

[Groves of the Heritage Foundation](#) reports that the United States is party to a number of multilateral treaties regarding the law of the sea and maritime navigation, including the SOLAS, FAL, and COLREG.

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

Contention 1: Countering China

[Tong of the University of the Pacific in 2017](#) explains that by joining UNCLOS, the United States would “make waves throughout the international community,” making an impression that will only grow over time because “we will become the leader within the Convention as soon as we enter it,” allowing us to “properly reassert” ourselves as an “influential player, relevant leader, and active participant in the affairs of the ocean.”

This matters for two reasons.

Subpoint A: Maintaining Legal Stability

UNCLOS is currently on the brink of collapse. [Nevitt of the UPenn in 2018](#) explains that thanks to China’s undermining of UNCLOS through the “continual disregard” of attempts at its enforcement, UNCLOS is now giving away to the law of “raw power and control.” In fact, [Freestone of George Washington University writes in 2013](#) that now, at least one-third of the members of UNCLOS are in breach of at least one significant provision of the treaty. This is dangerous because [Holmes of The Diplomat explains in 2014](#) that a written treaty can lose all meaning if it’s legitimacy if its opponents deliberately undermine it.

The US joining UNCLOS solves for this instability. [Hawksley of Yale Global in 2016](#) confirms that the only way to keep the precedent of unlawfulness set by China from becoming a trend is by recognizing UNCLOS with all parties, including the United States. The United States is a symbol of multilateralism and international law. [Pollack of the International Journal of Constitutional Law in 2016](#) clarifies that The United States, even if conceding that the US has violated some laws, “the general record of compliance with international law is comparatively strong.” Ratifying UNCLOS without reservations would ensure that the United States complies.

We need UNCLOS. As [Giles of OceanLaw writes in 2009](#), UNCLOS establishes provisions for sea limits, navigation, commercial use, dispute resolution, marine protection, and transportation rights. Without it, we would return to anarchy at sea. [Leary of Victoria University in 2005](#) thus concludes that without UNCLOS, we would “risk creating a case of anarchy where actions are determined by power rather than rules.”

Subpoint B: Regional Alliances

Acceding to UNCLOS helps our regional alliances by minimizing uncertainty. [The Asian Review writes in 2016](#) that the inconsistency in US foreign policy between what we say and what we do with regards to following UNCLOS concerns our regional allies, even leading to countries like the Philippines questioning the reliability of the US to the point where it is willing to pivot to China. According to [Woody of Business Insider in 2018](#), the Philippines has completed a political shift toward Beijing and is now even advocating for Chinese military outposts in the South China Sea. UNCLOS brings these allies back because [Chowdhury of the South China Morning Post explains in 2018](#) that allying with China isn't an ideal situation for countries like the Philippines, but it's a choice between a rock and a hard place.

This matters in order to prevent a great powers war. Power transition theory, according to [David Lai](#) in 2011, explains that the risk of war increases when two nations' power approaches parity. For instance, according to [The International Encyclopaedia](#) WWII was such an example when the Axis gained enough power to equal that of the Allies. China's South China Sea expansion brings us dangerously closer this point. [Salleh of the Diplomat in 2014](#) explains that China needs the allies that [the United States is losing thanks to UNCLOS] to achieve power parity with the U.S. [Leonardo concludes in 2017](#) that there is no reason why U.S. officials should assume China will peacefully rise through the international system without leveraging the power that comes with being the hegemonic nation.

Subpoint C: Renegotiations

[The Financial Times in 2016](#) explain that if the U.S. did join UNCLOS, it would overcome the "we won't join until you join" standoff with China, allowing the two countries a chance to sit down and renegotiate the treaty, especially seeing as both the US and China agree that there are flaws. She concludes that finding agreement on new rules for the world's waters would be the best way to avoid the escalation of US-China competition. This is not without precedent - there have been three international conventions on sea laws since [UNCLOS's creation](#). For example, the most recent UNCLOS resulted in significant changes to the regulation of mining and drilling. Without US accession, there is no chance of the two countries working together, as China despises the United State's non-party status to the treaty, with [Stars and Stripes in 2016](#) citing Chinese officials calling the United States out on its hypocrisy.

The impact of this is preventing conflict. [Hawksley of Yale concludes in 2016](#) that in order to avoid conflict, the "institutions of international law must be overhauled so they are recognized by all parties and rejected only as a last resort." This matters because [Heritage of Kent in 2016](#) explains that China is increasing their military aggression to assert Beijing's interpretation of freedom of navigation. The United States is responding by continuing to conduct military surveillance to establish naval primacy. The only way to prevent cyclical tension is to resolve the

disputes over what the parameters of UNCLOS are. According to [Reuters in 2014](#), just the risk of conflict has the potential to “disrupt huge flows of goods ... and even reverse the trend of global economic recovery,” [because](#) regional prosperity is contingent on peaceful trade interdependence. Furthermore, according to [Clegg of Steun in 2016](#), the situation in Asia is shaping into a full-on war between the two superpowers. Even a minor clash in the South China Sea, which carries more than half the world’s merchant shipping, would cause serious damage to the economy. → WAR SCENARIO NEEDS MORE SUPPORT

In this light, U.S. Freedom of Navigation Operations (FONOPs) in the South China Sea cannot make up for the absence of an American strategy. FONOPS neither deter China nor reassure America’s regional allies.

