

**A/2 China**

# Generic

## 1. Turn: US Joining UNCLOS makes China more suspicious

### Fuchs and Sutton 2016 National Interest

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 far-fetched, 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.”

## 2. Turn: US ratification signals approval to China

### Blumenthal from the American Enterprise Institute in 2012

Herein lies a major danger in U.S. ratification of UNCLOS **In adopting, promoting, and acting on new interpretations of international law, China is attempting to upset the status quo and establish new norms of maritime behavior. By signing up to UNCLOS, the United States might unintentionally signal approval of these errant interpretations.**

FL: US fixes interpretation – US won’t

### Pham 2013

If it is true that present international law favours Western powers, then it’s hard to see how changing it to suit China’s ambition will improve this situation, as it will greatly disadvantage China’s smaller neighbours whose rights are at present guaranteed by international law. On the contrary, **if China gets more than its fair share of the sea, Western powers will follow suit, carving up the world’s oceans and seas at the expense of smaller countries.** International law must treat all countries equally, so that a superpower does not get better treatment than any other country. Thus, if the law is changed to allow for the concept of historic rights as it is understood by China, then many — perhaps all — coastal countries will be tempted to make historical claims that similarly overlap with others, resulting in a chaotic and dangerous situation. That would surely be a retrograde step that would be unacceptable to any peace-loving person.

## 3. Turn: Acceding allows China to declare no go zones

### Bolton and Blumenthal 2011

With China emerging as a major power, ratifying the treaty now would encourage Sino-American strife, constrain U.S. naval activities, and do nothing to resolve China’s expansive maritime territorial claims. At issue is China’s intensified effort to keep America’s military out of its “Exclusive Economic Zone,” a LOST invention that affords coastal states control over economic activity in areas beyond their sovereign, 12-mile territorial seas out to 200 miles. Properly read, LOST recognizes exclusive economic zones as international waters, but

**China is exploiting the treaty’s ambiguities to declare “no go” zones in regions where centuries of state practice clearly permit unrestricted maritime activity.** Take the issues of intelligence, surveillance and reconnaissance, both by air and sea. [UNCLOS] is silent on these subjects in the

exclusive zones, so China claims it can regulate (meaning effectively prohibit) all such activity. **Beijing also brazenly claims—exploiting Western green sensibilities—that U.S. naval vessels pollute China’s exclusive zone, pollution being an activity the treaty permits coastal states to regulate out to 24 miles.** China wants to deny American access to its nearby waters so it can have its way with its neighbors. Beijing is building a network of “anti-access” and “area denial” weapons such as integrated air defenses, submarines, land-based ballistic and cruise missiles, and cyber and anti-satellite systems designed to make it exceedingly hazardous for American ships and aircraft to traverse China’s exclusive zone or peripheral seas. **If the Senate ratifies the treaty, we would become subject to its dispute-resolution mechanisms and ambiguities.** Right now, since we are the world’s major naval power, our conduct dominates state practice and hence customary international law—to our decided advantage.

US presence is the largest barrier against China

### Khalilzad 2011 National Review

American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions. As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing’s economic rise has enabled a dramatic military buildup

focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. **China's strategic modernization is aimed, ultimately, at denying the United States access to the seas around China**. Even as cooperative economic ties in the region have grown, China's expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. **Still, the United States is the most significant barrier facing Chinese hegemony and aggression**

#### **4. U.S. joining UNCLOS will not be viewed as an attempt to achieve greater multilateralism, but as a chance to further their own interests.**

**Kraska 2011**

Shaping the law is part of the intractable struggle for power. While the conventional view is that the international law of the sea is merely an arrangement to maintain order at sea, the subversive perspective is that oceans law is part of something altogether more transformative. The law of the sea is an “expression of power” and cannot be said to represent a “self-evidently superior legal order.” This perspective suggests that **the law embodies the principle of freedom of the seas only as an instrument of oppression or colonial dominance -- just one more “ideological tool” to promote the “selfish interests of the most powerful maritime states”**

#### **5. China doesn't care about UNCLOS**

**Groves and Cheng**, Bernard and Barbara Lomas Senior Research Fellow and Senior Research Fellow, Asian Studies Center (Steven and Dean, 4/24/14, Heritage Foundation, “A National Strategy for the South China Sea”, <http://www.heritage.org/research/reports/2014/04/a-national-strategy-for-the-south-china-sea>, 6/29/14, CM)

No argument regarding U.S. policy in the SCS may be made without begging the question whether the U.S. should accede to UNCLOS. Proponents of U.S. accession claim that the United States cannot fully protect its maritime interests unless it accedes to the convention. Indeed, UNCLOS's proponents believe that U.S. membership in the treaty would be determinative in any number of maritime controversies, including Chinese aggression in the SCS. Yet **China is unlikely to be swayed by U.S. ratification of a treaty that China regularly violates or simply ignores. Ratification of UNCLOS will neither sway China nor guarantee U.S. navigational rights in the SCS**, which are advanced not by membership in a treaty, but by maintaining a strong Navy, conducting persistent naval operations against China's excessive maritime claims, supporting key U.S. allies, and adhering to long-standing principles of the customary international law of the sea. **The customary international law of the sea**—which includes the principles of freedom of the seas, “innocent passage” through territorial waters, and passage rights through international straits and archipelagoes—**existed long before UNCLOS was adopted in 1982**. The convention merely codified and elaborated upon these widely accepted principles. **While not a party to UNCLOS, the United States—unlike China—actually honors the convention's provisions**. The United States demarcates legitimate maritime boundaries, respects the rights of coastal states within their EEZs and territorial seas, and adheres domestically to the regimes regarding the contiguous zone and EEZ. **No evidence suggests that China, or any other state, would respect its obligations under UNCLOS** to a greater extent **if the United States became a party**. Nor is there any evidence that ratification of UNCLOS would enhance U.S. military capability. **The Freedom of Navigation Program, the primary means of the U.S. confronting China's excessive claims, does not rely on U.S. membership in UNCLOS.**

## A/2 Multilat

**T: U.S. joins with the intent that it wants to further its own interest**

**Kraska 2011**

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**T: U.S. sabotages existing treaties**

**Scimia from the SCMP**

**China and the Association of Southeast Asian Nations now have a single text to negotiate a code of conduct in the South China Sea,**

where four Asean member countries – Brunei, Malaysia, the Philippines and Vietnam – are locked in territorial disputes with Beijing. The announcement, which came on Thursday during the Asean-China ministerial meeting, was hailed as a milestone by both sides. However, the concerned parties are a long way from reaching a consensus on a final document, and

**the United States is likely to try to sabotage any agreement that could weaken its position in the region.**

The bottom line is that **the US will never accept a status quo where China maintains military outposts in the disputed Spratlys and Paracels,**

turning the stretch of the South China Sea between the two groups of islands into a “Chinese channel”. In that event, **Washington is likely to work to derail a final deal between Asean and Beijing.**

## A/2 Hypocrisy

### **1. China will have to stop using its hypocrisy talking point, but that's damage that they're willing to take.**

**Fuchs and Sutton 2016** (Michael Fuchs, senior fellow at the Center for American Progress and deputy assistant sec. of state for East Asia, and Trevor Sutton, senior fellow at Center For American Progress and worked on East Asia Affairs in the office of the Secretary of Defense. August 3, 2016. National Interest. "UNCLOS Won't Help America in the South China Sea", <http://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235> . DOA: June 25, 2018.) VR

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**

## A/2 Removing Military Pretense Good

### 1. Delink: U.S. won't be forced to remove military presence

#### **No tribunal will be able to judge the US military**

John D. **Negroponte** Deputy Secretary Department of State, CQ Congressional Testimony 9-27-07

**Myth: The Convention would permit an international tribunal to second-guess the U.S. Navy.**

**Reality: No international tribunal would have jurisdiction over the U.S. Navy. U.S. military activities, including those of the U.S. Navy, would not be subject to any form of dispute resolution. The Convention expressly permits a party to exclude from dispute settlement those disputes that concern "military activities." The United States will have the exclusive right to determine what constitutes a military activity.**

# A/2 Stopping Neighboring Militarization

## 1. No link: Asian leaders are calling to stop militarization

Dancel 2017 Straits Times

South-east Asia's leaders are calling for the "non-militarisation" of the South China Sea to ease tensions arising from territorial disputes in this strategic waterway. A statement released on Thursday (Nov 16) by Philippine President Rodrigo Duterte as Asean chair "emphasised the importance of non-militarisation". The leaders "reaffirmed the importance of maintaining and promoting peace, security, stability, maritime safety and security, rules-based order and freedom of navigation in and overflight above the South China Sea". China claims almost the entire South China Sea, through which about US\$3 trillion (S\$4.1 trillion) worth of goods pass every year. Brunei, Malaysia, the Philippines, Taiwan and Vietnam also have conflicting claims there.

## 2. The United States is taking an active stance against it without UNCLOS

Agence France-Presse in 2018

US defence secretary Jim Mattis has vowed that the US would keep confronting China over its territorial claims in the South China Sea where Beijing has established a significant military presence on contested islands. Mattis's remarks came after Beijing voiced "strong dissatisfaction" on Sunday after two US warships sailed by an island in the disputed Paracel Island chain.

