

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

Contention One is lawsuits.

Right now in the status quo Trump is targeting the Environmental Protection Agency. [Washington Post in 2018](#) writes that Trump has sought to cut the EPA budget by 23% in order to eliminate many of their programs and environmental regulations. Indeed the [Hill in 2018](#) writes this past August that Trump has decided to gut Obama's clean power plan, loosening many regulations on coal power plants. This is crucial as the Hill finds that because of Obama's plan many coal plants were forced to shut down, but after Trump's overhaul of regulations many plants will be able to continue operations.

Fortunately, by acceding to UNCLOS you provide an outlet for environmentalist groups to fight back and stop this change, as by joining UNCLOS, the US would be liable to environmental lawsuits. [Murray '13](#) writes, courts within UNCLOS allow environmentalists and citizens to sue the government for not following the environmental obligations of UNCLOS.

Indeed, [Groves of the Heritage Foundation '12](#) finds that "some environmental activists have shown that they will support Climate Change lawsuits against US targets".

Lawsuit results would be beneficial for the environment. As [Murray '13](#) notes that rulings taking the treaty at its word would require the closure of most if not all American coal power plants.

This is important, as the [Climate Central in 2017](#) finds, American coal plants release 1.87 billion tons of CO2 every year, and [The CATF](#) concludes, in the US, 13 thousand people die from coal pollution each year.

Contention Two is calming the waters.

The [Economic Times in 2018](#) writes that due to China's rejection of a rules based order, militarization of artificial islands, and dominance over smaller and weaker states the South China Sea is now a flashpoint. Indeed, [Newsweek in 2017](#) finds that China has militarized over 3,200 acres of the South China Sea in the past 3 years. Thus, the [OO in 2017](#) concludes that if mediation doesn't occur, China will continue to snowball the region and tensions will boil over.

Fortunately, Accession to UNCLOS would foster a multilateral approach to fight back Chinese expansion in the South China Sea **by sending a signal to our allies.**

In the status quo, countries hold the perception that the United States is looking to break away from international institutions and reject any notion of multilateral dialogue. Specifically, our non-party status to UNCLOS gives the perception that the US is not committed to a rules-based international order in global maritime issues.

Moore from the University of Virginia writes that our allies are disappointed by our unilateral disengagement from ocean affairs caused by our absence from UNCLOS.

Specifically in the South China Sea, the **US Naval Institute finds in 2011** that due to us not being in UNCLOS, regional actors perceive that the United States has different interests than themselves, thus weakening the effectiveness of multilateralism.

Thus, **Moore** concludes that “If our country is viewed as unwilling to participate [in international agreements] we will not [be able to get] needed assistance from others.”

Fortunately acceding solves this problem, as Ashfaw of the Journal of Transnational Law and Policy in 2010 writes that joining UNCLOS would increase the US’s soft power capabilities by showing others we are committed to the international community, concluding that ratification of the treaty would allow other countries to put their faith in our actions in the Seas.

Thus, this would result in a Coordinated Regional Response to Chinese aggression.

Kyouck of the Wall Street Journal in 2018 furthers that as result of increasing its legitimacy by acceding to UNCLOS, the US would now be capable of creating a coordinated regional response to Chinese Aggression in the Sea. This coordinated approach is the best way to check back against China, as **Townshend of the Guardian in 2015** concludes that a coordinated response to China would harm China’s international image and paint them as rule breaker in the international community, this image would harm China’s strategic geopolitical weight in the region.

Thus, as China sees that it’s strategy of ignoring International Law is counterproductive to its goal of securing regional dominance, it will be forced to take a less expansionist approach.

The impact to stopping dangerous Chinese Expansion is preserving trade.

Even if Conflict does not happen, high tensions are enough to hurt trade, as when tensions and the perception of conflict are high, the **Wall Street Journal in 2016** writes that traders are incentivized to take longer routes avoiding the South China Sea altogether and increase insurance rates.

This is crucial as **Crabtree ‘16 of CNBC** writes that “over \$5 trillion of trade annually passes through the region, supplying a whopping 1.5 billion people with food and jobs,”

Even short term disruptions can spike prices of basic goods and push millions into poverty. **PBS** finds the last time food prices spiked it pushed 44 million into poverty.

Thus, *we affirm.*

Indeed, [Newsweek in 2017](#) finds that China has militarized over 3,200 acres of the South China Sea in the past 3 years

Fortunately acceding solves this problem, as **Johnson of the Diplomat in 2016** writes that from a rule of law standpoint, joining UNCLOS would create a perception that the US is a country that values, respects, and upholds an international rule-based order.

