

NEG

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

Our Sole Contention is The South China Sea

In the South China Sea, tensions have stabilized. **Stashwick** 17 at the Diplomat explains that this is because since China cannot fully 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.

And this is exactly what has happened. **Bo** reports in the National Interest on August 20th that for these reasons, the situation in the South China Sea is cooling down.

Valencia 18 at the East Asia Forum furthers that the situation between China and the United States has 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.

US accession would upset this balance because tribunals would make China feel encircled.

This manifests in two ways.

First, the Chinese government.

Emmerson 16 at Stanford explains that China is deeply skeptical about international law, which they view as an imperial weapon serving the agendas of Western powers.

China has already demonstrated that it will respond to UNCLOS rulings it disagrees with **Mollman** at Quartz in writes in 2016 that 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.

Second, nationalism.

China's SCS claims are obviously illegal under UNCLOS, but China has consistently disregarded the rulings of UNCLOS tribunals.

Fuchs 16 writes in the National Interest that 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 play to the suspicions of hardliners in China who view international legal regimes as a vehicle for advancing U.S. interests.

China didn't just ignore the 2016 tribunal ruling because it felt like it, but Xi Jinping's government knows that not ceding sovereignty to international law is crucial to keeping domestic power. **Holmes** 18 at the National Interest writes that It's doubtful China could comply with the UNCLOS tribunal's ruling at this stage, even if the Chinese Communist Party leadership wished to. 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 on perceived threats to their sovereignty.

Stashwick continues, stating 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.

The US being on tribunals makes China feel encircled. This only increases the need for the Chinese Communist Party to make claims in the region in order to stay in power. **Ricks** 17 at Foreign Policy explains that failing to aggressively defend its claims could create domestic risks for the Communist Party as the increasingly nationalistic population may decide the government is weak and should be replaced.

To combat this, **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.

Leaders have often used the fear of encirclement to rally public support around aggressive land grabs. 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 is NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia’s orbit and integrate it into the West.

This impact is regional aggression. Like Russia, China would likely pick off a smaller Southeast Asian nation to demonstrate that they still have control in the South China Sea. **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 a painful lessons during the 1979 Third Indochina War.

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

Thus, we negate.