"You'll notice there's only one country that seems to take active steps to rebuff (such operations) or state their resentment of them, but it's international waters and a lot of nations want to see freedom of navigation, so we will continue that," Mattis told reporters as he flew to Hawaii. His intervention comes amid tension between Washington and Beijing over trade policy. The US imposed \$50bn worth of tariffs on Chinese goods on Tuesday despite comments last week by treasury secretary Steve Mnuchin that a threatened trade war with China was "on hold" after talks between the two countries. The US navy periodically conducts "freedom of navigation" operations in the contested waterway, where it sails close to island features China has built into military facilities as a way of showing it rejects any territorial claims. We are going out of our way to cooperate with Pacific nations, that's the way we do business in the world, but we are also going to confront what we believe is out of step with international law," Mattis said.

# A/2 Dispute Resolution

## 1. UNCLOS rulings aren't respected anyways

Tom **Phillips**, The Guardian, "Beijing rejects tribunal's ruling in South China Sea case", July 12, 2016, <https://www.theguardian.com/world/2016/jul/12/philippines-wins-south-china-sea-case-against-china>

**China** <sup>has</sup> said it will not accept<sup>a</sup> a ruling against it in a key international legal case over strategic reefs and atolls <sup>that Beijing claims would give it control over disputed waters of the South China Sea.</sup>

**The judgment** <sup>by an international tribunal in The Hague</sup> came down overwhelmingly in favour of <sup>claims by</sup> **the Philippines** <sup>and is likely to increase global diplomatic pressure on Beijing to scale back military expansion in the area. By depriving certain outcrops of territorial-generating status, the ruling from the permanent court of arbitration effectively punches holes in China's all-encompassing "nine-dash" line that stretches deep into the South China Sea.</sup>

**The Chinese president** <sup>Xi Jinping,</sup> said China's "territorial sovereignty and marine rights" <sup>in the seas</sup> would not be affected by the ruling, <sup>which declared large areas of the sea to be neutral international waters or the exclusive economic zones of other countries. He insisted China was still "committed to resolving disputes" with its neighbours.</sup>

## 2. No solvency: China refuses to accept rulings not in its favor by utilizing the argument that the UN tribunal holds no jurisdiction.

Hannah Beech, Time Magazine, 2016

<sup>China says it won't abide by the Permanent Court of Arbitration's ruling nor does Beijing even accept the U.N. tribunal's authority over its South China Sea claims. Last month, Chinese Foreign Ministry spokesman Hong Lei reiterated</sup> **China's official position [remains]** <sup>,"I again stress</sup> that the <sup>arbitration</sup> court has no jurisdiction <sup>in the case," he said.</sup> "China does not accept any dispute resolution from a third party and does not accept any dispute resolution forced on China."

### Gewirtz 2018 (SL)

In 2013 the Philippines invoked remedial provisions specified in UNCLOS and brought 15 claims against China before an UNCLOS arbitration tribunal at the Permanent Court of Arbitration in The Hague. This is the case referred to by President Obama above. **China** immediately announced its "resolute opposition" to the Philippines action, called upon the Philippines to "return to the right track of resolving the disputes through bilateral negotiations," and said that "China does not and will never change its position of non-acceptance of and non-participation in the arbitration."<sup>2</sup>

## Turn: China delegitimize UNCLOS while strengthening its own power when rulings are made against it.

Kardon of UPenn in 2017

<sup>and deter future unwelcome legal infringement on what China considers to be its sovereign prerogatives.</sup> The <sup>central lines of PR</sup> C[hinese] efforts have been to reframe the case as an instance of deliberate abuse of UNCLOS in service of political aims <sup>, to minimize the scope of issues on which UNCLOS is treated as the authoritative set of rules and norms,</sup> and to promote bilateral diplomatic alternatives to third-party dispute resolution. <sup>if these positions were to gain broad</sup>

<sup>international acceptance,</sup> the upshot would be a radical diminution of the effectiveness of <sup>ocean governance under</sup> the law of the sea <sup>regime. Is there a different, Chinese-preferred mode of ocean governance apparent in this strategy? Or is there simply a reversion to the diverse domestic laws and practices of coastal states, untethered from onerous international legal obligations? First, the sheer volume of diplomatic efforts devoted to pronouncing China to be the state properly upholding UNCLOS and international law should be sufficient to indicate that Beijing has no intention of entirely discarding the law of the sea regime. Rather, we observe a far more subtle process of selectively adopting elements of UNCLOS III and forging them with elements of China's domestic law and policy. This process amounts to "creeping jurisdiction," wherein the steady accumulation of domestic laws and practices in zones with hazily defined rights and jurisdiction can lead to a net increase in coastal state authority over those maritime zones.</sup> By rejecting the arbitral proceeding but <sup>, paradoxically,</sup> wrapping itself in the mantle of international law, China is charting a course in which it <sup>is participation—at scale and with defined goals based on its interests—</sup> can shape the way other states practice UNCLOS.



## A/2 Increased FONOPs good

**NU: Trump administration accelerating the frequency of FONOPS and ramping up military presence in the SQ**

[Ngo 2018 Asia Maritime Transparency Initiative](#) (YZ)

The pace of these FONOPs has increased year on year; while just one FONOP took place in 2015, the administration of former president Barack Obama authorized three FONOPs in 2016; **In May 2017, the Trump administration accelerated the tempo for FONOPs in the South China Sea**; the U.S. Navy officially carried out four separate FONOPs May to October last year. Two have already taken place in the first three months of 2018.

[Kuhn 2018 NPR](#) (YZ)

The Carl Vinson is the flagship of the first carrier strike group of the U.S. Navy's 3rd Fleet. It operates in tandem with the 7th Fleet, based in Yokosuka, Japan. **The Navy now has two fleets (the 3rd and the 7th) assigned to operate in the Western Pacific, as the United States shifts its priorities away from the Middle East to potential flashpoints in the Asia Pacific.**

# A/2 War happens

War never occurs because of economic dependence and MAD (PG)

Chen, 2015

**For one thing, the high level of economic interdependence is a major reason why things have remained under control. Both China and the US would suffer hugely from a serious military conflict.**

Alongside nuclear weapons, economic interdependence also acts as a deterrent, given the potential for "mutually assured destruction" in a breakdown of ties.

Tensions go to normalcy in squo

Valencia 2018 the diplomat

As a result of these probably predictable developments, **the South China Sea situation appears to have at least temporarily settled into a "new normal" that neither China nor the United States are likely to disturb.**

In this new normal, both will continue their naval and air force displays of power in the South China Sea; defend their policies, positions, and actions; criticize each others'; and enhance relations with regional countries, including military relations. The United States will continue its sporadic and provocative freedom of navigation operations (FONOPs) against China's claims and China will continue to respond by sharply criticizing them and using them as an excuse to further militarize its features.

# A/2 Vietnam Invasion

## 1. China-Vietnam relations are improving

Xinhua 2018

General Secretary of the Communist Party of Vietnam Central Committee Nguyen Phu Trong met with visiting Chinese State Councilor and Foreign Minister Wang Yi here on Monday, with **both sides expressing willingness to upgrade bilateral pragmatic cooperation. Vietnam welcomes China growing strong and making important contributions to the regional and global peace and stability**, said Trong. He spoke highly of the successful state visit by General Secretary of the Communist Party of China (CPC) Central Committee and Chinese President Xi Jinping to Vietnam in November last year. As bilateral relations keeping a positive development trend, Vietnam supports China's Belt and Road Initiative and stands ready to push for closer synergy between the Chinese initiative and Vietnam's "Two Corridors and One Economic Circle" plan so as to promote bilateral pragmatic cooperation, he said. Trong called on Vietnam and China to properly handle the maritime issues existing between the two countries through friendly consultations. As a transitional method, the two sides can explore joint development and joint safeguarding maritime peace and stability, he suggested. For his part, Wang said **the important strategic consensus reached by the leaders of the two countries has been turning into a strong driving force for the positive growth of China-Vietnam relations.**

## 2. Vietnam will concede to China rather than risk war

Grossman 2018,

It is important to recognize, however, that **Hanoi's** concerned **push to deepen** external defense **ties with states that can help Vietnam's cause in the South China Sea will not necessarily translate into greater risk-taking** in the region. For example, Hanoi, facing apparent Chinese pressure, once again decided to **Hanoi will continue to prioritize and manage relations with Beijing in the South China Sea** even if simultaneously attempting to gain advantage by engaging other partners to offset growing Chinese power.

## A/2 Fishies

1. **TURN: Tension encourages expansion of aquaculture, reducing reliance on fishing, defusing SCS conflict.**

[Hongzhou 2018 \(AJ\)](#)

In the context of the SCS disputes, immediately after the reconciliation between China and Philippines under the Duterte administration, **the two countries began to embark on aquaculture and other joint projects in the SCS**. In November 2016, the assistant director of China's Department of Fisheries, [Liu Xinzhong](#) visited the fishermen of Zambales in the Philippines, and offered aquaculture training to the Filipino fishermen in China. Shortly after, in January 2017, China hosted a 17-person delegation of Filipino fishermen, officials, and seafood executives, who received training in deep-sea cage-fish farming, feed and nutrition, and seedling preparation. Also **in January 2017, the China-based Fangyuan Shipbuilding Co made plans to invest 3 billion renminbi (\$437 million) in an aquaculture and processing project in the Philippines**. Similarly, China offered to cooperate with other SCS countries including Malaysia, Vietnam, and Brunei to develop aquaculture.

