through a series of individual crises that feed off and escalate one another — a similar pattern that occurred before the outbreak of World War I and II.** Dr Taylor argues there are four key “flashpoints” — politically unstable areas with the potential to erupt into sudden conflict — and all are situated within the continent. “The risk of major war in Asia is much greater today than most individuals assume,” he warns. “All it would take is an accidental clash between the wrong two militarities, at the wrong place or the wrong time, and a highly dangerous escalation could occur. Asia has been lucky so far that it hasn’t.” But what are the four “flashpoints” — and how bad is the situation?

**These individual crises are occurring right now. Gates of The Diplomat writes that the absence of the rule of Law of The Sea perpetrated by China’s expansion will provide incentive for Asian nations to build up their arms forces as increasing the risk of conflict as tensions boil. French of The Atlantic explains that Beijing is prepared to use military conflict to make an example of a smaller country like Vietnam of The Philippines to confirm that their resistance against China is futile. For example, Stout of Time Magazine states that China’s current aggression against Vietnam mirrors the lead up to their 1980s invasion of the country, which killed 50 thousand in 6 weeks.**

**Gates**, Douglas. “International Law Is Under Siege in the South China Sea.” **The Diplomat**, The Diplomat, 24 Jan. **2017**, thediplomat.com/2017/01/international-law-is-under-siege-in-the-south-china-sea/

The situation is particularly dire for mid-sized countries like Japan and Vietnam, which are experiencing tensions with their larger and more powerful neighbor but which are unlikely to be pulled into China’s orbit willingly for historical and cultural reasons. Without the ability to appeal to law, they will be especially dependent on the United States for protection. With Trump in office, that help may not materialize. **The absence of the rule of law at sea will provide incentives for nations to build up their armed forces and will increase the risk of a naval conflict. Asia’s Cauldron, as Robert Kaplan once termed the South China Sea, may soon begin to boil over.**

**French**, Howard W. “China's Dangerous Game.” **The Atlantic**, Atlantic Media Company, 15 Oct. **2014**, [www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/](http://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/)

**China’s main frontline opponents in the South China Sea are Vietnam and the Philippines. Analysts in both countries strongly fear that Beijing will seek to make an example of at least one of them,** following the venerable Chinese adage that one kills a chicken to scare the monkeys. The question would seem to be which neighbor will serve as the sacrificial chicken; which country China will bully and humiliate as an object lesson to other neighbors that resistance is futile and decisive help from the Americans is unlikely to come.

Smoldering nationalist anger in Vietnam exploded into frenzied violence in the suburbs of Ho Chi Minh City this week as thousands of rioters swept through industrial parks north of the city’s commercial hub, razing any factory believed to be Chinese owned. After more than two decades of peace, Beijing and Hanoi are at odds again. **China’s decision earlier this month to deploy a colossal, state-owned oil rig in fiercely contested waters off the Vietnamese coast appears to have succeeded in derailing the delicate relations between the countries.** The Chinese state press lashed out publicly at its southern neighbor on the heels of several maritime skirmishes last week, with one hawkish editorial calling on Beijing to teach Vietnam the “lesson it deserves.” **The language closely resembled Chinese Premier Deng Xiaoping’s 1978 vow to teach Hanoi a “lesson” — and the echo is most unfortunate, because on that occasion the result was tens of thousands of deaths.**

**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.**

[**Nguyen of Texas A&M**](https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1125&context=lawreview) **puts it simple. If the South China Sea dispute continues to escalate, the livelihoods of millions of people and the economies of many countries are at stake. However, there is still hope.** [**Tong of The University of The Pacific**](http://www.mcgeorge.edu/Documents/Publications/tong_TUOPLR472.pdf) **writes that by acceding to UNCLOS , the United States can regain its proper place as a world leader to bring balance. Thus:**

<https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1125&context=lawreview>

In 1953—understanding the importance of the South China Sea— China declared its nine-dash line or “cow’s tongue” as its maritime territory.6 This line includes the heart of the entire South China Sea, surrounding the “island groups from China’s Hainan Island south 1,200 miles to near Singapore and Malaysia.”7 In response to China’s excessive nine-dash line claim, neighboring countries in the region, most prominently the Philippines, Vietnam, Malaysia, and Taiwan, have made many fruitless efforts to resolve the problem. **With the dispute continuing to escalate, the livelihoods of millions of people and the economies of many countries are at stake. More than ever, an effective and timely solution is needed.**

