

CASE

SCS

UNCLOS tribunals are useful for resolving smaller disputes, which helps resolve border disputes between countries

Natalie Klein, 2014, "The Effectiveness of Unclos Dispute Settlement Regime: Reaching for the Stars?", The Effectiveness of International Law, https://www.istor.org/stable/10.5305/procannmeetasil.108.0359?seq=5#metadata_info_tab_contents (NK)

Everything turns in practice not on what each case involves but on how the issues are formulated. Formulate them wrongly and the case falls outside compulsory jurisdiction. Formulate the same case differently and it falls inside.xl **Perhaps the characterization of these**

disputes will be the ultimate determination for the parties and the judges in resolving these cases. It may be the case that the resolution of specific legal disputes may facilitate resolution of the broader political dispute between the parties concerned. For the purposes of deciding those legal disputes under UNCLOS, the

critical questions are whether the dispute concerns the interpretation and application of the Convention and whether any of the exceptions and limitations applies. As another unexpected case, I would include in this list the Bangladesh v. Myanmar maritime boundary delimitation to the extent that it entailed delimitation of the outer continental shelf." It may well have been assumed that this responsibility would have solely rested with the Commission on the Limits of the Continental Shelf.²² Yet ITLOS, in resolving this dispute, considered that its jurisdiction to delimit the continental shelf

The Order, as mentioned, allowed the parties to reach an agreement in their own terms regarding a variety of issues which are not only limited to land reclamation.¹⁷ In other words, it paved the way for more comprehensive cooperation, even beyond the scope of its provisional measures One may wonder what the use of third-party settlement in this case was, given that the parties had already managed to reach an agreement for a final solution of their own accord. **The answer lies in the fact that third party mechanism is**

useful to help break the initial impasse and to provide an alternative option for the parties to resolve their disputes. In fact, it is not uncommon for neighbouring States to conflict with each other in more than one issue. For countries with a history of rivalry, such as Malaysia and Singapore, the parties tend to politicize the dispute to the extent that it would be difficult to step back or compromise without third party intervention.¹⁸ In fact, Tommy Koh observed that the outcome of the Land Reclamation case helped increase Singapore's confidence in third-party dispute settlement.¹⁹ The ITLOS Order, therefore, set a favourable precedence for the use of international judicial mechanism for the countries in the region. Apart from resolving the dispute between the parties, ITLOS has also been

praised in the Land Reclamation case for ensuring that the environment was protected by reference to independent, expert advice

Ben Westcott, Cnn, 1-29-2018, "Asia under Trump: How the United States is losing the region to China," CNN, <https://www.cnn.com/2018/01/27/asia/asia-trump-us-china-intl/index.html> //DF

"(Additionally) so far China has refrained from sending any fighter aircraft to its artificial islands, but given the scale of the facilities they've built on three of these features for aircraft, it's really only a question of time," he said. "That would warrant a reaction from Southeast Asian countries ... so I think China is playing it cautious for the moment. (But) I mean if they do, what options do those countries have other than to protest?" Several countries in Southeast Asia have already started moving closer to China as US influence in the region fades, including a startling about-face by Philippines President Rodrigo Duterte in 2017.

But the country to watch as a litmus test of China's growing influence in Southeast Asia is Vietnam, Storey said, which has emerged as a surprising US ally in recent years.

In 2017, Vietnam built a closer defense and security relationship with the US while standing as perhaps the last major opposition to China in the neighboring sea. A US aircraft carrier will be visiting the country in 2018 for the first time since the Vietnam War.

Storey said any moves by Vietnam towards Beijing would be stunning.

"That would be a key indication that China is winning in the region and that Southeast Asian countries were making concessions to China," he said.

the US needs to renew its efforts to cooperate with allies in the region to build capacity and demonstrate a coordinated commitment to stand in the face of China's challenge (Ni - Conversation)

Adam Ni, 6-5-2018, "Despite strong words, the US has few options left to reverse China's gains in the South China Sea," Conversation, <http://theconversation.com/despite-strong-words-the-us-has-few-options-left-to-reverse-chinas-gains-in-the-south-china-sea-97089> (NK) China's efforts are hard to counter because it has employed an incremental approach to cementing its control in the South China Sea. None of its actions would individually justify a US military response that could escalate to war. In any case, the human and economic cost of such a conflict would be immense. **The inability of the US to respond effectively to China's moves has eroded its credibility in the region.** It has also fed a narrative that the US is not "here to stay" in Asia. If the US is serious about countering China, then Mattis' rhetoric must be followed by action. First, the US should clearly articulate its red lines to China and others on the kinds of activities that are unacceptable in the South China Sea. Then it must be willing to enforce such red lines, while being mindful of the risks. Second, **the US needs to renew its efforts to cooperate with allies in the region to build capacity and demonstrate a coordinated commitment to stand in the face of China's challenge.** Third, the US needs to deploy military capabilities in the Indo-Pacific region, such as advanced missile systems, which would reduce the military advantages gained by China through the militarisation of the South China Sea features.

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): 357-399. [[More](#) (16 quotes)]

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

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India

US - India Tension rn (Raj - Hindu Times)

Raj, 6-29-2018, "Why friction between India, US is rising when the two nations are trying to improve ties," <https://www.hindustantimes.com/india-news/amid-efforts-to-boost-india-us-relations-an-uptick-in-frictions/story-8mUfAWozbz3MbnglkVCmuJ.html>

And in a move that was bound to be cheered in New Delhi, Trump started 2018 with a blistering attack on Pakistan for its “lies and deceit” on countering terror, suspended nearly \$2 billion in security aid and pushed a global financial watchdog to place Pakistan on its list of countries that fund terrorism. **But there have been chastening developments, such as the tightening of rules applying to H-1B visas and the targeting of Indian companies that are among its heaviest users. There is also Trump’s rhetoric, when he accused India of demanding billions in exchange for committing to reduce its carbon emissions as part of the Paris climate accord, or when he first brought up India’s tariffs on Harley-Davidson motorcycles. He has continued to lash out at India publicly and privately, the most recent instance being before leaving for the G-7 summit.** This tirade and the postponement of the 2+2 dialogue, said Alyssa Ayres of the Council on Foreign Relations, “have shifted my thinking to the ‘worried’ category” to describe the state of ties between the two sides, which she oversaw as a state department official in the Obama administration.

India wants to be involved with UNCLOS (Romero - PhilStar)

Romero, philstar, 1-27-2018, "India PM backs UNCLOS, rules-based order in seas ," <https://www.philstar.com/headlines/2018/01/27/1781816/india-pm-backs-unclos-rules-based-order-seas> (NK)

NEW DELHI – **India has expressed support for a rules-based order in the seas as it called for stronger maritime cooperation with the Association of Southeast Asian Nations (ASEAN).** During the ASEAN-India Commemorative Summit plenary session last Wednesday, Indian Prime Minister Narendra Modi said maritime cooperation has been an integral part of discourse between his country and the regional bloc. “India shares ASEAN’s vision for a rules-based order for the oceans and seas. **Respect for international law, notably UNCLOS (United Nations Convention on the Law of the Sea), is critical for this.** We remain committed to work with ASEAN to enhance practical cooperation and collaboration in our shared maritime domain,” Modi told ASEAN leaders last Thursday.

Oriana Skylar, 9-13-2018, "Can India Help the United States Against China?," Lawfare, <https://www.lawfareblog.com/can-india-help-united-states-against-china> (NK)

In his November 2017 APEC Summit speech in Vietnam, President Trump outlined his administration’s Free and Open Indo-Pacific strategy, elevating the importance of the “single strategic arena” of the Indian and Pacific Oceans as part of the geopolitical competition between China and the United States. The shift is a policy response to broad U.S. government concerns regarding China’s continued expansion into the Indian Ocean through initiatives such as “One Belt, One Road,” an infrastructure investment project intended to integrate Asian markets and expand Chinese influence, and the creation of a Chinese military base in Djibouti. **One of the drivers of the strategy is to bring together like-minded democracies to defend against Chinese attempts to disrupt the international rules-based order, universal liberal values, and free access to the maritime global commons. Notably, previous U.S. presidents have also attempted to convince New Delhi to take on a more proactive role in balancing against China. The Indo-Pacific strategy elevates India’s importance to the United States as a key partner in the region and calls on New Delhi to play a larger role as “a nation that can bookend and anchor the free and open order in the Indo-Pacific region.”** The hope is that India’s active involvement will force China to divert and spread more thinly its resources, efforts, and capabilities from its eastern borders to its western borders. But whether this U.S. strategy of strengthening its relationship with India in order to impose caution on Chinese aggression works primarily depends on how China perceives this move. In a recently published article in the Journal of Strategic Studies, I demonstrate that China is not responding proportionately or enough to India’s military build-up, even along the disputed border.

Uncertainty through trump is pushing India towards China. India is not sure who they can rely on right now, as US defense commitment to the region is questionable, but they are also threatened by China (Singh - Asia Times)

(Singh), July 9, 2018, "Is India shifting the goalposts in Indo-Pacific debate?," Asia Times, <http://www.atimes.com/is-india-shifting-the-goalposts-in-indo-pacific-debate/> (NK)

Policy initiatives so far seem to follow that remit and, therefore, after achieving a Russia-China-India triangular dialogue on the Indo-Pacific, India may engage other members of Asean as well as East African countries. However, the first stop on this new journey, Beijing, is not going to be easy. India’s talk of ensuring a “free, open and inclusive” scenario and “rule-based” navigation and connectivity in the Indo-Pacific is often

interpreted by Beijing as a swipe against China's assertive policies in the South China Sea, though India has never been directly critical of Beijing's maritime policies. If anything, **the last 18 months of whimsical policies from US President Donald Trump have witnessed India's silent drift toward China and Russia. This was clearly showcased by Modi's recent "informal" summits with Xi and Russian President Vladimir Putin before he outlined his Indo-Pacific vision in his Shangri-La speech.** This speech did not even mention the South China Sea, which can be seen as a marked change from the January 2015 US-India Joint Strategic Vision for the Asia-Pacific and Indian Ocean Region, which emphasized "safeguarding maritime security and ensuring freedom of navigation and overflight throughout the region, especially in the South China Sea." Modi's Shangri-La speech focused on the need for China and India to be "sensitive to each other's interests" and policy initiatives since have alluded to this being a genuine undertaking. **Today, India surely does not wish to provoke China or Russia, especially when the US commitment to the regional security architecture remains uncertain, though India has so far managed its relations with the US with minimum disruptions.** Important questions remain as to how Beijing will respond to New Delhi's efforts to make the Indo-Pacific paradigm a reality? It is important to note that Global Times has also published some less hostile articles about China-India relations.

R2R

We affirm, resolved: the United States should accede to the United Nations Convention on the Law of the Sea.

Our sole contention is troubled waters.

The South China Sea conflict is incredibly unstable.

Blitzinger of the Asia Times reports in this June that:

The South China Sea is being increasingly dominated militarily by China at both its Eastern and Western Ends. Beijing is seeking to transform the South China Sea into a Chinese Controlled waterway and a strategic chokepoint for other countries.

America's recent callus treatment of allies has caused longtime partners to doubt our resolve. Shannon Sherwin at the Air Force writes in 2017: What credibility does the US have in making this statement or in backing the international court when it is not itself a signatory to the convention upon which this ruling is based? The US's current maritime security policy states that the US must ensure continued "freedom of the seas," "deter conflict and coercion," and "promote adherence to international law and standards," yet the US pays lip service to these statements as outsiders to the convention.

This lack of faith in American commitment breeds a willingness to align with China. Westcott of CNN Reports this year:

Uncertainty about America's commitment to the region has prompted local leaders to strengthen ties with China as US influence in the region fades.

A great example is the Philippines. Hunt of CNN furthers last may, that recently

the Philippines has pivoted toward Beijing ---- and away from the US, which, despite a mutual defense treaty, Duterte regards as an unreliable ally.

U.S. accession to the Law of the Sea is needed to reassure American allies, thereby reinforcing a stable balance of power in two ways.

First, bolstering the rule of law. Dutton 12 at the Center for New American Security writes: China also seeks to limit the right of naval powers to ensure that these frictions do not escalate into conflict. Chinese law challenges the existing international maritime order by attempting to reverse the existing balance of coastal state and international rights to operate freely in EEZs.

UNCLOS accession solves this issue. Denyer 16 writes in the Washington Post: when the United States urge China to respect a “rules-based” international system, the admonishments often come across here as insincere. Although the U.S. government says it follows UNCLOS as “customary international law,” its failure to submit itself formally to its provisions rankles many nations.

Our failure to ratify UNCLOS pushes away our allies by demonstrating our lack of commitment to regional institutions, undermining their confidence in us.

Second is Military alliances.

Freedom of navigation operations, or FONOPS are the US Navy’s practice weaving in and out of China’s Exclusive economic zone in order to display our dissatisfaction with their illegal and expansionist policies.

Andrew Erickson, professor at the U.S. Naval War College, explains in 2015: Because UNCLOS is almost universally accepted, U.S. actions would receive support from the 160 nations party to the convention allowing commanders to more aggressively assert navigational rights within the approved framework of UNCLOS.

James Kraska Furthers for Foreign Policy in 2012:

Beijing, has repeatedly challenged the legal right of the United States to maintain an offshore naval presence in the region's inner seas. the Law of the Sea protects the freedom of navigation of the United States and other countries with the imprimatur of international law.. The treaty can thus help prevent China from standing between the United States and its treaty allies Japan, South Korea, and Australia, as well as its new strategic partners, such as India and Vietnam

A more credible US military shows our allies we are more willing to defend them. Increasing our demonstrations decreases the likelihood of conflict. Johnson of the journal of International interactions writes:

A state that has an alliance that requires a high level of military coordination is 23% less likely to be the target of a militarized dispute than a state that has an alliance that requires a low level of military coordination.

For this reason: Cardin of the Diplomat writes: Joining UNCLOS would communicate that for the United States, resolution of maritime disputes in the South China Sea is not a question of being for or against any particular country or its claims, but rather for being on the side of international law, institutions and norms

Tham of the Diplomat reports this May that on the current course, as Beijing accrues naval dominance in the SCS, the rules meant to regulate its behavior are likely to matter less and less – underscoring the geopolitical truism that ‘might is right.’ there would be nothing stopping China from ‘teaching its neighbours a lesson’ – like how it taught Vietnam painful lessons during 1979

Stout of Times Magazine quantifies in 2014 that Teaching the Vietnamese a lesson turned out to be a costly affair. analysts have estimate that as many as 50,000 soldiers died during the confrontation

James Kraska, 5-16-2012, "Lost at Sea," Foreign Policy, <https://foreignpolicy.com/2012/05/16/lost-at-sea/> (NK)

Critics claim that the United States does not need to ratify the treaty because it already carries the force of customary international law.