**Fishing is at the center of the South China Sea Dispute**

[Greer 2016](#)

Although the SCS covers only 2.5 percent of the Earth's surface, it is home to some of the world's richest reef systems and over 3,000 indigenous and migratory fish species, comprising some 12 percent of the total global fish catch. Unfortunately, the region's fisheries are in serious jeopardy. **As of 2008, virtually all SCS fishery stocks are collapsed (roughly 25 percent), over-exploited (roughly 25 percent), or fully-exploited (roughly 50 percent). The situation is only worsening.**

**The most important aspect of the Spratly Island disputes is not oil or sovereignty—it is whether or not SCS fish continue to appear on Asia's menus.**

**Pushing to Aquaculture solves**

[Gentry et al 2017 \(AJ\)](#)

The development potential far exceeds the space required to meet foreseeable seafood demand; indeed, **the current total landings of all wild-capture fisheries could be produced using less than 0.015% of the global ocean area**

**It's already prevalent in South East Asia**

[Southeast Asian Fisheries Development Center 2017 \(AJ\)](#)

Nevertheless, such reduction was compensated by **the contribution from aquaculture (in south east asia) which increased from 22% in 2000 to 53% in 2014**. These trends indicated the increasing importance of aquaculture as a source of food fish to meet the increasing demand for fish and ensure food security in the region.

[Jorisch 2017 from the Diplomat \(AJ\)](#)

Almost 25 years ago, Hebrew University Professor Jaap Van Rijn invented a solution: **"zero-discharge" fish farming, an entirely self-contained, recirculating aquaculture system that did not emit waste.** Van Rijn sought a way to treat water using biological filters and specially grown bacteria to consume fish fecal matter. Experts called it impossible. Yet Van Rijn's idea has inspired an innovative industry. His solution has been tested extensively and proven to work with extremely limited amounts of water, without harming the environment. Large Jacuzzi-like tanks are filled with water, and fish are added.

Next, his specially created microbes, which treat the fish waste and nitrogen, are mixed in. Only evaporated water is replaced. This allows fish to grow to full maturation and remain in the tanks until they are sold or eaten. **The system is efficient, yields no pollution and can be set up anywhere. No additives or potentially carcinogenic antibiotics are used.** Van Rijn's innovation provides a viable fish farm alternative without any of the harmful consequences.

## **A/2 Any link that removes oil dependence**

**1. Turn, the US not buying from the Middle East will have very severe economic consequences for them.**

**Gregory D. Miller, April 2010, The Washington Quarterly,**

The United States only gets about 15 percent of its oil from the Middle East. Nearly 22 percent of all OPEC oil, however, is sold to the United States.<sup>26</sup> The United States is the world's largest consumer of oil (more than 25 percent), and a reduction in U.S. demand will have a dramatic effect on the price of oil and on the world's oil-exporting states. The real effects of a drop in U.S. consumption are difficult to predict and may depend on how the United States reduces its demand. If it does so simply through conservation, then the gradual decline in demand will likely have minimal effects on oil exporters. On the other hand, a drastic drop in demand, such as that associated with the development of a new technology, will have significant economic repercussions for a number of countries, even those that do not sell much oil to the United States.

**2. The impact to the decrease in government earnings will spark frequent violence and instability in oil-exporting regions**

**Gregory D. Miller, April 2010, The Washington Quarterly,**

Although internal violence, including terrorism, is often believed to be born out of economic hardship, the number of terrorists coming from Kuwait is greater than the number from Niger. <sup>6</sup> This suggests that some level of wealth is necessary for violence to occur; bomb-making requires some education, and ammunition costs money. The most dangerous situations appear to be when individuals have wealth, but then lose what they have or fear they are about to, therefore engaging in violence out of dissatisfaction. For example, Professor Scott Atran shows that suicide terrorists are not poor or lacking in opportunities, but that relative loss of economic or social advantage by educated persons might encourage support for terrorism.<sup>7</sup> If true, current oil-exporting states are particularly susceptible to internal violence as a result of this relative deprivation. Several of these states already suffer from internal problems because of social divisions, but these issues will grow as national wealth declines, making governments less capable of dealing with unrest either by providing social programs or through intimidation. Even in states where the majority of the population does not directly profit from the sale of oil, many people still benefit from oil wealth, such as better roads, more educational opportunities, and more advanced technology. Even relatively small cuts in revenue will negatively affect those populations.

# A/2 Oil independence

**Nonunique, US will achieve oil independence in the squo**

**Rapier 2017 Forbes (SL)**

**The International Energy Agency made headlines Monday when it declared in its World Energy Outlook 2017 that the U.S. could be a net exporter of oil within a decade. The IEA also projected that the U.S. is set to become the world's dominant oil and gas production leader for decades.**

Is that a realistic assessment? Is the U.S. on the cusp of achieving energy independence for the first time in nearly 70 years?

# A/2 Royalties Good

**Turn: Foreign aid increases corruption, weakens the economy, and leaves the government less accountable.**

**Swanson 2015 World Economic Forum**

The countries thatreceive less aid, those on the left-hand side of the chart, tend to have higher growth — while those that receive more aidon the right-hand side have lower growth. Why was this happening? The answer wasn't immediately clear, but Deaton and other economists argued that it had to do with how foreign money changed the relationship between a government and its people. Think of it this way: In order to have the funding to run a country, a government needs to collect taxes from its people. Since the people ultimately hold the purse strings, [thus,] they have a certain amount of control over their government. If leaders don't deliver the basic servicesthey promise, the people have the power to cut them off. Deaton argued that foreign aidcan weaken[s] this relationship, leaving a government less accountable to its peoplethe congress or parliament, and the courts.

**Thornton 2002 Mises Institute (YZ)**

The authors also tentatively conclude that foreign aid, over time, increases government corruptionin beneficiary nations. In complete contrast to our naïve classical liberal model of government-to-government "gifts"actually make government worse over time in terms of both government corruption and economic growthand creates what the authors call a "voracity effect" in recipient countries. The authors' brief review of the academic literature on foreign aid and corruption finds the following: Foreign aid is used largely for "wasteful public corruption."

**T: foreign aid increases dependency and stops any actual growth (VR/NO)**

**Juliette Lyons, 10-13-2014, Foreign aid is hurting, not helping Sub-Saharan Africa, Le Journal International - Archives, [https://www.lejournalinternational.fr/Foreign-aid-is-hurting-not-helping-Sub-Saharan-Africa\\_a2085.html](https://www.lejournalinternational.fr/Foreign-aid-is-hurting-not-helping-Sub-Saharan-Africa_a2085.html), //VR**

The money is not distributed evenly among the population or used to promote growth and to help the poor but is instead used on military equipment, white elephant projects, dishonest procurements, etc. It is also used by leaders who are short of time with policies and want to achieve them quickly, i.e.: increasing the size of the government with civil servants (who don't necessarily contribute anything more to the system or development) to cut down the unemployment rate.

Another consequence is aid dependence. These countries have become used to receiving such large sums of money that they don't promote local business because they have "free" money at their disposal instead. This prevents any form of improvement in terms of human development and per capita income.



## A/2 Veto Power

**Turn: US aid fund has historically funded corrupt regimes and US seat on the ISA Council would result in more aid redistributed to corrupt regimes**

[Balls 2018 National Bureau of Economic Research \(AC\)](#)

In terms of bilateral donors, the researchers find that Scandinavian countries (the most generous in per capita terms) give more aid to less corrupt governments; Australia also gives less aid to countries with high levels of corruption. **The United States** in contrast, **stands out for giving more aid to more corrupt governments** other things equal.

[Williamson 2016 The Hill \(YZ\)](#)

The revelations about Syrian aid are an example of failure in the selectivity category, which describes how donation recipients are selected. The standards aim to ensure that aid is specifically allocated to the poorest countries, to more democratic countries, and to less corrupt governments. Clearly there is a breakdown in the process, and yet, the monetary commitments by politicians continue. **Almost 80 percent of U.S. aid is given to corrupt governments and over 75 percent of aid goes to countries that lack political freedom.** Furthermore, only 34 percent of aid was given to low-income countries. **It appears that the U.S. does not use poverty or good governance as a selectivity benchmark to receive aid.**

## A/2 Food Aid

**Turn: (Food Aid) Increases dependency on Aid, which discourages long-term sustainability (PG)**

### **Foreman 15**

Large inflows of development aid also seem to encourage political instability. This makes sense to the extent that once the state becomes the sole source of wealth and leverage, getting control of it for one's own party or tribe becomes all the more important, certainly worth cheating, fighting and killing to secure. Aid can also encourage a dependency that is not just morally problematic, but also dangerous. Food aid is particularly destructive. **When foreign aid agencies hand out grain, it bankrupts local farmers or at least discourages them from sowing next year's crops, all but guaranteeing future shortages.**

# A/2 REMs

## 1. Turn: Producing more REMS would remove the need for REM substitutes and thus discourage further investment into more cost efficient and cleaner substitutes.