[Pollock from the medium in 2018](#) writes that status quo tensions are steadily increasing as both China and the US go back and forth with extensive military operations.

[VOA news in 2018](#) writes that the the total amount of military operations in the region has hit an overall high, they further writing western nations are sending their military into the region and China only responds with their own, exacerbating tensions.

Thus, **Gawarkiewicz in 2017** finds, a 1 unit increase in tension results in a 0.05 per cent decline in trade.

. **VOA News in 2018** that the status quo of both sides responding to each other back and forth results in a positive feedback loop of ever increasing tensions

[Townshend of the Guardian in 2015](#) concludes that a coordinated response to China increases China's sense of international isolation and imposes subtle costs on its economic and political interests.

Contention Three is Deep Sea Mining for Rare Earth Metals.

Timmons in 2012 writes that companies such as Lockheed Martin have immense interest in mining the bottom of the Ocean floor but are unwilling to make investments because of a lack of a legal certainty *to mine* in the status quo. This is crucial, as **The National Geographic in 2016** writes that at the bottom there are nearly *limitless amounts* of rare earth elements, or REMS, available for mining.

Allowing for mining would cause a boom in green tech.

The Financial Times in 2017 writes that global demand for green-tech products such as wind turbines and solar panels depend on rare earth metals, and will outpace the current supply from China. This is crucial, as **Columbia University** writes that, in order for clean energy tech to make a significant dent in global warming, the supply of REMs will need to increase by 8%.

The impact is saving countless lives.

The World Health Organization quantifies that, Climate Change will kill 250,000 people per year from malnutrition. In addition, by 2030, the effects could push 122 million people into poverty.

Rabkin, Jeremy. "Message from the dolphins? ." Washington Times. (June 29, 2008) [[More](#)]
What happens if an international court takes a different view of U.S. naval practices than we do? We got a disturbing hint in March from the Supreme Court. In *Medellin v. Texas*, the court ruled Texas courts were not bound to obey a decision of the International Court of Justice. The ICJ had ordered Texas not to execute a Mexican national, because his conviction for murder) was obtained without notifying Mexican consular officers of the trial (as required by an international treaty on consulates, which the United States has long embraced.). A majority of the Supreme Court agreed that Texas was not bound by the ICJ ruling. But no justice said Texas could never be bound to obey an international tribunal. Three dissenters insisted the ruling of the ICJ should now have been treated as binding law within the U.S. legal system. The majority simply held that the treaty which allowed Mexico to pursue its dispute over *Medellin's* case did not make clear it would be "self-executing" - that is, given direct, binding effect within the U.S. legal system. Even the majority acknowledged that some treaties could operate this way, so long as language in the treaty (confirmed or not contracted by the U.S. ratification resolution) indicated an intention to give it direct effect in domestic law. Will the Convention on the Law of the Sea work this way? Justice John Paul Stevens, in a concurring opinion, pointed to provisions in UNCLOS which, he said, clearly indicated decisions of the Law of the Sea tribunal must be treated as binding by U.S. courts. No other justice challenged that claim. The matter is still uncertain, but *Medellin* suggests a majority of justices may already be ready to treat decisions of international courts or arbitration panels as binding authority for U.S. courts.

1st is conflict.

NBC in 2018 continues that, the risk of miscalculation and armed conflict has risen in the South China Sea as a stronger China is now able to challenge the US. **The National Interest in 2017** further writes that conflict in the South China Sea will kill millions.

<https://foreignpolicy.com/2017/03/24/oil-companies-cool-on-arctic-drilling-trump-wants-it-anyway-energy-alaska-environment/>

“Shale is more accessible and is going to come ahead of the Arctic,” said Bud Coote of the Atlantic Council, formerly a CIA energy analyst. When oil companies like Shell did venture to the waters off Alaska several years ago, oil went for more than \$100 a barrel. That made all the extra costs involved in drilling at the edge of the earth a bit more bearable. “I think it has to be back up in that range” for companies to head north again, he told **Foreign Policy**. Yet crude has hovered around \$50 a barrel since late 2014. Big oil gave up on some **\$2.5 billion** in drilling rights in the U.S. Arctic in 2016; expensive plays as oil prices dropped just weren’t worth the cost anymore. “High-cost frontiers,” like the Arctic “will be shunned,” energy intelligence firm Wood Mackenzie **said** in December last year.

