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#### Engagement requires sustained government-to-government interaction

**Sheen, 2** – associate professor at the Graduate School of International Studies, Seoul National University (Seongho, The Korean Journal of Defense Analysis, Vol. XIV, No. 1, Spring 2002, “US Strategy of Engagement During the Cold War and Its Implication for Sunshine Policy” <http://www.kida.re.kr/data/2006/04/14/seongho_sheen.pdf>)

Can the sunshine policy really bring positive changes within the North Korean regime and peace to the Korean peninsula? The logic behind Kim Dae-jung’s policy is a refinement of one of the major strategies of economic statecraft and military competition. In his discussion of US economic statecraft towards the Soviet Union during the Cold War, Michael Mastanduno provides a useful framework for understanding President Kim’s engagement policy towards the North. In general, engagement promotes positive relations with an enemy as a means of changing the behavior or policies of a target government. It accepts the legitimacy of that government and tries to shape its conduct. Engagement also requires the establishment and continuance of political communication with the target. In engaging the enemy, the state sees political polarization with target or isolation of the target country as undesirable.

#### Violation – the plan does not increase government contacts but rather decreases sanctions which may result in engagement

#### **Vote neg**

#### **1. Ground – positive engagement with the state is what all links are based off of – lifting sanctions doesn’t guarantee and interaction which kills all disads**

#### **2. Predictable limits – they allow infinite tiny sanctions affs that could interact with the private sector – this makes topic prep impossible**

#### **3. Effects t is a voter – we can’t predict the internal link chain that makes them topical**

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#### America uses alliance rhetoric to instill a friendly inside from a hostile outside with the threat of mass destruction masked as ‘alliance commitment’

**Fierke 2002** (Karin M., Professor of International Relations at the University of St. Andrews. “Critical Security Studies: Concepts and Cases” edited by Michael and Keith. Copywrited in 1997, this edition was published in 2002. p. 247-249, MT)

Cold War language games of security are paradoxical. While the American promise to use nuclear weapons in defense of Europe is an expression of potential violence and destruction, it is framed in a context of stable foundations enclosing families bound by commitment. In this semantic disarrangement, properties conventionally ascribed to one form of life, a family, are unconventionally ascribed to another, a military alliance. In this act an otherwise abstract experience of a promise binding populations on two distant continents is described in the more understandable everyday language of the protection provided by families. The act is not simply one of description, however; it also replaces the destructive, fearful emotions associated with nuclear war with positive emotions of safety and belonging. Traditional game theory has been criticized for trivializing life- and—death experiences at the international level by drawing on game metaphors. By contrast, the language games explored here are not mere games but, rather, acts by which we are connected and reconnected to a particular kind of experience.25 Alliance games connect us to an everyday cultural experience of home. At the same time, these language games organize and construct the identity of NATO or the Warsaw Pact, creating and maintaining the sensibility on which these “imagined communities” depend.26 The emancipatory acts of social movements reverse the paradox, exposing the violence and dependency underlying this external image of commitment and protection. Alliance identities within the Cold War were constructed as given, that is, as belonging to a relational field defined by the permanence of committed families occupying stable structures. It is the necessity of these hierarchies that is called into question by emancipatory movements. The cohesion of each alliance relationship depends on acts that name the family as a source of security. In the early eighties, each family is engaged in actions—movement toward a first-strike strategy in the West and human rights abuses in the East—that the movements rename as a source of insecurity. These acts of renaming introduce a conflict over the interpretation of the meaning of acts by each family. Once the necessity of a particular spatial field begins to dissolve, new acts of naming recast the boundaries of possibility and action in multiple ways. This analysis has demonstrated an underlying continuity to changes in the meaning of security. The central role historically of grammars of structure and intimate relations, as well as the various forms in which they have been expressed in different historical eras, is the basis for distinguishing that which has changed. In contrast to the deterministic notion of games or structure employed in theories of International Relations—which not incidently emerged in the context of the Cold War—the more fluid notion of language games makes it possible to recognize that the current need to redefine security is inseparable from practices in the real world by which the structures and relationships of the Cold War were called into question. In the process of challenging assumptions that the walls or intimate relations provided security, social movements begin making different moves—the maintenance activities of states are countered by the dismantling acts of movements, accompanied by a renaming of the relationships as sources of dependence, hierarchy, and danger. These challenges from outside recast the terms of the game. Both superpowers begin to negate the foundations of deterrence, and Gorbachev proposes a security structure based on a renaming of the outsides and insides of Europe, which, like the social movement efforts to restore the meaning of Helsinki, is based on the CSCE model. The North Atlantic Treaty Organization also engages in an act of renaming the boundaries that results in a new competition between two different structures. With each move, as the game is politicized or the space renamed, the relationships within or outside spaces are also recast. As competition over the naming of the European space emerges, the relationships become less intimate— clubs rather than families—accompanied by the emergence of different degrees of intimacy, as characterized by the rings of love and the absence of clear boundaries between intimates and others. It is difficult in the post—Cold War context to redefine the meaning of security precisely because this concept has traditionally required the drawing of lines and the building of walls to distinguish the space occupied by intimates and others outside. We are faced with a choice between security in this form as traditionally defined, a choice that has become increasingly dangerous, or finding new forms of security more fitting to a world of overlapping identities.

#### This security discourse replicates global power imbalances and causes serial policy failure

**Ahmed 12** Dr. Nafeez Mosaddeq Ahmed is Executive Director of the Institute for Policy Research and Development (IPRD), an independent think tank focused on the study of violent conflict, he has taught at the Department of International Relations, University of Sussex "The international relations of crisis and the crisis of international relations: from the securitisation of scarcity to the militarisation of society" Global Change, Peace & Security Volume 23, Issue 3, 2011 Taylor Francis, http://www.tandfonline.com/doi/abs/10.1080/14781158.2011.601854#.UfV-kW3aVos)//A-Berg

3. From securitisation to militarisation 3.1 Complicity

This analysis thus c alls for a broader approach to environmental security based on retrieving the manner in which political actors construct discourses of 'scarcity' in response to ecological, energy and economic crises (critical security studies) in the context of the historically-specific socio-political and geopolitical relations of domination by which their power is constituted, and which are often implicated in the acceleration of these very crises (historical sociology and historical materialism). Instead, both realist and liberal orthodox IR approaches focus on different aspects of interstate behaviour, conflictual and cooperative respectively, but each lacks the capacity to grasp that the unsustainable trajectory of state and inter-state behaviour is only explicable in the context of a wider global system concurrently over-exploiting the biophysical environment in which it is embedded. They are, in other words, unable to address the relationship of the inter-state system itself to the biophysical environment as a key analytical category for understanding the acceleration of global crises. They simultaneously therefore cannot recognise the embeddedness of the economy in society and the concomitant politically-constituted nature of economics. Hence, they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale - in the very process of seeking security.85 In Cox's words, because positivist IR theory 'does not question the present order [it instead] has the effect of legitimising and reifying it'.86 Orthodox IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason -thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence. Indeed, the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises. By the same token, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military-political power rather than any attempt to transform root structural causes.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nullified under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to 'securitise' them - and this, ironically, fuels the proliferation of violent conflict and militarisation responsible for magnified global insecurity. 'Securitisation' refers to a 'speech act' - an act of labelling - whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law. It thus legitimises resort to special extra-legal powers. By labelling issues a matter of 'security', therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival itself. Far from representing a mere aberration from democratic state practice, this discloses a deeper 'dual' structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military-police measures in purported response to an existential danger. The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating 'new security challenges', and are thus entirely disproportionate.90 All that remains to examine is on the 'surface' of the international system (geopolitical competition, the balance of power, international regimes, globalisation and so on), phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms. Indeed, orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to 'new security challenges' such as 'low-intensity' intra-state conflicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafficking; proliferation of weapons of mass destruction; and international terrorism.91 Although the majority of such 'new security challenges' are non-military in origin - whether their referents are states or individuals - the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power.92 In other words, the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military-political capacities to maintain existing power structures, to keep the lid on.93 Global crises are thus viewed as amplifying factors that could mobilise the popular will in ways that challenge existing political and economic structures, which it is presumed (given that state power itself is constituted by these structures) deserve protection. This justifies the state's adoption of extra-legal measures outside the normal sphere of democratic politics. In the context of global crisis impacts, this counter-democratic trend-line can result in a growing propensity to problematise potentially recalcitrant populations - rationalising violence toward them as a control mechanism. Consequently, for the most part, the policy implications of orthodox IR approaches involve a redundant conceptualisation of global systemic crises purely as potential 'threat-multipliers' of traditional security issues such as 'political instability around the world, the collapse of governments and the creation of terrorist safe havens'. Climate change will serve to amplify the threat of international terrorism, particularly in regions with large populations and scarce resources. The US Army, for instance, depicts climate change as a 'stress-multiplier' that will 'exacerbate tensions' and 'complicate American foreign policy'; while the EU perceives it as a 'threat-multiplier which exacerbates existing trends, tensions and instability'.95 In practice, this generates an excessive preoccupation not with the causes of global crisis acceleration and how to ameliorate them through structural transformation, but with their purportedly inevitable impacts, and how to prepare for them by controlling problematic populations. Paradoxically, this 'securitisation' of global crises does not render us safer. Instead, by necessitating more violence, while inhibiting preventive action, it guarantees greater insecurity. Thus, a recent US Department of Defense report explores the future of international conflict up to 2050. It warns of 'resource competition induced by growing populations and expanding economies', particularly due to a projected 'youth bulge' in the South, which 'will consume ever increasing amounts of food, water and energy'. This will prompt a 'return to traditional security threats posed by emerging near-peers as we compete globally for depleting natural resources and overseas markets'. Finally, climate change will 'compound' these stressors by generating humanitarian crises, population migrations and other complex emergencies.96 A similar study by the US Joint Forces Command draws attention to the danger of global energy depletion through to 2030. Warning of ‘the dangerous vulnerabilities the growing energy crisis presents’, the report concludes that ‘The implications for future conflict are ominous.’97 Once again, the subject turns to demographics: ‘In total, the world will add approximately 60 million people each year and reach a total of 8 billion by the 2030s’, 95 per cent accruing to developing countries, while populations in developed countries slow or decline. ‘Regions such as the Middle East and Sub-Saharan Africa, where the youth bulge will reach over 50% of the population, will possess fewer inhibitions about engaging in conflict.’98 The assumption is that regions which happen to be both energy-rich and Muslim-majority will also be sites of violent conflict due to their rapidly growing populations. A British Ministry of Defence report concurs with this assessment, highlighting an inevitable ‘youth bulge’ by 2035, with some 87 per cent of all people under the age of 25 inhabiting developing countries. In particular, the Middle East population will increase by 132 per cent and sub-Saharan Africa by 81 per cent. Growing resentment due to ‘endemic unemployment’ will be channelled through ‘political militancy, including radical political Islam whose concept of Umma, the global Islamic community, and resistance to capitalism may lie uneasily in an international system based on nation-states and global market forces’. More strangely, predicting an intensifying global divide between a super-rich elite, the middle classes and an urban under-class, the report warns: ‘The world’s middle classes might unite, using access to knowledge, resources and skills to shape transnational processes in their own class interest.’99 Thus, the securitisation of global crisis leads not only to the problematisation of particular religious and ethnic groups in foreign regions of geopolitical interest, but potentially extends this problematisation to any social group which might challenge prevailing global political economic structures across racial, national and class lines. The previous examples illustrate how secur-itisation paradoxically generates insecurity by reifying a process of militarization against social groups that are constructed as external to the prevailing geopolitical and economic order. In other words, the internal reductionism, fragmentation and compartmentalisation that plagues orthodox theory and policy reproduces precisely these characteristics by externalising global crises from one another, externalising states from one another, externalising the inter-state system from its biophysical environment, and externalising new social groups as dangerous 'outsiders\*. Hence, a simple discursive analysis of state militarisation and the construction of new "outsider\* identities is insufficient to understand the causal dynamics driving the process of 'Otherisation'. As Doug Stokes points out, the Western state preoccupation with the ongoing military struggle against international terrorism reveals an underlying 'discursive complex", where representations about terrorism and non-Western populations are premised on 'the construction of stark boundaries\* that 'operate to exclude and include\*. Yet these exclusionary discourses are 'intimately bound up with political and economic processes', such as strategic interests in proliferating military bases in the Middle East, economic interests in control of oil, and the wider political goal of 'maintaining American hegemony\* by dominating a resource-rich region critical for global capitalism.100 But even this does not go far enough, for arguably the construction of certain hegemonic discourses is mutually constituted by these geopolitical, strategic and economic interests — exclusionary discourses are politically constituted. New conceptual developments in genocide studies throw further light on this in terms of the concrete socio-political dynamics of securitisation processes. It is now widely recognised, for instance, that the distinguishing criterion of genocide is not the pre-existence of primordial groups, one of which destroys the other on the basis of a preeminence in bureaucratic military-political power. Rather, genocide is the intentional attempt to destroy a particular social group that has been socially constructed as different. As Hinton observes, genocides precisely constitute a process of 'othering\* in which an imagined community becomes reshaped so that previously 'included\* groups become 'ideologically recast' and dehumanised as threatening and dangerous outsiders, be it along ethnic, religious, political or economic lines — eventually legitimising their annihilation.102 In other words, genocidal violence is inherently rooted in a prior and ongoing ideological process, whereby exclusionary group categories are innovated, constructed and 'Otherised' in accordance with a specific socio-political programme. The very process of identifying and classifying particular groups as outside the boundaries of an imagined community of 'inclusion\*, justifying exculpatory violence toward them, is itself a political act without which genocide would be impossible.1 3 This recalls Lemkin's recognition that the intention to destroy a group is integrally connected with a wider socio-political project - or colonial project — designed to perpetuate the political, economic, cultural and ideological relations of the perpetrators in the place of that of the victims, by interrupting or eradicating their means of social reproduction. Only by interrogating the dynamic and origins of this programme to uncover the social relations from which that programme derives can the emergence of genocidal intent become explicable. Building on this insight, Semelin demonstrates that the process of exclusionary social group construction invariably derives from political processes emerging from deep-seated sociopolitical crises that undermine the prevailing framework of civil order and social norms; and which can, for one social group, be seemingly resolved by projecting anxieties onto a new 'outsider' group deemed to be somehow responsible for crisis conditions. It is in this context that various forms of mass violence, which may or may not eventually culminate in actual genocide, can become legitimised as contributing to the resolution of crises.105 This does not imply that the securitisation of global crises by Western defence agencies is genocidal. Rather, the same essential dynamics of social polarisation and exclusionary group identity formation evident in genocides are highly relevant in understanding the radicalisation processes behind mass violence. This highlights the fundamental connection between social crisis, the breakdown of prevailing norms, the formation of new exclusionary group identities, and the projection of blame for crisis onto a newly constructed 'outsider' group vindicating various forms of violence.

#### The alt is to interrogate the epistemological failures of the 1ac --- this is a prerequisite to successful policy.

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While recommendations to shift our frame of orientation away from conventional state-centrism toward a 'human security' approach are valid, this cannot be achieved without confronting the deeper theoretical assumptions underlying conventional approaches to 'non-traditional' security issues.106 By occluding the structural origin and systemic dynamic of global ecological, energy and economic crises, orthodox approaches are incapable of transforming them. Coupled with their excessive state-centrism, this means they operate largely at the level of 'surface' impacts of global crises in terms of how they will affect quite traditional security issues relative to sustaining state integrity, such as international terrorism, violent conflict and population movements. Global crises end up fuelling the projection of risk onto social networks, groups and countries that cross the geopolitical fault-lines of these 'surface' impacts - which happen to intersect largely with Muslim communities. Hence, regions particularly vulnerable to climate change impacts, containing large repositories of hydrocarbon energy resources, or subject to demographic transformations in the context of rising population pressures, have become the focus of state security planning in the context of counter-terrorism operations abroad. The intensifying problematisation and externalisation of Muslim-majority regions and populations by Western security agencies - as a discourse - is therefore not only interwoven with growing state perceptions of global crisis acceleration, but driven ultimately by an epistemological failure to interrogate the systemic causes of this acceleration in collective state policies (which themselves occur in the context of particular social, political and economic structures). This expansion of militarisation is thus coeval with the subliminal normative presumption that the social relations of the perpetrators, in this case Western states, must be protected and perpetuated at any cost - precisely because the efficacy of the prevailing geopolitical and economic order is ideologically beyond question. As much as this analysis highlights a direct link between global systemic crises, social polarisation and state militarisation, it fundamentally undermines the idea of a symbiotic link between natural resources and conflict per se. Neither 'resource shortages' nor 'resource abundance' (in ecological, energy, food and monetary terms) necessitate conflict by themselves. There are two key operative factors that determine whether either condition could lead to conflict. The first is the extent to which either condition can generate socio-political crises that challenge or undermine the prevailing order. The second is the way in which stakeholder actors choose to actually respond to the latter crises. To understand these factors accurately requires close attention to the political, economic and ideological strictures of resource exploitation, consumption and distribution between different social groups and classes. Overlooking the systematic causes of social crisis leads to a heightened tendency to problematise its symptoms, in the forms of challenges from particular social groups. This can lead to externalisation of those groups, and the legitimisation of violence towards them. Ultimately, this systems approach to global crises strongly suggests that conventional policy 'reform' is woefully inadequate. Global warming and energy depletion are manifestations of a civilisation which is in overshoot. The current scale and organisation of human activities is breaching the limits of the wider environmental and natural resource systems in which industrial civilisation is embedded. This breach is now increasingly visible in the form of two interlinked crises in global food production and the global financial system. In short, industrial civilisation in its current form is unsustainable. This calls for a process of wholesale civilisational transition to adapt to the inevitable arrival of the post-carbon era through social, political and economic transformation. Yet conventional theoretical and policy approaches fail to (1) fully engage with the gravity of research in the natural sciences and (2) translate the social science implications of this research in terms of the embeddedness of human social systems in natural systems. Hence, lacking capacity for epistemological self-reflection and inhibiting the transformative responses urgently required, they reify and normalise mass violence against diverse 'Others', newly constructed as traditional security threats enormously amplified by global crises - a process that guarantees the intensification and globalisation of insecurity on the road to ecological, energy and economic catastrophe. Such an outcome, of course, is not inevitable, but extensive new transdisciplinary research in IR and the wider social sciences - drawing on and integrating human and critical security studies, political ecology, historical sociology and historical materialism, while engaging directly with developments in the natural sciences - is urgently required to develop coherent conceptual frameworks which could inform more sober, effective, and joined-up policy-making on these issues.

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#### The United States federal government should amend Title 22 of US Code (22 U.S.C. 6065) so that a transition government in Cuba is defined as a government that is taking appropriate steps to restitute and/or compensate United States citizens for property taken by the Cuban government, as outlined in the following addendum. The United States federal government should offer to negotiate a Bilateral Investment Treaty with Cuba that includes a Step-Down Restitution Policy.

#### We’ll insert this description of the counterplan.

#### Current language

Title 22-FOREIGN RELATIONS AND INTERCOURSE CHAPTER 69A-CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) SUBCHAPTER II-ASSISTANCE TO FREE AND INDEPENDENT CUBA

§6065. Requirements and factors for determining transition government

(a) Requirements

For the purposes of this chapter, a transition government in Cuba is a government that-

(1) has legalized all political activity;

(2) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and

(4) has made public commitments to organizing free and fair elections for a new government-

(A) to be held in a timely manner within a period not to exceed 18 months after the transition government assumes power;

(B) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(C) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;

(5) has ceased any interference with Radio Marti or Television Marti broadcasts;

(6) makes public commitments to and is making demonstrable progress in-

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(C) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(7) does not include Fidel Castro or Raul Castro; and

(8) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people.

(b) Additional factors

In addition to the requirements in subsection (a) of this section, in determining whether a transition government in Cuba is in power, the President shall take into account the extent to which that government-

(1) is demonstrably in transition from a communist totalitarian dictatorship to representative democracy;

(2) has made public commitments to, and is making demonstrable progress in-

(A) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(B) permitting the reinstatement of citizenship to Cuban-born persons returning to Cuba;

(C) assuring the right to private property; and

(D) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(3) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States; and

(4) has permitted the deployment throughout Cuba of independent and unfettered international human rights monitors.

(Pub. L. 104–114, title II, §205, Mar. 12, 1996, 110 Stat. 811.)

#### Language post-counterplan

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#### Setting up a Bilateral Investment Treaty as a mechanism for compensation helps Cuba meet the only condition that is keeping the embargo in place

**Mowry, ’99** (David, Senior Counsel Xerox Corporation “Lifting the Embargo against Cuba Using Vietnam as a Model: A Policy Paper for Modernity” Brooklyn Journal of International Law, 25 Brooklyn J. Int'l L. 229, lexis)

The obstacles that prevent a President from lifting the embargo against Cuba arbitrarily would appear to be no more than a facade of legislation. n210 If the President determines that it is prudent for the United States to once again open trade relations with Cuba, then the President may, after the appropriate reports to Congress, lift the embargo. n211 Of course the American Congress has the power to override a Presidential decree by a two-thirds majority, and it seems that no President would take such a politically volatile step without extensive consultation with, and acquiescence of, Congressional leadership. n212 Given the normalization of relations with the Communist leadership of Vietnam, America's reasons for imposing the embargo against Cuba can no longer be said to hinge on the Communist ideology of Cuba's leadership. Rather, [\*259] the final issue yet to be resolved, or discussed by the United States and Cuba, surrounds the property claims resulting from the expropriation of property during the Castro revolution. As the statutory authority, specifically LIBERTAD, suggests, the settlement of claims for property seized during the beginning of Castro's rise to power are as yet unsettled. n213 International law is made up of international custom and international agreement. n214 Only states consenting to such agreements are bound by the agreements. n215 Accepted practices among states, as well as international tribunal decisions, can give rise to international custom. n216 International law requires a state to pay full compensation for "takings" of foreign owned property. n217 The Restatement (Third) of the Foreign Relations Law of the United States provides that a taking that is discriminatory, not for a public purpose, and not accompanied by "prompt, adequate, and effective" compensation is unlawful. n218 The United States maintains that the property seized by Cuba was part of an expropriation program that discriminated against U.S. nationals, was not for a public purpose, and compensation that was to have been prompt, adequate, and effective, has never been paid. n219 Though there are arguments from developing nations that "full" compensation should be a relative term so as not to upset a developing economy, [\*260] international tribunals have held that full compensation is the standard under international law. n220 The issue of settling the property claims against Cuba would seem to be as simple as Cuba signing an agreement with the United States, much as Vietnam did, promising to compensate the U.S. Government and its national claimants what it owes them. n221 For Vietnam, the amount was U.S. $ 208 million, in Cuba's case the amount is approximately U.S. $ 13 billion. n222 The amount of money owed by Cuba for the takings brings about a dilemma for the United States. Cuba, in its current economic state, would not be able to pay U.S. $ 13 billion; conversely, if the U.S. Government were to settle with Cuba for an amount less than that owed, the U.S. Government could be held liable to any of the over 5000 claimants to the taken property for the difference. n223 The potential liability of the U.S. Government may be the motivation that has kept the United States from negotiating a settlement with Cuba. As Cuba's economy has continued to grow, albeit at a slow pace, there appears to be little chance that the United States could negotiate a one-time payment from Cuba for what has continued to grow to well over U.S. $ 13 billion. However, utilizing a carefully planned business investment treaty, as well as a "road map" modeled on the tactics used with Vietnam, the United States could approach Cuba with a plan that would not only satisfy the claims for taken property and avoid American liability and litigation with the former property owners, but would sufficiently bolster the Cuban economy so that full compensation could be paid over time. The U.S. statutes currently in place do not require full [\*261] compensation for taken property before the embargo against Cuba may be lifted. n224 Phase one of the "road map" with Cuba, therefore, would consist of the United States approaching Cuba with a draft BIT, n225 as well as indications that the embargo will be lifted if certain steps are followed: Cuba will have to facilitate a change in policy towards the United States and indicate a willingness, by signing the BIT, to begin compensation for the taken property, as well as a willingness to consider multiparty elections. Phase two of the "road map" would consist of the partial lifting of the embargo against Cuba by having the United States alleviate travel restrictions, and open telecommunications lines and services with Cuba. This would begin to fuel the Cuban tourism economy, and would allow Cuba to begin updating its obsolete communications technology systems. n226 Conversely, Cuba would begin payments into a central compensation fund of a set amount per year, to be determined by the two governments. These payments would be compensation for any properties that Cuba is unwilling, or unable to restore, to the former owners. Cuba would also have to hold free elections with at least one other viable political party other than the Communist party. Phase three, the final phase, would consist of the transition of Cuba's Government from a one party oligarchy to a freely elected ruling body. The United States would then lift all trade restrictions against Cuba, as per the BIT. The influx of trade from the United States would strengthen Cuba's economy sufficiently so that the graduated repayments to former owners of property in Cuba would compensate them for their losses, and the U.S. Government would not be liable for any losses. [\*262]

#### Step-Down Restitution Policy is the best mechanism --- flexibility in payment ensures appropriate and quick redress and means Cuba says yes

**Espino, ‘8** (Daniel- JD Candidate Nova Southeastern University Shepard Broad Law Center, President and Chairman of the Board of Puente de Jovenes Profesionales Cubanos and President of the Hispanic Law Students Association, Spring, “Step-Down Restitution: A Proposal For An Equitable Resolution To Confiscated Cuban Property” Nova Law Review, 32 Nova L. Rev. 423, lexis)

[\*451] V. IMPLEMENTATION The Step-Down Restitution Policy should be implemented by way of a special tribunal or court established by agreement between the United States and Cuba. Such an agreement must include a provision in which both countries commit "to act in good faith so as to promote the mutual prosperity of their nations and citizens." n188 A post-Castro Cuban government must pledge to create a special court to resolve all confiscated property claims "by Cuban nationals who became nationals of the United States after the date of accrual of such claims." n189 This court will have independent and limited jurisdiction within the Cuban judicial system. n190 In implementing the Step-Down Restitution Policy, a future Cuban property claims court can turn to the lessons learned in Iran and Ethiopia, where similar courts were introduced to handle confiscated property claims. n191 A. Lessons from Iran In 1982, Iran and the United States established a dedicated tribunal for the redress of property claims akin to the one needed in Cuba to implement the Step-Down Restitution Policy. n192 The need for a claims tribunal in the case of Iran was prompted by the Islamic Revolution of 1979. Forces acting in support of the Ayatollah seized not only the U.S. Embassy in Tehran, but also many privately held American assets. Correspondingly, the necessity of claims tribunals in the case of Cuba was prompted by Castro's revolution in 1959, and the still-uncompensated property seizures that went along with it. The two situations thus present similarities in terms of the emotional and political aspects of the breakdown in relations. n193 Like the Iran-U.S. Claims Tribunal, a future Cuban property claims court implementing the Step-Down Restitution Policy will have to apply law and policy in a flexible manner, granting jurisdiction over a series of claims that arise in differing circumstances, taking law and policy from various sources including Cuban and international law, and granting different redress [\*452] depending on the circumstances. n194 However, in issuing remedies, a future Cuban property claims court should do well to consider that Cuba, unlike Iran, has low-valued currency and limited or no funds with which to pay compensation claims--claims that may include payment of the value of property, interest, lost profits, and/or past unpaid rent. n195 As such, the preferred remedy of direct restitution should be granted where possible. An important lesson Cuba can learn from Iran is that "much can be done with informal structures and the good will of [the] participants." n196 Because the Step-Down Restitution Policy does not provide for the expulsion of tenants and businesses on confiscated properties, informal mediations could facilitate the settlement of property claims where the true owner simply seeks reinstitution of title and would be content with collecting rent from tenants on the property. Given the proximity of Cuba to the United States and the sizeable Cuban/Cuban American population residing in the United States, relations with Cuba and the establishment of a Cuban property claims court will not likely suffer the delays and set-backs faced in Iran given the limited cultural boundaries and understood motivations amongst the groups with interests in Cuba. n197 B. Lessons from Ethiopia The Eritrea-Ethiopia Claims Commission is another example of a property claims tribunal created by bilateral treaty. n198 While the Ethiopian Commission was given broad jurisdiction--even so far as to include tort claims--in a post war scenario, a future Cuban property claims court implementing the Step-Down Restitution Policy may nevertheless find applicable case law stemming from the Ethiopian court because of their stance on confiscated property. n199 The Ethiopian Commission stated: A belligerent is bound to ensure insofar as possible that the property of protected persons is not despoiled or wasted. If private property of enemy nationals is to be frozen or otherwise impaired in wartime, it must be done by the State, and under conditions [\*453] providing for the property's protection and its eventual disposition by return to the owners or through post-war agreement. n200 Such a proclamation is at the heart of the Step-Down Restitution Policy and should be at the heart of any remediation treaty, program, or policy implemented by Cuba. VI. CONCLUSION Cuba will eventually take its first step towards the long road to a free market society. In this endeavor, Cuba should implement the Step-Down Restitution Policy as a means of achieving a prompt and efficient resolution to hundreds of thousands of property claims. The presumptive remedy of restitution will allow many Cuban exiles to take up their property and begin to make improvements to it immediately with the resources they have amassed while living elsewhere, mainly the United States. While situations may arise where former property owners find occupants currently living on the expropriated property, the Cuban government should take measures to prevent conflict between the parties and the eviction of these individuals. Given the poor housing sector, Cuba will likely have to implement legislation calling for the construction of affordable housing for Cuban Nationals living on the island currently oc-cupying confiscated property, who do not have their own confiscated property to which to return. Restitution is most appropriate for commercial properties which have undergone little or no change during the Castro regime. Given its proximity to the United States, Cuba will surely attract an enormous number of tourists from the United States and will most likely become a "stop" on the itineraries of many vacation cruise lines, like Puerto Rico and the Bahamas. With the potential for sudden interest in the country, Cuba will need to provide fast and efficient remedies to corporate claimants. With the award of direct restitution, corporate claimants may immediately use their property or alienate their property to corporations who have the resources and are ready to invest in industries such as tourism and mining. The greatest strength of restitution is the symbolism of the act. Restitution represents returning Cuba to its pre-Communist days of individual success and economic prosperity. The greatest strength of the Step-Down Restitution Policy, however, is the flexibility afforded to the fledgling democratic Cuban Government in its ability to award appropriate remedies on a case-by-case basis. With the adoption of such a policy, a healthy body of case law will quickly be established and allow for the dispensation of property claims based on differing scenarios. Although Cuba has limited land resources to offer in the form of substituted restitution, varying forms of compensation coupled with restitution or alternative remedies will allow Cuba to adequately, efficiently, and equitably handle confiscated property claims. The different types of claimants which will approach Cuba seeking restitution and the various forms of property expropriated during the Castro regime should force Cuba to avoid applying a one-size-fits-all resolution to confiscated property claims. Such a sweeping method aimed to settle all claims quickly will infuriate those on the short end of the remediation arrangement. The Step-Down Restitution Policy, with its varying remedies, allows for former owners to seek justice for Cuba's transgressions by allowing them to receive individualistic and equitable remediation.

#### The current embargo holds Cuba responsible for compensation for property taken during the Castro revolution – lifting the embargo and normalizing relations makes the US legally responsible for that compensation under the Takings Clause – that causes lawsuits against the federal government that collapses relations

**Smagula**, Associate with Totti, Rodriguez Diaz & Fuentes, **’95** (John, Fall, “Redirecting Focus: Justifying the U.S. Embargo Against Cuba and Resolving the Stalemate” North Carolina Journal of International Law & Commercial Regulation, 21 N.C.J. Int'l L. & Com. Reg. 66, lexis)

B. Full Compensation as an Inflexible Standard In extreme cases, full compensation may not be necessary. n227 The Restatement (Third) also notes that full compensation is required "in the absence of exceptional circumstances." n228 Comment d of the Restatement (Third) further discusses a very narrow range of "exceptional" circumstances, but exempts takings characteristic of those done by Cuba. n229 In INA Corp. v. Iran, n230 Judge Lagergren endorsed, in prin- [\*91] ciple, a lower standard of compensation in "large-scale nationalizations," in which a country simply cannot afford to pay full compensation. n231 In recent decisions, however, no arbitrator has argued that the amount of an award should be reduced due to economic effects on the expropriating state. n232 In the same arbitral decision, Judge Holtzmann soundly refuted Judge Lagergren's statement that in cases of "large scale" nationalizations full compensation need not be paid. n233 The International Court of Justice has described such partial compensation settlements as being sui generis and as such, they are no guide under international law. n234 Moreover, a country that claims it may pay partial compensation to those it has financially injured also violates the international legal principle of nemo judex in re sua. n235 Professor Wortley states: [A] State may exercise the liberty to accept less than is due to it or its nationals, should it so decide. In order to further peaceful relations, States have often done that. But the exercise of liberty by the creditor State is a different matter from saying that the debtor has a right to fix the terms of which he will be free from liability, especially when the seizure takes place in circumstances which themselves constitute an illegality. n236 C. U.S. Government Responsibility to the Property Owners The U.S. Executive Branch may, within limits that are not fully clear, settle the claims of its citizens against a foreign country. n237 If the [\*92] President were to enter into a partial compensation agreement, the U.S. government may then become liable to its citizens because of the Fifth Amendment protection of property interests. The Fifth Amendment provides that private property shall not "be taken for public use, without just compensation." n238 In First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, n239 the Supreme Court referred to the "self-executing" character of the Fifth Amendment provision requiring compensation when a governmental taking of property has occurred. n240 In its discussion of the obligations imposed upon government by the Fifth Amendment, the Court held that this provision does not "prohibit the taking of property, but instead places a condition on the exercise of that power." n241 The Court reasoned: This basic understanding of the [Fifth] Amendment makes clear that it is designed not to limit the governmental interference with property rights per se, but rather to secure compensation in the event of otherwise proper interference amounting to a taking. Thus, government action that works a taking of property rights necessarily implicated the "constitutional obligation" to pay just compensation. n242 If the United States were to settle the claims of its citizens against Cuba, those claimants would be left with no existing property interests with respect to that nation. Any uncompensated portions of their claims would be canceled against Cuba and thus rendered valueless. Armstrong v. United States n243 provides a similar fact pattern, in which the federal government terminated a shipbuilding contract, thereby acquiring all the materials purchased by the shipbuilder to perform the contract. n244 The suppliers to the shipbuilder were, upon the govern- [\*93] ment's action, left with unenforceable liens against those materials because of the federal government's sovereign immunity. n245 The Supreme Court held that the government's action constituted a "taking" of the liens because the value of the liens was destroyed. n246 The Armstrong rule can be applied in an international context to a partial compensation agreement between Cuba and the United States. The court in Dames & Moore v. Regan upheld the President's action in dismissing pending litigation by U.S. companies against Iran for, among other things, property expropriations in that country, stating "though we conclude that the President has settled petitioner's claims against Iran, we do not suggest that the settlement has terminated petitioner's possible taking claim against the United States." n247 Justice Powell, concurring in part and dissenting in part, stated "the Government must pay just compensation when it furthers the Nation's foreign policy goals by using as "bargaining chips' claims lawfully held by a relatively few persons and subject to the jurisdiction of our courts." n248 In Shanghai Power Co. v. United States, n249 the Claims Court found that the U.S. government's settlement of a U.S. citizen's claim against the People's Republic of China for partial value did not give rise to a Fifth Amendment obligation to compensate the claimant for its uncompensated losses. n250 However, within a year of the decision in Shanghai Power, the U.S. Court of Appeals for the Federal Circuit in Langenegger v. United States n251 held that The Claims Court [in Langenegger] below incorrectly held that appellants' claim was nonjustifiable and that the extinguishment of a claim under international law cannot amount to a taking; the court relied on Shanghai Power Co. v. United States ... We note that the lower court's Shanghai Power decision does not present an absolute rule that the extinguishment of a claim under international law can never amount to a taking. n252 The Langenegger case reinforced well-settled law that requires each takings issue be resolved on a case-by-case basis. n253 Several factual diff- [\*94] erences existed between the settlement with the People's Republic of China and a potential settlement with Cuba in the post-Cold War era. n254 A major distinction is Cuba's willingness to allow foreign private investors to participate in its economy. n255 Such a willingness readily distinguishes China at the time of the Shanghai Power decision from Cuba, since property rights and private investment go hand in hand. n256 The Supreme Court has recently affirmed the constitutional commitment to property rights. Chief Justice Rehnquist stated in Dolan v. City of Tigard n257 that "we see no reason why the Takings Clause of the Fifth Amendment, as much a part of the Bill of Rights as the First Amendment or Fourth Amendment, should be relegated to the status of a poor relation." n258 The Environmental Protection Agency must comply with similar restraints mandating that the EPA provide full compensation for its takings and for its declaring private property unusable for various environmental purposes. n259 If the United States were to settle its citizens' claims against Cuba for less than their full value, the U.S. government could be held liable for the difference. In the current environment of budget cutting and deficit reduction, it is unlikely that the U.S. government would subject itself to such liability. Thus, the United States would be unwise to encourage such a settlement because the potentially enormous liability of the U.S. government would invariably cast a cloud over any progress in U.S.-Cuban relations.

#### Court clog from new litigation independently destroys the economy

**Fix-Fierro**, Circuit Master Judge, **3** (Hector, Courts, Justice, & Efficiency: A Social Justice Legal Study of Economic Rationality in Adjudication, p. 123)

Regarding the second question, ie, competition between legal systems121 and the role of courts in such a process, legal rules obviously serve as an important instrument for attracting foreign trade and investment by creating comparative economic advantages. After all, this is the logic that lies behind the impressive transformation that the legal systems of many countries experienced in the 1980s and 1990s towards economic and political liberalisation, with considerable success.122 In this context, and as has already been stated, domestic courts play an important role as a factor in the general climate of economic and political stability, as well as of legal certainty, that favors investment, trade and, ultimately, growth. In fact, the perception that domestic courts are ineffective and inefficient, or that their judgments and interpretations may reduce economic opportunities, will weigh heavily on the decision-making process of foreign {and domestic) economic actors.123

#### Collapses power projection – leads to nuclear war

**Harris and Burrows 9**

Mathew, PhD European History @ Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer is a member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>

Increased Potential for Global Conflict

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises.

### multilat

#### Asian war is unlikely --- all potential conflicts are solved by regional stability initiatives

**Bitzinger & Desker, 08** (December, Richard A. Bitzinger, Barry Desker,. Senior Fellow and Dean of S. Rajaratnam School of International Studies, “Why East Asian War is Unlikely,” Survival, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf Pismarov)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing);and contains overlapping claims for maritime territories(the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect.To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however,the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit,ASEAN+3 (China, Japan and South Korea)and the ASEAN Regional Forum. All this suggests that war in Asia – while not inconceivable – is unlikely.

#### Multilateralism fails – its unsustainable and it can’t solve anything

**Held et al, 13** – Master of University College and Professor of Politics and International Relations, at the University of Durham, and Director of Polity Press and General Editor of Global Policy (David, “Gridlock: the growing breakdown of global cooperation,” ProQuest, 5/24/2013, http://search.proquest.com.proxy.lib.umich.edu/docview/1355105016) // MS

\*\*\*Edited for ablest language

Economic and political shifts in large part attributable to the successes of the post-war multilateral order are now amongst the factors grinding that system into gridlock. The Doha round of trade negotiations is deadlocked, despite eight successful multilateral trade rounds before it. Climate negotiators have met for two decades without finding a way to stem global emissions. The UN is ~~paralyzed~~ in the face of growing insecurities across the world, the latest dramatic example being Syria. Each of these phenomena could be treated as if it was independent, and an explanation sought for the peculiarities of its causes. Yet, such a perspective would fail to show what they, along with numerous other instances of breakdown in international negotiations, have in common. Global cooperation is gridlocked across a range of issue areas. The reasons for this are not the result of any single underlying causal structure, but rather of several underlying dynamics that work together. Global cooperation today is failing not simply because it is very difficult to solve many global problems - indeed it is - but because previous phases of global cooperation have been incredibly successful, producing unintended consequences that have overwhelmed the problem-solving capacities of the very institutions that created them. It is hard to see how this situation can be unravelled, given failures of contemporary global leadership, the weaknesses of NGOs in converting popular campaigns into institutional change and reform, and the domestic political landscapes of the most powerful countries. A golden era of governed globalization In order to understand why gridlock has come about it is important to understand how it was that the post-Second World War era facilitated, in many respects, a successful form of 'governed globalization' that contributed to relative peace and prosperity across the world over several decades. This period was marked by peace between the great powers, although there were many proxy wars fought out in the global South. This relative stability created the conditions for what now can be regarded as an unprecedented period of prosperity that characterized the 1950s onward. Although it is by no means the sole cause, the UN is central to this story, helping to create conditions under which decolonization and successive waves of democratization could take root, profoundly altering world politics. While the economic record of the postwar years varies by country, many experienced significant economic growth and living standards rose rapidly across significant parts of the world. By the late 1980s a variety of East Asian countries were beginning to grow at an unprecedented speed, and by the late 1990s countries such as China, India and Brazil had gained significant economic momentum, a process that continues to this day. Meanwhile, the institutionalization of international cooperation proceeded at an equally impressive pace. In 1909, 37 intergovernmental organizations existed; in 2011, the number of institutions and their various off-shoots had grown to 7608 (Union of International Associations 2011). There was substantial growth in the number of international treaties in force, as well as the number of international regimes, formal and informal. At the same time, new kinds of. Postwar institutions created the conditions under which a multitude of actors could benefit from forming multinational companies, investing abroad, developing global production chains, and engaging with a plethora of other social and economic processes associated with globalization. These conditions, combined with the expansionary logic of capitalism and basic technological innovation, changed the nature of the world economy, radically increasing dependence on people and countries from every corner of the world. This interdependence, in turn, created demand for further institutionalization, which states seeking the benefits of cooperation provided, beginning the cycle anew. This is not to say that international institutions were the only cause of the dynamic form of globalization experienced over the last few decades. Changes in the nature of global capitalism, including breakthroughs in transportation and information technology, are obviously critical drivers of interdependence. However, all of these changes were allowed to thrive and develop because they took place in a relatively open, peaceful, liberal, institutionalized world order. By preventing World War Three and another Great Depression, the multilateral order arguably did just as much for interdependence as microprocessors or email (see Mueller 1990; O'Neal and Russett 1997). Beyond the special privileges of the great powers Self-reinforcing interdependence has now progressed to the point where it has altered our ability to engage in further global cooperation. That is, economic and political shifts in large part attributable to the successes of the post-war multilateral order are now amongst the factors grinding that system into gridlock. Because of the remarkable success of global cooperation in the postwar order, human interconnectedness weighs much more heavily on politics than it did in 1945. The need for international cooperation has never been higher. Yet the "supply" side of the equation, institutionalized multilateral cooperation, has stalled. In areas such as nuclear proliferation, the explosion of small arms sales, terrorism, failed states, global economic imbalances, financial market instability, global poverty and inequality, biodiversity losses, water deficits and climate change, multilateral and transnational cooperation is now increasingly ineffective or threadbare. Gridlock is not unique to one issue domain, but appears to be becoming a general feature of global governance: cooperation seems to be increasingly difficult and deficient at precisely the time when it is needed most. It is possible to identify four reasons for this blockage, four pathways to gridlock: rising multipolarity, institutional inertia, harder problems, and institutional fragmentation. Each pathway can be thought of as a growing trend that embodies a specific mix of causal mechanisms. Each of these are explained briefly below. Growing multipolarity. The absolute number of states has increased by 300 percent in the last 70 years, meaning that the most basic transaction costs of global governance have grown. More importantly, the number of states that "matter" on a given issue--that is, the states without whose cooperation a global problem cannot be adequately addressed--has expanded by similar proportions. At Bretton Woods in 1945, the rules of the world economy could essentially be written by the United States with some consultation with the UK and other European allies. In the aftermath of the 2008-2009 crisis, the G-20 has become the principal forum for global economic management, not because the established powers desired to be more inclusive, but because they could not solve the problem on their own. However, a consequence of this progress is now that many more countries, representing a diverse range of interests, must agree in order for global cooperation to occur. Institutional inertia. The postwar order succeeded, in part, because it incentivized great power involvement in key institutions. From the UN Security Council, to the Bretton Woods institutions, to the Non-Proliferation Treaty, key pillars of the global order explicitly grant special privileges to the countries that were wealthy and powerful at the time of their creation. This hierarchy was necessary to secure the participation of the most important countries in global governance. Today, the gain from this trade-off has shrunk while the costs have grown. As power shifts from West to East, North to South, a broader range of participation is needed on nearly all global issues if they are to be dealt with effectively. At the same time, following decolonization, the end of the Cold War and economic development, the idea that some countries should hold more rights and privileges than others is increasingly (and rightly) regarded as morally bankrupt. And yet, the architects of the postwar order did not, in most cases, design institutions that would organically adjust to fluctuations in national power. Harder problems. As independence has deepened, the types and scope of problems around which countries must cooperate has evolved. Problems are both now more extensive, implicating a broader range of countries and individuals within countries, and intensive, penetrating deep into the domestic policy space and daily life. Consider the example of trade. For much of the postwar era, trade negotiations focused on reducing tariff levels on manufactured products traded between industrialized countries. Now, however, negotiating a trade agreement requires also discussing a host of social, environmental, and cultural subjects - GMOs, intellectual property, health and environmental standards, biodiversity, labour standards--about which countries often disagree sharply. In the area of environmental change a similar set of considerations applies. To clean up industrial smog or address ozone depletion required fairly discrete actions from a small number of top polluters. By contrast, the threat of climate change and the efforts to mitigate it involve nearly all countries of the globe. Yet, the divergence of voice and interest within both the developed and developing worlds, along with the sheer complexity of the incentives needed to achieve a low carbon economy, have made a global deal, thus far, impossible (Falkner et al. 2011; Victor 2011). Fragmentation. The institution-builders of the 1940s began with, essentially, a blank slate. But efforts to cooperate internationally today occur in a dense institutional ecosystem shaped by path dependency. The exponential rise in both multilateral and transnational organizations has created a more complex multilevel and multi-actor system of global governance. Within this dense web of institutions mandates can conflict, interventions are frequently uncoordinated, and all too typically scarce resources are subject to intense competition. In this context, the proliferation of institutions tends to lead to dysfunctional fragmentation, reducing the ability of multilateral institutions to provide public goods. When funding and political will are scarce, countries need focal points to guide policy (Keohane and Martin 1995), which can help define the nature and form of cooperation. Yet, when international regimes overlap, these positive effects are weakened. Fragmented institutions, in turn, disaggregate resources and political will, while increasing transaction costs. In stressing four pathways to gridlock we emphasize the manner in which contemporary global governance problems build up on each other, although different pathways can carry more significance in some domains than in others. The challenges now faced by the multilateral order are substantially different from those faced by the 1945 victors in the postwar settlement. They are second-order cooperation problems arising from previous phases of success in global coordination. Together, they now block and inhibit problem solving and reform at the global level

#### Plan is insufficient-formal international binding compacts are key to effective restraint- their author

**Lake, 10–** Professor of Social Sciences, distinguished professor of political science at UC San Diego (David A., “Making America Safe for the World: Multilateralism and the Rehabilitation of US authority”, <http://dss.ucsd.edu/~dlake/documents/LakeMakingAmericaSafe.pdf>)//TL

Retying the Knots The safeguarding of US authority requires multilateralism that is broader and certainly deeper than in the 1990s—more like NATO than the ad hoc coalitions of the new world order. Indeed, absent the constraints exerted by competition with the Soviet Union, the institutional fetters through which the United States must bind its own hands will have to be even stronger than those in NATO. 47 The great paradox of contemporary international politics is that the unprecedented international power of the United States requires even more binding constraints on its policy if it is to preserve the authority that it has built over the last half-century and extend it to new areas of the globe. The advanced military capabilities of the United States will make it a key actor in any such multilateral institution and will allow it to set the collective agenda. Since it is highly unlikely that anything will happen in the absence of US involvement, as in Bosnia where the Europeans dithered until the United States stepped to the fore, 48 Americans need not be overly concerned about “runaway” organizations or global mission creep. At the same time, if any organization is to be an effective restraint on the United States, other countries will have to make serious and integral contributions to the collective effort. Both sides to this new multilateral bargain will need to recognize and appreci-ate the benefits of a stable international order to their own security and prosperity and contribute to its success. The United States will need to continue to play a disproportionate role in providing international order, even as it accepts new restraints on its freedom of action. Other countries, however, must also contribute to the provision of this political order so that they can provide a meaningful check on US authority. Americans are likely to resist the idea of tying their hands more tightly in a new multilateral compact. After six decades, US leadership and its fruits—security, free trade, economic prosperity—have developed a taken-for-granted quality. It is hard for average Americans to tally the myriad benefits they receive from the country’s position of authority, but it is relatively easy for them to see multilateral institutions constraining the country’s freedom of action. Precisely because unipolarity makes coercion and unilateralism possible, and For some attractive, any constraints on US foreign policy may appear too high a price to bear. 49

### transition

#### No risk of nuclear terror – assumes every warrant

**Mueller 10** (John, professor of political science at Ohio State, Calming Our Nuclear Jitters, Issues in Science and Technology, Winter, http://www.issues.org/26.2/mueller.html)

Politicians of all stripes preach to an anxious, appreciative, and very numerous choir when they, like President Obama, proclaim atomic terrorism to be “the most immediate and extreme threat to global security.” It is the problem that, according to Defense Secretary Robert Gates, currently keeps every senior leader awake at night. This is hardly a new anxiety. In 1946, atomic bomb maker J. Robert Oppenheimer ominously warned that if three or four men could smuggle in units for an atomic bomb, they could blow up New York. This was an early expression of a pattern of dramatic risk inflation that has persisted throughout the nuclear age. In fact, although expanding fires and fallout might increase the effective destructive radius, the blast of a Hiroshima-size device would “blow up” about 1% of the city’s area—a tragedy, of course, but not the same as one 100 times greater. In the early 1970s, nuclear physicist Theodore Taylor proclaimed the atomic terrorist problem to be “immediate,” explaining at length “how comparatively easy it would be to steal nuclear material and step by step make it into a bomb.” At the time he thought it was already too late to “prevent the making of a few bombs, here and there, now and then,” or “in another ten or fifteen years, it will be too late.” Three decades after Taylor, we continue to wait for terrorists to carry out their “easy” task. In contrast to these predictions, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.” If terrorists were somehow successful at obtaining a sufficient mass of relevant material, they would then probably have to transport it a long distance over unfamiliar terrain and probably while being pursued by security forces. Crossing international borders would be facilitated by following established smuggling routes, but these are not as chaotic as they appear and are often under the watch of suspicious and careful criminal regulators. If border personnel became suspicious of the commodity being smuggled, some of them might find it in their interest to disrupt passage, perhaps to collect the bounteous reward money that would probably be offered by alarmed governments once the uranium theft had been discovered. Once outside the country with their precious booty, terrorists would need to set up a large and well-equipped machine shop to manufacture a bomb and then to populate it with a very select team of highly skilled scientists, technicians, machinists, and administrators. The group would have to be assembled and retained for the monumental task while no consequential suspicions were generated among friends, family, and police about their curious and sudden absence from normal pursuits back home. Members of the bomb-building team would also have to be utterly devoted to the cause, of course, and they would have to be willing to put their lives and certainly their careers at high risk, because after their bomb was discovered or exploded they would probably become the targets of an intense worldwide dragnet operation. Some observers have insisted that it would be easy for terrorists to assemble a crude bomb if they could get enough fissile material. But Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland‘s Spiez Laboratory, bluntly conclude that the task “could hardly be accomplished by a subnational group.” They point out that precise blueprints are required, not just sketches and general ideas, and that even with a good blueprint the terrorist group would most certainly be forced to redesign. They also stress that the work is difficult, dangerous, and extremely exacting, and that the technical requirements in several fields verge on the unfeasible. Stephen Younger, former director of nuclear weapons research at Los Alamos Laboratories, has made a similar argument, pointing out that uranium is “exceptionally difficult to machine” whereas “plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed.“ Stressing the “daunting problems associated with material purity, machining, and a host of other issues,” Younger concludes, “to think that a terrorist group, working in isolation with an unreliable supply of electricity and little access to tools and supplies” could fabricate a bomb “is farfetched at best.” Under the best circumstances, the process of making a bomb could take months or even a year or more, which would, of course, have to be carried out in utter secrecy. In addition, people in the area, including criminals, may observe with increasing curiosity and puzzlement the constant coming and going of technicians unlikely to be locals. If the effort to build a bomb was successful, the finished product, weighing a ton or more, would then have to be transported to and smuggled into the relevant target country where it would have to be received by collaborators who are at once totally dedicated and technically proficient at handling, maintaining, detonating, and perhaps assembling the weapon after it arrives. The financial costs of this extensive and extended operation could easily become monumental. There would be expensive equipment to buy, smuggle, and set up and people to pay or pay off. Some operatives might work for free out of utter dedication to the cause, but the vast conspiracy also requires the subversion of a considerable array of criminals and opportunists, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals competent and capable enough to be effective allies are also likely to be both smart enough to see boundless opportunities for extortion and psychologically equipped by their profession to be willing to exploit them. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if with great difficulty, overcome each obstacle and that doing so in each case is “not impossible.” But although it may not be impossible to surmount each individual step, the likelihood that a group could surmount a series of them quickly becomes vanishingly small. Table 1 attempts to catalogue the barriers that must be overcome under the scenario considered most likely to be successful. In contemplating the task before them, would-be atomic terrorists would effectively be required to go though an exercise that looks much like this. If and when they do, they will undoubtedly conclude that their prospects are daunting and accordingly uninspiring or even terminally dispiriting. It is possible to calculate the chances for success. Adopting probability estimates that purposely and heavily bias the case in the terrorists’ favor—for example, assuming the terrorists have a 50% chance of overcoming each of the 20 obstacles—the chances that a concerted effort would be successful comes out to be less than one in a million. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds that they will be able to pull off the deed drop to one in well over three billion. Other routes would-be terrorists might take to acquire a bomb are even more problematic. They are unlikely to be given or sold a bomb by a generous like-minded nuclear state for delivery abroad because the risk would be high, even for a country led by extremists, that the bomb (and its source) would be discovered even before delivery or that it would be exploded in a manner and on a target the donor would not approve, including on the donor itself. Another concern would be that the terrorist group might be infiltrated by foreign intelligence. The terrorist group might also seek to steal or illicitly purchase a “loose nuke“ somewhere. However, it seems probable that none exist. All governments have an intense interest in controlling any weapons on their territory because of fears that they might become the primary target. Moreover, as technology has developed, finished bombs have been out-fitted with devices that trigger a non-nuclear explosion that destroys the bomb if it is tampered with. And there are other security techniques: Bombs can be kept disassembled with the component parts stored in separate high-security vaults, and a process can be set up in which two people and multiple codes are required not only to use the bomb but to store, maintain, and deploy it. As Younger points out, “only a few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon.” There could be dangers in the chaos that would emerge if a nuclear state were to utterly collapse; Pakistan is frequently cited in this context and sometimes North Korea as well. However, even under such conditions, nuclear weapons would probably remain under heavy guard by people who know that a purloined bomb might be used in their own territory. They would still have locks and, in the case of Pakistan, the weapons would be disassembled. The al Qaeda factor The degree to which al Qaeda, the only terrorist group that seems to want to target the United States, has pursued or even has much interest in a nuclear weapon may have been exaggerated. The 9/11 Commission stated that “al Qaeda has tried to acquire or make nuclear weapons for at least ten years,” but the only substantial evidence it supplies comes from an episode that is supposed to have taken place about 1993 in Sudan, when al Qaeda members may have sought to purchase some uranium that turned out to be bogus. Information about this supposed venture apparently comes entirely from Jamal al Fadl, who defected from al Qaeda in 1996 after being caught stealing $110,000 from the organization. Others, including the man who allegedly purchased the uranium, assert that although there were various other scams taking place at the time that may have served as grist for Fadl, the uranium episode never happened. As a key indication of al Qaeda’s desire to obtain atomic weapons, many have focused on a set of conversations in Afghanistan in August 2001 that two Pakistani nuclear scientists reportedly had with Osama bin Laden and three other al Qaeda officials. Pakistani intelligence officers characterize the discussions as “academic” in nature. It seems that the discussion was wide-ranging and rudimentary and that the scientists provided no material or specific plans. Moreover, the scientists probably were incapable of providing truly helpful information because their expertise was not in bomb design but in the processing of fissile material, which is almost certainly beyond the capacities of a nonstate group. Kalid Sheikh Mohammed, the apparent planner of the 9/11 attacks, reportedly says that al Qaeda’s bomb efforts never went beyond searching the Internet. After the fall of the Taliban in 2001, technical experts from the CIA and the Department of Energy examined documents and other information that were uncovered by intelligence agencies and the media in Afghanistan. They uncovered no credible information that al Qaeda had obtained fissile material or acquired a nuclear weapon. Moreover, they found no evidence of any radioactive material suitable for weapons. They did uncover, however, a “nuclear-related” document discussing “openly available concepts about the nuclear fuel cycle and some weapons-related issues.” Just a day or two before al Qaeda was to flee from Afghanistan in 2001, bin Laden supposedly told a Pakistani journalist, “If the United States uses chemical or nuclear weapons against us, we might respond with chemical and nuclear weapons. We possess these weapons as a deterrent.” Given the military pressure that they were then under and taking into account the evidence of the primitive or more probably nonexistent nature of al Qaeda’s nuclear program, the reported assertions, although unsettling, appear at best to be a desperate bluff. Bin Laden has made statements about nuclear weapons a few other times. Some of these pronouncements can be seen to be threatening, but they are rather coy and indirect, indicating perhaps something of an interest, but not acknowledging a capability. And as terrorism specialist Louise Richardson observes, “Statements claiming a right to possess nuclear weapons have been misinterpreted as expressing a determination to use them. This in turn has fed the exaggeration of the threat we face.” Norwegian researcher Anne Stenersen concluded after an exhaustive study of available materials that, although “it is likely that al Qaeda central has considered the option of using non-conventional weapons,” there is “little evidence that such ideas ever developed into actual plans, or that they were given any kind of priority at the expense of more traditional types of terrorist attacks.” She also notes that information on an al Qaeda computer left behind in Afghanistan in 2001 indicates that only $2,000 to $4,000 was earmarked for weapons of mass destruction research and that the money was mainly for very crude work on chemical weapons. Today, the key portions of al Qaeda central may well total only a few hundred people, apparently assisting the Taliban’s distinctly separate, far larger, and very troublesome insurgency in Afghanistan. Beyond this tiny band, there are thousands of sympathizers and would-be jihadists spread around the globe. They mainly connect in Internet chat rooms, engage in radicalizing conversations, and variously dare each other to actually do something. Any “threat,” particularly to the West, appears, then, principally to derive from self-selected people, often isolated from each other, who fantasize about performing dire deeds. From time to time some of these people, or ones closer to al Qaeda central, actually manage to do some harm. And occasionally, they may even be able to pull off something large, such as 9/11. But in most cases, their capacities and schemes, or alleged schemes, seem to be far less dangerous than initial press reports vividly, even hysterically, suggest. Most important for present purposes, however, is that any notion that al Qaeda has the capacity to acquire nuclear weapons, even if it wanted to, looks farfetched in the extreme. It is also noteworthy that, although there have been plenty of terrorist attacks in the world since 2001, all have relied on conventional destructive methods. For the most part, terrorists seem to be heeding the advice found in a memo on an al Qaeda laptop seized in Pakistan in 2004: “Make use of that which is available … rather than waste valuable time becoming despondent over that which is not within your reach.” In fact, history consistently demonstrates that terrorists prefer weapons that they know and understand, not new, exotic ones. Glenn Carle, a 23-year CIA veteran and once its deputy intelligence officer for transnational threats, warns, “We must not take fright at the specter our leaders have exaggerated. In fact, we must see jihadists for the small, lethal, disjointed, and miserable opponents that they are.” al Qaeda, he says, has only a handful of individuals capable of planning, organizing, and leading a terrorist organization, and although the group has threatened attacks with nuclear weapons, “its capabilities are far inferior to its desires.” Policy alternatives The purpose here has not been to argue that policies designed to inconvenience the atomic terrorist are necessarily unneeded or unwise. Rather, in contrast with the many who insist that atomic terrorism under current conditions is rather likely— indeed, exceedingly likely—to come about, I have contended that it is hugely unlikely. However, it is important to consider not only the likelihood that an event will take place, but also its consequences. Therefore, one must be concerned about catastrophic events even if their probability is small, and efforts to reduce that likelihood even further may well be justified. At some point, however, probabilities become so low that, even for catastrophic events, it may make sense to ignore them or at least put them on the back burner; in short, the risk becomes acceptable. For example, the British could at any time attack the United States with their submarine-launched missiles and kill millions of Americans, far more than even the most monumentally gifted and lucky terrorist group. Yet the risk that this potential calamity might take place evokes little concern; essentially it is an acceptable risk. Meanwhile, Russia, with whom the United States has a rather strained relationship, could at any time do vastly more damage with its nuclear weapons, a fully imaginable calamity that is substantially ignored. In constructing what he calls “a case for fear,” Cass Sunstein, a scholar and current Obama administration official, has pointed out that if there is a yearly probability of 1 in 100,000 that terrorists could launch a nuclear or massive biological attack, the risk would cumulate to 1 in 10,000 over 10 years and to 1 in 5,000 over 20. These odds, he suggests, are “not the most comforting.” Comfort, of course, lies in the viscera of those to be comforted, and, as he suggests, many would probably have difficulty settling down with odds like that. But there must be some point at which the concerns even of these people would ease. Just perhaps it is at one of the levels suggested above: one in a million or one in three billion per attempt.

#### **The internal link is empirically disproven – we have had the embargo for 50 years – the US can multitask around the world**

#### Econ resilient – remittances, tourism, oil, and diversification

**Messa-Lago, 13** – Professor Emeritus of Economics and Latin American Studies at the University of Pittsburgh (Carmelo, “The possible impact of the death of Chavez in the Cuban economy”, 12/03/2013, http://www.cubaencuentro.com/cuba/articulos/el-posible-impacto-de-la-muerte-de-chavez-en-la-economia-cubana-283444, translated from Spanish by Google Translate)//eek

If substantially reduce or end Venezuelan aid (equivalent to more than a fifth of the Cuban GDP), the economic crisis in Cuba would be very strong but somewhat lower than the crisis of the 90s for several reasons: an income of $ 2,800 million for the foreign tourists was meager in 1990 foreign remittances which amount is not true but it is estimated between $ 2,000 and $ 3,000, which were much lower in 1990; 350,000 Cuban-Americans visiting the island each year and spend substantial resources; Cuba also produces more oil than in 1990 but still relies on 62% of imports, and finally there is now a more diversified trade partners in 1990 (42% versus 65% Venezuela with the USSR). Even with these palliatives, the blow would be powerful and Cubans would suffer another crisis similar to the Special Period. Raul Castro has sought alternative sources of trade and investment with other countries but not yet achieved substantial results.

#### Economic reform under the regime will inevitably fail without political reform- it’s a prerequisite

**Allen 12** – editor for Democracy Digest (Michael, Democracy Digest, “http://www.demdigCuba reforms fail because regime ‘not ready to let go’”, December 10, 2012, http://www.demdigest.net/blog/2012/12/cuba-reforms-fail-because-regime-not-ready-to-let-go/)//EK

“It’s the first instance of Cuba’s leader not being able to get done what he said he would,” said Jorge I. Domínguez, vice provost for international affairs at Harvard. “The published statistical results are really very discouraging.” The reforms are failing to inject much dynamism into the island’s moribund economy, demonstrating that the regime has ‘has lost the ideological battle’, observers claim. The project’s failure highlights the tensions within the ruling Community Party’s attempt to reconcile free markets with authoritarian politics, along the lines of the Market-Leninist regimes in Vietnam and China, analysts suggest: “It’s about control,” said Philip Peters, a Cuba analyst with the Lexington Institute, a Virginia-based research group. Other analysts agree, noting that though the agricultural reforms have gone farther than other changes — like those that allow for self-employment — they remain constrained by politics. “The government is not ready to let go,” said Ted Henken, a Latin American studies professor at Baruch College. “They are sending the message that they want to let go, or are trying to let go, but what they have is still a mechanism of control.” Desperate for foreign revenue, Cuba’s government is suppressing news of a major cholera outbreak for fear of alienating tourists. “We have to question whether the Cuban government today prioritizes their need for tourism … more than local public health demands,” wrote Sherri Porcelain, a public health expert at the University of Miami and researcher at its Institute for Cuban and Cuban American Studies. - See more at: http://www.demdigest.net/blog/2012/12/cuba-reforms-fail-because-regime-not-ready-to-let-go/#sthash.IeERtvek.dpuf

### solvency

#### Util inevitable and good

**Kymlicka, 90** (Will, Professor of Philosophy and Canada Research Chair in Political Philosophy, Queen's University at Kingston, Recurrent Visiting Professor, Central European University, “Contemporary Political Philosophy,” Clarendon Press, pg. 10-11, Tashma)

There are two features of utilitarianism that make it an attractive theory of political morality. Firstly, the goal which utilitarians seek to promote does not depend on the existence of God, or a soul, or any other dubious metaphysical entity. Some moral theories say that what matters is the condition of one`s soul, or that one should live according to God`s Divine Will, or that one’s life goes best by having everlasting life in another realm of being. Many people have thought that morality is incoherent without these religious notions. Without God, all we are left with is a set of rules——‘do this’, ‘don`t do that`—which lack any point or purpose. It is not clear why anyone would think this of utilitarianism. The good it seeks to promote—happiness, or welfare, or well-being—is something that we all pursue in our own lives, and in the lives of those we love, Utilitarians just demand that the pursuit of human welfare or utility (I will be using these terms interchangeably) be done impartially, for everyone in society. Whether or not we are God’s children, or have a soul, or free will, we can suffer or be happy, we can all be better or worse off. No matter how secular we are, we cannot deny that happiness is valuable, since it is something we value in our own lives. A distinct but related attraction is utilitarianism’s ‘consequentialism`. I will discuss what exactly that means later on, but for the moment its importance is that it requires that we check to see whether the act or policy in question actually does some identifiable good or not. We have all had to deal with people who say that something——homosexuality, for example (or gambling, dancing, drinking, swearing, etc.)-—is morally wrong, and yet are incapable of pointing to any bad consequences that arise from it. Consequentialism prohibits such apparently arbitrary moral prohibitions. It demands of anyone who condemns something as morally wrong that they show who is wronged, i.e. they must show how s0meone`s life is made worse off. Likewise, consequentialism says that something is morally good only if it makes someone’s life better off. Many other moral theories, even those motivated by a concern for human welfare, seem to consist in a set of rules to be followed, whatever the consequences. But utilitarianism is 110t just another set of rules, another set of ‘do’s’ and ‘don’ts’. Utilitarianism provides a test to ensure that such rules serve some useful function. Consequentialism is also attractive because it conforms to our intuitions about the difference between morality and other spheres. If someone calls certain kinds of consensual sexual activity morally wrong because they are `improper’, and yet cannot point to anyone who suffers from them, then we might respond that the idea of ‘proper` behaviour being employed is not a moral one. Such claims about proper behaviour are more like aesthetic claims, or an appeal to etiquette or convention. Someone might say that punk rock is ‘improper’, not legitimate music at all. But that would be an aesthetic criticism, not a moral one. To say that homosexual sex is ‘improper’, without being able to point to any bad consequences, is like saying that Bob Dylan sings inproperly—it may be true, but it is not a moral criticism. There are standards of propriety that are not consequentialist, but we think that morality is more important than mere etiquette, and consequentialism helps account for that difference. Consequentialism also seems to provide a straightforward method for resolving moral questions. Finding the morally right answer becomes a matter of measuring changes in human welfare, not of consulting spiritual leaders, or relying on obscure traditions. Utilitarianism, historically, was therefore quite progressive. It demanded that customs and authorities which had oppressed people for centuries be tested against the standard of human improvement (‘man is the measure of all things`). At its best, utilitarianism is a strong weapon against prejudice and superstition, providing a standard and a procedure that challenge those who claim authority over us in the name of morality.

#### Leveraging soft power is impossible without reforming the entire foreign policy apparatus

**Gvosdev, 12** - former editor of the National Interest, and a frequent foreign policy commentator in both the print and broadcast media. He is currently on the faculty of the U.S. Naval War College (Nikolas, “To Reset Latin America Policy, U.S. Must Think Big,” 4/20, World Politics Review, http://www.worldpoliticsreview.com/articles/11867/the-realist-prism-to-reset-latin-america-policy-u-s-must-think-big)

More generally, Obama’s Latin America policy is suffering from a lack of what George H.W. Bush famously called “the vision thing,” compounded by how the administration organizes the U.S. foreign policy apparatus. The president had an initial opening at his first Summit of the Americas in Trinidad, in 2009, to reset what had become a very problematic relationship between the United States and most of the rest of the hemisphere during the George W. Bush administration. Most regional leaders also made it clear they understood that, given the global financial crisis and the challenges of winding down America’s involvement in two Middle Eastern wars, Obama could not immediately pivot U.S. foreign policy to the region. ¶ But as I noted two years ago, “There was insufficient follow-up to take advantage of the momentum generated by the Trinidad meeting.” Just as candidate George W. Bush’s rhetoric about the importance of Latin America understandably evaporated after Sept. 11, the Obama administration, in continuing to react to a series of crises elsewhere in the world, has also put the Western Hemisphere on the back burner.¶ As a result, according to Sean Goforth, America’s relations with the region appear to be adrift. “Many countries want and deserve a serious partnership with Washington. But President Obama is an unconvincing partner. . . . He has stalled on trade treaties with Latin American countries that still want preferred access to the U.S. market, and he’s made it clear that his strategic priority is a ‘pivot’ toward Asia.”¶ Worse still, no senior official within the administration, starting with the president himself, has articulated a clear, compelling and convincing vision for what a Western Hemispheric partnership would look like, beyond the expected bromides about peace, democracy and prosperity. What is the desired end state? There is no lack of compelling possibilities to choose from: free circulation for people, goods and capital from the Yukon to Tierra del Fuego; a greater push for regional independence, in terms of manufactured goods, services and energy; an arrangement that mimics the pre-Maastricht European Community.

# 2nc

#### Education --- debate about the process of economic interaction with cuba is key.

**Mowry**, Senior Counsel Xerox Corporation, **’99** (David, “Lifting the Embargo against Cuba Using Vietnam as a Model: A Policy Paper for Modernity” Brooklyn Journal of International Law, 25 Brooklyn J. Int'l L. 229, lexis)

VI. Implementing Steps From the U.S./Vietnamese Agreement To End the Embargo Against Cuba. In 1996, the United Nations voted 137-3 for a resolution calling for an end to the Cuban embargo by the United States. n144 Such a strong vote signified that the thirty-year embargo has not carried favor with the rest of the world. The advent of the Cuban Liberty and Democratic Solidarity Act of 1996 (LIBERTAD) has not helped matters. n145 The attempt by the United States to proclaim through legislation that foreign investment in Cuba will have negative repercussions clearly represents a minority voice in the world today. n146 As one scholar notes, "the United States is the only major country that is not involved in the expansion of foreign investment in Cuba." n147 Currently, the question seems not to be whether the United States should lift the embargo against Cuba, but rather when and how the embargo will be lifted. The proposition may not be a simple one given that the United States has invested over three decades in a hard-line "full restitution or nothing" stance with Cuba. n148 However, the difficulties involved in the [\*250] lifting of the embargo should in no way deter the United States and Cuba from negotiating a BIT that would be profitable and comfortable for both nations. Lifting the embargo as it stands today, with a multitude of statutes and regulations concerning its continuation and/or lifting, may not be as simple an issue as the lifting of the embargo against Vietnam. But an exploration of the practical steps necessary to lifting it reveals that the embargo against Cuba, if not the political repercussions, could be eliminated within one year after both countries begin to move toward issue settlement. This final section will examine the steps used by Vietnam and the United States to bring an end to the tensions between their governments, and how some of those same steps should be taken by the United States and Cuba.

#### Err neg on counterplan competition and legitimacy – the distinctions are not trivial but are vital to teaching debaters real world policymaking skills

Josh **Branson**, CSIS and just graduated from Harvard Law, **2007** (“[eDebate] Reflections about debate and policymaking”, http://www.mail-archive.com/edebate@www.ndtceda.com/msg01593.html)

Well, thats not the way it worked at all, at least for me. No doubt in a collegiate debate judged by one of ya’ll I could have killed them all on the Pan K, probably even if we talked slow, but in the real world, I was kind of surprised to find that the knowledge generated by debate proved to be fairly damn cursory and artificial. I could rattle off a list of most of the arguments for/against most of the general nonproliferation doctrines, but a lot of the empirical and factual basis for these arguments was completely missing in my brain. I could make the basic claim for almost anything in the field, but the technical issues that underlines a lot of them (the names and locations of the Russian CW destruction plants, an understanding of how the fine points of the budget process works, how a capital market sanction would actually be implemented, where did we get our intelligence that revealed Chinese serial proliferators selling bombs to AQ Khan, how does a centrifuge cascade work and why exactly would multilateral sanctions undermine Irans ability to get uranium gas piping technology, the names of the key players in the various foreign governments that make nonproliferation policy etc) was all missing. Maybe this stuff sounds pretty boring, and some of it is, but this is the type of stuff that really determines whether or not policies are successful and whether or not they are effectively promulgated. But the details pretty much get left out in debates, replaced by a simplistic and power-worded DA that culminates in nuclear winter.’ To my surprise, when setting out in the nonproliferation world, you dont get to make grand pronouncements about the impact of funding Nunn-Lugar on US soft power or whether funding it would cause a budget deficit which would collapse the global economy and cause multiple scenarios for nuclear war. Instead, most of the work that is done is deciding which and what type of Russian facilities to allocate the money to, knowing the specific people within the Russian government we can trust, which types of nuclear disposition is safest and what types of transportation we should use when moving spent fuel back to storage, etc. When dealing with these discussions repeatedly, I found that debate had provided me a very sound abstract conceptual frame through which to analyze the general issues being raised, but little in a way of meaningfully engaging the policy process. Of course, debaters can learn this language. There are plenty who have. But I’d wonder whether or not people who claim that debate has trained people for this life are mistaking correlation with causation. Two other interesting conclusions: A) To all the people who attack debate for propounding an overly elitist and undemocratic discourse and undermines good broadly appealing public speaking skills: I think you’ve got it backwards. Yes, a lot of debates involve jargon, no question. But at least in my experience, I found that debate provided me the opposite. The times I was most confident at CSIS were when we were doing public debates or discussions in front of unqualified audiences. I could take on even the most senior experts; in these types of forums, I could out debate them and rhetorically counteract their vast experience/knowledge advantage. On the flip side, when I was in conferences with only experts in the field, I often felt at a severe disadvantage. In forums like this, bad arguments get called out, and rhetorically powerful but intellectually flimsy claims are pretty much non-starters. Debate experience wasn’t a ton of help. In terms of research, I did feel that all the debate research I’ve done provided some advantages and gave me a marginal edge over a lot of other people at CSIS, but nothing enormous. Most of the people there, even though they’d never done debate, can research just as well as the average college debater (ESPECIALLY on technical issues). I realize there are problems with the sample size etc, but it made me think twice about the infallible research advantages supposedly generated by policy debate. B) How to make debate more like the technical policy world? Narrower debates. PICs are vital to this (sorry, Duck). Thinking back on my 8 years in debate, the topic about which I can best converse with experts about is the design of emissions trading schemes. That was because the literature was deep and the prevalence of upstream/downstream/auctioned/timetable PICs narrowed the debates and forced a real in-depth discussion. I just don’t think we get that in a ton of debates, because most PICs are either wanky rhetoric PICs (and yes I was an extreme culprit) or something even worse like Consultation. Thinking back on it, I don’t think that the legal topic was worded particularly poorly, I just think that our strategic norms of judging/debating create a lot of problems in generating the type of education a lot of us want. But one of the most striking thing for me about last year’s topic was that I learned more from Repko’s post about his day at the Supreme Court than I did from all the debates I judged combined. In any event, how to create the types of narrow debates that will general real sustainable expertise on topics is tough. I think that we’ve got to learn how to become accepting as a community of analytical smart arguments to answer carded-yet-stupid arguments, maybe start accepting intrinsicness (something that I might post on some other day) as a way to eliminate politics DAs and consultation CPs, and start modifying our theory dispositions to be willing to call out bullshit CPs (see DHeidts new judge philosophy), and finally moving away from the cult of new and surprise arguments (see below). This will also involve changing the way we teach kids as they enter debate; I know I, for one, am going to change the way I teach camp this summer to include at least a little of these thoughts. Of course, the focus must remain on winning above all else, but I think that that pursuit can be synthesized with a change in some of our debate practices. 2. Why an elite or technical discourse is important My second conclusion is directed at people who decry the topic process because it’s too technical, too narrow, drown out the personal or the things that people want to talk about. Again, my opinion is that this is backwards. I think it’s a major problem that more of the people who conduct policy and who are influential in the process are not well-schooled in the actual empirical pragmatic details of the policies that they are advocating. I’ve read a significant amount about Iraq lately, and got to talk to a bunch of people who were intimately involved in the process, and one of the primary problems was that too much of our policy was executed in a cavalier and emotion-laden fashion. The dangerous pursuit of the “liberation of the oppressed” Iraqis at the expense of all the obvious problems entailed with that pursuit, the complete “lack of a plan,” for how to stabilize the country, and an utter ignorance of the technical or real policy issues facing a peacebuilding operation of that magnitude---these are all issues that come up REPEATEDLY when discussing the reason we went into Iraq in such a cavalier and short-sighted manner. A bunch of the more scathing indicts of the topic committee’s work---that the topic is too technical, that it undermines creativity etc…these are traits that for me are reflected in some of the most loathsome policymakers we have. Bush is by all accounts an idiot when it comes to policy expertise, but he’s the president that most people would love to have a beer with, and one who has let his personal conviction guide his policymaking more than any I can remember. His administration appears to conceive of the world in relatively simple generic conceptual dichotomies (stay the course vs. cut and run, terrorists are good or evil, our intelligence is either 100% accurate or its not). Is that really what we want our topics to boil down to? A be nice to the Middle East topic? Because its in the extra 60 words that the real problems with policy are revealed, and its there that we find the difference between an effective invasion that removes a horrible dictator from power and one which kills thousands of people and causes the region to implode.

#### First reason is meeting requirements versus eliminating requirements – “normalize” in plan text proves. – Defer to contextual definitions over dictionary ones – the counterplan is a precondition to normalizing relations but that is distinct from actual normalizing which is what the plan mandates

**Pfister**, now a Professor of Communications at University of Nebraska-Lincoln, **and Jarvis, ’99** (Damien and Jason, last date cited, “Normalization Topic Wording Paper” http://debate.uvm.edu/wppfister.html)

Definitions: The most difficult task in researching this wording was to determine what constitutes "normalization" of relations with another country. While the term is used throughout the foreign policy literature, very few sources actually provide coherent explanations of what is, and is not, "normalization." However, there are a few books that actually provide an "official" definition. As we will discuss below, the lack of formal definitions has its advantages and drawbacks. The primary drawback to the term normalization is the potential for affirmatives to interpret the term broadly to allow any affirmative that "does something" with a topic nation. The "dictionary" definitions (Webster's, and foreign policy dictionaries, etc.) would seem to allow expansive interpretations of the word as it would appear in the resolution. However, there are two reasons that the resolution that we advocate below does not fall into that trap. First, the contextual usage of the terms "normalize" and "normalization" provide immediate (though somewhat inconsistent) checks on affirmative ground. In the discussion of the first resolution, we offer the example of a case that might unfreeze Iranian Assets in an attempt to normalize economic relations with Iran. An interview with a senior Iranian diplomat indicates that unfreezing assets is a good idea, but that such an action would be a pre-condition for taking actions to normalize relations. However, releasing the assets would not constitute normalization itself. Subsequently, the affirmative would not be topical, and can be contextually defended as negative counterplan ground. A side benefit of the wide usage of the term in the literature will be intricate, lively and innovative topicality debates. These topicality debates would not overshadow the substantive issues, however, since the literature provides a substantive check on possible affirmative cases. Second, use of specific modifiers will prevent the "send beanie babies to Sudan" affirmative. Exclusion of "cultural normalization" from the topic will prevent small affirmatives that take actions that would not constitute fundamental changes in current American foreign policy.

#### Second is Helms-Burton – the counterplan amends but doesn’t remove – the two are legally distinct

**Adler**, Professor Law at UPenn, **2K** (Matthew, April, “Rights, Rules, and the Structure of Constitutional Adjudication: A Response to Professor Fallon” Harvard Law Review, 113 Harv. L. Rev. 1371, lexis)

The Adler Model is clearly inconsistent with the Salerno Doctrines. According to the Adler Model, all constitutional challenges are facial challenges. The "merits" stage of each and every constitutional case (at least where doctrine is rule-dependent) consists of an evaluation of the challenged rule in light of rule-validity tests; the details of the challenger's own situation are irrelevant. At best, there is a distinction between "facial" and "as-applied" challenges that comes in at the remedial stage, but this is more aptly phrased as a distinction between facial invalidation (where the court completely repeals an invalid rule) and partial invalidation (where the court amends, rather than repeals, an invalid rule). 56 Finally, the Adler Model gives no primacy to the remedy of partial invalidation over the remedy of facial invalidation; which remedy is appropriate is an open question, the answer to which [\*1388] depends on constitutional norms and may vary depending on the constitutional provision at stake.

#### That proves it’s a different course of action

**Block-Lieb**, Professor Law at Fordham, **2K** (Susan, The American Bankruptcy Law Journal, Winter, 74 Am. Bankr. L.J. 77)

While seemingly applicable to any contract bankruptcy proposal, commentators' public choice analysis works best as applied to the radical proposals for outright repeal of Chapter 11. Repeal constitutes a public "good" that would "benefit" all, whether or not time or money is spent lobbying for repeal. n47 The public good nature of repeal creates collective action problems, tending to suggest that repeal will be politically difficult to accomplish. n48 In this context, Barry Adler's public choice analysis seems accurate; collective action problems probably would preclude repeal of Chapter 11. n49 But repeal is distinct from amendment. Amendments can be narrowly tailored, diminishing the collective action problems associated with contract bankruptcy proposals that would alter but not repeal Chapter 11. n50 Thus, it should be much easier to amend the Bankruptcy Code to exclude from property of the estate property transferred in an asset

securitization than to repeal Chapter 11.

#### a) Normal relations must be applied immediately, the counterplan only results in it

**Nelson**, Director of International Security Program at Atlantic Council, **’95** (C Richard, “A Road Map for Restructuring Future US Relations with Cuba” Association for the Study of the Cuban Economy, http://www.ascecuba.org/publications/proceedings/volume5/pdfs/FILE35.pdf)

Restoring normal relations will require immediate lifting of the trade embargo and other economic sanctions. The U.S. government should also encourage a process which facilitates the granting of Most Favored Nation status to Cuba. The Export-Import Bank and the Overseas Private Investment Corporation should take the lead in expanding incentive programs for U.S.- based trade and investment, assuming that Cuba has embarked on a plan for resolving its outstanding debt and meets other normal requirements by these institutions.

#### B) The term “substantially” is used as an adverb preceding a verb, the term means “in a substantial manner: so as to be substantial.” Webster’s Third New International Dictionary of the English Language Unabridged (1968).

**That was Watson 2** JAMES L. WATSON, SENIOR JUDGE 2002 UNITED STATES COURT OF INTERNATIONAL TRADE GENESCO INC., :Plaintiff, :v.Court No. 92-02-00084 UNITED STATES , <http://www.cit.uscourts.gov/slip_op/Slip_op00/00-57.pdf>.

#### And – An individual participates “personally” in a matter when he/she participates directly and when he/she actually directs a subordinate who participates in the matter. An individual participates “substantially” in the matter when his/her involvement is or reasonably appears to be significant or important to the matter. It requires more than mere responsibility for or knowledge of the matter, perfunctory involvement in it, or involvement on peripheral issues. The substantiality of one’s participation is measured according to the importance of the participation, not the level of effort or time consumed on the matter.

**That was GDLS 9** General Dynamics Land Systems, CONFLICT OF INTEREST ANALYSIS QUESTIONNAIRE FOR CANDIDATES FOR EMPLOYMENT, SPECIFIED CONSULTANTS AND CONTRACTORS, Appendix of Definitions, Scholar

#### This manner guarantees core negative ground based on certainty and unconditionatlity

**Words & Phrases 64** 40 W&P 759

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

#### Failure to reinstitute property rights decimates Cuba’s economy – the counterplan alone solves

**Espino**, JD Candidate Nova Southeastern University Shepard Broad Law Center, ‘**8** (Daniel- President and Chairman of the Board of Puente de Jovenes Profesionales Cubanos and President of the Hispanic Law Students Association, Spring, “Step-Down Restitution: A Proposal For An Equitable Resolution To Confiscated Cuban Property” Nova Law Review, 32 Nova L. Rev. 423, lexis)

[F]ull restitution of all non-materially altered industrial, commercial and agricultural properties to their legitimate owners will not only carry out the justice required for social peace, but it will also place the means of production in the hands of those entrepreneurs which had elevated Cuba to the top of nearly every socio-economic index in Latin America prior to the communist revolution. By creating constitu-tional and other legal incentives to encourage the unleashing of the creative energies of the Cuban people (both on the island and in exile), Cuba can rapidly earn foreign exchange through exports, produce abundantly for its own domestic consumption, employ workers at real jobs paying in a curren-cy that has value (unlike today's Cuban peso), and restore labor rights. The economic multiplier effect of this combined economic activity will rapidly return prosperity to the island. n171 Due to its location and natural resources, Cuba also attracts nearly two million tourists a year which "will appeal to hotel companies and cruise operators, as well as to corporate farmers in need of equatorial sunshine." n172 Bottom line, Cuba is a blank canvas ready for the paint of investment from international companies. Without the reinstitution of property rights, Cuba's economy will never fully recuperate as is evident by the continued decline in the number of foreign companies investing and operating in Cuba. n173 "Joint ventures between Cuba's communist state and foreign investors fell to 236 at the end of 2006, down from 258 a year ago and 313 at the end of 2004. n174 This trend will likely continue until Cuba makes the initial steps towards a free market society at which point it will have the capital and man power to implement a flexible remedial policy such as the Step-Down Restitution Policy, which will work in tandem with the blossoming economy.

#### It’s not a conditions counterplan, it’s a sequenced engagement counterplan --- the CP signals US goodwill that brings Cuba back to the table

**Meacham, ‘9** (Carl, Senior Adviser Latin America and the Caribbean for the Senate Foreign Relations Committee, February 23, “Changing Cuba Policy - in the United States National Interest” Staff Trip Report, https://www.fas.org/irp/congress/2009\_rpt/cuba.pdf

The regime appears to be open to some bilateral dialogue and cooperation Staff's meetings with GOC officials revealed stark differences between Cuban and U.S. priorities in bilateral relations. Most of the U.S. policy reforms that are proposed in Washington center on liberalizing travel to the island, yet the GOC considers travel to be a domestic issue for the United States and therefore of less relevance to bilateral discussions. Most importantly, the GOC views the USG's emphasis on conditionality (i.e., lifting U.S. economic sanctions in return for concrete movement toward democracy) as an unlikely starting point for future negotiations. When staff asked GOC officials about the human rights situation and the plight of Cuban dissidents, GOC officials countered with Guantanamo,\8\ Abu Ghraib, and the case of the ``Cuban Five.'' \9\ When staff asked about what gestures the Cuban government would find positive, officials expressed concerns with programs by USAID intended to facilitate a transition to democracy in Cuba as well as Radio and TV Marti broadcasts from Miami, which are intended to provide an alternative source of information for the Cuban people. They view these programs as interventionist tools of the United States intended to bring about regime change. On issues of national security and commerce, however, the GOC indicated a willingness to cooperate with the United States where mutual interests exist, echoing previous statements by Raul Castro on his desire for dialogue with the USG. Since assuming power in 2006, he has made several overtures to engage in dialogue with the United States with the condition that the dialogue is based on the principles of equality, reciprocity, non-interference, and mutual respect.\10\ According to State Department sources, the USG has also made overtures over the last 18 months to discuss narco-trafficking and current restrictions on travel for diplomats in Havana and Washington, but these efforts have proven unsuccessful thus far. Recommendatons According to a recently published book on U.S. policy towards Cuba, only three avenues of regular official communication exist with the GOC: monthly meetings between U.S. and Cuban military officers at the Guantanamo Bay Naval Base, occasional cooperation between the U.S. and Cuban coast guards on drug enforcement and migration matters (through a U.S. Coast Guard attache at the U.S. Interests Section in Havana), and frequent contact between U.S. and Cuban meteorologists who track hurricanes in the Caribbean.\11\ Given these precedents and the current state of U.S.-Cuban relations, staff concluded that progress could be attained by replacing conditionality with sequenced engagement, beginning with narrow areas of consensus that develop trust. A steady series of gradual measures has significant confidence-building potential and could ultimately create the conditions for effective dialogue over more contentious issues. By sequencing this process of engagement with Cuba, the USG would have the opportunity to continually reassess progress towards the advancement of national interests. In other words, a pragmatic, phased approach would allow the USG to halt the engagement process at any point if U.S. interests were no longer being served. Staff recommends assessing the viability of reinstating discussions on drug interdiction and migration, and incremental steps in other areas, in order to address issues of concern for both countries. These measures should build upon each other to establish new foundations for dialogue. Initially, increased communication and cooperation between the GOC and USG can take place within the framework of the existing embargo, though staff suggests consideration of several exceptions to U.S. sanctions as talks progress, as detailed below.

#### Cuba already wants the counterplan, the problem is the US saying no --- the counterplan is the US saying yes.

**Ashby, ’11** (Timothy- Deputy Assistant Secretary Western Hemisphere for the Department of Commerce, Director of the Office of Mexico and the Caribbean for the U.S. Commerce Department’s International Trade Administration and Senior Research Fellow at the Council on Hemispheric Affairs, November 22, “Helping Cuban Reforms Through Agricultural Trade” http://www.coha.org/helping-cuban-reforms-through-agricultural-trade/)

The President retains ultimate decision-making authority as to which countries and products are eligible for GSP status. There are certain mandatory criteria that countries must measure up to in order to be considered eligible for GSP treatment. Of particular interest with respect to Cuba, communist countries are not eligible for GSP treatment “unless the country receives Normal Trade Relations (NTR) status , is a World Trade Organization (WTO) member and a member of the International Monetary Fund (IMF), and is not dominated by international communism.”[1] In addition, a GSP beneficiary “may not have nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide, prompt, adequate and effective compensation, or submitting such issues to a mutually agreed forum for arbitration.”[2] While certain products from Cuba would certainly be eligible for GSP status, the mandatory country requirements present additional hurdles for preferential trade treatment for Havana to qualify outside of the current political climate. However, these are not insurmountable. For example, Cuba repeatedly has offered to negotiate the settlement of claims for expropriated U.S. property, and since the demise of the Soviet Union, could not be considered to be dominated by “international communism”.

#### Raul Castro willing to cooperate with the US

**Sweig**, Senior Fellow Latin America at CFR, **’12** (Julia, February 28, “The Frozen U.S.-Cuba Relationship” http://www.cfr.org/cuba/frozen-us-cuba-relationship/p27510)

The second point is what's happening in Cuba. It's not realistic to expect the United States to undertake a series of unilateral moves toward normalization; it needs a willing partner. I believe we have one in Havana but have failed to read the signals. Raul Castro has now been in office since the beginning of 2008. Raul holds the reins on both foreign policy and domestic policy, and, domestically, the politics of implementing a fairly wide range of economic and political and social reforms are his priority. In a deal that was coordinated with the help of the Cuban Catholic Church and Spain, he released all of the political prisoners in Cuba. He also is taking a number of steps that imply a major rewriting of the social contract in Cuba to shrink the size of the state and give Cuban individuals more freedom--economically, especially, but also in terms of speech--than we've seen in the last fifty years. He has privatized the residential real estate and car market[s], expanded much-needed agrarian reform, lifted caps on salaries, and greatly expanded space for small businesses. He also is moving to deal with corruption and to prepare the groundwork for a great deal more foreign investment. He's moving in the direction of the kind of reforms that every administration over the last fifty years has called upon Cuba to make, albeit under the rubric of a one-party system. There's a broad range of cooperation--neighborhood security in the Gulf of Mexico, as Cuba has just started drilling for oil, counternarcotics, and natural disasters--between the two countries that is still not happening, and that gives me the impression that the United States has been unwilling to take "yes" for an answer and respond positively to steps taken by Cuba.

#### That momentum is likely to increase

**Santiago**, Attorney at American Tower Corporation, **2K** (Rolando, Spring, “Y2K, The Millennium for a Revised U.S.-Cuba Trade Policy: Grounds For Removing the Embargo” NAFTA: Law and Business Review of the Americas, 6 NAFTA L. & Bus. Rev. Am. 169, lexis)

The following is the text of an impassioned statement delivered on May 7, 1999, by Congressman Lincoln Diaz-Balart (R-Fl.) before the Trade Subcommittee of the House of Representative's Ways and Means Committee discussing the U.S. trade embargo against Cuba and why the China model is an inadequate example for justifying a lifting of the embargo. Congressman Balart highlights some very insightful and astute facts regarding why the Cuba dynamic cannot be treated with the same policies as those used with China: [\*191] Despite the intensification of the campaign to save the tyranny, I feel more certain everyday that Cuba will be free. A national consensus in favor of multiparty democracy becomes apparent more clearly and more strongly every day in Cuba, and that consensus in favor of liberty contains within it a firm rejection of tyranny and oppression. It is only a matter of time until the necessary dynamic is achieved that will permit the Cuban people to put an end to the tyranny and recover their sovereignty through free elections. The tyranny is obviously preparing for the time when Castro will die. We can see clear signs of its intention to name someone like Alarcon or Lage as chief of state, probably with Raul Castro as head of the armed forces. These maneuvers will be accompanied by offers to return previously-confiscated property to Americans, all for the purpose of Creating increasing pressure for Congress to lift the embargo in order to be able to establish and consolidate a fascist system in Cuba like the one that exists today in Mainland China (the "Chinese Model"). The Chinese Model in Cuba would mean a long-term consolidation of slavery for Cubans. We should always remember that capitalism is not synonymous with democracy or liberty; examples in this century abound (Mussolini, Hitler, Trujillo, etc.). Capitalism, although without a doubt the most effective means of creating wealth, is perfectly compatible with oppression. It is also perfectly compatible with democracy and liberty, but the mere fact that capitalism exists does not guarantee the development of liberty or its consolidation. Although it is clear that the establishment of a true Chinese Model will not be possible in Cuba during Fidel Castro's rule (since that system requires a certain decentralization of power and other characteristics that the tyrant will never permit), its establishment is theoretically possible when the tyrant dies. And the tyranny is preparing for its establishment. With that purpose it will make tempting offers to international capitalism to try to again its support for the Chinese Model, a system which would permit the continuation of the conditions of misery, humiliation and oppression which Cubans face today. The decisive struggle of the Cuban people, therefore, will be to avoid the establishment of the Chinese political and economic model in Cuba after Fidel Castro's death and to achieve the return of sovereignty to the people through free elections. It is essential to realize that establishment of the Chinese Model in Cuba is not possible as long as the American embargo exists. Without access to the American market, a Chinese Model permitting the consolidation of the slave system after the tyrant's death could never be created in Cuba. [\*192] Those who find themselves in power after the tyrant's death will need to achieve the lifting of the embargo, and the most important leverage available for the Cuban people at that time for the holding of free elections is, precisely, the U.S. embargo. n92

#### Bargaining chip of embargo removal solves

**Haas**, JD U of Miami, ‘**9** (Megan, Spring, “Tierra Sin Duenos: The Effect of Cuba's Foreign Investment Scheme on United States' Certified Property Claims” Texas Hispanic Journal of Law & Policy, 15 Tex. Hisp. J.L. & