### 1NC---OFF

#### Long-term economic goals necessitate uncontested deep-sea mining dominance.

**Smith ‘12/16** [Ben Smith, 12/16/24, "China View: Is Deep-Sea Scoping Key To Green Tech Transition? — Modern Treatise", Modern Treatise, https://www.moderntreatise.com/asia-pacific/2024/12/16/china-view-is-deep-sea-scoping-key-to-green-tech-transition-nbsp] rosh

China’s economic and development plans require an ample supply of natural resources and deep-sea mining has the potential to provide a sizable amount. The country currently relies on importing critical minerals and metals from countries such as Namibia, Zimbabwe, and the Democratic Republic of Congo. The government views these seabed resources as means to enhance the country’s “role in mineral supply chains and production”, which would help meet the growing demand for these resources. Investment in the research and deployment of deep-sea mining technologies are also useful for military applications. For example, deep-sea exploration can provide critical information advantages in undersea and anti-submarine warfare. Many deep-sea mining technologies can also be repurposed for intelligence, surveillance, and reconnaissance missions. The 12th (2011-2015) and 13th (2016-2020) Five-Year Plans further prioritized deep-sea development, exploration, and research.

In 2016, a law was adopted to standardize and incentivize Chinese contractors’ activities concerning the exploration and extraction of deep seabed resources. The Deep-Sea Mining Law outlined regulations dictating how Chinese companies and organizations could obtain permission to mine. This law also aimed to “boost deep-sea scientific and technological research and protect the ocean by regulating resource-exploration activities under the country’s sponsorship”. Additionally, the government’s investment in the field has pushed local companies to expand their deep-sea exploration activities. As a result, Chinese companies who have dominated the mining and processing of critical minerals on land are now investing in the ocean too.

Currently, two Chinese state-owned corporations, China Minmetals and Beijing Pioneer Hi-Tech Development Corporation, are preparing to test deep-sea mining equipment in the Pacific Ocean in 2025. In 2024, the Kaituo 2 deep-sea mining vehicle completed sea trials at depths exceeding 4,000 meters and has garnered acclaim for its capabilities. “The vehicle's explorations set six records in the field of deep-sea mining in China, with technological performance reaching the leading domestic and advanced international levels”. The vehicle also demonstrated powerful underwater rock drilling and collection capabilities. In the same year, Xi Jinping announced that the first domestically designed and built deep-ocean drilling vessel, the Mengxiang, was commissioned. These recent advancements exemplify the country’s progress in strengthening its marine sectors and showcases the country’s development and technological capacity.

Expanding deep-sea mining activities has the potential to provide another source of high demand metals and minerals needed to produce greener and more sustainable technologies. China has become a leader in refining minerals such as lithium and cobalt, with an estimated share of global supply reaching 72% and 68% in 2022. The country’s ability to refine and utilize these raw materials has helped boost its domestic production, which contributed to “more than half of the electric vehicles sold worldwide in 2023, has 60% of the global manufacturing capacity for wind turbines, and controls at least 80% of each stage in the solar panel supply chain”. Continued expansion in deep-sea mining would aid in fueling the country’s economic and manufacturing goals. However, there is uncertainty associated with deep-sea mining and the unknown effects it may have on marine environments.

#### The plan reverses that. CCP leaders have placed ‘major bets’ on it.

**TGC ’24** [The Global Calcuttan, August 1, 2024 · Leave A Comment, 8-1-2024, "Deep Sea Mining: China’s Key to World Domination", TGC, https://theglobalcalcuttan.com/deep-sea-mining-offers-china-key-to-world-domination/] rosh

There are still no international rules for the nascent deep-sea mining industry, which is only now forming to exploit the untold wealth of the international seabed, comprising of an immense area beyond national jurisdiction.

China has been aggressively positioning itself to take on the role of central rule-maker in this realm. According to the caragieendowment.org, “as a party to the United Nations Convention on the Law of the Sea (UNCLOS), China has worked for decades to shape the broader law of the sea from within the treaty regime. From its position within the UNCLOS framework, China’s leaders have subsequently placed major bets on the strategic and economic value of the deep seabed. Meanwhile, America is not an UNCLOS member. On the deep seabed, as on so many other vital maritime issues, the United States sits on sidelines of the “rules-based international order” it professes to lead.”

Indeed, China is the only heavyweight in multilateral negotiations to set new rules for extraction of deep-seabed minerals. Beijing’s strength is especially clear at the International Seabed Authority (ISA), the UNCLOS body based in Kingston, Jamaica, charged with regulating the establishment and conduct of deep-seabed mining activities.

#### Xi’s legitimacy relies on historical rights over the SCS for legitimacy—UNCLOS ratification causes breakdown and escalation.

Galvin '17 — Dominic Eggel and Marc Galvin, 2017, The South China Sea and National Identity Making%%page%%, Global Challenges, https://globalchallenges.ch/issue/1/a-sea-at-the-heart-of-chinese-national-interest/, a.loui

Chinese territorial and maritime claims over large swaths of the South China Sea are based not only on economic and security considerations, but also on national identity making and the renewal of China’s past grandeur, which today is taking the form of President Xi Jinping’s vision of the “China dream” (Zhōngguó mèng). This term has become popular since 2013. It describes a set of personal and national ideals related to the rejuvenation of the country, including restoring the glory of the ancient times, when China presided over a Sino-centric order in East Asia.

This explains the fundamental Sino-Western division over the application of international law and legal agreements (such as the UN Convention on the Law of the Sea – UNCLOS) to sovereignty disputes. The latter are viewed by Chinese leaders and the public opinion alike as “domestic” issues and not something over which other claimant states – and even less so the international community – should have a say.

The Political Use of History

In 2000, the Chinese Ministry of Foreign Affairs released a document on “Evidence to Support China’s Sovereignty over Nansha (Spratly) Islands” where it was stated that “China was the first to discover, name, develop, conduct economic activities on and exercise jurisdiction of the Nansha Islands”. The document uses medieval and even ancient texts – going back as far as to the East Han Dynasty (AD 23–220) – to demonstrate that the Chinese people – i.e. the explorers, soldiers, traders, fishermen – made the South China Sea “an inalienable part of Chinese territory”.

This was reiterated in the “Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines” released on 7 December 2014. The document maintains that “Chinese activities in the South China Sea date back over 2,000 years ago”, with China being “the first country to discover, name, explore and exploit the resources of the South China Sea islands and the first to continuously exercise sovereign powers over them”. To further back up this argument, the Chinese government claims that maps of the South China Sea islands were published throughout the Ming and Qing dynasties, including in navigational charts drawn up by China’s thirteenth century admiral and explorer Zheng He.

Seen from this perspective, Chinese territorial and maritime claims in the South China Sea are inextricably linked to China’s identity storyline. Chinese territorial and maritime claims in the South China Sea are inextricably linked to China’s identity storyline. In the December 2014 position paper, it is stated that “China believes that the nature and maritime entitlements of certain maritime features in the South China Sea cannot be considered in isolation from the issue of sovereignty”. In the last years there have been a number of semi-official declarations by Chinese policymakers and senior officials of the People’s Liberation Army which have asserted that the islands, shoals and waters in the South China Sea are now a “core national interest”, alongside Tibet and Taiwan. This is much more than a Chinese version of the United States’ nineteenth century’s Monroe Doctrine since it touches to the very heart of China’s national identity. For instance, in geography classes across the country, Chinese schoolchildren study maps of China’s territory including the entire South China Sea, where the nine-dash line is clearly marked out.

The so-called nine-, ten-, but also eleven-dash lines indicate the area that China considers it has sovereignty over. In 2009, the Chinese government circulated a nine-dash map through a set of notes verbales to the United Nations, taking inspiration from an eleven-dash line map published by the Nationalist Government of the Republic of China in 1947. This map, in turn, was seen to follow a map published by the Republic of China’s Land and Water Maps Inspection Committee in 1935. In these maps, the geographical extent of the area claimed by Beijing includes the islands, banks and shoals as well as the surrounding waters of the Paracels, the Spratlys, Scarborough Shoal and Macclesfield Bank, and the Pratas – known in China as the Xisha, Nansha, Zongsha and Dongsha archipelagos respectively – all the way down to James Shoal – also known as Zengmu Ansha reef – as its southernmost tip, 1,800 miles away from mainland China.

In Chinese eyes, the hundreds of islands, islets, sandbanks, rocks, and shoals – also referred to as “maritime features” – throughout the South China Sea region constitute an indivisible part of China’s historical territory. Therefore – and despite these maps’ apparent focus on maritime delineation – China’s claims emphasise its sovereignty over territorial “features” (i.e. islands) within the area demarcated by the dashed lines. It follows that the overlapping claims, and alternative interpretations, by other countries in the region – in particular Brunei, Malaysia, the Philippines, Taiwan and Vietnam – are not recognised by the Chinese authorities. The hardline approach taken by the Chinese Communist Party (CCP) finds support among Chinese public opinion, which has come to view Beijing’s construction of artificial islands as perfectly within its rights since it occurs within Chinese territory. The overwhelming view in China is that these are “our islands”.