[Kramer 2011 Physics Today](#) (YZ)

The US “cannot mine its way to safety,” he cautioned, nor should it stockpile the materials, which would discourage innovation.

The APS committee's report called for the government to sponsor further research to increase supplies of critical materials and reduce dependence on foreign suppliers. Further, the government should serve as a clearinghouse for information on worldwide critical materials resources, production, use, trade, disposal, and recycling. Jaffe noted how General Electric, which in 2005 forecast a developing shortage of rhenium, began recycling the rare metal and instituted an intensive campaign to develop a new alloy. The effort paid off with the development of several new low-rhenium alloys for GE turbine blades just as world prices for the element soared 10-fold, to \$10 000 per kg.

[Piesing 2013 The Wire](#) (YZ)

In the US, the Department of Energy is sponsoring 13 other research projects like Laura Lewis's to find synthetic replacements for rare-earth materials. Professor Lewis says that because rare-earth elements were "messy to dig up and required strong, damaging acids to separate elements from the rocks the world was very happy to have it restricted to China and not in their own country" He adds that the Chinese, from their perspective, are "doing just what any other country would do". Half of Edwards' team is Chinese. "However, running alongside the desire to substitute indium is the desire at the same time to see whether we can use it in manufacturing in a different, less energy-intensive way. "And why shouldn't we think of this challenge at the same time?

## 2. T: Terrible for the environment Turn: Producing REMS are horrible - processing one ton of REMS produces 2000 tons of radioactive and carcinogenic waste (BW)

[Kaiman 2014 The Guardian](#)

Processing rare earths is a dirty business. Their ore is often laced with radioactive materials such as thorium, and separating the wheat from the chaff requires huge amounts of carcinogenic toxins – sulphates, ammonia and hydrochloric acid. Processing one ton of rare earths produces 2,000 tons of toxic waste; Baotou's rare earths enterprises produce 10m tons of wastewater per year. They're pumped into tailings dams, like the one by Wang's village, 12km west of the city centre.

## 3. Environmental Regulations stop REMs from being produced at high rates

[Kennedy 2016 Defense One](#)

Continued inaction is not an option and is technically a violation of federal law. Solutions begin with recognizing the origins of the problem. China's road to monopoly began in 1980, when new U.S. and international regulations on thorium, a material used in fission, placed onerous burdens on the use of byproducts that historically supplied the rare earth industry. Over the next two decades, the U.S. rare-earths industry collapsed. Today, although American mining companies still extract enough rare-earth ore to meet 85 percent of global demand, they discard it because the regulations make it economically infeasible to bring to market.

[Ryssdal and Hollenhorst 2017 MarketPlace](#) (YZ)

Bruce: We did. But I would have to say it was a little bit before major technological companies needed the materials. We have it, we have plenty of rare earths, but they're also mixed with thorium. Ryssdal: Thorium being radioactive, right? Bruce: Thorium being mildly radioactive. Yes. But at this point, we have regulations against thorium that make it really costly to mine them here. So, our mines are a lot more difficult to mine. China has its own rare earth deposits, and China has done this several times before — they drop the price and they put all the other mines out of business.

#### 4. Most REMs in shallow waters, not under coastal jurisdiction Pedrozo, 2010

More importantly, it has been determined that crusts containing the greatest concentration of minerals are found in shallow waters in areas under coastal state, not ISA, jurisdiction. Similarly, according to ISA fact sheets, only five percent of the 60,000 km of oceanic ridge worldwide that could contain deposits of polymetallic sulphides have been surveyed in any detail. Moreover, ISA fact sheets acknowledge that most technology for exploring and exploiting the seabed has been developed for use in shallower waters

#### 5. U.S. doesn't need to accede for American companies to access Deep Sea Resources Copley 2014 of the University of Southampton

As an aside, the requirement for sponsorship by a nation that has ratified UNCLOS excludes the USA from participating at present, and would therefore seem to exclude US companies as contractors. But multinational companies, even if of US origin, can have subsidiaries in other countries that can apply as contractors, if that subsidiary's application has the support of a "host" nation that has ratified UNCLOS. UK Seabed Resources Ltd, which is a subsidiary of US giant Lockheed Martin, holds two exploration licences sponsored by the UK government

#### 6. Japan has already found a vast supply of Rare Earth Minerals, the US doesn't need more supply [Berke of Business Insider in 2018](#) (NO),

Researchers have found a deposit of rare-earth minerals off the coast of Japan that could supply the world for centuries, contains 16 million tons of the valuable metals. The newly discovered deposit is enough to "supply these metals on a semi-infinite basis to the world," the study's authors wrote in the study. There's enough yttrium to meet the global demand for 780 years, dysprosium for 730 years, europium for 620 years, and terbium for 420 years. The cache lies off of Minamitori Island, about 1,150 miles southeast of Tokyo. It's within Japan's exclusive economic zone, so the island nation has the sole rights to the resources there.

# A/2 Breaking Chinese Monopoly

**Delink: China cutting off supply failed in 2010 due to international pressure**

**Vincent 2018 The Verge**

s news was positioned as having great geopolitical significance. China currently produces more than 90 percent of the world's supply of rare earth materials (the exact figure tends to fluctuate year-by-year), and in the event of a conflict, said reports, it could jack up prices for the West and its allies, or even shut them out altogether. In this eventuality, the Minamitori hoard would be a lifeline. "It is important to secure our own source of resources, given how China controls the prices,"

Professor Yutaro Takaya Waseda, who led the Japanese research team, told The Wall Street Journal. But experts say the narrative here is wrong. Despite appearances, the Minamitori find is not as significant as headlines have implied. And although

**China seems to wield great power over this critical global supply chain, the truth is that the country can't just bring the West to its knees by limiting the export of rare earth elements. We know this pretty conclusively because it tried this in 2010, and it didn't work out.**

In both cases, the overlooked factor is just how difficult it is to produce rare earth elements, compared to how easy it is to find them.

## A/2 Green Tech

1. Even with aggressive green tech growth rates, the current supply is enough

[Teske 2016](#)

Metal demand associated with the dominant renewable technologies evaluated in this report, even assuming very aggressive growth rates under the most ambitious future energy scenarios, do not require deep-sea mining activity.

2. Successful efforts have already been made to replace REM's in renewables with cheaper/sustainable materials

[American Chemical Society 2012 \(NA\)](#)

"Sustainability involves developing technology that can be productive over the long-term, using resources in ways that meet today's needs without jeopardizing the ability of future generations to meet their needs," said Harry A. Atwater, Ph.D., one of the speakers. "That's exactly what we are doing with these new solar-energy conversion devices."

The new photovoltaic technology uses abundant, less-expensive materials like copper and zinc — "earth-abundant materials" — instead of

indium, gallium and other so-called "rare earth" elements.

These substances not only are scarce, but are supplied largely by foreign countries, with China mining more than 90 percent of the rare earths needed for batteries in hybrid cars, magnets, electronics and other high-tech products. Atwater and James C. Stevens, Ph.D., described successful efforts to replace rare earth and other costly metals in photovoltaic devices with materials that are less-expensive and more sustainable.

"The United States alone has about 69 billion square feet of appropriate residential rooftops that could be generating electricity from the sun," Stevens said. "The sunlight falling on those roofs could generate at least 50 percent of the nation's electricity, and some estimates put that number closer to 100 percent. With earth-abundant technology, that energy could be harvested, at an enormous benefit to consumers and the environment."

# A/2 Congo

## Children will work in other places/become soldiers instead

[Raghavan 2014](#) JL

That has led [When] foreign companies to avoid buying the minerals, which has [it] drive[s] down prices. Many miners are forced to find other ways to survive, including by joining armed groups. Meanwhile, the militias remain potent threats.

## China will buy regardless

[Magistad 2011](#) JL

That's led US and European buyers to [have] pull[ed] back, until a system is in place to certify minerals conflict free.

And Goma, a dusty border town that has long served as clearing house for the minerals mined in this region, is hurting. Its Belgian colonial buildings are crumbling. Its roads are ripped up and dusty, thanks to government embezzlement of funds that were supposed to go to a Chinese construction company. And in the evenings — frequent blackouts mean residents often have to feel their way in the dark.

A single lantern lights the living room of Jason Luneno Maene. He's a civil society leader here, who's running for the National Assembly in next month's election. Maene says [so] Chinese mineral buyers now have a virtual monopoly here.

## Apple and other companies are moving to increase transparency and buy directly from the source, which would benefit Congolese communities

[Natash Turak, CNBC, 2018](#) (DS)

In response to significant criticism, Apple, along with Samsung, Sony and HP, joined the Chinese-led Responsible Cobalt Initiative to pursue greater supply chain transparency. The non-profit Enough Project would later praise the iPhone producer, writing in a November report that Apple "has committed substantial resources to developing processes for sourcing minerals from mines that benefit Congolese communities." Amnesty International also listed Apple as best performer among tech companies for ethical supply chain practices.

By moving to buy straight from the source, Apple would be "guaranteeing their supply chain is clean, and to me what is most newsworthy is that new factor. It's a 21st century factor," Moores said. "It's the first case I know of where the nonconflict cobalt story is potentially going to result in a company like Apple buying direct."