However, this position is viewed with skepticism by U.S. allies and open defiance by potential adversaries. **Beijing, for example, has repeatedly challenged the legal right of the United States and other countries to maintain an offshore naval presence in the region's inner seas, such as the Yellow Sea and South China Sea, and China's own 200-mile exclusive economic zone.** And Chinese military power, from its advanced ballistic missile program to its quickly expanding blue-water navy, raises the possibility that the new global center of power could be controlled by China. But **the Law of the Sea protects the freedom of navigation of the United States and other countries with the imprimatur of international law.** The Convention was completed in 1982, and it establishes the right of naval forces to innocent passage in foreign territorial seas and the right to conduct all offshore military operations-including air and submarine operations beyond 12 nautical miles from the shore-all without seeking permission or providing advance notice or reports to any country. **The treaty can thus help prevent China from standing between the United States and its treaty allies Japan, South Korea, and Australia, as well as its new strategic partners, such as India and Vietnam.** Japan, for example, is the cornerstone of U.S. interests in stability and security in the region, and is home to the forward-deployed U.S. Seventh Fleet. As the importance of the Pacific theater grows, American ships and aircraft require freedom of the seas to conduct ballistic missile-defense operations against North Korea, reassure allies that the United States is engaged in the region, or respond to another major humanitarian crisis like the 2004 tsunami.

A great example is the philippines. Hunt of CNN furthers last may, that recently

Katie Hunt and David Mckenzie, Cnn, 5-18-2017, "Has China won the argument in the South China Sea?," CNN,

<https://www.cnn.com/2017/05/18/asia/china-philippines-south-china-sea/index.html> (NK)

Just under a year ago, the Philippines infuriated Beijing by winning a case at an international tribunal over disputed islands in the contested waters. Shortly after, it rejected an offer by Beijing to hold direct talks. But under President Rodrigo Duterte, who took office in June 2016, **the Philippines has pivoted toward Beijing -- seeing China as a source of much needed investment -- and away from the US, which, despite a mutual defense treaty, Duterte regards as an unreliable ally.** Chito Santa Romana, Philippine Ambassador to China, says that Manila didn't get the assurances it wanted from the US and the international community that they would support the Philippines in any conflict with China over the South China Sea. "That is why the president kept asking the US ambassador, 'are you with us or not?' He did not get a clear answer," he told CNN in an interview. "The strategic logic is very simple. Don't put your eggs in one basket."

FRONTLINES

SCS

R/T US Will Violate UNCLOS

The US has long been following all of the military procedures of UNCLOS

Houck 13 James W. Houck, 2013, "The Opportunity Costs of Ignoring the Law of Sea Convention in the Arctic," Hoover Institution: Arctic Security Initiative,

https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&context=fac_works //DF

Despite this support, UNCLOS has endured a tortured journey within the United States. President **Ronald Reagan recognized the treaty's national security value and directed the United States to operate in accord with UNCLOS, with**

the exception of the deep seabed mining provisions.⁹ President Reagan's objections to the deep seabed mining provisions were later resolved, leading President Bill Clinton to transmit the treaty to the Senate for advice and consent on October 7, 1994.¹⁰ And yet, the United States remains outside the convention. Although the Senate Foreign Relations Committee has twice voted UNCLOS favorably out of committee by wide margins, the convention has never received a full Senate vote.¹¹ The discontinuity between the national desire for an effective Arctic policy and the interminable and fractious UNCLOS debate raises a fundamental question: Does the United States' failure to join UNCLOS actually hurt U.S. interests in the Arctic? Is UNCLOS an essential foundation for U.S. Arctic policy or an unnecessary morass likely to erode U.S. sovereignty and drain vitality from U.S. investments? Moreover, given that the Arctic Council has adopted UNCLOS as its governing legal framework and that the United States is still able to participate fully in Arctic governance, would UNCLOS accession provide the United States any benefit not already available? If the United States can do everything of importance in the Arctic without joining UNCLOS, why go to the trouble?

R/T not flipping

<https://www.reuters.com/article/us-philippines-usa-defence-idUSKBN13H0UW>

Piracy

R/T Vague Definition

UNCLOS actually provides the US with the "strongest possible" legal footing, whatever that means

Rogers 12 Will Rogers [Research Associate at the Center for a New American Security], 4-2012, "Security at Sea: The Case for Ratifying the Law of the Sea Convention," Center for a New American Security, https://s3.amazonaws.com/files.cnas.org/documents/CNAS_SecurityAtSea_Rogers_0.pdf?mtime=20160906081931 //DF

Piracy threatens vital shipping routes in the Horn of Africa, the Indian Ocean and elsewhere, and the U.S. military works closely with regional partners to address this threat. LOSC signatories have a duty to interdict ships suspected of piracy anywhere beyond the territorial sea of a coastal state.¹³ The convention also enumerates the rights of states to board ships suspected of piracy and legally defines what constitutes an act of piracy, providing the United States the strongest legal footing possible in conducting its counter-piracy operations and bringing violators to justice.¹⁴ The continued failure to ratify LOSC will not prohibit the United States from taking action against piracy. The United States conducts counterpiracy operations today despite its reluctance to ratify LOSC. The U.S. Navy and Coast Guard often execute such operations using the legal authorities granted under the 1988 Convention for the Suppression of Unlawful Acts of Violence Against the Safety of Maritime Navigation (SUA Convention) – to which the United States is a party.¹⁵ Regardless, U.S. Navy and Coast Guard officials continually argue that LOSC adds legitimacy to counter-piracy efforts. In an era of hybrid threats in the maritime domain, this added legitimacy will make it easier for the United States to cooperate with international partners in this area.

R/T No Interdictions

Still can interdict

Borgerson 09 Scott G. Borgerson, 5-2009, "The National Interest and the Law of the Sea," Council on Foreign Relations, https://cfrd8-files.cfr.org/sites/default/files/pdf/2009/04/LawoftheSea_CSR46.pdf //DF

Further, the convention secures additional important rights for warships, including U.S. Coast Guard cutters, and government-operated noncommercial ships, such as those operated by the Military Sealift Command: – Right of Visit. Warships may visit and board vessels reasonably suspected of being stateless or engaged in piracy. That right is critically important to ensure the legitimacy of many maritime security operations, including U.S. counternarcotic and antiproliferation operations, such as the Proliferation Security Initiative. – Right of Sovereign Immunity. Warships and government-operated noncommercial ships enjoy complete immunity from the jurisdiction of any state other than the flag state. The convention also provides the first concrete definitions—U.S.- preferred definitions—of a coastal state’s territorial sea, contiguous zone, and jurisdiction in the increasingly important and often contentious exclusive economic zone. The United States has previously asserted these rights and employed these definitions by relying on the protections of customary international law and the provisions of the 1958 Geneva Conventions. What makes these protections so vital to U.S. national security? Why now? What has happened to make joining the convention a national security imperative?

R/T Not in Territorial Waters

Totally legal under UNCLOS

Ashfaq 10 Sarah Ashfaq [University of Pennsylvania], 2010, “Something for Everyone: Why the United States Should Ratify the Law of the Sea Treaty”, Journal of Transnational Law & Policy https://heinonline.org/HOL/Page?handle=hein.journals/jtrnlwp19&div=14&start_page=357&collection=journals&set_as_cursor=0&men_tab=srchresults //DF

