David and I Affirm Resolved: The United States should accede to the United Nations Convention on the Law of the Sea without reservations.

**Our Sole Contention is Taming Tensions**

Currently, tensions in East Asia are at an all time high. [Bitzinger](http://www.atimes.com/why-beijing-is-militarizing-the-south-china-sea/) of the Asia Times reports in 2018 that China has based military weapons on artificial islands they have been creating in the South China Sea. However, China is not alone. [Bender](https://www.businessinsider.com/vietnam-building-islands-in-south-china-sea-2016-5) of Business Insider in 2016 writes that Vietnam began building artificial islands as well, and [Cochrane](https://www.nytimes.com/2017/09/10/world/asia/indonesia-south-china-sea-military-buildup.html) of the New York Times reports in 2017 that Indonesia has become more aggressive in the region, including a military buildup on nearby islands.

Fortunately, ratifying UNCLOS reduces these tensions in two ways.

First is by stopping Freedom of Navigation Operations, otherwise known as FONOPS. FONOPs are when the US sails warships through other countries territorial waters. Unfortunately, [Patrick](https://www.theatlantic.com/international/archive/2012/06/-almost-everyone-agrees-the-us-should-ratify-the-law-of-the-sea-treaty/258301/) of the Atlantic writes in 2012 that countries as diverse as Brazil, Malaysia, Peru, and India have resisted freedom of navigation within their territory, and [Houck](http://www.jag.navy.mil/documents/navylawreview/NLRVolume61.pdf) of the Naval Law Review writes in 2012 that over 40 coastal nations restrict freedom of navigation within their territorial waters. For this reason, [Kowalewski](http://georgetownsecuritystudiesreview.org/2016/11/22/its-all-about-the-ships-and-the-schedule-us-freedom-of-navigation-operations-in-the-south-china-sea/) of Georgetown in 2016 writes that “every FONOP the US conducts further escalates tensions in the South China Sea. FONOPS will decrease for 3 reasons.

**A) FONOPs are strictly illegal under UNCLOS.** [Groves](https://www.heritage.org/defense/report/accession-the-un-convention-the-law-the-sea-unnecessary-secure-us-navigational#_ftn51) of the Heritage Foundation in 2011 writes that FONOPs  are prohibited under UNCLOS as they occur in other countries territorial waters, and therefore the US could not continue these under UNCLOS, easing tensions all around.

**B) Reactions of other countries.** Because countries have historically resisted FONOPs, it is likely they would bring their complains to the resolution body under UNCLOS. This is extremely important, as [Rabkin](http://opiniojuris.org/2012/06/15/unclos-and-the-risks-of-compulsory-arbitration/) of George Mason University writes in 2012 that when it comes to maritime disputes, international courts will be biased against the US, especially considering that [Chubb](https://www.lowyinstitute.org/the-interpreter/south-china-sea-patrols-does-trump-team-get-it) of the Lowy Institute writes in 2017 that FONOPs are just for demonstrative purposes. This means that the US will lose and be banned from using FONOPs in territorial seas.

**C) The Purpose of FONOPs.** [Panda](https://thediplomat.com/2017/05/the-trump-administrations-first-south-china-sea-fonop-is-here-first-takeaways-and-analysis/) of the Diplomat in 2017 explains that the US uses FONOPs not as a deterrent tool, but as a measure for legal signaling, meaning they use it to show countries they disapprove of maritime claims. [Santicola](https://www.nslj.org/wp-content/uploads/Santicola_Final_w-Splash-Page_04-16-17.pdf) of the National Security Law Journal writes in 2016 that the US believes that current diplomatic routes are insufficient to voice objections, so they rely on FONOPs instead of diplomacy. Because UNCLOS provides more routes for diplomacy, the US will no longer need to rely on FONOPs to send a message.

**The second reason tensions will decrease is by increasing diplomacy.** Because the US did not accede to UNCLOS, [Patrick](https://www.cfr.org/blog/everyone-agrees-ratify-law-sea) of the Council on Foreign Relations writes in 2012 that they have no legal standing to bring its complaints to the international dispute resolution body of UNCLOS. Unfortunately, [Tolve](http://www.jag.navy.mil/documents/navylawreview/NLRVolume61.pdf) of the Naval Law Review writes in 2012 that as China has gained political, economic, and military stature, they have been shaping international legal norms without opposition from the US, encouraging more countries to do the same. [Peters](http://trumancenter.org/doctrine-blog/why-the-u-n-law-of-the-seas-treaty-means-jobs-and-security-for-america/) of the Truman Project writes that China relies on its economic muscle to prevent other South China Sea nations from collectively bringing claims under the Treaty, and instead takes on each member nation individually. If the United States ratifies UNCLOS, we could use our legal standing under the Treaty and our own economic muscle to prevent China from pushing its neighbors around. As long as we are out of the treaty, [Sandalow](https://www.brookings.edu/research/law-of-the-sea-convention-should-the-u-s-join/) of Brookings in 2004 writes that the risk of coastal states expanding their maritime claims will stay high.

There are two impacts to reducing tensions.

**First is saving regional trade.** [Wai](https://www.todayonline.com/singapore/tensions-south-china-sea-could-affect-investment-climate-region-pm-lee) of Today Magazine writes in 2016 that tensions in the South China Sea impact investment decisions across the region. In fact, [Chau](https://www.bloomberg.com/news/articles/2018-04-03/top-vietnam-oil-company-says-china-sea-tensions-hurt-investment) of Bloomberg in 2018 writes that $8.5 billion of capital investment in the South China Sea could be at risk if China continues to press its defense of its territorial claims.

**The second impact is Militarization**. [Dominguez](https://www.dw.com/en/are-south-china-sea-tensions-triggering-an-arms-race/a-18927467) of DW Magazine writes in 2015 that the rising tensions "have seen a process of military modernization move up the political agenda in a number of countries. This spending has implications at home, as [Beattie](https://www.investopedia.com/articles/investing/072115/how-military-spending-affects-economy.asp) of Investopedia writes in 2018 that for nations that are still developing economically, a focus on military spending often means foregoing other important spending priorities, which is why [Dunne](https://peacesciencedigest.org/effects-military-spending-economic-growth/) of Defense and Peace Economics finds in 2017 that a 1 percent increase in military spending decreases economic growth by 9 percent.