Chinese assertiveness in the South China Sea has increased after President Xi Jinping’s accession to power in 2012. As the weakening economy has eroded some of the CCP’s legitimacy, a more muscular foreign policy is considered instrumental for maintaining the “mandate of heaven” (i.e. the idea that there could be only one legitimate ruler of China at a time, and that this ruler had the blessing of the gods). It thus becomes essential for the CCP to show that it is able to cater to the Chinese people’s well-being and its growing aspirations, using force, if necessary, to ensure that China’s strategic economic interests and territorial ambitions in the South China Sea are safeguarded.

A Sea at the Heart of China’s Economic Development

China’s claims reach well within the 200-nautical-mile limit of several other nations’ exclusive economic zones. In the case of Malaysia and Brunei, for instance, the nine-dash line even reaches operating oil and gas fields, suggesting that China might one day think about seizing them for its own use. As the world’s largest importer of crude oil, China brings to its shores and borders around 7.5 million barrels a day, or 2.7 billion barrels a year. Around 70% of China’s oil imports, which are now over half of all consumption, come from the Persian Gulf and Africa and so reach the mainland through the South China Sea. Moreover, 82% of the country’s maritime imports follow the same route. For Beijing, the control of these sea lanes is thus a matter of national security, also because a rival power – i.e. the United States – or a coalition of surrounding countries could easily enforce a blockade of, for instance, the Malacca Straits, thus putting the Chinese economy to its knees, and hence shatter the legitimacy of the CCP. These fears have increased since the announcement of the US pivot to Asia in 2011 and the establishment of US-led Freedom of Navigation Operations (FONOPs). To counter what it perceives as an “encirclement” by the United States and its Asian allies, Beijing has augmented its military capabilities considerably.

The pace of Beijing’s navy modernisation has been staggering. In the last years, it has commissioned more than 30 modern conventional submarines, 14 destroyers, 22 frigates and about 26 corvettes, assets that are supported by satellites, radars, air defence systems, ballistic missiles and cyber capabilities. Although China’s military development is changing the maritime balance of power, it is likely that the United States will remain the strongest naval power in Asia for the foreseeable future. This has not, however, prevented China from being particularly aggressive in the South China Sea, building artificial islands, installing military facilities, drilling for oil and gas, and chasing off the boats of its Southeast Asian neighbours from waters UNCLOS – and the Arbitral Tribunal – says they can operate in. While in Western eyes these activities are a form of “territorial occupation”, for the Chinese authorities they are pieces of a long-term plan aimed at strategic positioning. They can be seen as an application in the South China Sea of the basic precepts of China’s strategy board game wei qi (also known in the West by its Japanese name, go).

Playing Wei Qi in the South China Sea

Wei qi is a game of surrounding pieces. It implies a concept of strategic encirclement through protracted “campaigns“ and “initiatives”. The wei qi player seeks relative advantage which requires a constant re-assessment of not only the pieces on the board, but also the reinforcements that the adversary is in a position to deploy. To be able to win, a wei qi player needs thus to move into “empty” spaces on the board – i.e. unoccupied islands and reefs in the South China Sea – to gradually mitigate the strategic potential of his opponent’s pieces – i.e. the United States and its Asian allies.

An enactment of the wei qi board game was in full display in summer 2016. In July, after more than three years of deliberation, the tribunal of the PCA in The Hague rendered the award in the arbitration between the Philippines and China, making it clear that China’s claims to extensive historic rights to maritime areas within the so-called “nine-dash line” is incompatible with UNCLOS and therefore illegitimate. The tribunal also underscored that none of the land features claimed by China qualify as an “island”, which would in turn warrant the claiming of an exclusive economic zone under UNCLOS.

China strongly condemned the verdict, declaring it null and void, and questioned the legality of the tribunal itself, preparing thus the ground for further escalation of tensions in the area. China’s refusal to recognise the tribunal’s ruling has prompted other claimants to reinforce their actions and the United States to intensify its Freedom of Navigation Operations (FONOPs) to deter China from adopting even more confrontational policies in the future, such as declaring an Air Defence Identification Zone (ADIZ).

Following the last US-led FONOPs in the Spratly Islands, the Chinese Ministry of Foreign Affairs issued a declaration stressing that the US Navy had “illegally entered waters near relevant islands and reefs of China’s Nansha Islands without the permission of the Chinese government“, adding that Beijing “has stressed on many occasions that China has indisputable sovereignty over the Nansha Islands and their adjacent waters. China’s sovereignty and relevant rights over the South China Sea have been formed over the long course of history.”

In conclusion, the West should not put too many hopes on international law, including UNCLOS. Instead, it should learn more about Chinese strategic thinking so as to be able to better confront Beijing. A wei qi contest is currently underway in the South China Sea. This is a game where Western rules do not apply.

#### Chinese instability cascades into global decline and guarantees US-China war.

Weichert 23 - [Brandon Weichert is a Defense Contributor at The National Interest, “What Happens If China Collapses?”, Indian Strategic Studies, https://www.strategicstudyindia.com/2023/10/what-happens-if-china-collapses.html, October 4, 2023] BSon

China’s State Capitalist Model: Part Strength, Part Weakness

Yet, that highly centralized model is susceptible to collapse. Whereas the American economy – until very recently – was highly decentralized, and risk was spread out, China’s economy, while being more decentralized than it was under Mao, is still far more centralized today than Western economies.

That means when there are economic headwinds afflicting the nation, as there always are in any country, political stability is threatened.

In the case of China, a country with a large, and growing, nuclear weapons capability – as well as other forms of weapons of mass destruction – instability is very bad.

China’s current ruler, the autocratic President Xi Jinping, has taken more power for himself than any Chinese leader since Mao. Under these conditions, he gets all the credit when things go well.

When they go badly, as they have in China since 2019, Xi gets the blame. In turn, Xi has had to increase his political power even more to prevent himself from being overthrown.

To distract his people from his own failures, then, Xi is increasingly belligerent with his neighbors—especially Taiwan. It is logical to assume that the more the Chinese economy collapses, the more likely it is that China will risk war with its neighbors.

Beyond that, though, if things get really bad in China for Xi Jinping, he could be ousted by a rival cadre of CCP leaders.

This could mean a far more competent Chinese Communist leader takes charge.

Or, as happened at the end of the Qing Dynasty, various factions could arise following Xi’s ouster, basically creating a multi-sided civil war. Now, imagine China’s disastrous Warlord Period, but with nukes and a whole arsenal of WMDs on the loose.

That could be more dangerous for the United States than whatever it faces from the current regime in China.

China’s New Warlord Era

A total collapse of China in the near term, even with many Western firms reducing their exposure to China’s economy, would also collapse the global economy. It would precipitate the largest global recession—possibly even a depression—in decades.

Everything would be affected, too, since so many essential products come from Chinese factories, which would shut down during any possible Chinese regime collapse. After all, it has been estimated that $560 billion worth of products come from China annually.

And that’s just the tip of the trade spear.

The Trump Administration rightly attempted to reduce America’s reliance on China for trade goods, precisely because of the instability inherent in the Chinese Communist system. Yet, America’s self-described elite refused to countenance any changes to the U.S.-China trade relationship.

Because of that intransigence, should China’s house of cards economy truly collapse, the American people will be severely harmed.

No One is Prepared in Washington

Regardless, U.S. strategists need to be prepared for the real possibility that China’s economic collapse will yield an even bigger political implosion. That, in turn, could lead to the balkanization of China—at least for a period of time, as what happened during the Warlord Era in the early twentieth century.

And this time, with so many advanced weapons systems lying around for China’s new would-be warlords to lay claim to, the United States might find itself in the crosshairs of any of these well-armed, uninhibited post-CCP warlords.

No one in the Pentagon is planning for these contingencies. While there’s still a wide chasm between that eventuality and what’s happening in China now, there exists today, with events happening as they are in China, the greater possibility that such a maw will soon be bridged. China could implode.

## Case --- Naval Strength

### 1NC---Solvency

#### UNCLOS empirically means nothing to them. They literally said the ruling was ‘an invalid waste of paper’.

Robert Delaney 1-4-**24**, Robert Delaney is the Post’s North America bureau chief. He spent 11 years in China as a language student and correspondent for Dow Jones Newswires and Bloomberg, and continued covering the country as a correspondent and an academic after leaving, "Why won’t the US, wary of China’s ambitions in the South China Sea, join a UN agreement on ocean rights?”, South China Morning Post, https://www.scmp.com/news/china/article/3247072/why-wont-us-wary-chinas-ambitions-south-china-sea-join-un-agreement-ocean-rights

The 2016 ruling had seemed to settle a dispute between China and the Philippines over which side had rights to fish around Scarborough Shoal, some 220km (120 nautical miles) off the coast of the Philippines’ largest island of Luzon.