Not only does the Convention provide a clear definition of piracy and basis for capture and prosecution of pirates, it also imposes an affirmative obligation upon parties to make efforts to curtail piracy.¹⁴⁴ Critics of the Convention argue that it actually impedes the United States' ability to chase and capture pirates because a ship must cease pursuit if the ship it is chasing enters its own or a third state's territorial waters.¹⁴⁵ They assert that this provision provides pirates with a safe haven to retreat to undeterred, and that the Convention prevents non-territorial state ships from pursuing the pirates.¹⁴⁶ This is troubling largely because of the strong presence of Somali pirates.¹⁴⁷ For example, under this provision, Somali pirates can attack ships and if they risk getting captured, rush back into their own state's territorial waters where they would be safe. Somalia, a nation plagued by its own problems of lawlessness and poverty, is in no position to apprehend these criminals.¹⁴⁸ In such a circumstance, however, the United States can assert that Article 100 of Part VII of the Convention, which imposes upon member parties the duty to cooperate in the repression of piracy, gives it the authority to continue pursuit.¹⁴⁹ Somalia is a party to the Convention and where it cannot assist in apprehending and trying pirates, it must cooperate with others who can. This includes permitting states that are working to repress piracy by pursuing pirates to do so within Somalia's territorial waters.¹⁵⁰ Furthermore, a December 2008 United Nations Security Council resolution called upon states to actively assist in combating piracy off the coast of Somalia and gives them the authority to "undertake all necessary measures 'appropriate in Somalia'" in furtherance of this end for a period of one year.⁵ In April of 2010, the United Nations Security Council adopted a resolution that calls upon states to criminalize piracy under their domestic law and consider prosecution of and imprisonment of apprehended Somali pirates.¹⁵² This resolution also seeks a report from the Secretary General of the United Nations to present options for purposes of "prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia."¹⁵³ Given this

explicit guidance to counter piracy coupled with the Convention's anti-piracy provisions, criticism that the Convention would preclude apprehending pirates does not hold up.

REMs

R/T In US EEZ

There are economically significant amounts of REMs beyond our EEZ that require UNCLOS ratification

Conathan 12 Michael Conathan, 6-13-2012, "Conservatives Disregard Traditional Allies to Oppose the Law of the Sea," Think Progress

<http://thinkprogress.org/climate/2012/06/13/498060/conservatives-disregard-traditional-allies-to-oppose-the-law-of-the-sea/> //DF

And it's not just about oil and gas. Rare-earth metals are compounds integral to the production of modern devices including cell phones, hybrid cars, and even precision-guided missile systems. Currently more than 95 percent of rare-earth metals are produced in China, which has begun restricting its export. But nodules found on the deep seabed—well outside even extended continental shelves—have "economically significant" amounts of rare-earth metals, and Lockheed Martin and other companies would like to begin exploration to determine the viability of tapping this source. Access to these areas that are beyond any national claim of jurisdiction will have to be regulated by an international body—in this case, the ISA—which explains Lockheed Martin's support for U.S. ratification of the Law of the Sea. The United States has a clear choice: Agree to limited revenue sharing under the treaty and bankroll more than 93 percent of total revenue from extended continental shelf and high seas activities, or get nothing at all and lose the ability to challenge claims made by other nations.

R/T Environmental Harms

Current mining techniques are a major contributor to deforestation

Moss 18 Jacques Moss, 8-1-2018, "Renewable Energy's Deep Sea Mining Conundrum," No Publication, <https://knect365.com/energy/article/9c1b0a6e-e73e-4360-9485-adf5cf141b33/renewable-energys-deep-sea-mining-conundrum> //DF

Child labour and exploitation of workers - Amnesty International warns that many of the largest cobalt consuming companies are not doing enough to prevent the practice of child labour among their suppliers, including Microsoft, Renault, and Huawei. The conflict stricken Democratic Republic of the Congo is currently the world's largest supplier of the metal, which is a crucial component in the manufacture of the lithium ion batteries used in EV's, laptops and smartphones. The DRC, where child labour and unsafe working conditions are rife, is on track to achieve a 73% share of the cobalt market by 2023. The World Ocean Review estimates that the Pacific Ocean's Prime Crust Zone – a cobalt rich region of seabed approximately the size of Europe – may contain as much as 7.5 billion tonnes of the substance. Deforestation and destruction of land-based ecosystems: It is well understood that conventional mining operations are a significant cause of deforestation. But a 2017 study by researchers at the University of Vermont suggests that we may be underestimating their contribution. The study found that mining was directly responsible for 10% of deforestation in the Amazon basin over the

decade from 2005-2015. This was much higher than previous estimates, because 90% of these mining activities were undertaken without mining leases granted by the Brazilian government.

Deep seabed mining better for the environment (immediately) than land mining

Shukman 17 David Shukman, 4-1-2017, "Renewables' deep-sea mining conundrum," BBC News,

<https://www.bbc.com/news/science-environment-39347620> //DF

"We either dig them up from the ground and make a very large hole or dig them from the seabed and make a comparatively smaller hole. "It's a dilemma for society - nothing we do comes without a cost." Scientists are now weighing up the relative risks and merits of mining on land as opposed to on the seabed. Mines on land often require forests and villages to be cleared, overlying rocks to be removed and roads or railways to be built in order to extract ores with relatively weak concentrations of minerals. By contrast, mines on the seabed would extract far richer ores, covering a smaller area and with no immediate impact on people - but instead killing marine life wherever digging machines are deployed and potentially devastating a far wider area. One major concern is the effect of plumes of dust, stirred up by excavation of the ocean floor, spreading for long distances and smothering all life wherever it settles. To understand the implications, the expedition to Tropic Seamount conducted an experiment, the first of its kind, to mimic the effects of mining and to measure the resulting plume. Deploying from the UK research ship James Cook, a remotely operated vehicle deliberately pumped out hundreds of litres of sediment-filled water every minute while other robotic sensors were positioned downstream in the ocean current. According to Dr Murton, early results indicate that dust was hard to detect 1km away from the source of the plume, suggesting that the impact of mining could be more localised than many fear. But this comes as different disciplines within marine science are coming up with a range of perspectives on this emerging development.

Struck 18 Doug Struck, 8-13-2018, "Treasures of the Deep: Tapping a Mineral-Rich Ocean Floor," No Publication,

<https://magazine.pewtrusts.org/en/archive/summer-2018/treasures-of-the-deep-tapping-a-mineral-rich-ocean-floor> //DF

"As an engineering proposition, taking potato-sized rocks from an abyssal plain looks to be a lot less complicated than peeling off the skin of a seamount or maneuvering through hydrothermal zones," says Pew's Nugent. "And I think you'll find a consensus among the scientists that the vastness of the plain provides a more comfortable margin of error than the crowded ecosystems of seamounts and vent zones. On the other hand, the nodules on the abyssal plains can only regenerate over hundreds of million years. So you have to write conservation insurance policies tailored to regional particularities. And when in doubt, rope off giant no-mining areas." Indeed, proponents of deep-sea mining say it may well be better for the planet to collect minerals from the seafloor rather than puncture the earth on land. Land mining can leave "giant open pits, massive waste dumps, great big huge mounds of tailings," says Michael Johnston, CEO of Nautilus Minerals, which from its operations headquarters in Australia hopes to mine copper and gold off Papua New Guinea. He says as the world moves from fossil fuels to technologies like electric cars, "some of the key elements—nickel and cobalt in particular—are more common on the seafloor than the land. Undersea mining "might have a smaller ecological footprint than, say, a copper mine in the Democratic Republic of Congo," Nugent acknowledges. But, he notes, we don't know for sure. "It's not proven at all, and the more the scientists examine the abyss, they find the abyss is not so abysmal. It teems with life."

R/T Killing Phytoplankton

Non-unique: Phytoplankton are dying off left and right.