The **Washington Quarterly** in 2018 reports that in the status quo as China increases its assertiveness in the Pacific, the risk of conflict with the US grows in probability

[Ashfaw, Sarah. "Something for Everyone: Why the United States should Ratify the Law of the Sea Treaty ." Journal of Transnational Law and Policy. Vol. 19, No. 2 \(Spring 2010\)](#)

Additionally, ratification of the Convention will soften the United States’ image and signal much needed goodwill to the international community.¹¹⁰ It has been noted that “[a]nti-Americanism has increased in recent years, and the U.S.’ soft power—its ability to attract others by the legitimacy of U.S. policies and the values that underlie them—is in decline as a result.”¹¹¹ Commitment to the Convention, which engages much of the international community, would be emphasized by U.S. ratification.¹¹² It also allows other states to place their trust in the U.S. and thus its actions on the seas. This is essential for the United States to maintain its legitimacy and ultimate leverage in the international arena.¹¹³

The Washington Quarterly in 2018 reports that in the status quo “the risk of conflict with the US...will grow in probability, as China’s strength and assertiveness increases in the Western Pacific.” NBC in 2018 continues that, “The risk of "miscalculation" and armed conflict have risen in the South China Sea with a militarily stronger China now able to challenge the US.”

Fortunately accession to UNCLOS would foster a multilateral approach to fight back Chinese expansion in the South China Sea **by sending a signal to our allies.**

In the status quo, countries hold the perception that the United States is looking to break away from international institutions and reject any notion of multilateral dialogue. This is symbolized by the US leaving key treaties such as the Paris Accords and the UN Human Rights Council. Specifically, our non-party status to UNCLOS gives the perception the US is not committed to a rules-based international order.

Moore from the University of Virginia warrants that,

United States allies, almost all of whom are parties to the Convention, would welcome U.S. adherence as a sign of a more effective United States foreign policy. For some years I have chaired the United Nations Advisory Panel of the Amerasinghe Memorial Fellowship on the Law of the Sea in which the participants on the Committee are Permanent Representatives to the United Nations from many countries. Every year our friends and allies ask when we will ratify the Convention, and they express to me their puzzlement as to why we have not acted sooner. In my work around the world in the oceans area I hear this over and over – our friends and allies with powerful common interests in the oceans are astounded and disheartened by the unilateral disengagement from oceans affairs that ^{our non-adherence} [not joining UNCLOS] represents.

Isolationism is not a strategy for victory against terrorism. The threat is global and our engagement must be global. That inevitably means that we must enhance our ability to influence other nations and to multiply United States actions through cooperative actions worldwide. If our country is viewed as simply turning inward and being unwilling to participate internationally despite agreements in which we have clearly served our interests, we will not facilitate such needed assistance from others.

US NAVAL THINGGY

The United States depends on support from ASEAN members to maintain effective operations in the South China Sea, so its responses to China must respect regional interests and concerns. While the United States is seen by the member states as a friend, they also know that U.S. interests are at times different from their own. The United States cannot take their support for granted. To do so may not just weaken joint responses to Chinese aggressiveness; it may put other multilateral maritime initiatives at risk, such as the Proliferation Security Initiative and anti-piracy resolutions in the U.N. Security Council.

ASEAN member states must be assured that the United States will provide a balance to growing power without becoming a threat to their interests. The United States can make this clear by emphasizing that its actions will conform with UNCLOS. As long as U.S. actions are compatible

with and in support of the convention, ASEAN states will feel secure in U.S. maritime activities in their region, and China will know that there are limits that bind U.S. activities in the region.

While the credibility of the U.S. commitment to the convention is currently undercut by the country's non-party status, this can be overcome by completing the effort of the previous administration to secure the advice and consent of the Senate to join the convention and then submit its ratification

Caitlyn L. Antrim and Captain George Galdorisi, U.S. Navy (Retired). "[*Creeping Jurisdiction Must Stop*](#)." [U.S. Naval Institute Proceedings](#). (April 1, 2011) [[More](#)]

As a result, if the US is viewed as unwilling to participate internationally, then other countries will hesitate to cooperate with us in the future.

However, Affirming and thus ratifying UNCLOS uniquely solves, as Johnson of the Diplomat in 2016 writes that from a rule of law standpoint,

From a rule of law standpoint, by signing [on to] UNCLOS America will signify its [America's] position as a country that values, respects, and upholds a rules-based international order. It [as it] reinforces [the United States] our stance that a "force of arms should not be our only national security instrument" (to quote retired U.S. Army Gen. Martin Dempsey). It illustrates that we are willing to sit at the same table with our allies and with those we may disagree. It gives a mechanism beyond force to settle differences between sovereign states without infringing on sovereignty itself.