<http://www.mcgeorge.edu/Documents/Publications/tong_TUOPLR472.pdf>

Advocates against U.S. accession believe it would disadvantage U.S. interests and place the U.S. under the thumb of the ISA.168 The assertion that U.S. interests will be lost in the sea of interests of the other 167 Member States is misplaced.169 U.S. interests have not been represented, in part, due to its 33-year absence.170 The deep seabed mining framework continued to develop and gain popularity despite the U.S.’s absence.171 **Only by acceding to UNCLOS, will the U.S. regain its proper place as a world leader in shaping the law of the sea while representing its own interests in the proper international arena—before the ISA.172**

## Our Sole Contention is Turning the Tide

[**Erickson of the China Maritime Studies Institute**](https://docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf) **contextualizes that the contest for East Asia is one of both power and law. Problematically,** [**Mogato of Reuters**](https://www.reuters.com/article/us-usa-china-asia-analysis-idUSKBN17X1NE) **points out the clear trend: as credible US leadership deteriorates in the status quo, East Asian nations are appeasing to China. Erickson thus concludes that acceding to UNCLOS and once again exercising leadership over the development of its rules is the first and most critical step.**

[k https://docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf](k%20https:/docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf)

Additionally, we need to reinforce the global institutions that the Law of the Sea was designed to create and support. This entails underwriting with our power and example peaceful dispute resolution based on international law and international institutions. Among these, the United States must ratify the UN Convention on the Law of the Sea (UNCLOS). As Peter Dutton testified before the House Foreign Affairs Committee in 2014**, “American policy makers must realize that the contest for East Asia is one of both power and law. … Acceding to [UNLCOS] and once again exercising direct leadership over the development of its rules and norms is the first and most critical step.** … My sense is that East Asian states, indeed many states around the world, are desperate for active American leadership over the norms and laws that govern legitimate international action.” 25 Once again, I agree fundamentally with my colleague.

**Mogato**, Maneul. “Asian Nations Pulled into China's Orbit as Trump Puts America First.” **Reuters**, Thomson Reuters, 1 May **2017**, [www.reuters.com/article/us-usa-china-asia-analysis-idUSKBN17X1NE](http://www.reuters.com/article/us-usa-china-asia-analysis-idUSKBN17X1NE)

**Uncertainty over Washington’s commitment, analysts say, will only draw ASEAN countries further toward China**, which can lure them with cheap loans, infrastructure investments and tariff cuts, but with a risk of diminished bargaining power. Thitinan Pongsudhirak, director of the Institute of Security and International Studies at Bangkok’s Chulalongkorn University, said it was imperative for ASEAN to regain leverage by bringing Washington back into the equation and expanding the influence of Japan. “**ASEAN is in a precarious position now with the concessions, accommodation and even appeasement with China,”** Thitinan said. “If China continues to be shrewd and takes ASEAN on another ride, then ASEAN will be much worse off.”

**This is key, as** [**Voeten of Georgetown University**](https://ncgg-new.princeton.edu/file/291/download?token=zkXhN0n2) **finds that American leadership is essential for rebuilding multilateral cooperation.  Currently, the absence of a multilateral agreement means certain Chinese success in the South China Sea, as 1 on 1 policies are ineffective.** [**De Tolve of The Naval Law Review**](http://www.jag.navy.mil/documents/navylawreview/NLRVolume61.pdf) **writes that China is exploiting the lack of U.S commitment in a regional agreement by using their political and economic leverage to coerce individual nations to give in to Chinese demands.**

<file:///Users/nilay/Downloads/voeten_where_is_us_multilateral_leadership%20(2).pdf>

**U.S. leadership is essential for reconceptualizing global multilateral institutional cooperation.** Yet, such leadership has by and large not been forthcoming in the post-Cold War period. There are three related political reasons for this. First, despite the victory in the Cold War the U.S. has become increasingly isolated in international organizations. Second, the ecology of the institutional landscape has become less favorable for the U.S. Third, domestic politics imposes strong constraints for delegating new authority to formal supranational institutions. I identify three ways forward. First, the U.S. can help repurpose the core institutions it helped establish in the aftermath of World War II. Second, the U.S. can adopt a more exclusionary approach to influence global rules through informal clubs, formal plurilateral institutions or the application of extraterritorial jurisdiction. Third, the U.S. can lead on inclusive multilateral initiatives without treaty commitments or meaningful delegation. I discuss the promises and pitfalls to these approaches using examples from various issue areas.