## 5. De-Link: Conflict isn't rooted in minerals

[Dizolele of the CSIS in 2017,](#)

Whether the Congolese embrace civil disobedience or armed struggle, their grievances are [is] rooted in the blatant violation of democratic principles by the Kabila regime, Popular discontent in DRC has nothing to do with minerals. had governance, mismanagement of resources, and incompetence.

In fact, [Autessere](#) finds that

Think tanks, academics, Congolese intellectuals, and interveners on the ground regularly emphasize a number of competing narratives. They highlight the presence of foreign armed groups, Rwandan and Ugandan efforts to eradicate these militias, and the violent competition for power among Congolese leaders. Field-based international peace builders emphasize instead local drivers of tensions, such as land issues and grassroots antagonisms over traditional and administrative power.<sup>23</sup> Academics and local

populations also point to other economic sources of abuse beyond conflict minerals, notably disputes over cattle, charcoal, timber, drugs, and taxation at checkpoints.<sup>24</sup> In fact, estimates show that only 8 percent of all conflicts are over natural resources.<sup>25</sup>

## 6. Turn: Ending purchase of Congo minerals only hurts the Congolese people

Matthysen of IPIS in 2013 states that

All of the case studies revealed that the presidential suspension of artisanal mining had dramatic socio-economic consequences for local mining communities. The de facto embargo that followed this suspension, due to the international market's rejection of Congolese minerals after the Dodd-Frank Act, prolonged this situation. Some encouraging changes have, however, been observed in a few bigger mines, where certain initiatives have progressively improved the situation, as discussed below. Nevertheless, most interviewees described the negative socio-economic consequences on their communities. They [Miners] explained that they used to be able to send their children to school, buy medicine, and even invest in small livestock and save money. The means enabling this standard of living came largely from mining. As the mineral market declined, this standard of living did too. Mineral trade instigates the circulation of money in these communities.



# A/2 Deep Sea Mining

## 1. Econometric analysis shows prices can't justify DSM

2015 European Union Cost-Benefit Projection

The extraction of ferromanganese cobalt-rich crusts in RMI is the least operationally advanced DSM mining scenario. Previous work by Martino and Parson (2012) suggested that, **for crust mining to be economically viable, cobalt prices would need to exceed \$40/kg (USD) which is well above the current price of about \$30/kg (USD).** The results of the analysis are consistent with the conclusions of Martino and Parson; economic viability of crust mining is highly unlikely given the current price range for metals. However, if cobalt prices were around \$40/kg (USD)

# A/2 Arctic Militarization

**Nonunique: Russia refuses to discuss contentious issues using the Convention, it would not stop militarization.**

**From the UN**

**The Russian Federation declares that, in accordance with article 298 of the United Nations Convention on the Law of the Sea, it does not accept the procedures, provided for in section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes concerning the interpretation or application of articles 15, 74 and 83 of the Convention, relating to sea boundary delimitations, or those involving historic bays or titles; disputes concerning military activities, including military activities by government vessels and aircraft,** and disputes concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction; and disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

**Nonunique: Instead, disputes get resolved through bilateral negotiations and not UNCLOS**

**Valery Konyshev 2014, St. Petersburg State University**

**If the U.S. Senate ratifies the Convention on the Law of the Sea of 1982, Russia will not witness any significant changes in bilateral relations in the Arctic.** It is obvious that the

U.S. intends to apply the Convention only when it coincides with its national interests. **Potential conflicts will be resolved through bilateral negotiations rather than UNCLOS provisions directly.**

**3. Delink: Russia Militarization isn't a threat - it's very limited and mostly defensive (BW)**

Adam Lajeunesse 2017 , Huffington Post

**Russia is not looking to carve up the circumpolar North and the region is not in the midst of an arms race,** write Adam Lajeunesse and P. Whitney Lackenbauer. In spite of this Arctic sabre rattling, it is important to keep this capability in perspective. **Few of these new Russian capabilities can actually be projected beyond the Russian Arctic.** Russia's strategic bomber flights into the region are flown from bases to the south and, if Russia were to redeploy its Arctic-based ground forces for offensive action, those troops would also have to be redeployed through larger bases – also in the south. Its new anti-air capabilities are local-area defenses and no threat to allied aircraft operating away from Russia's northern coasts. **Most of these capabilities have only defensive application and often serve a dual purpose in supporting other government objectives,** such as enabling resource development, supporting shipping along the Northern Sea Route, or contributing to Russia's broader search and rescue capability. **In fact, none of these developments present a real threat to Canada or the North American Arctic.**

#### **4. Delink: Conflict is super unlikely - countries are in agreement over boundaries - they have no impact (BW)**

Adam [Lajeunesse](#) 2017 , Huffington Post

The prospect of an Arctic conflict is minimal. Canada, Russia and the other Arctic states are in general agreement over who owns the hydrocarbon resources in the offshore region, while the remote extremities of continental shelves in the central Arctic Ocean, which might (or might not) hold anything of economic value, are being divided up according to universally accepted rules laid down in international law.

# A/2 Oil Seepage

## 1. Oil seepage isn't harmful, and it's a natural process that been occurring for many years

[Project Science Office at Nasa 2000](#) (DS)

But the oil isn't destroying habitats or wiping out ocean life. The ooze is a natural phenomena that's been going on for many thousands of years, according to Roger Mitchell, Vice President of Program Development at the Earth Satellite Corporation (EarthSat) in Rockville Md. "The wildlife have adapted and evolved and have no problem dealing with the oil," he said.

"On water, oil has this wonderful property of spreading out really thin," said Mitchell. "A gallon of oil can spread over a square mile very quickly." So what ends up on the surface is an incredibly thin slick, impossible to see with the human eye and harmless to marine animals.

## 2. Oil seeps are too spread out and not concentrated enough to have any large impact

[NOAA \(National Oceanic and Atmospheric Administration\), 2016](#) (DS)

Even though seeps release a lot of oil into the ocean, oil spills such as the 2015 pipeline spill near Santa Barbara have different and more significant impacts on the nearshore environment than the slower, steadier release of natural oil seeps. Spills often release relatively large volumes of oil suddenly into an area, which can overwhelm the ability of the environment (such as its oil-eating microbes) to adapt to the influx of oil.

## 3. Oil released from seeps doesn't last and quickly dissipates

[Columbia University, 2016](#) (DS)

Subramaniam and Juhl, along with colleagues in the Ecosystem Impacts of Oil and Gas Inputs to the Gulf (ECOGIG) consortium, began studying interactions around oil seeps after the Deepwater Horizon oil well disaster in 2010, to better understand what happens to oil during catastrophic gushers and to find ways to better respond to similar disasters in the future. The natural seeps, found in many parts of the Gulf of Mexico, are tiny compared to an oil-well blowout. An oil slick from a natural seep lasts between one and seven days and reaches between 1 and 100 square kilometers. In comparison, the surface oil from the Deepwater Horizon well covered about 11,200 square kilometers and persisted for months, Subramaniam said. But natural seeps still produce enough oil and gas that the scientists can smell it at the surface and see the oil bubbles burst.

## 4. TURN: More oil enters the environment through leakage and spills associated with drilling than from seepage.

[Keith Kvenvolden 2003](#) (DS)

Recent global estimates of crude-oil seepage rates suggest that about 47% of crude oil currently entering the marine environment is from natural seeps, whereas 53% results from leaks and spills during the extraction, transportation, refining, storage, and utilization of petroleum. The amount of natural crude-oil seepage is currently estimated to be 600,000metric tons per year, with a range of uncertainty of 200,000 to 2,000,000metric tons per year.

## 5. Natural Oil spills are not harmful for biodiversity

[NASA](#) 2010 (JM)

Twice an Exxon Valdez spill worth of oil seeps into the Gulf of Mexico every year, according to a new study that will be presented January 27 at the Ocean Sciences Meeting in San Antonio, Texas. **But the oil isn't destroying habitats or wiping out ocean life. The ooze is a natural phenomena that's been going on for many thousands of years**, according to Roger Mitchell, Vice President of Program Development at the Earth Satellite Corporation (EarthSat) in Rockville Md. "The wildlife have adapted and evolved and have no problem dealing with the oil," he said. Oil that finds its way to the surface from natural seeps gets broken down by bacteria and ends up as carbon dioxide, a greenhouse gas. So knowing the amount of fossil fuel that turns to carbon dioxide naturally is important for understanding how much humans may be changing the climate by burning oil and gas.

# A/2 Overfishing

## Turn: US accession to UNCLOS would put an end to crucial unilateral US Sanctions used to protect marine life

McLaughlin 1994 Ecology Law Quarterly

This article examines UNCLOS' compulsory dispute settlement provisions and the important role they may play in the development and implementation of U.S. policy on the protection of international marine living resources. **The United States may have to relinquish its use of unilateral economic sanctions as a method of protecting dolphins, sea turtles, and whales if it chooses to become a party to UNCLOS and the Convention enters into force.** <sup>9</sup> This assertion is based upon an analysis of the substantive rights granted to States Parties under **the Convention'** and its compulsory dispute settlement provisions, which **prevent parties from imposing unilateral remedies against other parties."** .... **The bottom line is that U.S. membership in UNCLOS will significantly reduce its freedom to impose unilateral economic sanctions to protect marine living resources.**

Historically, US sanctions have been effective in conserving marine life and stopping overfishing.