This increases other countries' incentive to work with the US as they now view us as a partner who upholds the same international standards they are trying to uphold in UNCLOS against China.

In conclusion, Kyouck of the Wall Street Journal observes,

Kyouk, 7-17, 18, Wall Street Journal, China Is Winning in the South China Sea, Ms. Kuok is an associate fellow at the International Institute for Strategic Studies-Asia and a senior research fellow at the Centre for Rising Powers, University of Cambridge, <https://www.wsj.com/articles/china-is-winning-in-the-south-china-sea-1531868329>

The U.S. still has a chance to turn things around. It must coordinate a regional and international effort to insist that Beijing abides by international law. Coastal states must be supported in standing up to any incursions into their exclusive economic zones, including through coastal state-initiated legal action. There must also be greater pushback against Beijing's claims that China is entitled to do as it likes on its own territory. In all of this, [by] the U.S. will have greater credibility if it finally acced[ing] es to the Convention on the Law of the Sea. These efforts will be critical to defend a rules-based order against China's bid for hegemony in the region.

Overall, Multilateralism is the key to stopping China, as

[Townshend of the Guardian](#) in 2015 writes that a coordinated response,

Beijing calculates that Washington will not risk a confrontation over the tiny islands, thus it does not take America's threats very seriously. The US has made clear that it won't accept China's militarisation of the South China Sea, but it's short on options to stop Beijing without triggering a conflict. And while the US

Navy has spearheaded calls to sail warships within 12 miles of the islands on freedom of navigation operations, even this won't ensure that China's outposts remain peaceful. In fact, such actions may provoke Beijing to step up the deployment of military forces, raising the spectre of a more contested and volatile strategic environment. The key to dissuading China from militarising its outposts is to identify stakes that are important to Beijing and impose credible costs in these areas in a coordinated way. Targeting China's international reputation is a good place to start. Despite popular misconceptions, Beijing is actually extremely concerned about maintaining a positive image. It knows that being viewed as a pariah could bolster international moves to counter its strategic, political and economic weight. Aside from complicating its ascendancy in Asia, this would undermine China's lucrative relations with Europe, the Americas and many international organisations. Diplomatic efforts that paint China as a rule-breaker may thus have some impact in shaping its behaviour. Right now, the US is conspicuously alone in directly criticising China's actions in the South China Sea. Respected global bodies – like the European Union or the Group of Seven – and coalitions of responsible regional players – like Australia, New Zealand and possibly Singapore – should also explicitly call out China's island militarisation as illegitimate and destabilising. This would signal that a threshold had been crossed in the world's tolerance of China. Moreover, their neutrality and widespread international respect would inject a new level of legitimacy into US-led criticism, making it harder for Beijing to dodge the reputational fallout.

Thus, we affirm

A/T Why need the US in multilat.

Gates 2015

Most importantly, it is critical that the United States demonstrate an enduring commitment to the law by ratifying the UN Convention on the Law of the Sea. For too long, the Senate has allowed narrow domestic interests to overcome the broader moral and strategic obligation for the United States to play by the same rules as everyone else. Until the U.S. participates fully in the legal framework, it will have diminished credibility in dealing with states who are parties to the Convention but who refuse to abide by its terms. Once the Obama Administration completes its effort to finalize the Trans-Pacific Partnership, the Law of the Sea Convention should be its next foreign policy goal in the Senate. The United States is the only actor in the region with the power, resources, and relationships necessary to diffuse tensions and bring about an enduring solution. Above all, this solution must be grounded in international law that provides clear guidance and boundaries for all states, including the U.S. As it moves to apply its various instruments of power, the United States must demonstrate an abiding commitment to that law by couching its actions in legal terms and engaging China and its neighbors in diplomatic efforts to clarify and enforce existing law. Most importantly, however, the U.S. should start by shoring up its own legal standing by ratifying UNCLOS. Until that step occurs, China has little reason to listen to American lectures about following the rules.