It also struck at the heart of Beijing’s efforts to ring-fence a huge portion of the ocean for its own military outposts, fishing fleets and exploration rigs.

“There is no legal basis for China to claim historic rights to resources within the sea areas falling within the [‘nine-dash line’](https://archive.is/o/ODzBZ/https:/www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so),” the ruling stated, referring to the country’s ambiguous claims over roughly 90 per cent of the South China Sea.

The tribunal further ruled that China’s reefs and holdings in the Spratly Islands, including Taiping Island, were “legally ‘rocks’ that do not generate an exclusive economic zone [of 200 nautical miles] or continental shelf”.

Beijing quickly dismissed the ruling, and in the years since has clashed with neighbours including the Philippines and [Vietnam](https://archive.is/o/ODzBZ/https:/www.scmp.com/topics/vietnam) over territorial rights in the area.

As these run-ins began straining China’s ties in the region, then-foreign ministry spokesman Zhao Lijian called the ruling [“an invalid waste of paper”](https://archive.is/o/ODzBZ/https:/sc.mp/9xgv).

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America’s opposition to Unclos In many of these instances, Washington has weighed in on the side of Beijing’s opponents, only to have Chinese officials deflect with a fact that, for many, undercuts the official American position: the US is one of only three UN member states to have signed but not ratified Unclos. Throughout the 1980s, several provisions that former US president Ronald Reagan’s administration opposed were largely eliminated, including the transfer of seabed-mining [technology](https://archive.is/o/ODzBZ/https:/www.scmp.com/topics/technology) to all members and production-control mandates. By 1994, during the Bill Clinton administration, the State Department determined that being left out of Unclos would work against Washington’s interests. Clinton signed the agreement and sent it to the Senate for ratification, just one month before that year’s midterm elections. Republicans won control of the Senate that year, handing the chairmanship of the chamber’s foreign relations committee to the late Jesse Helms, a strident critic of the [United Nations](https://archive.is/o/ODzBZ/https:/www.scmp.com/topics/united-nations). During Helms’s tenure, the matter did not return to the Senate, where international treaties require a two-thirds majority approval. One reality of Unclos could not be adapted to the wishes of many Republicans like Helms: dispute resolution through the [International Tribunal for the Law of the Sea](https://archive.is/o/ODzBZ/https:/www.itlos.org/en/) (Itlos). ‘Military disputes’ and the ‘cost of Unclos’ The current tribunal comprises 21 independent members elected by secret ballot, including one nominated by China. Itlos can determine, among other points, whether a dispute involves military activities, which it will not adjudicate. This can be contentious given that Washington does not consider its navy’s freedom-of-navigation operations in the South China Sea as such. However, Beijing does. American resistance to such supranational authority, particularly among Republicans, has only hardened. Washington follows a policy of Unclos compliance based on “customary international law” without official accession. This policy has worked in America’s favour for years, according to Stephen Groves of The Heritage Foundation, a conservative Washington think tank.

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“Beijing famously lost a major Unclos arbitration case to the Philippines regarding China’s chronic treaty violations in the South China Sea,” Groves said in a June 2022 commentary.

“Did China respect the arbitral tribunal’s decision and reform its behaviour? Of course not. Nor will it, regardless of US ratification.

### 1NC---Supply Chains Defense

#### They’re missing an IL. Stoffer is about mineral beds but doesn’t warrant why that’s entirely key for pandemics, food production, or energy grids.

**Key supply chains are resilient.**

Jayant **Menon 22**, PhD, Senior Fellow at the ISEAS-Yusof Ishak Institute, 7/3/2022, "Supply chains are more resilient than they appear", East Asia Forum, https://eastasiaforum.org/2022/07/03/supply-chains-are-more-resilient-than-they-appear/, rezz

The disruption to global supply chain operations is being used as a pretext to **reshore production**, but **diversifying** supply chains actually **lowers risk**. The **ongoing** **digitalisation** of global supply chains — accelerated by the COVID-19 pandemic — also increases **resilience** while reducing the cost of distance, diminishing the case for reshoring. But the reshoring prerogative is so great that it was one of many factors that drove the United States to initiate a trade war with China. Japan has also offered generous subsidies to its affiliates to return from China.

COVID-19 was a global shock that disrupted production in every country that locked down, irrespective of their global supply chain integration. But it mattered not whether the goods were produced from start to finish in one of those lockdown countries or across several of them. The more recent output disruptions may have more to do with the explosion in pent-up demand and the unevenness of the recovery that preceded the war in Ukraine, and associated sanctions on Russia, than the way goods are produced.

The **pandemic** has actually demonstrated how **resilient** global supply chains can be, with manufacturing production **bouncing back** so quickly after lockdowns were eased. This was particularly true in Southeast Asia, where trade was about 30 per cent above pre-pandemic levels by 2022 despite China’s continued lockdowns.

The vulnerability of global supply chains have been exposed **less** by **global shocks** than by country or **region-specific shocks**. The 2011 Thai floods and the 2011 Fukushima earthquake in Japan highlight how a disruption to just one segment of production reverberates throughout the supply chain, leading to a sharp contraction in final output. The China–US trade war is another country-specific shock because discriminatory tariffs are only applied to each other’s trade.

Although the bilateral tariffs of the China–US stand-off are relatively small, ranging from 10 to 25 per cent, their impact on competitiveness can be much greater. While the tariff is levied on the total value of the product, it can be completely negated by simply removing the share of value added in the tariff-targeted country.

To illustrate, the domestic value added of Chinese total manufacturing exports to the United States in 2018 was estimated to be 30 per cent. Imported inputs account for US$70 of a US$100 made-in-China shirt, while the final production processes in China add US$30. It follows that a 25 per cent tariff on the US$100 shirt is really a US$25 tax on the US$30 value added in China.

Other countries, such as Vietnam, effectively receive a ‘buffer’ of US$25. If Vietnam can add the same value while keeping total costs less than US$55 — within the buffer provided by the tax — it would be more profitable to produce there.

This multiplier effect of the discriminatory tariff is termed the effective rate of spill-over protection because it creates a magnified and unintended advantage to all competitors, not just the United States. It also explains why the relocation of global supply chains could happen in response to a relatively small tariff if the value-added share is small.

But in practice, global supply chains overall have remained **remarkably** **resilient** to price rather quantity disruptions. While there have been shifts in global supply chains out of China into neighbouring countries like Vietnam, Thailand and Malaysia, these have mostly involved labour-intensive industries. The key industries that dominate global supply chains — electronics, transport equipment and machinery — have not seen much relocation. Considering how the effective rate of spill-over protection magnifies protection, global supply chains are **more resilient** than they appear

### 1NC---Philippine Defense

#### It’s ‘highly unlikely’---prefer evidence citing a Filipino expert.

Global Times 7-22-**24**, this was an interview conducted by GT reporter Su Yaxuan with Herman Tiu Laurel, "Highly unlikely for US to aid Philippines if a hot war were to break out in South China Sea: Filipino expert”, Global Times, https://www.globaltimes.cn/page/202407/1316471.shtml

In the "ASEAN Perspective on the South China Sea" series, we collect wisdom and insights from former diplomats and scholars from ASEAN member countries. In an interview with Global Times (GT) reporter Su Yaxuan, Herman Tiu Laurel (Laurel), founder of the think tank Philippine-BRICS Strategic Studies, said that it is highly unlikely that the US will aid the Philippines in the event of a hot war breaking out. The US is just using the Philippines and fooling the Filipinos.

GT: Do you think that if a conflict were to break out between China and the Philippines, the US would help the Philippines?

Laurel: The willingness and ability of the US to come to the immediate aid of the Philippines once it's engaged in a conflict is a question that has been lingering on many people's minds. Most Filipinos doubt it.

It is highly unlikely that the US would come to the aid of the Philippines in a hot war, unless this would benefit the US in some way. However, the US has no interest in a conflict with China in the region. The US knows it cannot defeat China in a war, particularly in the region.

The country is just using the Philippines and fooling the Filipinos, telling them that they would support them. But we have seen in many cases that the US does not provide assistance and aid to its allies.

#### ‘Major turmoil’ is ‘unlikely’. Cooperation is increasing---newest joint statements prove.

Hu Yuwei 12-17-**24**, Hu Yuwei is an In-Depth reporter covering COVID-19 vaccines and health, Tibetan issue, China-ASEAN relations, among others, "Major turmoil in S.China Sea unlikely in short term, but certain countries should not harbor illusions, says expert”, Global Times, https://www.globaltimes.cn/page/202412/1325201.shtml

Major turmoil in the South China Sea is unlikely to occur in the near term, and China has the capability to maintain peace and stability in the region. However, certain countries should not harbor any illusions, as China will respond decisively to actions that infringe upon its rights and claims, Wu Shicun, chairman of the Huayang Research Center for Maritime Cooperation and Ocean Governance, told the Global Times during the 2024 Symposium on International Maritime Dispute Settlement and International Law held in Beijing on Monday.