Watts 17 Sarah Watts, 12-29-2017, "Global Warming Is Putting the Ocean's Phytoplankton in Danger,"

Pacific Standard, <https://psmag.com/environment/global-warming-is-putting-phytoplankton-in-danger>

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For decades, researchers have pointed to phytoplankton as one of the planet's most valuable resources. They form the basis of the marine food chain and provide half the ocean's oxygen (while trees, shrubs, and grasses provide the other half). Hurricanes churn the ocean, bringing up nutrients like nitrogen, phosphate, and iron from the depths of the ocean and introducing them to the surface levels where plankton live. In turn, the phytoplankton bloom and spread, and marine life grows with it. But even as hurricanes are increasing and intensifying, scientists say that **phytoplankton is still in serious danger of dying out**. "Over the next 100 years, the climate will warm as greenhouses gases increase in our atmosphere," says Andrew Barton, oceanographer and associate research scholar at Princeton University. **As the climate warms, Barton says, so will the oceans—bad news for phytoplankton, since warm waters contain less oxygen, and therefore less phytoplankton, than cooler areas. Already, gradually warming ocean waters have killed off phytoplankton globally by a staggering 40 percent since 1950.** But it's not just phytoplankton death that's concerning scientists. Because phytoplankton thrive better in cooler waters, these organisms migrate to cooler patches of the ocean when other parts become too warm. In 2015, Barton and a team of fellow oceanographers tracked environmental changes like temperature and salinity to approximate where phytoplankton will migrate over the course of the next century. They predict that phytoplankton along the North Atlantic coast will migrate toward cooler waters off the coast of Greenland, lessening the food source for fish and other marine life.

Phytoplankton recover quickly because they've become highly resistant over time (need better evidence b/c this is kinda contradictory)

Schmidt 15 Charles W. Schmidt [MS, an award-winning science writer from Portland, ME, has written for Discover Magazine, Science, and Nature Medicine], 10-2015, "Going Deep: Cautious Steps toward Seabed Mining," PubMed Central (PMC), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4559946/>
//DF

"It's possible that all life on earth emerged from these hydrothermal systems," says Richard Steiner, a marine conservation biologist and consultant based in Anchorage, Alaska. "And since there are only [an estimated] five hundred to five thousand hydrothermal vent systems in the world ocean,¹³ each one averaging a square kilometer each, they're also extremely rare." Scientists point out that **SMS ecosystems evolved to recover quickly from violent disturbances. Indeed, the Solwara 1 site lies within 500 m of an active volcano** that, according to unpublished findings from Tivey and colleagues, deposited 6 million tons of fresh sediments between 2005 and 2011. However, mining has also been proposed for inactive vent sites, which may have lost some of this resiliency and thus may be likely to recover much more slowly, says Lisa Levin, a professor at the Scripps Institution of Oceanography. Scientists know little about the benthic (deep-sea) species residing in the abyssal plains, but what they're learning shows them to be highly adapted to an extreme environment, where temperatures hover just above freezing and pressures become crushing.¹⁴ Studies show much of the fauna to be limited in size, slow to mature and with low rates of metabolism, reproduction, and colonization.³

WEIGHING

EXTRAS

SCS

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There is still time to turn things around

Roughneen 18 Simon Roughneen, 6-13-2018, "Shifting US policy leaves Asian allies at sea," Nikkei Asian Review, <https://asia.nikkei.com/Spotlight/Cover-Story/Shifting-US-policy-leaves-Asian-allies-at-sea> //DF
Trump's inconsistency -- alienating and insulting America's closest allies while heaping praise on the increasingly authoritarian Xi -- has intensified doubts about overall U.S. strategy. Trump's offer to suspend U.S. joint military exercises with South Korea following his June 12 meeting with North Korea's Kim Jong Un -- a major concession if it happens -- appeared to unsettle America's regional allies. At the same time, China is using its wealth and industrial might to draw Asian countries into its economic orbit -- including some of the countries with which it has territorial disputes. Asked on June 2 if American protectionism could help China in its one of its alleged "strategic aims" -- namely "to separate the United States from its allies and partners" -- Mattis conceded that "certainly, we have had some unusual approaches -- I'll be candid with you, some unusual approaches to how we deal with these issues." According to Princeton University's Aaron Friedberg, author of a new report on U.S.-China policy, the U.S. "needs to step up diplomatic and military efforts to maintain a balance of power." Gregory Poling, director of the Asia Maritime Transparency Initiative at the Center for Strategic and International Studies, agreed that the U.S. needs to rethink its South China Sea policies. "The U.S. and the Southeast Asian claimants haven't lost yet, and it's not too late to protect their rights despite Chinese bullying, but the current U.S. policy isn't up to the challenge," he said.

REMs

UQ – Companies will mine

Uniqueness: companies see the deep seabed as profitable

Struck 18 Doug Struck, 8-13-2018, "Treasures of the Deep: Tapping a Mineral-Rich Ocean Floor," Pew Trusts, <https://magazine.pewtrusts.org/en/archive/summer-2018/treasures-of-the-deep-tapping-a-mineral-rich-ocean-floor> //DF

Companies, and countries from China to the Cook Islands, are eager to start. Last year, Japan maneuvered a robot to mine zinc a mile deep in its waters off Okinawa. A Canadian company is poised to explore the seabed off Papua New Guinea. But the big prize is in the unclaimed deep sea.

The International Seabed Authority (ISA) has approved 29 exploration contracts in international waters, and more are pending. It is busily writing rules for commercial mining; miners expect to move after the rules are finished in the next two years or so. “Many hundreds of millions of dollars are being invested around the world,” says Duncan Currie, a New Zealand lawyer and member of the Deep Sea Conservation Coalition, a group of about 70 environmental organizations. “There is no doubt companies see money that can be made.” But before mining begins on a commercial scale, Pew and other groups are urging the seabed authority to ensure that science plays a role in the guidelines for the underwater work to protect ocean life and mitigate environmental damage. “We are extremely fortunate to have this opportunity. To write the rulebook to govern an extractive activity before it begins would be a first in human history,” says Conn Nugent, who directs Pew’s seabed mining project. But it’s important to act quickly and keep pace with the burgeoning demand. “We’re only beginning to understand what’s on the bottom of the ocean,” says Nugent. As the would-be miners roll out seabed charts and plot mining grids, “the scientists are working hard to keep one step ahead. But time is short and the data are limited. Which is why the regulations have to be precautionary. And why setting aside large no-mining areas is the price to pay for our ignorance.”

Link

Link: ratification needed for exploration in the deep seabed

Martin 17 Eric Martin [Lawyer, partner at Stoel Rives LLP], 5-16-2017, "Mining the Deep Seabed for Renewable Energy," Mineral Law,

<https://www.minerallawblog.com/mining/mining-the-deep-seabed-for-renewable-energy/> //DF

On Friday the China Minmetals Corporation signed a 15-year contract with the International Seabed Authority (ISA) for exploration of polymetallic nodules on the deep seabed of the Pacific Ocean. The ISA has now executed nearly 30 exploration contracts for polymetallic nodules, polymetallic sulphides, and ferromanganese in the Atlantic, Indian, and Pacific Oceans. These materials are rich in minerals – such as cobalt, lithium, and tellurium – used to produce batteries and solar panels. Last month British scientists announced the discovery of a deposit of tellurium deep in the Atlantic Ocean sufficient to make solar panels capable of generating 65% of the United Kingdom’s electricity supply.

Created under the United Nations Convention on the Law of the Sea of 1982 (UNCLOS), the ISA regulates seabed activities occurring more than 200 miles offshore (i.e., beyond countries’ Exclusive Economic Zones). The mining part of UNCLOS (aka Part XI) was renegotiated in the early 1990s resulting in the 1994 Implementing Agreement. UNCLOS became effective later in 1994 when a 60th country (Guyana) ratified it. Over 160 countries have now ratified UNCLOS, but the United States has not. As a result, U.S. companies cannot pursue ISA contracts. U.S. companies can obtain exploration licenses for polymetallic nodules from the National Oceanic and Atmospheric Administration (NOAA) under the Deep Seabed Hard Mineral Resources Act of 1980 (DSHMRA), 30 U.S.C. §§ 1401-1473. NOAA is in the process of extending the two existing licenses, both held by Lockheed Martin, for another five years. 82 Fed. Reg. 18,613 (Apr. 20, 2017). However, according to Lockheed Martin, U.S. ratification of UNCLOS, as modified by the 1994 Implementing Agreement, must occur before at-sea exploration is feasible.