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

Contention 1: Climate Change

Accession to UNCLOS accelerates climate change in two ways.

Subpoint A: The Arctic

[Gardner of the American Security Project explains in 2012](#) that the US continental shelf is estimated to hold billions of barrels of oil and natural gas, but companies want legal reassurance before engaging in risky Arctic exploration as UNCLOS is the legal authority for claims beyond 200 miles of national coastlines. UNCLOS gives companies the international legal certainty that bilateral treaties can't provide.

American gas and oil drilling in the Arctic leads to climate change in two ways.

1. More oil and gas. [Adler notes for the Washington Post in 2017](#) that offshore drilling lowers the price of oil and gas, causing them to be preferred over greener alternatives. This is crucial, because the [EPA found that in 2016](#) the combustion of fossil fuels was the single largest source of CO2 emissions in the nation, accounting for 28% of U.S. greenhouse gas emissions.
2. Methane. [Gardner explains for Reuters in 2018](#) that oil and gas wells built to facilitate offshore mining leak as much methane as 2.3 percent of the country's overall natural gas output. Furthermore, the [Environmental Defense Fund notes in 2012](#) that the production, use, and delivery of natural gas also leads to methane release, which is 100 times more potent at trapping energy than CO2.

Overall, [GreenPeace finds in 2015](#) that the scenarios promoted by United States companies for Arctic exploitation will result in at least five degrees Celsius of global warming.

Subpoint B: The Corporate Claw Machine

[The USGS reports in June](#) that commercial deep sea ocean mining will be possible within five years, as evidenced by countries like Japan managing to extract ore from hydrothermal vents. [Doherty of The Guardian in 2018](#) specifically identifies that silver, gold, copper, manganese, cobalt, and zinc would be the materials mined as they are far superior in profits to land ore.

Fortunately, not being a party to UNCLOS keeps United States corporations out of the water. According to [Martin of MineralLaw in 2017](#), because the US is not a member of UNCLOS, U.S. companies cannot pursue international contracts to mine and [Timmons explains in 2012](#) that US mining companies want a clear title to their holdings before they go and mine. Before UNCLOS existed, [Pincus of the Washington Post in 1980](#) reported that U.S. corporations like Kennecott,

U.S. Steel, and Sedco were setting the stage for deep sea prospecting 800 miles south of Hawaii. Today, none of these companies are mining.

The impact is preventing the acceleration of climate change. [Shukman of the BBC reports in 2013 that hydrothermal vent mining is extremely invasive, because it “involves breaking up \[and removing\] the uppermost metre of the sea floor.”](#) [Steiner](#) of Huffington Post in 2015 furthers that mining creates plumes of sediment that will settle over thousands of square miles of seafloor and smother the organisms living there. Unfortunately, [Losada of RAMU Mine in 2018](#) explains that “most mining-induced” loss of life in the “deep sea is likely to last forever on human timescales, given the very slow natural rates of recovery in affected ecosystems.” [Oregon State explains in 2016](#) that this is dangerous because the life forms in the hydrothermal vents that would be destroyed by mining prevent 90 percent of released deep sea methane from entering the atmosphere, thus preventing a “doomsday climate event.”

[This leads Grant of PRI in 2013 to conclude that deep sea mining, when it occurs, “will probably have the largest footprint of any single human activity on the planet”](#) and [Davis of the Guardian in 2017](#) to find that ocean temperatures could rise by 4 celcius, due in part to the prospect of deep sea mining.

The overall impact of this contention is slowing climate change.

Avoiding reaching the tipping point for climate change for as long as possible is crucial as [Gilding of TheAge explains in 2018](#) that we need time to let acceptance of the reality of climate change sink in so that we can solve it, as acceptance is a psychological question, not one of science or evidence. Averting climate change is key as [Mercy Corps writes in 2018](#) that more than 1.3 billion people who rely on agricultural resources to survive that would be destroyed, making climate change a matter of “life or death”. This is why at the four degrees rise that drilling and mining are predicted to cause, the [World Bank concludes in 2014](#) that there is no certainty that the human race would ever be able to adapt.

A2 Subsidiaries

- Small corporations WANT to deep sea mine

A2 We have resources in our ECS

[Showstack of EOS in 2017](#) further confirms that ISA contracts are already out there for active hydrothermal vent mining for minerals such as iron sulfide which are unique to the vents.

A2 bridge fuel

<http://priceofoil.org/2017/11/09/burning-the-gas-bridge-fuel-myth/>

A2 \$100

Jack Ma Of The Land On May 10 2018 Said, xx-xx-xxxx, "Bank Of America: Oil Prices Could Hit \$100 Next Year," OilPrice,

<https://oilprice.com/Energy/Energy-General/Bank-Of-America-Oil-Prices-Could-Hit-100-Next-Year.html>

Strong global oil demand growth, quickly falling inventories, and geopolitical issues from Iran to Venezuela could push oil prices to as high as \$100 a barrel in 2019, Bank of America Merrill Lynch says.

