# Kempner BS AC SeptOber ‘18

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

[**Sorokin of Berkeley**](http://berkeleytravaux.com/un-convention-law-sea-u-s-hasnt-ratified-stands-today/)defines the Convention on The Law of the Sea, or UNCLOS, as an international treaty establishing global norms governing the use of the world’s oceans.

Problems at sea are reaching the brink to explode in the status quo. [**Chaudhury of The Economic Times**](https://economictimes.indiatimes.com/news/defence/south-china-sea-emerging-as-a-dangerous-flashpoint/articleshow/65218028.cms)reports this August that China’s outright rejection of UNCLOS, blatant disregard of the norms of maritime engagement, militarization of the artificial islands, and the power projection over its much smaller and weaker neighbors has turned the South China Sea into a dangerous flashpoint. [**Dr. Taylor of Asian Pacific Affairs**](https://www.news.com.au/technology/innovation/military/a-major-new-war-is-looming-and-this-one-sits-worryingly-close-to-home/news-story/c7df5e33026348beb5ed54afd6cb706c) explains in August 2018 that this flashpoint is going through a series of individual crises that feed off and escalate one another, a similar pattern that occurred before the outbreak of both World Wars.

These can be seen right now, as [**Gates of The Diplomat in 2017**](https://thediplomat.com/2017/01/international-law-is-under-siege-in-the-south-china-sea/)writes that the absence of the rule of Law of The Sea perpetrated by China’s expansion is providing incentive for Asian nations to build up their armed forces as tensions are boiling over. This causes conflict, as[**French of Columbia in 2014**](https://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/)finds that Beijing has prepared to use military conflict to make an example of a smaller country like Vietnam or The Philippines to assure that their resistance against China is futile. For example,[**Stout of Time**](http://time.com/100417/china-vietnam-sino-vietnamese-war-south-china-sea/)finds that China’s current aggression against Vietnam mirrors the lead up to their 1980 invasion of the country, which killed 50 thousand in 6 weeks.

Moreover, this sets a dangerous precedent. [**Gehrk of The Washington Examiner**](https://www.washingtonexaminer.com/policy/defense-national-security/pentagon-predicts-military-buildup-to-counter-china-in-south-china-sea) continues that if China wins the crisis, other countries will notice and begin a race to grab theunclaimed portions of the ocean in which a system of big navies of big nations make the rules.

[**Nguyen of Texas A&M**](https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1125&context=lawreview) puts it simple. If the South China Sea dispute continues to escalate, the livelihoods of millions of people and the economies of many countries are at stake.

**Our Sole Contention is Turning the Tide**

[**Erickson of the CMTI**](https://docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf) contextualizes that the contest for East Asia is one of both power and law. Problematically, [**Mogato of Reuters**](https://www.reuters.com/article/us-usa-china-asia-analysis-idUSKBN17X1NE)points out the clear trend: as credible American Leadership is deteriorating in the status quo, East Asian nations are appeasing to China. [**Kuok**](https://www.lawfareblog.com/countering-chinas-actions-south-china-sea) **in 2018** furthers that due to concern that Washington did not have its back, Asian countries in the region have all appeased to China under pressure and have allowed them to develop in their own exclusive economic zones. **Erickson** thus concludes that acceding to UNCLOS and once again exercising leadership over the development of its rules is the first and most critical step, in combating china

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

However, American led multilateralism is especially viable now. **Erickson** reports that Asian states are desperate for active American leadership over the laws that govern legitimate international action. American accession to UNCLOS prompts action against China as [**Huock of Penn State**](http://www.virginia.edu/colp/pdf/Houck-Alone-on-Wide-Wide-Sea-2012.pdf) finds that as a party to UNCLOS, the U.S. would assume a natural leadership role of multilateral efforts and would begin facilitating coalitions. [**Yamei of the CIIS**](http://www.ciis.org.cn/english/2015-07/17/content_8081988.htm)finds that through UNCLOS, the United States can use these coalitions to counter China’s abuse.

By turning the tides of conflict, multilateralism through UNCLOS begins a step by step approach to create peace with China in three ways.

1. First, is reassuring allies. [**The University of California**](http://www.international.ucla.edu/asia/article/34734)finds that by binding itself to the outside world through multilateral treaties, the US will secure regional actors as predictable and cooperative partners against China. These states are more likely to comply rather than balance against American power because it is exercised within a framework of multilateral rules.
2. Second, is creating diplomacy. [**French of** **Columbia**](https://www.theatlantic.com/magazine/archive/2014/11/chinas-dangerous-game/380789/) writes that the more China sees a coordinated response to its military buildup, the more likely it is to turn toward diplomacy, ending their desire to expand.
3. Third, is solving disputes. [**Dutton of the CSIS**](https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/attachments/130606_Dutton_ConferencePaper.pdf) historically confirms that proper leadership and enforcement of UNCLOS drove 13 states to reduce their excessive land claims and follow the jurisdiction laid out by UNCLOS. Overall, **Hansen of The University of Iowa** quantifies that multilateralism has a 61% higher chance of working to solve disputes than one on one efforts.

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

**Because war is good for nothing, we Affirm.**