Economy Advantage

There are economically significant amounts of REMs beyond our EEZ that require UNCLOS ratification

Conathan 12 Michael Conathan, 6-13-2012, “Conservatives Disregard Traditional Allies to Oppose the Law of the Sea,” Think Progress

<http://thinkprogress.org/climate/2012/06/13/498060/conservatives-disregard-traditional-allies-to-oppose-the-law-of-the-sea/> //DF

And it’s not just about oil and gas. Rare-earth metals are compounds integral to the production of modern devices including cell phones, hybrid cars, and even precision-guided missile systems. Currently more than 95 percent of rare-earth metals are produced in China, which has begun restricting its export. But nodules found on the deep seabed—well outside even extended continental

shelves—have “economically significant” amounts of rare-earth metals, and Lockheed Martin and other companies would like to begin exploration to determine the viability of tapping this source. Access to these areas that are beyond any national claim of jurisdiction will have to be regulated by an international body—in this case, the ISA—which explains Lockheed Martin’s support for U.S. ratification of the Law of the Sea. The United States has a clear choice: Agree to limited revenue sharing under the treaty and bankroll more than 93 percent of total revenue from extended continental shelf and high seas activities, or get nothing at all and lose the ability to challenge claims made by other nations.

Moore 12 John Norton Moore [Director, Center for Oceans Law & Policy at the University of Virginia], 7-27-2012, "Restoring America's Oceans Leadership," HuffPost, https://www.huffingtonpost.com/john-norton-moore/restoring-americas-oceans_b_1712081.html //DF

Our economy is hurt when delimitation of our extended continental shelf is delayed and when legal uncertainties from non-membership prevent our oil and gas industry from exploiting the rich continental margin, especially in the Arctic. Development of resources in the Chukchi and Beaufort Seas off Alaska’s coast would create approximately 54,700 jobs per year nationwide with a \$145 billion payroll and would generate \$193 billion in federal, state and local revenue according to a study done by the University of Alaska’s Institute of Social and Economic Research. The delay in ratifying this treaty has already cost the loss of one of our four seabed mine sites, the richest in the world, and if we do not soon adhere the United States risks losing the remaining three, with billions in the strategic minerals manganese, copper, cobalt and nickel at stake. A single seabed mining operation would spur the economy with total capital purchases of close to one and a half billion dollars and would stimulate robust job creation. Further, for our nation to lose this new industry would cost millions in consumer losses and foregone tax revenues and billions in our balance of trade as the United States was forced to import rather than produce these strategic minerals. Undersea cables carry more than 95% of international Internet and telephonic transmissions. These crucial cables also transmit financial data and transactions worth trillions every day. The Convention establishes the legal underpinning for protecting and managing these cables. At a National Press Club event a spokesman for AT&T warned that not being a party places America’s crucial communication links at risk

UQ – Running Out of Renewables

Deep sea mining needed since on land resources are diminishing

Struck 18 Doug Struck, 8-13-2018, "Treasures of the Deep: Tapping a Mineral-Rich Ocean Floor," No Publication, <https://magazine.pewtrusts.org/en/archive/summer-2018/treasures-of-the-deep-tapping-a-mineral-rich-ocean-floor> //DF “There’s a couple of billion people trying to get into the middle class. It’s requiring a vast amount of new metals,” says James Hein, a veteran geologist who has been studying undersea minerals for 42 years for the U.S. Geological Survey in Santa Cruz, California. “All their new homes need metals, not only in the building itself, but in all the things you put into a home.” Many of the high-grade seams on land have been dug out, and prospectors must go deeper or to more remote places. Added to that is a surge in demand for metals for high technology, and—counterintuitively—for so-called “clean” energy. “Green tech, moving from hydrocarbons to renewable resources, is requiring a vast amount of rare metals. For some of the green technologies, there is not enough to go around” on land, says Hein. “But there is tons of it in the oceans.” Wind turbines, for example, evoke the vision of a clean, pollution-free future. But the wind-nudged turbine blades make electricity by turning powerful magnets made of rare metals. A typical 2-megawatt turbine has about 900 pounds of neodymium and dysprosium, which make magnets hundreds of times more powerful than steel magnets. The turbine also contains 6 tons of copper.

Bourzac 11 Katherine Bourzac, 4-19-2011, “The Rare-Earth Crisis,” MIT Technology Review, <https://www.technologyreview.com/s/423730/the-rare-earth-crisis/> //DF

If the supply of rare earths falls short of demand in the coming years and no substitutes that approach their performance are found, makers of hybrid and electric cars will probably try to develop new motor designs that rely on induced rather than permanent magnetism, says Eric Rask, a researcher at Argonne National Laboratory. Before joining Argonne two years ago, Rask worked on the power-train system for General Motors' electric Volt, which uses a rare-earth permanent magnet. But, he says, "the reason permanent-magnet motors are used is that their efficiency is almost always higher in the range where you use it a lot—typically you can get more torque for a given supply of current." Few experts express optimism that there will be enough rare-earth materials to sustain significant growth of clean energy technologies like electric cars and wind power, which need every possible cost and efficiency advantage to compete. "The writing is already on the wall," says Patrick Taylor, director of the Kroll Institute for Extractive Metallurgy at the Colorado School of Mines. "You want to develop this big new energy economy, but there's a limited supply and an ever-increasing demand." Asked how China gained its edge over the rest of the world, Taylor points out that most of the necessary expertise and industry began moving to that country nearly two decades ago. Back then, he adds, no one was even paying attention.

US has lots of REMs generally

Bushong 13 Steven Bushong, 6-4-2013, "Rare earths, minerals used in windpower technology, could fall into short supply," Windpower Engineering & Development, <https://www.windpowerengineering.com/business-news-projects/uncategorized/rare-earths-minerals-used-in-windpower-technology-could-fall-into-short-supply/> //DF

To address concerns of market dependence, industry, and governments are looking for ways to substitute the rarer, more expensive rare earths with less costly alternatives that have a lower supply risk. The elements neodymium, dysprosium, and samarium, found in rare earth permanent magnets, have been placed on a list of critical elements by the European Commission and the U.S. government. Leading up to 2012, there was practically no recycling of end-of-life magnets, but the issue of recycling the rare earth elements in these magnets has become a high priority issue. The Japanese government is committed to finding ways to decrease demand of rare earths from China, and has invested in rare earth projects in Vietnam and Kazakhstan to try and secure supply. The country announced a special budget in 2011 to reduce consumption and develop alternative materials, which includes projects in rare earth recycling and finding suitable substitutes for rare earths in applications such as in PMs. The U.S. has estimated rare earth reserves of more than 13 million metric tons, the largest reserve outside China and the CIS. The rare earth mine of Mountain Pass, Calif., which was reopened in 2012 after being closed for 10 years, is operated by Molycorp, and holds one of the major world reserves of rare earths. Other reserves of REOs are located primarily along the eastern seaboard of the U.S., in Florida, Georgia, and South Carolina. Rare earth minerals are also found in Wyoming, Colorado, Idaho, New Mexico, New York, and Tennessee.