Brent Crude is expected to average \$70 a barrel this year and \$75 in 2019, BofA's commodity strategists led by Francisco Blanch said in a note, as carried by Business Insider.

At 12:27 p.m. EDT on Thursday, oil prices were flat on the day, with Brent Crude at \$77.17 and WTI Crude at \$71.14.

This matters because the [National Interest explains in 2018](#) that China perceives its path to power as coming through first, economically forcing countries to ally with it, and second, incrementally bending the rules to increase its territorial claims.

UNCLOS provides this assurance in two ways.

1. Gardner continues that UNCLOS gives companies a strong legal framework to back their actions, giving them the legal certainty they need to drill.
2. [Sandalow of Brookings furthers in 2004](#) that UNCLOS delineates the outer limit of each country's continental shelf, such as off of Alaska and Maine, providing certainty for major capital investment in offshore oil and gas drilling.

Kishore Mahbubani, 12-22-2014, "How to unlock ASEAN's potential," World Economic Forum, <https://www.weforum.org/agenda/2014/12/how-to-unlock-aseans-potential/>

Nonetheless, this uneasiness reflects a central challenge facing ASEAN. From its inception, the group has fundamentally been a top-down project, driven by the region's leaders instead of its people. But, as member countries have become more democratic, solidifying public support has become increasingly important – meaning that ASEAN leaders must work to communicate the benefits of integration more effectively.

South China Morning Post, 11-13-2017, "Is China chipping away at the Asean bloc?," <https://www.scmp.com/news/china/diplomacy-defence/article/2122587/china-chipping-away-asean-bloc>

There's been a flurry of top diplomatic and military engagement between China and Myanmar, Vietnam and various other members of the Association of Southeast Asian Nations (Asean). In part, it reflects a change in tack Beijing has taken to try to dispel some of the suspicions in the region over its growing economic clout and militarisation of the South China Sea, one of the world's most important waterways.

It has done this by a combination of one-on-one diplomatic and economic support.

But diplomatic observers say that by pulling its neighbours closer, Beijing is stretching ties between other countries in the region, testing bonds within the Asean bloc on big issues like the South China Sea.

Jay Batongbacal, associate professor at the University of the Philippines College of Law, said China had repeatedly stressed the need to resolve maritime disputes through bilateral talks but was creating a network of ties that put itself at the centre of regional power.

Asean's 'landmark' South China Sea deal may not mean it will all be plain sailing in future **"It is naturally weaving a tapestry of economic and political relations revolving around itself as the common bilateral partner,"** Batongbacal said.

"Given that most Asean countries already have China as their leading trading partner, the natural concern is that in doing so Asean may be losing some or much of its centrality as its

members must then pay increasing high attention to China relations rather than the intra-Asean relations.”

Walter Pincus, 12-1-1980, "Deep Sea Mining Rules," Washington Post,

https://www.washingtonpost.com/archive/politics/1980/12/01/deep-sea-mining-rules-regulations-us-and-business-wanted/6b9b74e3-1617-42ee-b655-379418c0f537/?utm_term=.409510b28a88

Since 1964, several international consortia including such major U.S. corporations as Kennecott, U.S. Steel, Lockheed and Sedco have been prospecting under the Pacific about 800 miles south of Hawaii, looking for manganese and other valuable minerals.

Tens if not hundreds of millions of dollars have been invested, and it is believed that any group wanting to start commercial mining of the ocean floor would need at least \$1 billion. **Estimates put them three years away from even testing the collection of manganese nodules.**

No one country claims that area of the Pacific Ocean, so the **exploratory operations have been carried out under the internationally recognized doctrine of reasonable use of the high seas. Enter the age of environmentalism.**

Now laws have been passed and rules are in the works. Even the international groups that have been at work all these years face the prospect of U.S. regulation. At first glance, it looks like another example of the federal government pushing its regulatory powers to the limit, making rules to cover all deep-sea mining operations in the Pacific area or anywhere else in the world to prevent American-involved corporations from causing environmental damage to the ocean floor. But it is more complicated than that. The law Congress passed last June to prohibit U.S. citizens from exploring for mineral resources in the ocean floor without a federal license was originally promoted both by the government and by the corporations already involved in the work. The law was designed to protect the activities of the pioneer prospectors. While the National Oceanic and Atmospheric Administration (NOAA), which was given responsibility for developing rules to protect the ocean floor, is struggling with that problem, no U.S. citizen is permitted to start any new seabed exploration -- except, of course, for the ones who are already there. They were given an exemption until the licensing rules are made final. The already-exploring companies wanted the law, which established rules under which they could work and which they could take to banks from which they had to borrow money. **With it, they could prove that nothing**

unexpected would emerge from the government in Washington somewhere down the road to hurt their investments. The companies also **were fearful that somehow** Third World countries or **the**

United Nations might get into the picture. For the past eight years, an international Law of the Sea Conference has been wrestling with just such problems.

- Vested interest

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