<file:///Users/nilay/Downloads/De-Tolve-of-The-Naval-Law-Review.pdf>

As China gradually works to set conditions conducive to marginalizing U.S. 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.

**However, American led multilateralism is especially viable now. Erickson reports that Asian states are desperate for active American leadership over the laws that govern legitimate international action. American accession to UNCLOS prompts action against China.** [**Yamei of the China Institute of International Studies**](http://www.ciis.org.cn/english/2015-07/17/content_8081988.htm) **finds the US can enforce a multilateral framework with its allies and create opportunities for pursuing common global maritime agendas with partners to mediate disputes on a united front.**

[k https://docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf](file:///Users/nilay/Desktop/k https:/docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf)

Additionally, we need to reinforce the global institutions that the Law of the Sea was designed to create and support. This entails underwriting with our power and example peaceful dispute resolution based on international law and international institutions. Among these, the United States must ratify the UN Convention on the Law of the Sea (UNCLOS). As Peter Dutton testified before the House Foreign Affairs Committee in 2014, “American policy makers must realize that the contest for East Asia is one of both power and law. … Acceding to [UNLCOS] and once again exercising direct leadership over the development of its rules and norms is the first and most critical step. … **My sense is that East Asian states, indeed many states around the world, are desperate for active American leadership over the norms and laws that govern legitimate international action.”** 25 Once again, I agree fundamentally with my colleague.

Most of the industrialized countries, emerging countries and US allies are signatories to the treaty. In particular, the US’ allies and partners in the Asia Pacific including Japan, Australia, and the Philippines attach great importance to it as they want to develop their maritime economies and strengthen maritime security. The Obama administration aims to repair the nation’s damaged image and restore its international status, and seeks to reclaim global leadership in foreign strategies. **Only by ratifying the Law of the Sea Treaty, can the US join a common multilateral framework with its allies and partners, and create opportunities for pursuing common global maritime agendas with its allies and partners.** In that way, being signatory to the Convention would render the US more forceful in **intervening and mediating in maritime disputes.**

**By turning the tides of conflict, multilateralism through UNCLOS creates peace on the seas with China in two ways.**

**First is creating diplomacy.** [**French of The**](https://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/) **Atlantic writes that the more China sees a coordinated response to its military buildup, the more likely it is to turn toward diplomacy, ending their desire to expand. Townsend of The Guardian reasons that multilateral diplomatic efforts would be effective as they ratchet up international pressure on China by increasing their sense of international isolation and imposing subtle costs on its economic and political interests. Heydarian of The South China Morning Post explains that if there is support for multilateral diplomatic efforts, it will provide a platform for all parties to arrest brewing conflict. He determines that proactive diplomacy is the only way forward.**

**French**, Howard W. “China's Dangerous Game.” **The Atlantic**, Atlantic Media Company, 15 Oct. **2014**, [www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/](http://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/)

**The more China sees a coordinated response to its military buildup and naval forays, the more likely it might be to turn toward diplomacy, and to stop seeking overwhelming superiority in the region.** And yet, of course, that is not the only possibility, as Luttwak’s analogy makes plain. The biggest question today is whether or not China’s political elite under Xi Jinping, an unusually assertive new leader, has crossed a line similar to the one that German elites did a century ago, or may soon cross it.

**Townshend**, Ashley. “China May Fear Reputation Damage More than Military Threats over South China Sea | Ashley Townshend.” **The Guardian**, Guardian News and Media, 28 Aug. **2015**, www.theguardian.com/commentisfree/2015/aug/29/china-may-fear-reputation-damage-more-than-military-threats-over-south-china-sea

**These diplomatic measures offer a way to ratchet up international pressure on China** without resorting to more muscular policies. As Beijing tends to respond assertively to acts of perceived foreign aggression, it is likely to become more determined about militarising its South China Sea islands if US warships launch high-profile missions within 12-miles of its outposts. By contrast, **increasing China’s sense of international isolation and imposing subtle costs on its economic and political interests may be a more prudent and effective policy response.**