The US has significant offshore reserves

Schofield 13 Clive Schofield, 2013, "New Marine Resource Opportunities, Fresh Challenges Panel 4: Emerging International Regimes to Control Environmental Impacts," University of Hawai'i Law Review, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/uhawlr35&div=28&id=&page=> //DF

Such developments illustrate the potential for such novel developments among the Pacific island States more generally. 75 Analogous interest in seabed mining, including on areas of outer continental shelf, has been expressed by states such as the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati and Palau. Some of the figures relating to potential reserves and associated potential financial benefits to these generally small developing Pacific Island nations are staggering. For example, in August 2013 it was reported that seabed mining of manganese nodules could yield "tens of billions" of dollars in earnings for the Cook Islands alone, potentially increasing gross domestic product "a hundredfold" and transforming the Cook Islands into "one of the richest in the world in terms of per capita income."⁷⁶ While such statements appear, at first glance, more than a little far-fetched, it is nonetheless clear that interest in seabed mining opportunities is sharply on the rise. Advances in deep sea resource exploration and exploitation technologies have also given rise to the prospect of accessing seabed resources not only within areas of outer continental shelf but in deeper waters and areas beyond national jurisdiction. While developments in the area are proceeding apace, notably in respect of the Clarion-Clipperton Zone in the Equatorial North Pacific Ocean and in the Central Indian Basin of the Indian Ocean,ⁿ

areas of outer continental shelf subject to national jurisdiction are likely to be particularly attractive areas for development from the perspective of the coastal states, which hold sovereign rights over these areas. Indeed, it has been estimated that the Clarion-Clipperton Zone alone holds more than 27 billion tonnes of nodules containing of the order of 7 billion tonnes of manganese, 340 million tonnes of nickel, 290 million tonnes of copper and 78 million tonnes of cobalt as well as rare earths needed for the production of many hi-tech products such as smart phones.⁷⁸ This led the International Seabed Authority's (ISA) Legal Counsel, Michael Lodge, to comment in May 2013 that "We are on the threshold of a new era of deep seabed mining."⁷⁹ While the figures suggested may appear extraordinary, there seems little doubt that interest in the exploitation of these resources will be sustained so long as commodity prices remain high. The ISA's approval of exploration plans for the development of cobalt-rich manganese crusts by Chinese and Japanese concerns during its nineteenth session in July 2013 also appears to bear out the seriousness of this interest.^{so}

Just for clarification, the CCZ is in US accessible area

PewTrusts 17 12-15-2017, "The Clarion-Clipperton Zone," Pew Trusts,

<https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2017/12/the-clarion-clipperton-zone>
//DF

The Clarion-Clipperton Zone (CCZ) spans 4.5 million square kilometers (1.7 million square miles) between Hawaii and Mexico, an abyssal plain as wide as the continental United States and punctuated by seamounts. Lying atop the muddy bottom or embedded just beneath it are trillions of potato-size polymetallic nodules. These rocklike deposits contain nickel, manganese, copper, zinc, cobalt, and other minerals. At these depths—completely dark but for occasional flashes of bioluminescence—the nodules are often the only hard substrate on a seabed of soft clay, which makes them attractive homes for creatures in need of anchor or habitat. The sediment surrounding the nodules also harbors remarkably high biodiversity. The International Seabed Authority (ISA), the organization responsible for writing the rules for mining in seabed areas beyond national jurisdictions, has awarded 16 exploration contracts to state sponsors and contractors allowing them to assess mining opportunities within the CCZ. Mining the nodules would involve scraping off the top layer of the ocean floor, separating the nodules from the mud, using a giant tube to pump them to a surface ship, and returning the water and fine particles through another tube. Many marine scientists are concerned about the potential impacts of disturbing the seabed in this manner. Nodules form over millions of years and cannot be replaced in any meaningful way.¹ And scientists are just beginning to study some of the array of species that live at these depths, from sponges and sea anemones to shrimps and octopods. Little is known about how far they range, how populations are connected, and what damage may be caused by the spread of sediment plumes and other effects of mining. Scientific monitoring of experimental dredge sites in deep-sea sediment has shown that decades after a site is disturbed, few if any communities of organisms have recovered.²

Lots of REMs near Hawaii

Jones 11 Nicola Jones, 7-3-2011, "Sea holds treasure trove of rare-earth elements : Nature News,"

Nature, <https://www.nature.com/news/2011/110703/full/news.2011.393.html> //DF

It has long been known that the ocean might provide a wealth of rare earths. Sea-floor hydrothermal vents pump out rare-earth elements dissolved in their hot fluids. And these elements and others accumulate in potato-sized lumps, called manganese nodules, on the sea floor. The elements also build up in sea-floor mud; but only a few spot measures of this source of rare-earth elements have previously been made. Kato and his colleagues set out to perform a widespread assessment of this possible resource. They looked at 2,000 samples of sediments taken from 78 sites around the Pacific, and found rare-earth concentrations as high as 0.2% of the mud in the eastern South Pacific, and 0.1% near Hawaii. That might not sound like much, but those concentrations are as high as or higher than those at one clay mine currently in operation in China, they point out. And the deposits are particularly rich in heavy rare-earth elements — the rarer and more expensive metals. Some of the deposits are more than 70 metres thick. The authors estimate that an area of 1 square kilometre around a hotspot near Hawaii could hold 25,000 tonnes of rare earths. Overall, they say, the ocean floor might hold more than the 110 million tonnes of rare earths estimated to be buried on land.

Access to REM resources key to securing a renewable future

Moss 18 Jacques Moss, 8-1-2018, "Renewable Energy's Deep Sea Mining Conundrum," No Publication, <https://knect365.com/energy/article/9c1b0a6e-e73e-4360-9485-adf5cf141b33/renewable-energys-dee-p-sea-mining-conundrum> //DF

One of the best ways to understand the nature of the energy transition is as a shift from a resource driven model of energy production to a manufacturing driven model. It's a useful description, because it demonstrates why – over the long haul – renewables are destined to win in the battle between competing energy sources. Manufactured products become progressively cheaper over time, and solar panels, wind turbines, and batteries are no different in this respect. Cost declines are partly due to greater economies of scale, and partly because the more of a product we produce, the better we get at doing so. And once a solar panel or a wind turbine has been manufactured, it continues to generate energy at very little additional cost for over two decades. An industry that relies solely on the extraction and consumption of a finite pool of resources, like the fossil fuels industry, simply won't be able to keep up. That's good news for the climate. Of course, manufacturing also needs a strong resource base to sustain it. This is particularly true of clean energy technologies, which rely on some of the world's rarest and most valuable raw materials to manufacture. As scientists discover new energy efficient semiconductors, new ultra-light composites for wind turbines, and new ways of improving battery performance, access to valuable resources is likely to become more, rather than less important for the renewable energy industry. Take into consideration this recent breakthrough made by researchers at the University of Surrey, which may make comparatively inexpensive perovskite solar cells competitive in performance terms with the crystalline silicon solar cells that currently dominate the market. Or this new supercapacitor polymer, which could cut electric car charging times down to a matter of minutes. They're neat ideas, and without access to valuable natural resources, they'll remain nothing but that. If we're going to bring off the transition to a low carbon future, we're going to need these materials, and we're going to need them in ever greater quantities. So where are they going to come from?

Current reserves are declining now

Moss 18 Jacques Moss, 8-1-2018, "Renewable Energy's Deep Sea Mining Conundrum," No Publication, <https://knect365.com/energy/article/9c1b0a6e-e73e-4360-9485-adf5cf141b33/renewable-energys-dee-p-sea-mining-conundrum> //DF

Presently, around 90% of the world's production of rare earth minerals takes place in China. It's a market the country has had cornered since the early 1990's. This has given China immense sway over the development of the renewable energy industry and over other high-tech forms of manufacturing. The geopolitical implications in a world dependent on renewables to meet the majority of its energy needs are obvious. If that concerns you, the good news is that by then we may not need to worry about a repeat of Chinese embargoes of rare earths. China's stocks are depleting quickly. According to a whitepaper released by the Chinese government in 2012, the country's reserves are likely to last only another 20 years, based on current patterns of consumption. The richest seams have already been mined, which means that the remaining reserves will be more expensive to extract. So the question remains – where are the resources needed to bring about the energy transition going to come from?