Carr 2002 Berkeley Law (YZ)

**In 1992, Congress** <sup>amended the Magnuson-Stevens Fishery Conservation and Management Act to</sup> **prohibit[ed] imports of fish and fish products from states whose vessels conduct large-scale driftnet fishing** <sup>beyond their EEZs.</sup> <sup>74</sup> **The U.S. government has used this authority to encourage countries to reach agreement on measures to end large-scale high seas driftnet fishing.** <sup>Such an agreement was reached with Italy in the summer of 1999."</sup> <sup>5</sup>

**The United States has also used unilateral trade sanctions to address the incidental catch of sea turtles in shrimp trawl nets. The United States has also used unilateral trade sanctions to persuade nations to comply with the conservation and management measures of the International Whaling Commission** (IWC). Between 1971 and 1979, the United States certified two nations as conducting fishing operations in a manner that diminished the effectiveness of the IWC, but in each instance the President declined to impose import restrictions on their fish products because the nations committed to future compliance with IWC quotas.

## 2. Non Unique: Current US laws are already on track to ending overfishing in the US

Sullivan 2016 NOAA (YZ)

In 40 years we have seen some successes and some setbacks, but **the Magnuson-Stevens Act has evolved** <sup>with some amendments,</sup> **into [a] landmark legislation that balances economic fishing goals with long term environmental sustainability** **Today, the U.S. is on track to end overfishing** <sup>for good. The instances of</sup> **overfishing and the number of overfished stocks are at all-time lows.** <sup>We</sup> **[The US has]** <sup>have</sup> **largely ended unsustainable fishing practices and returned many fish stocks to healthy levels** <sup>that will provide fish and fishing opportunities for generations to come. Just since 2000, 39 fish stocks have returned to sustainable levels.</sup>

## 2017 Report to Congress on the Status of U.S. Fisheries (JF)

Due to the combined efforts of NOAA Fisheries, the eight regional fishery management councils, and other partners, three previously overfished stocks were rebuilt and the number of stocks listed as overfished is at a new all-time low. Additionally, **the [current] number of stocks on the overfishing list remains near an all-time low.** <sup>In 2017, information became available for three stocks, which resulted in new stock status determinations. None of these stocks are subject to overfishing or are overfished.</sup>

## 3. Overfishing is not a problem now, and even if it is laws via NOAA solve.

**NOAA, 17.** National Oceanic Atmospheric Administration. *Fisheries Management in the United States*. <https://www.fisheries.noaa.gov/insight/fisheries-management-united-states>. (SL)

Under U.S. law, **NOAA Fisheries is responsible for managing marine fisheries** within the U.S. Exclusive Economic Zone, the 4.4-million-square-mile zone that extends from 3 to 200 nautical miles off the coast of the United States. Individual states are generally responsible for fishery management from their coastline out to three miles. **We work with federal, regional, state, and territorial partners to ensure the sustainable management of U.S. fisheries** in the EEZ.

We manage U.S. fisheries to:

Sustain, protect, and increase domestic seafood supply.

Maintain and enhance recreational and subsistence fishing opportunities.

Protect ecosystem health and sustainability.

Create jobs, support related economic and social benefits, and sustain community resilience.

To meet these goals, we need to make sure that fish populations stay above a certain level (not overfished) and keep harvest rates at a level that allows the fish to produce its maximum sustainable yield (no overfishing).

**Under our science-based fisheries management** process, we've made great strides ending overfishing and rebuilding fish stocks. **Overfishing and overfished numbers remain near record lows**, and we've rebuilt 41 fish stocks since the year 2000. It was another year of positive progress rebuilding our nation's fish stocks. Our newly released Status of U.S. Fisheries report for **2017 shows** the number of **stocks** on the **overfished** list just **reached a new all-time low**.

By the end of 2017, the number of stocks on the overfishing list remained at 30, while the number of stocks on the overfished list dropped to 35, the lowest number ever. Additionally, three more fish stocks were rebuilt in 2017, bringing the total number of rebuilt stocks to 44 since 2000.

- Status of Stocks 2017 full report: [HTML](#) | [PDF](#) (8 pages).
- [Press release](#).
- [Quarterly Stock Status Updates and past reports](#).

Under the Magnuson-Stevens Act, **the United States has become an international leader in fisheries management.** Sustainable fisheries management is an adaptive process **that relies on** sound science, **innovative** management **approaches, effective enforcement, meaningful partnerships, and robust public participation.**

Sustainable fisheries play an important role in the nation's economy by providing opportunities for commercial, recreational, and subsistence fishing, marine aquaculture, and sustainable seafood for the nation.



#### Adapting for the Future

NOAA Fisheries and our partners are working harder than ever to meet our conservation goals in a way that maximizes revenue, increases fishing opportunities, and reduces regulatory burdens on the industry. In 2018, in conjunction with the regional fishery management councils, **we will review all fishery regulations to identify those that should be removed or revised.** This is just one example of how we are ensuring the long-term sustainability of our fisheries while continuing to provide opportunities to the businesses and communities that depend on them. We also look forward to **working with Congress, the councils, our partners, and other stakeholders** to continue to help us provide significant benefits to the U.S.

## A2: Submarine Cables

NATO is already focused on cable protection and has specific provisions to watch Russian subs

Birnbaum 17 (EH)

As the specter of conflict with Russia looms over Europe, NATO defense ministers decided to expand the alliance's focus on cyber operations, and boost its capability to respond to Kremlin aggression. operations for the first time since the Cold War, sharpen its The moves came as tensions with Russia remain the highest they have been in the nearly three decades since the end of the Cold War. U.S. Defense Secretary Jim Mattis briefed fellow defense ministers Wednesday morning about Russian violations of the Intermediate-Range Nuclear Forces Treaty, underlining the nuclear risk that is a worst-case consequence of the bitter back-and-forth.

Defense ministers approved plans that would bolster their ability to keep an eye on Russian submarines in the Atlantic Ocean, where crucial undersea communications are at risk of being cut. They committed to establishing a command dedicated to sweeping away barriers preventing their forces from being deployed quickly across Europe in the event of war. And they said that cyberweapons would now have as big a role in NATO planning as guns and tanks. The decision to establish a cyber-operations center will widen NATO's ability to act not only against Russia but also other adversaries, such as the Taliban in Afghanistan and the Islamic State in Iraq.

Cable interference is very common and there is little impact

a. 1 of the 428 cables is damaged every couple of days with 2/3rds of them due to fishing

Matsakis 18 (EH)

For one, ruptures aren't exactly an anomaly. One of the estimated 428 undersea cables worldwide is damaged every couple of days. Nearly all faults aren't intentional. They're caused by underwater earthquakes, rock slides, anchors, and boats. That's not to say that humans are incapable of purposefully messing with the cables; off the coast of Vietnam in 2007, fishermen pulled up 27 miles of fiber cords, disrupting service for several months. (It wasn't cut off completely, because the country had one more cable that kept the internet going.) You don't notice when a cable faults, especially if you live somewhere like the United States, because your Instagram message or Google Voice call is instantly re-routed. If you're Skyping with a friend in Romania for instance, and a fishing boat or anchor ruptures [rupturing] a cable —as causes two-thirds of faults —your conversation simply goes over another line.

b. Internet traffic just gets rerouted when cables are damaged

Matsakis 18 (EH)

Many regions, like Europe, the United States, and East Asia have numerous cables running over the same path. You can check out a map of them all [here](#). That means Russia snipping a handful of cables in the Atlantic, where its submarines have been spotted, would disturb the global internet very little. In fact, even if it ruptured every single cable in the Atlantic Ocean, traffic could still be re-routed the other way, across the Pacific.

c. Ships remain on patrol ready to repair cables

Matsakis 18 (EH)

Because faults happen so frequently, cable repair ships patrol nearly all of the world's waters. Even if Russia did start snipping, there are crews equipped to rapidly repair them. Besides, Russia's epic hypothetical cable attack would primarily harm its own people, as another Telegeography analyst pointed out in a [video](#), "It would hurt the Russians perhaps even more than it would hurt [Americans]. They're far more dependent on international networks than we are, because so much of our content is stored locally" says senior analyst Jonathan Hjemo.

3. Cable cutting hurts Russia more than us

Matsakis 18 (EH)

Because faults happen so frequently, cable repair ships patrol nearly all of the world's waters. Even if Russia did start snipping, there are crews equipped to rapidly repair them. Besides, Russia's cable attack would primarily harm its own people, as another Telegeography analyst pointed out in a [video](#), "It would hurt the Russians perhaps even more than it would hurt [Americans]. They're far more dependent on international networks than we are, because so much of our content is stored locally. says senior analyst Jonathan Hjemo.

4. The US already has a multilateral treaty protecting its cables

POSC (JM)

**The United States signed the Convention for the Protection of Submarine Telegraph Cables that regulates submarine communication cables and their repair. It also gives these cables protection.**

**The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.** This provision shall

not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

# A/2 Cable Tapping

## Russian ability to cable tap is questionable

Hinck 18 (EH)

Tapping fiber-optic cables underwater requires opening up armoured sheaths, avoiding shocks from the cable's power supply and then splicing open highly sensitive glass fibers. Thousands of meters underwater this would be impossible for a diver or clumsy submersible.

## The U.S. can access cables in the SQUO in two ways

a. Through naval capabilities

Hinck 18 (EH)

The **[US] submarine Jimmy Carter**, which joined the Navy's fleet on Saturday, has a special capability, intelligence experts say: it is able to tap undersea cables and eavesdrop on the communications passing through them.

b. And intelligence agencies

The U.S.'s own cable-tapping program, known by the names OAKSTAR, STORMBREW, BLARNEY and FAIRVIEW, as revealed in an NSA PowerPoint slide, apparently functions similarly to Tempora, accessing [accesses] "communications on fiber cables and infrastructure as data flows past, according to *The Washington Post*. The slide indicates that Prism and these so-called "upstream" programs work together somehow, with an arrow saying "You

Should Use Both" pointing to the two operations. So how does one tap into an underwater cable? The process is extremely secretive, but it seems similar to tapping an old-fashioned, pre-digital telephone line -- the eavesdropper gathers up all the data that flows past, then deciphers it later. In 2005, the Associated Press reported that a submarine called the USS Jimmy Carter had been repurposed to carry crews of technicians to the bottom of the sea so they could tap fiber optic lines. The easiest place to get into the cables is at the regeneration points -- spots where their signals are amplified and pushed forward on their long, circuitous journeys. "At these spots, the fiber optics can be more easily tapped, because they are no longer bundled together, rather laid out individually," Deutsche Welle reported. But such aquatic endeavors may no longer even be necessary.

The cables make landfall at coastal stations in various countries, where their data is sent on to domestic networks, and it's easier to tap them on land than underwater.

Britain is, geographically, in an ideal position to access to cables as they emerge from the Atlantic, so the cooperation between the NSA and GCHQ has been key. Beyond that partnership, there are the other members of the "Five Eyes" -- the Australians, the New Zealanders, and the Canadians -- that also collaborate with the U.S., Snowden said. The tapping process apparently involves using so-called "intercept probes." According to two analysts I spoke to, the intelligence agencies likely gain access to the landing stations, usually with the permission of the host countries or operating companies,

and use these small devices [intercept probes] to capture the light being sent across the cable. The probe bounces the light through a prism, makes a copy of it, and turns it into binary data

without disrupting the flow of the original Internet traffic.

# A/2 Offshore Wind

## UNCLOS isn't enough to incentivize significant growth in offshore wind

Spicer 2017

However, it [UNCLOS] fails to make express provision for either offshore wind or aquaculture.

The lack of guidance from international law-makers risks creating [This creates] a chilling effect on the growth of the offshore wind and aquaculture sector.

While literature hints the UNCLOS wording is sufficiently broad to cover them, this doesn't quell the uncertainty and associated risk in relying on the regime as it's currently written. Stretching UNCLOS to encompass offshore wind and aquaculture may be a stop-gap measure, but it's [UNCLOS's current wording is] insufficient to ensure the necessary degree of certainty in the offshore

[wind] to stimulate the growth of these industries •

## Too costly

Roberts 2018 of Vox

In 2017, Maryland commissioned two offshore-wind projects (together 368 MW) at a price of \$0.132/kWh, just over half.

That's still well over onshore wind's high-end price of \$0.06/kWh, but headed in the right direction quickly.

## Already exist

The US Department of Energy Efficiency and Renewable Energy in August 2018

In December 2016, Deepwater Wind completed the commissioning of the Block Island Wind Farm, marking a milestone as the nation's first commercial offshore wind project. The 30-megawatt (MW) project comprises five 6-MW GE wind turbines installed in state waters off the coast of Block Island. The project included laying a power cable

connecting the grid on Block Island, which only uses a small fraction of the power generated, to the mainland grid. There are over 20 offshore wind projects in various stages of development across the United States.

# A/2 Drug Trafficking

**NU: UNCLOS doesn't solve more than status quo. (NM)**

**Efthymios Papastavridis July 2016**

The point of departure for assessing the legal contours of drug trafficking at sea is necessarily the United Nations Convention on the Law of the Sea 1982 (UNCLOS).<sup>14</sup> **The UNCLOS scarcely refers to illicit drug trafficking at sea. Indeed, the only explicit authorization to States, in particular coastal States, to enforce their jurisdiction over vessels engaged in drug trafficking is in Article 27** UNCLOS, which sets out that the criminal jurisdiction of the coastal State 'should not' be exercised on board a foreign vessel passing through th

**2. Nonunique: The United States is already part of the North American Maritime Security Initiative, which is successful in its multilateral approach against drug trafficking. (JF)**

**Department of Homeland Security, 2012**

To address the threats and leverage the opportunities for improving border security closer to the United States, the Coast Guard, U.S. Northern Command (NORTHCOM), the Mexican Navy (SEMAR), and the Mexican Secretariat for Communications and Transportation (SCT), have strengthened their collective relationship, in part through the Security and Prosperity Partnership (SPP). This commitment demonstrates that the United States and Mexico share many areas of mutual interest that are vital to the security of each country. SEMAR and SCT are increasing their engagement with the Coast Guard through training, exercises, coordinated operations, and intelligence and information sharing. The North American Maritime Security Initiative (NAMSII) provides an operational relationship between SEMAR, NORTHCOM, the Government of Canada, and the Coast Guard and coordinates standard procedures for communications, training, procedures, and operations. **Since the inception of NAMSII in December 2008, there have been 24 joint cases yielding 62,816 pounds of narcotics seizures.**

# A/2 Tech Transfer Good

## 3. Tech Transfer requirements are gone

[Sandalow](#) 2004

In 1994, more than 100 nations adopted a set of rules governing deep seabed mining. The 1994 agreement applies free market principles to deep seabed mining, establishing a mechanism for vesting title in minerals in the entity that recovers them from the ocean floor. The agreement establishes an International Seabed Authority (ISA) with responsibility for supervising this process. The ISA is an independent international organization—not a part of the United Nations. It is governed by a Council (with principal executive authority) and an Assembly (which gives final approval to regulations and budgets). As a party to the Convention, the United States would be a permanent member of the Council and have the ability, under relevant voting rules, to block most substantive decisions of the Authority, including any decisions with financial or budgetary implications and any decisions to adopt rules, regulations, or procedures relating to the deep seabed mining regime. The 1994 agreement also recognized the longstanding view that the deep ocean floor is part of the global commons and beyond the reach of national jurisdiction.

**The agreement addresses in full all concerns identified by President Reagan a decade earlier.**

**Technology transfer requirements—a principal objection in 1982—were deleted from the agreement.**

The 1994 agreement is a legally binding modification of Part XI the Law of the Sea Convention.

# A/2 Human Trafficking

**Non-Unique: UN human rights treaties signed by the US with enforcement mechanisms are already in place**

King Denver University (YZ)

International law is a powerful conduit for combating human trafficking. **The most reputable and recent instruments of international law that** have set the course  
for how to define, prevent, and **prosecute human trafficking are the United Nations Convention against Transnational**  
**Organized Crime and its two related protocols: the United Nations Protocol to Prevent, Suppress, and**  
**Punish Trafficking in Persons, Especially Women and Children, and the United Nations Protocol**  
**against the Smuggling of Migrants by Land, Sea, and Air, which entered into force in 2003-2004.** The United Nations

Office on Drugs and Crime (UNODC) created these conventions, which have supported international law's ability to combat human trafficking. In support of enforcing these instruments, the UNODC established the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in 2007. As of 2008, there are 143 parties to the United Nations Convention against Transnational Organized Crime, 119 parties to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and 112 parties to the United Nations

Protocol against the Smuggling of Migrants by Land, Sea and Air. **The Trafficking Protocol is unique from other treaties because it was created as**  
**a law enforcement instrument** which, in theory, gives it more influence than aspirational agreements. **Provisions within the Trafficking Protocol**  
**state that parties must: take action to penalize trafficking, protect victims of trafficking, and grant**  
**victims temporary or permanent residence in the countries of destination** Therefore, if a state is a party to the Convention and its Protocols, it has an

obligation to create legislation that supports these provisions at the domestic level.



## **A/2 Environmental Lawsuits**

## A2: Environmental Lawsuits

The mode of litigation -- the International Tribunal of the Law of the Sea (ITLOS) -- is largely ineffective

Murray

The Tribunal has so far largely failed to settle such disputes. The Senkaku/Daiyou dispute is not the first case brought before the Tribunal, whose approach seems to be to let countries talk among themselves until they reach a solution. **The court established to settle disputes has repeatedly abdicated its responsibility, while continuing to claim jurisdiction.** Frustration with this process has led at least one party to return to gunboat diplomacy. Despite filing a lawsuit with the Tribunal, China appears to be dissatisfied with a legalistic approach. China Ministry of Foreign Affairs Spokesperson Hong Lei stated, "Isn't it a weird thing in international affairs to submit a sovereign country's territory to international arbitration? What a chaos the world will be in if this happens?" Virtually all the cases thus far have involved impounding fishing vessels, but **the Tribunal has not actually finally settled any serious international dispute;** thus, regardless of the merits of the case, China's frustration is not surprising. Where it has acted, the Tribunal has essentially told the parties to sort the issues out amongst themselves — as in the Southern Bluefin Tuna case examined below.

U.S. already complies

David Sandalow Brookings 2004 (BW)

**The Law of the Sea Convention** provides a comprehensive framework for international cooperation to protect the marine environment. **It imposes minimum requirements—all of which are already being met by the United States—to protect and preserve the marine environment.** Under the Convention, states are required to take measures to address pollution from vessels and landbased sources, to prevent the introduction of alien or invasive species, and to conserve and manage coastal fisheries. The Convention also requires states to work together to protect the oceans. States are required to cooperate in the management of high seas fish stocks, as well as stocks that migrate between the high seas and exclusive economic zones, setting the stage for regional agreements essential to managing ocean fisheries. States are also required to work together to protect marine mammals, which are given special protections under the Convention. **The standards for environmental protection set forth in the Convention work strongly to the advantage of the United States, which has already met and in most cases significantly exceeded these standards** but necessarily depends on actions by other nations to protect the marine environment.

Legal barriers make these lawsuits unlikely to succeed (BW)

Shi-Ling Hsu Florida State University - College of Law 2013

Several dozen cases that can be classified as climate change litigation have been filed worldwide, and legal scholars have already generated a considerable amount of writing on the phenomenon. The debate and scholarship has sometimes gotten ahead of itself, reflecting on the normative implications of outcomes that are still speculative at this point. This article seeks to ground this debate by analyzing the actual legal doctrines that may serve as bases for liability, and seeks to make a realistic evaluation of the likelihood of success of these types of suits. **Climate change litigation** in its various forms, **raises issues of standing, choice of law, pre-emption, redress, causation, separation of powers, and international comity.** Wrestling all of these issues down to an analytical conclusion is intractable; this article seeks to make the problem more manageable by finding a plaintiff that would have a strong and viable claim for climate change damages, and finding a defendant that could most plausibly be sued for such damages. Analyzing the merits of such a suit and the possible forums in which the suit could be brought sheds considerable light on the more general phenomenon of climate change litigation. This article shows that **even with a strong plaintiff** the Inuit people of the Arctic region - and vulnerable defendants - U.S. electricity generating companies - the prospects of a successful lawsuit for climate change related damages are mixed. Current law seems to suggest that liability is slightly less probable than not, but certainly not inconceivable. However, **the tenuous bases for liability in this hypothetical lawsuit,** and the rarity of the characteristics of this plaintiff and these defendants that make this lawsuit plausible, **suggests that climate change litigation is unlikely to play a significant role in arresting global climate change.** In the end, the bulk of the work in reducing greenhouse gases must be undertaken by nation-states and international agreements.

# A/2 Strait of Hormuz

## Iran won't close the strait -- 3 reasons (MR)

Stratfor 18

Despite the rhetoric, actually blocking the Strait of Hormuz represents perhaps Iran's most extreme option. First and foremost, attempting to close the strait would result in a devastating war for Iran against the United States and the Gulf Cooperation Council, as the latter seeks to preserve the freedom of shipping and naval passage through the critical strait. Meanwhile Iran's own economy and naval activity also depend on the free passage of goods and vessels through the strait. Finally, cutting off the Strait of Hormuz would be counterproductive to Iran's current goal of trying to stave off further U.S. sanctions and keep the European Union and other allies such as China and India in its good graces. The move would be incredibly disruptive to global shipping and oil markets, spoiling the well with allies that Iran needs now more than ever.

## 2. Iran just wanted to appease hardliners with the threat (MR)

Jafari 2018 from Al-monitor

Mindful of the history of Iranian threats to close the strait and the domestic context of Rouhani's recent remarks, it seems as though the aim of the president's warning was primarily to mollify hard-liners at home. As the achievements of the 2015 nuclear deal continue to unravel, Rouhani seems to be moving closer to his archrivals to at the very least reduce the domestic pressures on his administration.

# A2: Preventing UNCLOS collapse

## 1. The U.S. joining and then breaking the treaty is worse (MR)

[Koplow](#) [Georgetown University Law 2013](#)

Sometimes, the wise course is to delay joining the treaty until the state can be certain of its ability to comply. If it has already joined, it might take advantage of a "withdrawal" clause to exit the accord. But in the interest of international credibility of the state and the international mandate, what it **[The U.S.] should not** do is to **join the treaty unconditionally, accept the full array of legal obligations,** demand that other countries extend to it the promised benefits, **and then undeniably flout its responsibilities.** le United States has too often embarrassed itself by playing fast-and-loose with international law and there is plenty of blame to spread around. Sometimes Congress has been at fault; sometimes it was the executive branch in the lead. Sometimes the violation is deliberate; at other times it is an unintended consequence of other policies or failures. But what these three unlovely cases have in common is insufficient attention to the obligation to "faithfully execute" a treaty as "supreme law"—and that failure is both foolish and illegal. It is not an argument that the specific costs of these particular indisputable violations are, or will soon become, unbearable. le United States is so big and powerful—and international law is so underdeveloped and flimsy—that in the short-run a superpower can "get away with" these transgressions. But in the long-run, lawless behavior is unsustainable; elevating domestic policy preferences above binding international legal obligations is profoundly not in the U.S. interest. Even if the feeble enforcement mechanisms of the international community cannot compel the United States to honor its commitments, the country itself should work to promote the rule of law by its deeds as well as by its rhetoric

# A/2 PSI

## De-link few countries are exporting anyways

Mark J. Valencia, 5-31-2003, The Proliferation Security Initiative: A Glass Half-Full, No Publication, Perhaps the greatest obstacle to PSI effectiveness is the dual-use nature of WMD materials and technologies. Few if any countries export "turn-key" weapons of mass destruction. The harsh reality is that countries and nonstate actors can build their own weapons of mass destruction from items that have civilian application. This means that it is very difficult to make decisions regarding "good cause" for interdiction and that such decisions will inevitably be politically influenced and based on who is sending or receiving the shipment. Moreover, a proliferation of interdictions of dual-use materials may hamper legitimate commerce and thus engender opposition, even from allies.

## Turn: Accession to UNCLOS would place the ability of US interdictions under foreign judges

Goldsmith and Rabkin, 2007 (DS)

The Bush administration is urging the Senate to consent this summer to the Convention on the Law of the Sea, the complex and sprawling treaty that governs shipping, navigation, mining, fishing and other ocean activities. This is a major departure from the administration's usual stance toward international organizations that have the capacity to restrain U.S. sovereignty. And it comes in a surprising context, since the convention has disturbing implications for our fight against terrorists. Deputy Secretary of State John D. Negroponte and Deputy Defense Secretary Gordon England maintain that the convention will enhance U.S. security. They argued in the Washington Times last month that to meet the "complex array of global and transnational security challenges," the United States must have "unimpeded maritime mobility -- the ability of our forces to respond any time, anywhere, if so required." This is true, but ratifying the convention won't bring this benefit. Instead it would put America's naval counterterrorism efforts under the control of foreign judges. Suppose the United States seizes a vessel it suspects of shipping dual-use items that might be utilized to build weapons of mass destruction or other tools of terrorism. It's not a wild supposition. Under the Proliferation Security Initiative, the United States has since 2003 secured proliferation-related high-seas interdiction agreements with countries such as Belize and Panama, which provide registration for much international shipping. If the United States ratifies the Convention on the Law of the Sea, the legality of such seizures will, depending on the circumstances, be left to the decision of one of two international tribunals. The first is the International Tribunal for the Law of the Sea, based in Hamburg. Some members of the Hamburg tribunal come from countries naturally suspicious of American power, such as China and Russia. Others are not allied with the United States. Even judges from Europe and South America do not always see things the way U.S. military authorities do. The second institution is a five-person international arbitration panel. The United States and the flag state of the seized ship would have input into the selection of some of these arbitrators. But the U.N. secretary general or the president of the Hamburg tribunal would select the crucial fifth arbitrator when, as would typically be the case, the state parties cannot agree. They must choose from a list of "experts" to which every state party to the convention -- not just China and Russia but other unfriendly nations such as Cuba and Burma -- can contribute. At minimum, these tribunals would pose awkward questions to the United States about the evidence behind a seizure, how we gathered it and who vouches for the information. At worst they would follow the recent example of the International Court of Justice and use a legal dispute to score points against American "unilateralism" and "arrogance" for a global audience keen to humble the United States. In every case, a majority of non-American judges would decide whether the U.S. Navy can seize a ship that it believes is carrying terrorist operatives or supplies for terrorists.

## 4. UNCLOS is too ambiguous to assist PSI in any meaningful way anyway

Doug Bandow, 2004 (DS)

Another concern is the impact of LOST on the President's Proliferation Security Initiative. Although treaty advocates suggest that the LOST would provide an additional forum through which to advance the PSI, it seems more likely that adherence to LOST would constrain

Washington's ability to intercept weapons shipments which are problematic, even if legal under international law, including the treaty. After all, any anti-proliferation policy treats nations differently based upon a subjective assessment of the stability and intention of a particular regime. The LOST makes no such distinctions. At best, the treaty is ambiguous regarding the seizure of WMD shipments. Adopting such ambiguity probably does not strengthen Washington's position.