**Heydarian**, Richard. “Proactive Diplomacy in Mekong Row Only Way to Resolve Conflict.” **South China Morning Post**, South China Morning Post, 14 Jan. **2018**, [www.scmp.com/news/china/policies-politics/article/2128079/proactive-diplomacy-mekong-river-dispute-only-way](http://www.scmp.com/news/china/policies-politics/article/2128079/proactive-diplomacy-mekong-river-dispute-only-way)

**This is precisely why littoral states should support multilateral diplomatic efforts to peacefully manage the disputes.** The 1996 agreement on cooperation for the sustainable development of the Mekong basin, signed among Southeast Asian littoral states, provides a framework for institutionalised cooperation. The agreement stipulates that parties should refrain from unilateral activities which imperil the rights and developmental interests of neighbours and undermine the area’s ecological sustainability. But much remains to be done.The establishment of the Lancang-Mekong Cooperation mechanism, which involves China and Southeast Asian littoral states, is a step in the right direction.muI**t provides a much-needed platform for all parties to arrest the brewing conflict and adopt necessary mitigation and adaptation measures for affected communities. Proactive diplomacy is the only way forward.**

**Second is solving disputes.** [**Nemeth of Kansas State**](https://www.k-state.edu/polsci/nemeth/index_files/UNCLOS%20Paper.doc) **finds that UNCLOS is successful at preventing the origin of new maritime conflicts between member states and at promoting third party efforts to settle existing claims.** [**Dutton at the Center for Strategic and International Studies**](https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/attachments/130606_Dutton_ConferencePaper.pdf) **historically confirms that proper leadership and enforcement of UNCLOS drove 12 states to reduce their excessive land claims and follow the jurisdiction laid out by UNCLOS.**

[https://www.k-state.edu/polsci/nemeth/index\_files/UNCLOS Paper.doc](https://www.k-state.edu/polsci/nemeth/index_files/UNCLOS%20Paper.doc)

Multiple solutions have been suggested to address problems associated with joint management of marine resources, including authority, privatization, and institutionalization (Ostrom, 1990). This paper compares two broad solutions for the management of these resources: state privatization of the sea in the form of Exclusive Economic Zones (EEZs) and institutionalization via the United Nations Convention on the Law of the Sea (UNCLOS). We find that EEZs work best for managing interstate maritime conflicts by promoting more frequent and more successful bilateral negotiations. **UNCLOS is more successful at preventing the origin of new maritime conflicts between UNCLOS member states and at promoting third party efforts to settle existing claims.**

One important normative aspect of UNCLOS was its establishment of a limit of a fully sovereign territorial sea to 12-nautical miles and creation of a 200-nautical mile exclusive economic zone. Prior to international negotiation of a final text in 1982, international claims reflected a hodgepodge of approaches. **Indeed, as late as 1990, prior to the date in 1996 when UNCLOS came into force, thirteen states still claimed a 200 nautical mile territorial sea.** By 2008, the normative power of UNCLOS reduced this number to seven. As of today sixof these remaining seven States are party to UNCLOS, which through Article 3 explicitly limits the territorial sea to 12-nautical miles. **Thus, on a global basis the number of states remaining beyond the normative reach of UNCLOS and continuing to claim a 200-nauticalmile, fully sovereign territorial sea appearsin fact to be only one—Peru.**

**For these reasons,** [**Mirasola of Harvard**](http://harvardnsj.org/2015/03/why-the-us-should-ratify-unclos-a-view-from-the-south-and-east-china-seas/) **concludes that UNCLOS is the multilateral mechanism that can directly address territorial disputes in the seas and resolve conflict at every level.**

**Mirasola**, Christopher. “Why the US Should Ratify UNCLOS: A View from the South and East China Seas.” **Harvard National Security Journal**, 15 Mar. **2015**, [harvardnsj.org/2015/03/why-the-us-should-ratify-unclos-a-view-from-the-south-and-east-china-seas/](http://harvardnsj.org/2015/03/why-the-us-should-ratify-unclos-a-view-from-the-south-and-east-china-seas/)