Reserves in the UK could help meet their demand for energy

Shukman 17 David Shukman, 4-1-2017, "Renewables' deep-sea mining conundrum," BBC News, <https://www.bbc.com/news/science-environment-39347620> //DF

Known as Tropic Seamount, the mountain stands about 3,000m tall – about the size of one of the middle-ranging Alpine summits – with a large plateau at its top, lying about 1,000m below the ocean surface. Using robotic submarines, researchers from the UK's National Oceanography Centre found that

the crust is dark and fine-grained and stretches in a layer roughly 4cm thick over the entire surface of the mountain. Dr Bram Murton, the leader of the expedition, told the BBC that he had been expecting to find abundant minerals on the seamount but not in such concentrations. "These crusts are astonishingly rich and that's what makes these rocks so incredibly special and valuable from a resource perspective." He has calculated that the 2,670 tonnes of tellurium on this single seamount represents one-twelfth of the world's total supply. And Dr Murton has come up with a hypothetical estimate that if the entire deposit could be extracted and used to make solar panels, it could meet 65% of the UK's electricity demand.

Joining UNCLOS supplies a critical source of rare earth minerals when we need them now

Harvey 12 Fiona Harvey, 7-31-2012, "The rare earth riches buried beneath Greenland's vast ice sheet," Guardian, <https://www.theguardian.com/environment/2012/jul/31/rare-earth-greenland> //DF

Inside every wind turbine, inside computers, phones and other high-tech equipment from medical scanners to electric cars, are materials known as "rare earths". This small group of 17 elements are in extraordinary demand – but their supply is limited, and most of the existing sources have already been snapped up by China in its quest for ever more rapid economic growth. Last month **China – which controls more than 90% of the reserves of these essential elements – warned that its supplies were**

diminishing, despite quotas to limit exports. Beijing's top officials said in a memo: "After more than 50 years of excessive mining, China's rare earth reserves have kept declining and the years of guaranteed rare earth supply have been reducing." This could spell disaster for the future of green technologies such as renewable energy and low-carbon vehicles. That is why Europe has been engaging in a strenuous bout of diplomacy with the home rule government of Greenland to allow access to the island's natural resources. According to geological estimates, below Greenland's vast ice sheet could lie enough rare earths to satisfy at least a quarter of global demand in the future. The vice-president of the European commission, Antonio Tajani, has led the push, forging an agreement with Greenland to look at joint development of some of the deposits. The agreement will extend beyond rare earths to metals such as gold and iron, and potentially to oil and gas, which are abundant in the waters around the island. "We need innovative partnerships with other countries over raw materials. Companies are pushing the commission for this - they need this to survive. Europe is not so wealthy in raw materials and needs to do better [at forming partnerships with other countries]." Tajani said rising commodity prices had created "an intrinsic incentive [to governments] to be more responsive, because companies have to pay more for their raw materials".

REMs are key to the development of renewable energy.

Than 18 Ker Than, 1-17-2018, "Critical minerals scarcity could threaten renewable energy future," Stanford Earth,

<https://earth.stanford.edu/news/critical-minerals-scarcity-could-threaten-renewable-energy-future> //DF

As population and standards of living rise in the coming decades, finding and developing sustainable sources of the critical and rare minerals crucial for modern electronics and renewable energy

technologies will be one of the "most important topics facing humanity." That was the consensus of experts from industry, government agencies, and academia speaking at a mineral resources conference held at Stanford University last month. "Due to the rapidly increasing need for mineral resources as Earth's human population continues to grow exponentially and the need to minimize the environmental and social impacts of mining, it's essential that Stanford be involved in the field of economic geology — the study of the formation, exploration, and utilization of mineral resources," said conference organizer Gordon Brown, the Dorrell William Kirby Professor of Geological Sciences at the university's School of Earth, Energy & Environmental Sciences (Stanford Earth). **Critical and rare metals — which include lithium, copper, uranium, gold, and so-called rare earth elements (REEs)** — are prized for their electronic and magnetic properties and play a crucial role in the production of modern electronics. They are important for everything from

smartphones and batteries to advanced weapons systems. Ravenous consumption of metals **Rare metals are especially vital for renewable energy technologies, such as electric cars and solar panels.** For example, a single Tesla vehicle requires about 15 pounds, or a bowling ball's worth, of lithium, and **thin, cheap solar panels need tellurium, one of the rarest elements on Earth.** Lawrence Meinert, the acting deputy associate director of the Energy and Minerals Division of the United States Geological Survey (USGS), called humanity's consumption of metals over the last century "truly mind-boggling." People now use six times more iron per person than 100 years ago, which has required iron ore production to ramp up by a factor of 26.

The development of green tech is the best way to fight climate change.

Lomborg, (Abc News), 9-29-2013, "Renewable energy technology the key to climate change," ABC Rural, <http://www.abc.net.au/news/rural/2013-09-30/renewable-energy-technology-not-emission-target/4988946> //DF

Sinking money into high-tech renewable energy technologies is the best way to reduce carbon

emissions, according to a prominent environmental economist. Bjorn Lomborg, a climate policy sceptic from the global think-tank The Copenhagen Consensus Centre, says carbon taxes and emissions targets haven't worked. Mr Lomborg says the latest report from the Intergovernmental Panel on Climate Change (IPCC) should set the stage for a new approach. "We tried (emissions reduction) with the Kyoto Protocol, we tried to get a big global agreement in Copenhagen in 2009 and it's just really hard to get people to cut their carbon emissions. "Remember we don't burn fossil fuels to annoy Al Gore, we burn them because they really power everything we like about society. **"What we have to do is find a way to make green energy so cheap that eventually everyone,** including China and India, **will want to buy it.** "So instead of these treaties where we say 'would you please burn a little less fossil fuels' we should focus on ramping up innovation so that green energy becomes so cheap that everybody wants to buy it." UN Secretary General Ban Ki Moon has called for countries to "bring strong pledges to cut emissions" to a UN Climate Summit next year which Mr Lomborg says ignores the reality of the situation. "This has been the UN's preferred solution for at least ten, maybe 20 years and I can understand they've decided they're not going to leave that (strategy). "Obviously it would be great if we could get everyone (around the world) but it's just not going to happen. "It has a significant cost for individual countries for only a tiny benefit for 100 years from now. "That's really why it's so hard to get countries to agree on this. "So why keep repeating the same pattern and make pledges that we don't keep, why not pledge to invest in renewables. "Our research shows that **for every dollar you invest in green technology development, you save \$11 in climate damage.**" Bjorn Lomborg says the emphasis needs to be on new, not existing technologies

Rogers 12 Will Rogers [Research Associate at the Center for a New American Security], 4-2012, "Security at Sea

The Case for Ratifying the Law of the Sea Convention," Center for a New American Security, https://s3.amazonaws.com/files.cnas.org/documents/CNAS_SecurityAtSea_Rogers_0.pdf?mtime=20160906081931 //DF

Seabed mining, in the Arctic and elsewhere, is also becoming an important strategic interest for the United States. **U.S. companies increasingly seek to engage in seabed mining for minerals such as rare earth elements** and cobalt that are critical to the broad U.S. economy and used in producing defense assets. **However, as long as the United States remains outside the international legal protections afforded by LOSC, the private sector remains hesitant to invest in seabed mining** – investments that would reduce U.S. vulnerabilities to external pressure and supply disruption. Indeed, since few suppliers provide such minerals and they are prone to intentional or unintentional disruptions and price spikes, increasing U.S. production will help prevent suppliers from exerting political and economic leverage over the United States and its allies.²²