

## Our Sole Contention is A Nullified Navy

US naval power is important to global peace. [Ricks '14 of Foreign Policy explains](#), the navy acts to deter military aggression, reassure our allies, and protect maritime trade.

However, acceding to UNCLOS subjects the US military to a comprehensive regime of regulations and restrictions. [Ridenor '06 of the National Center for Public Policy Research finds](#), Article 20 restricts our ability to gather intelligence using submarines and Article 110 impedes our ability to board military ships to search for terrorists or weapons of mass destruction. Article 88, which stipulates that “the high seas shall be reserved for peaceful purposes” together with Article 301’s requirement to refrain from “any use of force against the territorial integrity or political independence of any state” have the potential of unduly constraining U.S. [freedom of navigation operations, or FONOPS] on the high seas.

These restrictions would be strictly enforced. [Ridenor continues](#), the tribunal which makes UNCLOS rulings is comprised of primarily judges from countries that are hostile to the United States, such as Russia, Argentina, and China.

UNCLOS would cripple our naval presence in two key regions.

### **First, China.**

[Fruend '17 of the Belfer Center finds](#) that US FONOPS have effectively prevented Chinese free reign over the South China Sea.

Indeed, [Bo '18 of the National Interest explains](#), China has accepted that it will remain incapable of controlling the entire South China Sea as long as the American navy remains. After a drawn-out competition, both sides will realize that there is no choice but to establish a common and inclusive security order with other Southeast Asian nations.

This stalemate has already led to meaningful negotiations, as [Stashwick '17 of the Diplomat states](#), it was U.S. military presence which motivated China to negotiate a Code of Conduct with ASEAN last summer.

Insecurity in the South China Sea would rise without an American deterrent. [Lin '15 of the](#)

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China regaining control of the sea would be devastating, as [Pham '17 of Forbes explains](#), even the smallest miscalculation could spiral out of control and have fatal consequences for billions of people.

### **The second region where our navy is needed is Iran.**

[Groves '11 of the Heritage Foundation writes](#), in 1972, the states of Iran and Oman extended their maritime claims and effectively closed the Strait of Hormuz, because the high seas corridors through the strait were reclassified as territorial waters and became subject to the restrictive regime of innocent passage.

Iran's claims have become a precedent for them imposing strict regulations on transit. [Van Dyke '08 of Hawaii Law finds](#), during negotiations on UNCLOS in 1982, Iran stated that it would "guarantee passage only to vessels that did not pose a threat to its security."

However, lack of U.S. accession allows it to circumvent these restrictions, as [Groves reports](#), America does not recognize any of the excessive claims made by Oman and Iran and the US navy continues to conduct regular transit through the Strait of Hormuz.

Unfortunately, if the U.S. were to accede to UNCLOS, it would have to abide by innocent passage under [Article 17](#).

This effectively blocks the U.S. Navy from the Strait, because [Article 25 of UNCLOS articulates](#), the coastal state may take necessary steps in its territorial sea to prevent passage which is not innocent.

U.S. military vessels are needed in the Strait of Hormuz, because, according to [Reuters '17](#), the waters have been used by Iran to traffic weapons to Houthi rebels in Yemen's civil war.

[Nissenbaum '15 of the Wall Street Journal writes](#), the U.S. Navy began its campaign to stop Iran from supplying game-changing weapons such as surface-to-air missiles to the Houthis in April. These coordinated military operations have so far deterred Iran from taking major risks to aid the rebels.

Without the U.S. Navy in the strait however, we lose our strategic ability to intercept arms sales. These interceptions come at a critical time, as [Reuters continues](#), the Houthis "will eventually deplete their limited stock of missiles," forcing them to end their campaign of missile attacks on Saudi territory.

Dragging out the conflict would be disastrous, as [Barker '18 of ABC reports](#), at least 10,000 Yemenis have already been killed since the war broke out and the United Nations estimates 8.4 million people remain on the brink of famine in what it has labelled the world's worst humanitarian crisis.

**Time is running out, which is why we are proud to negate.**