Third, aside from ad hoc diplomacy and negotiations within Association for South East Asian Nations (ASEAN), whose decisions require unanimity, **UNCLOS is one of the few multilateral mechanisms that can directly address territorial disputes in the seas.** GeneralDempsey, Chairman of the Joint Chiefs of Staff, noted that ratifying UNCLOS, **“gives us another tool to effectively resolve conflict at every level.”** While it is true that ratifying UNCLOS hasn’t vindicated Japan, for example, in its dispute with China, the treaty has only enjoyed widespread support for sixteen years. Given this short history, it is almost surprising that the Philippines has already asserted this type of claim against China through UNCLOS to bolster its relatively weak strategic position. UNCLOS, therefore, is useful insofar as it provides another venue through which the U.S. could press its claims in the region. American treaty obligations with both Japan and the Philippines give us a strong interest in legitimizing and shaping these new multilateral dispute resolution mechanisms.

# F/2 NEG

### UV: Contextualize Arms Spending

1. **Countries are militarizing in Southeast Asia.**
   1. **Frontera News reports that Philippines has a new 3.35 trillion peso budget for the military, a 17 percent increase in the defense budget.**
   2. **US Department of Commerce reports that Vietnam has increased military spending 400 percent which is why China has begun to conquer its outskirts.**
   3. **Lin of Bloomberg writes that Taiwan is raising military spending 50 percent.**

“Duterte Breaks Records With $6.6 Billion Military Budget, Plans to Outspend Most European Countries.” **Frontera**, 11 Feb. **2017**, [frontera.net/news/global-macro/duterte-breaks-records-with-6-6-billion-military-budget-plans-to-outspend-most-european-countries/](http://frontera.net/news/global-macro/duterte-breaks-records-with-6-6-billion-military-budget-plans-to-outspend-most-european-countries/)

**Defense Secretary Delfin Lorenzana desires defense spending in the Philippines to be increased to 2.5% of GDP (from about 1.5% currently**). As a reference point for defense spending internationally, NATO’s official guidelines say member states should spend at least 2% of their GDP on defense. However, of the 28 countries in the alliance, only five — the U.S., Greece, Poland, Estonia and the U.K. — meet the target. Germany spent 1.19% of its GDP on defense in 2015, while Canada spent only 0.99%. **When the new 3.35 trillion peso ($70 billion) budget for 2017 was signed into law on 22 December 2016, Duterte announced a 17% increase in the defense budget to 137.2 billion pesos $6.6 billion) in 2016, up from 117.5 billion pesos in 2016.**

<https://www.export.gov/article?id=Vietnam-Defense-Sector>

Vietnam has seen some of the largest increases in military expenditures in Southeast Asia. **Between 2005 and 2014, its military spending increased nearly 400 percent. During that time, Vietnam was narrowing its military focus to contributing to maritime security related activities.** These efforts encompass air force, air defense, surface, and subsurface capabilities. Defense equipment suppliers and subcontractors can expect increased demand for naval combatants, aerial defense, intelligence systems, and surveillance and reconnaissance (ISR) equipment. Though locked out of the market for decades, U.S. firms are seeing interest in their technology as the regulatory framework has improved for exporting U.S. defense equipment and services to Vietnam, opening significant commercial opportunities for American firms.

**Lin**, Adela. “Taiwan Plans Military Spending Surge to Counter Rising China.” **Bloomberg**, 16 Mar. **2017**, www.bloomberg.com/news/articles/2017-03-16/taiwan-plans-military-spending-increase-to-counter-rising-china

**Taiwan plans to raise military spending by about 50 percent next year** as President Tsai Ing-wen attempts to offset China’s growing might and support the local defense industry. Military expenditures are targeted to rise to 3 percent of gross domestic product next year, up from about 2 percent this year, Minister of National Defense Feng Shih-kuan said Thursday while presenting a report outlining Tsai’s first major security review since becoming president.

### F/2: Other Organizations

1. **The EU and NATO are both heavily based in Europe and The Americas- they simply don’t rival the sphere of influence that the U.S. has in the South China Sea. This becomes key as French indicates that we need a coordinated response to stop China, so other groups don’t cut it.**
2. **UNCLOS is the biggest maritime treaty of all time- this argument is just silly that UNCLOS is unnecessary.**
3. **UNCLOS also gives the backing of a 163 country general assembly.**

### F/2: Trade War

1. **Silly to say that trade talks will result in a maritime treaty being resolved- one conversation doesn’t lead to the other in international relations, especially when America has no maritime credibility.**
2. **Even if trade talks fail, that doesn’t mean something a lot more important and urgent like conflict negotiations will fail.**
3. **The Wall Street Journal this September reports that America is starting a new round of trade talks.**

**Wei**, Lingling. “U.S. Proposing New Round of Trade Talks With China.” **The Wall Street Journal**, Dow Jones & Company, 13 Sept. **2018**, [www.wsj.com/articles/u-s-proposing-new-round-of-trade-talks-with-china-in-the-near-future-1536765266](http://www.wsj.com/articles/u-s-proposing-new-round-of-trade-talks-with-china-in-the-near-future-1536765266)

**The Trump administration is giving Beijing another chance to try to stave off new tariffs on $200 billion in Chinese exports, asking top officials for a fresh round of trade talks later this month**, people briefed on the matter said. The invitation from Treasury Secretary Steven Mnuchin comes as some Trump officials said they sense a new vulnerability—and possibly more flexibility—among Chinese officials pressured by U.S. tariffs imposed earlier this year and threats for more.

### F/2: Trump

1. **Trump only pulls out of treaties in which he is not in control of and do not align with his political interests. He will do diplomacy insofar as:**
   1. **Trump wants to contain China, empirically proven by our involvement in the region**
   2. **Trump will control negotiations with China because he creates the framework**
2. **Timmons of CNBC explains that negotiating with China is seen by Trump as a way to cement his legacy. He is highly incentivized to take any route to peace.**

**Timmons**, Jay. “Here's the 'Real Solution' to the Trade War That Will Make China 'Play by the Rules'.” CNBC, **CNBC**, 31 May **2018**, [www.cnbc.com/2018/05/31/trump-can-end-china-trade-war-with-enforceable-trade-pact.html](http://www.cnbc.com/2018/05/31/trump-can-end-china-trade-war-with-enforceable-trade-pact.html)

President Donald Trump has done more for manufacturing workers than any president in recent history, and now he has the **chance to cement his legacy—by seeking, negotiating and securing a history-making** trade **agreement with China.**

### F/2: Hard Power First

1. **If this was true, we should be seeing diplomacy coupled with hard power in the status quo.**
2. **This is just empirically untrue- historically, negotiations have happened with small countries who don’t necessarily have the bigger military- literally why China can negotiate with US in the status quo now, even though the United States has the bigger military by a large margin.**
3. **Cooper explains that when soft power exists, hard power is not too far away because militaries can become involved in communications of the state first.**

<http://internationalrelations.org/soft-power/>

**(and some say that where soft power exists, hard power is not too far away)** (Cooper, 2004). When looking at hard power and soft power, one example of state using traditional hard power entities for soft power is a country’s military. While the military is the epitome of hard power, troops can also work with troops of other countries, which in turn can build soft power as it related to friendships and the reputation of the country. However, **the military can also become involved int eh communications of the state, helping shape what the public hears and sees with regards to a war or conflict, which of course can influence perceptions, and soft power, and again, in different ways (Nye, 2004), depending on the actions, foreign policies, history of activity, etc…**

### F/2: Negotiations Unlikely

1. **It’s not forcing China to listen to the law, its forcing them to follow the power.**
2. **Our Townshend evidence indicates that because China prefers its international standing as to anything. This means that when you do multilateralism, China is heavily inclines to come to the table whether you like it or not as they risk losing power of the region at the time.**
3. **Doesn’t matter if China gets more mad.** 
   1. **We already don’t have great relations, so they can’t contextualize how much worse it gets.**
   2. **If we contain them with multilateralism, it doesn’t matter.**

### F/2: Speed

1. **Four reasons why US with an opportunity through UNCLOS will address issues fast.**
   1. **Already have streamlined communication with China**
   2. **Already have power over China**
   3. **UNCLOS provides provisions**
   4. **People gather around US quickly**

### F/2: Never Multilateralism

1. **Because we’ve never had US in UNCLOS, there has never been negotiations. That’s literally the thesis of our case.**
2. **China has never disrupted the global maritime order this much until the last few years.**

### F/2: Valencia

1. **Valencia is terrible. Couple of reasons.** 
   1. **Says peace is temporary**
   2. **Only analyzing US and China; we argue for regional conflicts.**