Things to remember about link

A/T countries will work with us regardless because its a security interests

1. countries don't work with the US on cg because we left the paris accords same shit on UNCLOS they don't think we will work with them on upholding rules based international order because we ain't even part of the treaty
2. Then it should have happened in the status quo

A/T multilat ev before tribunal

1. Tribunal was not indicative of multilateralism. It was just the Philippines going to the international tribunal themselves
2. The aff isn't about dispute mechanisms, it's about general multilateralism

A/T soft power occurring in the status quo

US soft power efforts are ineffective in the status quo because other countries think we're hypocritical due to our hard power first stance. UNCLOS signals the shift into a rules based international order and shows how we are willing to sit at the table and discuss.

At the Shangri-La Dialogue, China's Lieutenant General He Lei derided Mattis' comments as "irresponsible" and foreign ministry spokeswoman Hua Chunying responded to Harris' remarks by saying that "those who seek and indulge in hegemony will always think that others are coveting their own hegemony". **But the new US policy is bedevilled with misconceptions, hypocrisy,**

disingenuousness and a lack of a strategic endgame. Answering questions after his speech, **Mattis said:** "We [**the US**] **firmly believe in the non-coercive aspect of how nations should get along with each other.**" This **assertion** must have been **met** with **raised eyebrows, coming from a nation that has used coercion and force to get its way in international relations.** He also said "we do not ask any country to choose between the United States and China." Perhaps he should ask Australia, the Philippines and Asean nations if that is the way they perceive US entreaties.

<https://thediplomat.com/2017/05/u-s-ratification-of-the-law-of-the-sea-convention/> = China does care about unclos cause they threatened to leave but then decided to stay which means they do have vested interest in upholding and watching over the evolution of maritime law

A/T Code of conduct

[August 23 2018 BI](#)

<https://www.bloomberg.com/quicktake/territorial-disputes>

As tensions eased in 2017, China agreed to resume longstanding talks on a code of conduct for the South China Sea, but it would be non-binding and wouldn't cover territorial claims. One thousand miles to the northeast, in the East China Sea, China is in a dispute with Japan over century-old claims to a set of islands — called the Senkakus in Japan and the Diaoyus in China — that have been administered by Japan since 1972.

<https://www.cnbc.com/2017/08/03/what-is-the-south-china-sea-code-of-conduct-and-why-does-it-matter.html>

But as expectations for an area code of conduct differ between Beijing and the Asean nations, **the road to reaching agreement on a set of principles and expectations could be bumpy** observers say. **For Beijing, a code of conduct could be a non-binding instrument that can be leveraged to improve regional trust, rather than resolve overlapping claims; Asean members, however, may have a different opinion, said Zhang Mingliang, a Southeast Asia expert at Jinan University in Guangzhou.**

But as expectations for an area code of conduct differ between Beijing and the Asean nations, the road to reaching agreement on a set of principles and expectations could be bumpy, observers say.

For Beijing, a code of conduct could be a non-binding instrument that can be leveraged to improve regional trust, rather than resolve overlapping claims; Asean members, however, may have a different opinion, said Zhang Mingliang, a Southeast Asia expert at Jinan University in Guangzhou.

UNCLOS would also greatly enhance the global leadership position of the United States in maritime affairs, an area in which the Coast Guard has long played a vital role. Many states have excessive claims with respect to baselines, historic bays, territorial seas, straits, and navigational restrictions which, in the opinion of many, are not permissible under the Convention. As a non-party, our ability to seek to roll back these excessive claims is severely inhibited. **Failure to accede to UNCLOS will materially interfere with our ability to engage with other states to improve maritime governance,** a major part of the Coast Guard's current strategy for maritime safety, security, and stewardship. **Our non-party status is an obstacle that we must overcome in developing virtually any new multilateral maritime instrument.** For example, several key states whom we want to join the Proliferation Security Initiative (PSI) often question our non-party status. Likewise, while the United States has long played a key role in the International Maritime Organization (IMO) to promote maritime safety and efficiency and to protect the marine environment, **our leadership position is being undermined by our current outsider status.**

First, the U.S. has **repeatedly emphasized** that territorial disputes should be addressed multilaterally and has repudiated efforts, led by the Chinese, to address problems with individual Southeast Asian nations. As pointed out by the **Center for New American Security**, however, American arguments in favor of multilateralism are "robbed of moral authority" when the U.S. refuse to support the most comprehensive

mechanism for multilateral resolution of maritime disputes. By not ratifying UNCLOS, American arguments regarding the region's most complex issues are all too easily left open to rhetorical attack by those opposed to multilateralism. More importantly, it betrays a dangerous ambiguity about America's commitment to opposing unilateral solutions.