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The senior maritime expert believes that year 2024 marked a turning point for security situation in the South China Sea. "Since the illegal ruling of the 2016 arbitration, China has taken a series of measures to stabilize the situation and stabilize relations between China and the claimant countries. However, in 2024, the trend toward stabilization in the South China Sea has to some extent been reversed. This is evident from the frequent provocations by the Philippines around Huangyan Dao and Ren’ai Jiao. He added that in the future, this situation may continue, however, major turmoil in the South China Sea is unlikely to occur in the near term, and China has the capability to maintain peace and stability in the region. The Philippines passed two laws – the Philippine Maritime Zones (PMZ) Act and the Philippine Archipelagic Sea Lanes (PASL) Act – on November 8, in an attempt to solidify the illegal ruling of the 2016 arbitration case through domestic legislation, illegally including China's Huangyan Dao and most of the islands and reefs in the Nansha Islands and their related waters in its maritime zones. In a countermeasure response, China on November 10 released the baselines of the territorial sea adjacent to Huangyan Dao, and the China Coast Guard (CCG) has stated it will continuously strengthen patrols and law enforcement in the territorial waters of Huangyan Dao and related maritime areas. China also deposited to the UN the Statement on the Baselines of the Territorial Sea Adjacent to Huangyan Dao and the Chart on December 3. "If the Philippines undertakes further provocative actions at Ren’ai Jiao in 2025, the possibility cannot be ruled out that China may take measures such as removing the Philippine military vessel that has been illegally 'grounded' there for decades," said Wu. He emphasized that certain countries should not harbor any illusions, as China will undoubtedly take action against any infringement of its rights and claims.

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Wu believed that there will be a “window period” for joint development and exploration in the South China Sea among surrounding countries in 2025. Wu noted that in 2024, China, Vietnam, Indonesia, and other countries mentioned in their joint statements the intention to engage in joint development at sea.

The joint statement between China and Vietnam issued on October 14 mentioned to promote consultations on maritime joint development and to make substantial progress in the delimitation of maritime areas outside the Beibu Gulf, actively advancing cooperation in low-sensitivity maritime areas and enhancing maritime search and rescue cooperation.

On November 9, China and Indonesia issued a joint statement, according to which, the two sides reached important common understanding on joint development in areas of overlapping claims.

### 1NC---Arctic Defense

#### Russia’s economic interests check militarized conflict---Aff evidence is about ‘posturing’.

Elizabeth Buchanan 5-8-**24**, Dr Elizabeth Buchanan is a former Australian Department of Defense employee who is currently a senior fellow with the Australian Strategic Policy Institute (ASPI) and an Associate Researcher with the French Ministry of Armed Forces’ strategic research institute (IRSEM), "Why Russia and China Won’t Go the Distance in the High North”, RUSI, https://rusi.org/explore-our-research/publications/commentary/why-russia-and-china-wont-go-distance-high-north

Russia’s Arctic strategy is built on both economic security and frontier border security objectives. The Sino-Russian relationship lends itself to these economic security interests and ambitions, but it is less effective at navigating Russia’s Arctic ‘siege mentality’. This is largely because of the kind of increased interest and activity that China is undertaking in the Arctic – and against which Russia seeks to secure its vast open frontier. Any deterioration in Sino-Russian ties could threaten this delicate balance.

Russian efforts to securitise its economic interests in the Arctic fall short of an expansionist agenda. Beyond the posturing, ultimately Moscow’s Arctic priority remains regional stability. Continued regional cooperation with its NATO-member and Western Arctic neighbours remains a central strategic objective. After all, keeping the arena free of conflict is crucial to ensuring the NSR (and Russia’s future economic resource base) remains open and commercially viable. Russia needs to be able to deliver secure, trusted and unimpeded energy supplies from its northern frontier to Asian and European energy clients.

### 1NC---Navy Power Adv CP

#### The United States Federal Government should increase investment in the maintenance and modernization of critical ships.

#### Solves

Jerry Hendrix 18, director of the Defense Strategies and Assessments Program at the Center for a New American Security, 4-21-2018, "How to Make the U.S. Navy Great Again," RealClearDefense, https://www.realcleardefense.com/articles/2018/04/21/how\_to\_make\_the\_us\_navy\_great\_again\_113351.html

After the Cold War, the Navy battle fleet stood at 529 ships. Yet, on the eve of 9/11, the Navy had shrunk to 316 ships. Today, the Navy has 282 ships. Overall, the fleet size has been cut by about half over the past quarter century. The decline in supply has not been matched by less demand for naval power. The number of ships needed for operations has remained steady despite a smaller inventory of available ships, and the Navy has struggled to maintain eighty-five to one hundred ships underway at all times. Until the mid-1990s, when the fleet hovered around four hundred ships, it was possible to maintain this deployment cycle. However, the steps necessary to meet requirements for underway ships became extremely dangerous in the late 1990s. Fleet size declined to the 350-ship level before bottoming out at 271 ships in 2015. As shown by the Fitzgerald and McCain, it has become life-threatening to keep the necessary ships at sea without compromising maintenance, training and readiness certifications. The secretary’s review described the situation as the “normalization of deviation,” or an institutionalized pattern of bending the rules to get the mission done. The United States has critical national interests in eighteen maritime zones identified by warfighting commanders. These maritime regions range in size from the small Gulf of Guinea to the vast northern Pacific and from the northern Arctic Sea to the Indian Ocean. Each zone requires a naval presence to uphold American interests. Some of these zones, like the Baltic Sea, require only a single American ship to protect and promote our interests, while others, like the Arabian Gulf, have a standing requirement for an aircraft carrier strike group comprised of six to eight ships, as well as permanently stationed coastal patrol boats. Because of ship maintenance, crew training and transit times, providing a naval presence requires three to four ships to keep one forward deployed. All told, the Navy needs a minimum of 355 ships to keep a naval presence on a credible and persistent basis, if the United States wants to maintain freedom of navigation, protect resources and undersea critical infrastructure, and uphold its alliance agreements. The Navy certified the 355-ship requirement in its 2016 Force Structure Assessment (FSA). According to the FSA, the true number of ships required by military commanders exceeds 650 ships. Importantly, achieving the 355-ship fleet is not just a Navy requirement; it is a matter of complying with U.S. law. Signed by President Trump in December 2017, the defense authorization bill for fiscal year 2018 includes the SHIPS Act, legislation establishing the 355-ship requirement as the national policy of the United States. It is imperative that America’s fleet reach 355 ships within the next ten years. There is, in fact, a path to achieve this goal that is both achievable and affordable. Small investments now in ship maintenance and modernization could allow critical ships in the fleet to serve longer, notably among some advanced Aegis cruisers and nuclear fast-attack submarines. Additionally, there are some ships recently transferred to the inactive ready reserve force, also called the “ghost fleet,” that could be brought quickly back into our service rather than being transferred to the navies of foreign partners. Lastly, we can increase the new ship production rate on critical designs, such as the Virginia-class submarine, and accelerate the development of the Navy’s newest frigates, in order to bring these low-cost, multi-mission ships into the fleet in large numbers. The Navy has already begun this process by looking at mature foreign and domestic models, such as the Italian-designed FREMM and American-produced National Security Cutter, which have already been built and could easily be produced in numbers by American workers. These strategic approaches could convince both China and Russia that the United States is prepared to defend its interests at sea. ALONE AMONG the services, the Navy is always deployed. In wartime, all of the services deploy. In peacetime, the Army and Air Force train and exercise but do not deploy persistently. However, the Navy, and its accompanying Marine Corps, deploy operationally twenty-four hours a day, seven days a week, 365 days a year—year in, year out, in peace and in war. This is because the very presence of naval forces demonstrates American interests without having to intrude on another nation’s sovereignty. Naval forces convey the relative importance of American interests through ratcheting up or down the number of ships in a given theater. The Navy’s unique “scalability,” along with its ability to arrive and stay, or to make its presence known and then quietly move on, gives our commander in chief military and diplomatic options. America cannot retreat from the seas. Its maritime interests are enduring and growing. Great wealth in the form of food stocks, minerals and energy resources lies beneath the waves that find their way to our shores. Additionally, access to lines of communication via the swiftest and most efficient routes across international waters, as well as maritime linkages to forty-nine transoceanic treaty partners, are of critical interest to the United States. The threat to those interests is growing. Despite a brief post–Cold War respite of calm seas, the maritime domain is once again seeing rough waters as an arena of economic, diplomatic and military competition. China, Russia and Iran have invested heavily in ways to keep the U.S. Navy out of critical maritime regions. They are increasingly challenging American maritime interests and finding no response. The inability to respond is driven by a collapse in the size of U.S. naval forces over the past quarter century. Our adversaries and potential opponents see all of this as an indicator of overall national decline and an invitation to assume a larger role upon the world’s oceans. They have just begun what ultimately could become a financially and strategically disastrous naval arms race in an attempt to overmatch U.S. forces in their regions. But if the United States were to reverse course quickly on its own shipbuilding plans and pursue a 355-ship fleet within a decade, it would revitalize the Navy and safeguard American national interests.

## DA---Marine BioTech

### 1NC---OFF

#### Marine biotechnology is strong now, enabled by strong patent protection.

Precedence Research 8/13 Precedence Research is a Canada/India based company and one of the leading providers of strategic market insights. We offer executive-level blueprints of markets and solutions beyond flagship surveys. Our repository covers consultation, syndicated market studies, and customized research reports. Through our services we aim at connecting an organization’s goal with lucrative prospects globally. Source. (2024) Marine Biotechnology Market Size to Grow USD 13.59 Billion by 2034 - BioSpace. Retrieved December 19, 2024, from https://www.biospace.com/press-releases/marine-biotechnology-market-size-to-grow-usd-13-59-billion-by-2034

The global marine biotechnology market was valued at USD 6.32 billion in 2023 and is projected to grow to USD 13.59 billion by 2034 from USD 6.78 billion in 2024, registering at a CAGR of 7.2% from 2024 to 2034. The increasing improvements in medication, aquaculture and fisheries development are expected to drive the growth of the marine biotechnology market. Key Takeaways · North America has accounted market share of around 44% in 2023. · By source, the algae segment has accounted revenue share of 30% in 2023. · By application, the medicine segment has captured maximum market share of 33% in 2023. · By end use, the medical & pharmaceutical segment has generated highest market share of around 32% in 2023. FREE sample includes data points, ranging from trend analyses to estimates and forecasts@ https://www.precedenceresearch.com/sample/2614 Marine Biotechnology Market Overview The marine biotechnology market includes the application of biotechnology techniques that utilize marine bioresources such as animals, plants, and microbes for beneficial applications. It has applications across bioremediation, renewable energy, agriculture, nutraceuticals, cosmetics, and pharmaceutical industries. The major drivers involved are rising research and development activities in the emerging field and growing demand for marine ingredients that are expected to enhance the growth of the marine biotechnology market. In this market, the increasing consumer demand for omega-3 supplements derived from algal and fish oils has contributed to witness the growth significantly. Marine technology is a developing field that explores the high number of marine species for novel compounds that can be utilized in several industries. In addition, the increasing demand for new drugs from the pharmaceutical sector is the major driver of the market. Report Scope Attribute Details Marine Biotechnology Market Size in 2024 USD 6.78 Billion Marine Biotechnology Market CAGR 7.2% from 2024 to 2033 U.S. Marine Biotechnology Market Size in 2033 USD 4.28 Billion North America Revenue Share 44% in 2023 Europe Revenue Share 26% in 2023 Marine Biotechnology Market at a Glance The primary genetic resources from oceans can offer solutions to various complicated diseases. Marine biotechnology consists of a huge repository of biologic compounds with applications in the industrial, agriculture, cosmetics, and medicine sectors. Marine Organisms such as bacteria, tunicates, corals, and sponges have included innovative adaptations that make them a prominent source of new drugs. In addition, the rising development of marine-derived cosmeceuticals, increasing agreement across major market players, rising consumer demand for organic animal products, and increasing need for sustainable marine ingredients in animal feed are further expected to drive the growth of the marine biotechnology market during the forecast period. Increasing demand for marine-derived nutraceuticals and pharmaceuticals to fuel market growth The invention of novel marine-derived bioactive compounds has driven the development of new nutraceuticals and pharmaceuticals from marine sources. Marine organisms such as mollusks, fish, algae, and sponges are rich sources of structurally different bioactive compounds with significant pharmaceutical applications. For instance, hundreds of patents have been filed for marine-derived drugs and thousands of marine natural products have been isolated so far, according to the National Institutes of Health. Thus, these driving factors are expected to enhance the growth of the marine biotechnology market during the forecast period.

#### Specifically, bioprospecting (using deep-sea species for genetic material) revolutionizes pharma – deep-sea species are uniquely key

Heafey 14 Heafey, Eve. J.D., University of Ottawa, 2011; LL.M., Columbia Law School in New York, 2010; M.Sc. (nanochemistry), University of Ottawa, 2009; LL.L., University of Ottawa, 2008. Eve Heafey is an associate at Smart & Biggar/Fetherstonhaugh, Canada's largest firm practicing exclusively in intellectual property and technology law. Ms. Heafey has taught a law course at the University of Ottawa Department of Chemistry, which is dedicated to scientists. "Access and Benefit Sharing of Marine Genetic Resources from Areas beyond National Jurisdiction: Intellectual Property - Friend, Not Foe." Chicago Journal of International Law, vol. 14, no. 2, Winter 2014, pp. 493-523. HeinOnline.

Marine genetic resources (MGRs) from areas beyond national jurisdiction are currently the focus of great interest in the fields of both science and international law. Scientists are attracted to the immense potential of this mostly untapped resource, notably for applications in the medical and pharmaceutical industries. Not surprisingly, the potential of these resources has also attracted much attention from the international and legal spheres with respect to the intellectual property protections that can be afforded to discoveries and inventions stemming from MGRs in areas beyond national jurisdiction. The value of these MGRs lies in their genetic material, particularly in the genetic variability of the material in question. Those variations codify the particular adaptations of every living organism. The genetic material, which makes them different, is also the genetic material that can be most useful. A momentous example of the value of deep-sea genetic resources is the discovery of the green fluorescent protein (GFP), from the biolurinescent Aequorea victoria jellyfish.1 GFP was developed into what many call the "microscope of the twenty-first century."2 Indeed, GFP is essentially used as a biological highlighter, oftentimes to literally light up a particular protein produced by a specific GFP-tagged gene. GFP can illuminate growing cancer tumors, reveal the development of Alzheimer's disease in the brain, and show how HIV travels from infected to noninfected cells. Osamu Shimomura, Martin Chalfie and Roger Y. Tsien received the Nobel Prize in Chemistry for the discovery and development of GFP.4 It is a longstanding scientific tradition to draw inspiration from nature. The genetic material of the living resources of the deep sea is particularly interesting because of their adaptability to extreme environments. It is also important to note that the abundant biodiversity of the deep sea may in fact rival tropical forests in species diversity, and it is believed that proteins having useful applications are more likely to be found in marine microbial life than terrestrial organisms.' MGRs are therefore in the spotlight and may hold the key to many useful and beneficial discoveries. As an example, more than 150 natural products with promising levels of anti-HIV activity have been isolated from manine organisms. 6 Hence, marine research is increasingly undertaken for a commercial purpose and is now commonly referred to as marine bioprospecting, although it is still unclear whether all bioprospecting is a commercial endeavor. Bioprospecting involves a series of phases, starting from the initial discovery of a marine genetic resource. A sample is then recovered from the environment. These steps are usually part of a collaboration between industry and public researchers, such as scientists from institutions like public oceanographic research centers. The recovered sample is then brought back to a laboratory where the phenotype and genotype are identified. The genetic material of interest is isolated and studied to determine its possible applications. 7 This labor- intensive process may lead to intellectual property (IP) claims, including patents on inventions and copyrights on publications describing discoveries.'

#### IP rights are key to bioprospecting viability – but UNCLOS marine science provisions make patenting impossible by requiring full information disclosure

Chaudhuri 22 Chaudhuri, Sabuj Kumar. Professor & Head in DLIS, University of Calcutta / Shastri Indo-Canadian Visiting Faculty in York U. "Marine Bioprospecting and Intellectual Property." Life Below Water. Cham: Springer International Publishing, 2022. 575-590.

Marine Scientific Research (MSR) and Intellectual Property (IP) Marine bioprospecting was neither significant nor conceived while enacting UNCLOS in 1982. The UNCLOS mentioned only marine scientific research (MSR) instead of MGR or marine bioprospecting. MSR is allowed only for peaceful purposes and for the benefit of mankind. Part XIII of the UNCLOS (from Article 238–Article 265) is dedicated to the provisions of MSR. Scientists believe that freedom to engage in marine bioprospecting on MGR stems from Article 87(1)(f), which allows freedom of MSR in high seas. Marine Bioprospecting in the EEZ Article 56(1)(b)(ii) of the UNCLOS provides that in the EEZ the coastal state has the sovereign rights for discovery, exploitation, conservation, and governance over both living and nonliving marine natural resources including MGR. Article 246 affirms this sovereign right of coastal states with many details (United Nations 1982). Article 193 gives sovereign rights to exploit natural resources in EEZ by existing acts and need to comply with other duties and obligations to protect and preserve the marine environment (Leroux and Mbengue 2010). Marine Bioprospecting in ABNJ In the high seas or ABNJ, MGR is the common heritage of mankind (Article 136). Article 257 of the UNCLOS allows that any member state irrespective of their geographical location can conduct marine scientific research (MSR) in the ABNJ area, i.e., beyond the limits of the exclusive economic zone (EEZ) (United Nations 1982). High seas are open to all states be it coastal or landlocked (Article 87) (United Nations 1982) where any state can conduct marine bioprospecting or biodiscovery. Why Is IP Important in Marine Bioprospecting? Marine bioprospecting in most of the cases resulted in novel compounds having many beneficial properties, creative content, and unique databases which can be protected through different IP tools, especially patent, copyright, and database rights or a combination of those IP rights. The following reasons justify IP protection of various outcomes of MSR on MGR. 1. To protect novel bioactive substance derived from MGR 2. To get an economic return on funding invested in MSR 3. To get a reward or recognition of marine biodiscovery 4. To own MGR-based invention/creative works out of activities of MSR 5. To create an intellectual asset for licensing or selling 6. To deter others from using one’s invention/creative works Basics of IP Intellectual property (IP) encompasses the tangible expressions of intellect and creativity. IP is categorized (Fig. 3) (Table 4) as industrial property, and artistic and literary property. With the inception of new technologies and the ever-changing requirement of protective tools for the protection of new creative expressions, some hybrid sui generis (Latin expression meaning “of its own kind”) systems have been recommended by TRIPS. Industrial property generally includes IP rights like patent, trade mark, industrial design, geographical indications (GI), trade secrets, and utility models. The artistic and literary property includes only copyright. TRIPS mandates sui generis system that has introduced new IP rights like database right, integrated circuit (IC) right, and plant breeders’ rights’ (PBR) (Ganguli 2001). Marine Bioprospecting and Intellectual Property, Fig. 3 figure 1214figure 1214 Basic Classification of Intellectual Property. (Source: Author) Full size image Marine Bioprospecting and Intellectual Property, Table 4 Different kinds of intellectual property rights protecting various types of intellectual property (IP) Full size table Patent A patent is an exclusive right granted by the state for an invention to the inventor for a limited period (20 years as per TRIPS), and the inventor is required to disclose the invention to the state. The patent is a territorial right limited within the national jurisdiction of the granting country. There is no international patent but an international patent application. There are three basic requirements (Fig 4) that determine the patentability of an invention (TRIPS Article 27.1) (WTO 2005): Novelty (original which is not prior art) Nonobviousness or an inventive step (not obvious to one skilled in the field) Utility or industrial application Marine Bioprospecting and Intellectual Property, Fig. 4 figure 1215figure 1215 Basic criteria to get a patent. (Source: Author) Full size image Apart from the basic criteria needed for a patent, patenting of microorganisms requires the deposition of microorganisms in a recognized International Depositary Authority (IDA) as per the Budapest Treaty. Patent Application and Granting Mechanism The patent application is submitted by any true and first inventor or group of inventors or their assignee or legal representative or any legal entity like R&D organization or an educational institute. After filing, the patent application is examined by patent examiners. After examination, an applicant needs to satisfy if there is any deficiency or objection to getting the patent (Ganguli 2001). A patent application can be submitted parallelly in several countries at the same time through the WIPO-controlled Patent Cooperation Treaty (PCT). The United States Patent and Trademark Office (USPTO) takes about 22 months, the European Patent Office (EPO) requires 3–5 years, and the UK Patent office needs 4 years to grant a patent from the date of filing a patent application. The patentee has an exclusive right to prevent an unauthorized person from making, selling, using, offering for sale, or importing his patented product or process. Copyright Copyright is an IP right given by the state to creators for their original (minimal creativity), expressed (must not be an idea), and fixed (in a tangible form) creations like literary, dramatic, musical, and artistic works and to producers for cinematograph films and sound recordings for a limited period, after that it goes into the public domain. Copyright is a bundle of rights that prevent unauthorized reproduction, public performance, recording, broadcasting, translation, or adaptation, and allows the collection of royalties for authorized use. Computer programs as literary expression are protected by copyright, as software source code, object code, and user interface. Copyright is spontaneous and time bound, i.e., the life of the creator plus 50 years (70 years in the USA and the European Union) (Commission on Intellectual Property Rights 2002). Database Rights The importance of databases in today’s scientific world for the dissemination of data and knowledge is unquestionable. Databases are a valuable commercial asset and a substantial amount of time and money is invested in the creation of them (Connor 2020). Database right is a sui generis system to protect its uniqueness by database makers. TRIPS require databases to be protected under the copyright or by developing a sui generis property system. Most of the member states of TRIPS have extended copyright for the protection of databases. Only a handful of nations enacted sui generis property rights for databases like the EU, the UK, and Russia. The EU introduced database rights in 1996 and it lasts for 15 years (EUR-Lex 1996). Alike to copyright, database rights are automatic with their creation. Interlinkages Microbial diversity is higher in the marine environment in comparison to the terrestrial environment (Lozupone and Knight 2007). Earlier biodiscovery was largely confined in the sampling of large organisms but presently it is focused primarily on microorganisms. Planktonic and benthic microbes such as bacteria, archaea, viruses, fungi, and protists, including microalgae, consist of up to 90% of the living biomass in the ocean (Abida et al. 2013). The current assessment shows that approximately 10% increase of marine novel and bioactive compounds that are discovered each year from the previous year are from microbial sources (Blunt et al. 2014). Article 27.3(b) of TRIPS requires all member states to provide patents for microorganisms as products, and for nonbiological and microbiological processes for producing plants or animals. Plants, animals, and essentially biological processes may be excluded from patenting if the member states want so (WTO 2005). However, the term microorganism is not defined clearly by any international legal instruments. Microorganisms may be defined as any biological material that is self-replicable or replicable via a host organism and includes genes, gene sequence, and plasmids (Chaudhuri 2003). Patents on MGR Any novel compounds, bioactive substance, genes, gene sequence, DNA, enzyme, or biomolecules from marine microorganisms or other large MGR can be sampled in situ by marine bioprospecting or marine biodiscovery initiative. Samples of MGR can also be collected from ex situ collection in a biorepository. Then samples are curated, biomass extracted, isolated, and then assay purified and isolated in the laboratory to get new chemical entity (NCE) for useful purposes (Chiarolla 2014). 1. MGR-based NCE is novel (as MGR may be naturally occurring but identification of new bioactive substance with useful properties requires human intervention). 2. Extraction, isolation, and purification of NCE from samples of MGR involves inventive steps which are not obvious in routine biotechnological procedures. 3. NCE derived from MGR may have different uses that will find an industrial application. A small sample of MGR needs to be deposited in recognized IDAs for the reproduction of invention (if an invention is connected with microorganisms). This way MGR-based invention may qualify for a patent. Essential computer programs helpful for instrumentation (for activation/analysis of the device or the apparatus) in MSR on MGR may also qualify for a patent. The EU provides patent even on naturally occurring microorganisms provided novel techniques have been deployed for its isolation and characterization. The USA, Australia, Canada, Indonesia, Japan, Singapore, and the 18 member states of the African Regional Intellectual Property Organization (ARIPO) allow full patentability of animals, plants, and biological processes without particular restrictions (Chiarolla 2014). Article 244 of the UNCLOS mandates that member states and relevant international organizations need to publish and disseminate information about major MSR programs but scientists apprehend that this provision of publication before the patent application may destroy the novelty requirement for patenting.. Question of Ownership As per the UNCLOS, ABNJ is open to all member states. So MGR available in ABNJ can be taken by any member state and claiming patent or any kind of IPR over the MGR in question is very debatable because all other member states are the equal rightful owner of these MGR. Contrastingly, there is freedom of the high seas too in the UNCLOS. This makes the owner who first accesses these MGR in ABNJ. Marine bioprospecting is a very expensive endeavor that can only be afforded by few developed nations. Poor success rate and the significant regulatory hurdles for product approval make marine bioprospecting extremely risky. Besides, it requires for a cruise to have sophisticated and high-end research vessels, high-skilled researchers, latest sampling tools, and laboratory facilities with advanced biotechnological capacity. Commercial venture in the search of novel bioactive compounds and its patenting in MGR located in high seas is practically unrestricted. Thus, it changes the whole nature of this open-access resource base from a nonownership regime to an ownership regime (Chaudhuri 2014).

#### Aligning pharma with nature-guided discovery lets humanity outrun disease, pollution, and WMDs – extinction.

Pan et al 10 Si-Yuan Pan 1\* , Shan Pan 2\* , Zhi-Ling Yu 2 , Dik-Lung Ma 2 , Si-Bao Chen 3 , Wang-Fun Fong 2 , Yi-Fan Han 4 , Kam-Ming Ko 5 1 Beijing University of Chinese Medicine, China; 2 Hong Kong Baptist University, China; 3 Chinese Academy of Medical Science & Peking Union Medical College, China; 4 Hong Kong Polytechnic University, China; 5 Hong Kong University of Science & Technology, China. "New perspectives on innovative drug discovery: an overview." Journal of pharmacy and pharmaceutical sciences 13, no. 3 (2010): 450-471.

Respect for nature The high failure rate of drug development has revealed three additional problems during the process. Firstly, results obtained from experimental studies may not be directly applicable to clinical situations. Many drug candidates which have been shown to be efficacious and safe in preclinical studies failed to produce the expected clinical outcomes. Secondly, the molecular mechanism of a candidate drug may not reflect its biological action at the whole organism level. Moreover, the overall effect of a combination of drugs may not merely be a simple summation of individual actions. Thirdly, the primary objectives of experimental and clinical investigations of a drug candidate may not be the same. While experimental investigations are more or less targeted at publications in reputable journals, clinical studies primarily aim to find a new therapeutic intervention. The current trend of drug discovery is guided by clues from nature in which CHM represents a major source. Mother Nature not only nourishes our life, but also provides us ammunition to fight against diseases. As such, the original purpose of creating human beings would not be defeated. Prior to the discovery of drugs for a certain diseases, natural forces may introduce a genetic change in humans, with the resultant phenotype being resistant to a lethal disease. The discovery of HIV resistance amongst high-risk groups, as mentioned earlier, may be a manifestation of such a natural force in sustaining human life. Ironically, while the evolving arsenal of naturally-occurring compounds and the immune defense system should prevent mankind from being wiped out by deadly pathogens, the chance of mankind’s extinction by self-destructive forces, such as lethal weapons and environmental pollution, is getting higher. With the trust in Mother Nature, we should resort to natural sources in the search for new drugs to treat presently incurable diseases. Interestingly, the increased incidence of incurable diseases such as cancers and AIDS are paralleled by the evolution of new species of microorganisms. If the evolutional trend is applied to interpret this association, we have every reason to believe that drug discovery should follow a natural path. Data have shown that 60% of the anti-cancer drugs and 75% of the anti-infective drugs approved from 1981 to 2002 were of natural origin, and 61% of all new chemical entities discovered in that period were inspired by natural products (220). Natural products account for 30% of international drug sales, whereas more than 50% are synthetics manufactured by mimicking the active ingredients found in plants (221). More than 60% of the drugs that are on the market were derived from natural sources (222). Over 20 new drugs launched on the market between 2000 and 2005 originated from terrestrial plants, terrestrial microorganisms, marine organisms, or terrestrial vertebrates and invertebrates (223). About 50% of the drugs introduced to the market from 1984 to 2003 were derived directly or indirectly from small biogenic molecules in nature (224). These data indicate that nature and human body is the main way of drug discovery, therefore, we have no reason not to respect them. CONCLUSION The advent of molecular biology and, in particular, of genomic sciences is having a profound impact on drug discovery. Recombinant proteins and monoclonal antibodies have greatly enriched our therapeutic armamentarium, which have become the leading area of expansion in the biologic segment within the pharma

ceutical industry. Genome sciences, combined with bioinformatics tools, allow us to dissect the genetic basis of multifactorial diseases and to determine the most suitable drug targets, thereby increasing the number of treatment options. The dramatic increase in the complexity of drug research is forcing changes in the institutional basis of this interdisciplinary endeavor. The biotechnology industry is establishing itself as the discovery arm of the pharma

ceutical industry. In bridging the gap between academia and large pharmaceutical companies, biotechnology firms have been an effective instrument for technology transfer. Successful application and effective integration of relevant knowledge and technical know-how are essential for predicting outcomes and gauging risk in drug discovery. Nowadays, the translation of data from genomics and proteomics, as well as other high-throughput data mining technologies, into the understanding of complex systems underlying cell physiology is a key for successful drug design. Currently, drug-induced toxicity remains one of the major causes for the failure of new pharmaceuticals, and for the withdrawal of approved drugs from the market. Given the adverse side effects of most chemical drugs, scientists are endeavoring to introduce new drugs which are free of side effects. In the future, Mother Nature, including humans and various kinds of complementary and alternative medicines, are the main source for drug discovery.

## 1NC---Credibility

### 1NC--- Solvency

#### The US doesn’t defend international law, and other great powers don’t either.

Peter Beinart 21, Associate Professor of Journalism at the Craig Newmark Graduate School of Journalism, Associate Professor of Political Science at the City University of New York Graduate Center, M.Phil in International Relations from Oxford University, “The Vacuous Phrase at the Core of Biden’s Foreign Policy,” New York Times, 06-22-2021, https://www.nytimes.com/2021/06/22/opinion/biden-foreign-policy.html

Anyone who slogs through the diplomatic verbiage generated by President Biden’s inaugural overseas trip earlier this month will notice one phrase again and again: “rules-based.” It appears twice in Mr. Biden’s joint statement with Prime Minister Boris Johnson of Britain, four times each in the communiqués the United States issued with the governments of the Group of 7 and the European Union, and six times in the manifesto produced by NATO.

That’s no surprise: “Rules-based order” (or sometimes, “rules-based system”) is among the Biden administration’s favorite terms. It has become what “free world” was during the Cold War. Especially among Democrats, it’s the slogan that explains what America is fighting to defend.

Too bad. Because the “rules-based order” is a decoy. It’s a way of sidestepping the question Democrats should be asking: Why isn’t America defending international law?

Although now mostly directed at China and Russia, the phrase “rules-based order” began as a critique of Republicans. As Paul Poast of the University of Chicago has detailed, the term gained currency after President George W. Bush invaded Iraq without the approval of the United Nations Security Council, which exemplified his general disregard for international restraints on American power.

“Rules-based order” became shorthand for the Democratic alternative. And after Russia annexed Crimea in 2014, and China in 2016 flouted an international ruling against its expansive claims in the South China Sea, the phrase gained new life as a way of distinguishing America from its increasingly assertive challengers. A key purpose of American foreign policy, Secretary of State Antony Blinken explained last month, is to “uphold this rules-based order that China is posing a challenge to.”

OK, but which rules, exactly, is America upholding? Biden administration officials don’t say. In fact, they never clearly define the term at all. Arguing about phrases like “rules-based order,” the political scientist Patrick Porter has noted, is like “wrestling with fog.”

That’s exactly the point. Since the “rules-based order” is never adequately defined, America’s claim to uphold it can never be disproved.

There is, however, a related phrase with a much clearer meaning: “international law.” For decades, diplomats and scholars around the world have used it to encompass the written and unwritten rules that govern the behavior of nations. And it is precisely because international law is so much better defined that Biden officials — when speaking solely for the United States — use it far less.

If Mr. Biden or Mr. Blinken declared that America upholds international law, critics might ask how that squares with Washington’s continuing bipartisan love affair with sanctions so punitive that both current and former U.N. special rapporteurs have likened them to economic war. Skeptics might wonder why the United States refuses to sign or ratify dozens of international treaties — many of them endorsed by a vast majority of countries — including the U.N. Convention on the Law of the Sea, the very treaty that the Biden administration condemns Beijing for violating with its encroachments in the South China Sea. Or they might question why the United States still maintains a law that authorizes an American president to use military force to extricate Americans who are prosecuted by the International Criminal Court.

International law is contested and fragile, and not all countries shape it equally. But unlike “rules-based order,” it is not purely an American creation, which means it offers some independent standard against which to evaluate American behavior. For many Trump-era Republicans, that’s what makes it pernicious. Putting “America First” means liberating Americans from the need to care about what non-Americans think.

That’s not the Biden administration’s view. Mr. Biden and his top advisers recognize that international legitimacy constitutes a form of power. They badly want America’s allies — and American voters — to see America’s overseas behavior as less capricious and less predatory than the behavior of America’s chief rivals. They just are not willing to submit that proposition to any test other than one America writes itself.

Which is why their efforts are likely to enjoy only modest success. Yes, non-Americans have more confidence now that the United States will do the “right thing” internationally than they did when Donald Trump was president. But according to an Alliance of Democracies Foundation poll taken in 53 countries recently, people around the world still view the United States as a greater threat to democracy in their country than China or Russia. If Democrats regularly asked whether America’s actions violate international law, they would find that sentiment easier to understand.

The literary critic Edward Said once wrote, “Every single empire in its official discourse has said that it is not like all the others, that its circumstances are special.” The phrase “rules-based order” is the latest entry in America’s imperial lexicon. Given the Republican Party’s fervent hostility to international law, perhaps it’s the best a Democratic president can do. But the very nebulousness that makes “rules-based order” palatable in Washington ensures its ultimate irrelevance beyond America’s shores.

#### Treaties are dead.

Peter Baker 23, Chief White House Correspondent for The New York Times, “For Biden, an Era When Treaties Are More Likely to Be Broken Than Brokered,” The New York Times, 04-10-2023, https://www.nytimes.com/2023/04/10/us/politics/biden-good-friday-agreement-diplomacy.html

President Biden leaves on Tuesday for Northern Ireland to mark the 25th anniversary of the Good Friday Agreement, which ended decades of sectarian violence. But the commemoration also serves as an unspoken reminder that such diplomatic breakthroughs have become a thing of the past.

At a time of ferocious warfare in Europe and crackling tension elsewhere around the globe, the sort of bold, painstaking negotiation that brought peace to the Emerald Isle a quarter-century ago has largely disappeared from the scene. Bargaining tables sit empty these days. Shuttle diplomacy planes have been grounded. Treaties are more likely to be broken than brokered.

It would be too much to call it the death of diplomacy, but there certainly is a dearth of diplomacy for now. While Mr. Biden fervently believes in deal making, his efforts to revive the Iran nuclear accord have collapsed, and it is widely considered futile to even try to end the long-running Israeli-Palestinian conflict or negotiate with North Korea at this point. The Russians have suspended the New START treaty, the last major Russian-American arms control agreement, and there appears to be little prospect for diplomacy to halt the fighting in Ukraine in the near term.

Even on the international economic front, once a fruitful field for American presidents to leave their mark, there is little meaningful movement to continue the integration of recent years. Mr. Biden opted against rejoining the Trans-Pacific Partnership, the sweeping free trade pact negotiated by a previous administration he belonged to, nor is he pursuing any other major free trade agreement, making him the first president not to do so in four decades.

“There’s something about the moment that doesn’t make it very ripe,” said Martin S. Indyk, who served as ambassador to Israel twice and later as President Barack Obama’s special envoy for Middle East peace. “It’s harder to get big agreements when you’re in this adversarial engagement, both with Russia and with China.”

With the revival of great power competition on the scale of the Cold War, the ground for diplomacy has shifted. There is little appetite in Moscow or Beijing for meeting in the middle, while some of the world’s seemingly intractable disputes like that between Israel and the Palestinians have settled into a stalemate locked in geopolitical cement.

### 1NC---Maritime ILAW Defense

#### UNCLOS norms can’t resolve maritime collapse.

Rebecca Strating 19, Senior Lecturer in Politics and International Relations in the Department of Politics, Media and Philosophy at La Trobe, “Maritime Disputes, Sovereignty and the Rules‐Based Order in East Asia,” 9 September 2019, *Special Issue: East Asia's Contested Security Order*, Volume 65, Issue3

Whether a norm‐based approach to international relations will prevent the escalation of maritime disputes is questionable. The first issue is that a number of disputes over maritime features appear to fall outside the remit of UNCLOS. The sovereignty regime of land acquisition is dominated by rules of effective occupation and administration rather than principles of equity and geographical proximity, reflecting a more “realist” power‐based vision of international relations.87 In essence, UNCLOS should deny more powerful states the capacity to shape the allocation of maritime spaces through occupation, use and force. On the second issue of contested jurisdictions and rights, as maritime spaces become increasingly conflated with land territory and tied up with states’ images of national identity, status and prestige, prospects for finding peaceful alternatives to conflict under UNCLOS may also diminish. Additionally, the deferral of East Asian states to alternative regimes also challenges the capacities of UNCLOS to provide increased certainty and stability in the maritime security realm.

It is all well and good for leaders and foreign policy experts to expect that disputes should conform to “rules‐based order”, but in these maritime disputes, there are actually parallel sets of rules that can be used to defend and adjudicate the different dimensions of these disputes. Understanding the role that law and norms can play in resolving the dispute requires untangling the various strands of public discourse — generated in both commentary and state narratives — that conflate the different dimensions of the dispute, and employ concepts of sovereignty and sovereign rights in obfuscatory ways. Importantly, it is too simplistic to consider prominent issues such as the nine‐dash line as reflective of a competing legal order rising to contest the US‐led “rules based order”. This particular set of disputes symbolise the ambiguity and gaps of the UNCLOS‐led maritime rules‐based order as the parallel set of rules — between those governing maritime resources and sovereign recognition — come from within rather than beyond the legal order. The so‐called “constitution of the sea” is limited particularly on the question of sovereignty, which problematically lies at the heart of many of these disputes.

#### No impact to US ILAW---we will just selectively decide where it exists.

John Dugard 23, Professor of Law in the Centre for Human Rights at the University of Pretoria, LL.D. from the University of Cambridge, “The choice before us: International law or a ‘rules-based international order’?”, Leiden Journal of International Law, 02-21-2023, https://doi.org/10.1017/S0922156523000043

There are several reasons that may explain why the United States prefers to invoke a ‘rules-based international order’ and not international law.

First, the United States is not a party to a number of important multilateral treaties that constitute an essential feature of international law. It is not a party to the Law of the Sea Convention which means that it is compelled to reprimand China for threatening the ‘rules-based international order’ in the South China Sea rather than international law. 22 It is not party to a number of fundamental treaties governing international humanitarian law, including the 1977 Protocols to the Geneva Conventions on the Laws of War, the Rome Statute of the International Criminal Court, the Convention on Cluster Munitions, and the Anti-Personnel Mine Ban Convention. Nor is it a party to the Rights of the Child Convention or the Convention of the Rights of Persons with Disabilities. Inevitably this makes it difficult for the United States to hold states accountable for violations of international humanitarian law and human rights law to the extent that these rules are not considered by the United States to be part of customary international law.

Second, the United States has placed interpretations on international law justifying the use of force 23 and the violation of international humanitarian law that are controversial and contested. Its interpretation of the right of self-defence to allow pre-emptive strikes 24 and the use of force against insurgents/militants characterized as terrorists are widely disputed. 25 The resort to the use of force as a species of humanitarian intervention in the 1999 bombing of Belgrade, conducted under the auspices of NATO, 26 is likewise disputed. The interpretations placed on Security Council resolutions by the United States and the United Kingdom, to authorize the use of force in Iraq in 200327 and Libya in 201128 have been much criticized as unlawful pretexts for regime change. The denial of prisoner-of-war status to Taliban soldiers detained at Guantanamo Bay following the US invasion of Afghanistan in 2002 has been questioned on the ground that it violates Article 4 of the Convention Relative to the Treatment of Prisoners of War. 29 The use of drones in Afghanistan, Iraq, and Yemen to kill hostile militants/terrorists, which the United States has justified as permissible self-defence, has been criticized as a violation of international humanitarian law and human rights law. 30 It seems that the United States finds it more convenient – and possible – to uphold contested interpretations of international law of this kind under the broad ‘rules’ of the RBO than to justify them under the stricter rules of international law. 31

Third, the United States is unwilling to hold some states, such as Israel, accountable for violations of international law. They are treated as sui generis cases in which the national interest precludes accountability. This exceptionalism in respect of Israel was spelled out by the United States in its joint declaration with Israel on the occasion of President Biden’s visit to Israel in July 2022, 32 which reaffirms ‘the unbreakable bonds between our two countries and the enduring commitment of the United States to Israel’s security’ and the determination of the two states ‘to combat all efforts to boycott or de-legitimize Israel, to deny its right to self-defence, or to single it out in any forum, including at the United Nations or the International Criminal Court’. This commitment explains the consistent refusal of the United States to hold Israel accountable for its repeated violations of humanitarian law, support the prosecution of perpetrators of international crimes before the International Criminal Court, condemn its assaults on Gaza (best portrayed as excessive enforcement of the occupation of Gaza and not self-defence as the United States argues 33 ), insist that Israel prosecute killers of a US national (Shireen Abu Akleh), criticize its violation of human rights as established by both the Human Rights Council and the General Assembly, accept that Israel applies a policy of apartheid in the Occupied Palestinian Territory, 34 and oppose its annexation of East Jerusalem. 35 And, of course, there is the refusal of the United States to acknowledge the existence of Israel’s nuclear arsenal or allow any discussion of it in the context of nuclear proliferation in the Middle East. 36 Such measures on the part of Israel are possibly seen as consistent with the ‘rules-based international order’ even if they violate basic rules of international law.

Of course, double standards, exceptionalism, and hypocrisy are a feature of the foreign policies of states that accept international law and do not favour the RBO. Such conduct must be condemned as it undermines the notion of accountability for all states, irrespective of their position and friends in the international community. The amorphous ‘rules’ of the RBO, however, make it easier for a state to provide special treatment to another state and to condone its violations of international law. The United States is able to justify its refusal to hold Israel accountable for its violations of international law by arguing that international law as interpreted by the United States – the RBO – allows assaults on Gaza as self-defence against terrorism, the assassination of militants/terrorists by drones, the application of apartheid, the annexation of territory, and the continuation of an occupation which is widely seen as illegal.

These explanations for the United States’ preferred invocation of the RBO do not apply consistently to other states of the Western alliance. Most are parties to most multilateral treaties. Only the United Kingdom participated in all the controversial military interventions named above, although some were undertaken under the umbrella of NATO. And most Western states have been prepared to hold Israel accountable for its violations of international law, albeit only in word. This probably explains why Western leaders have used the term RBO interchangeably with international law and appear to treat the two orders as synonymous. This means that the RBO is largely an order advocated by the United States.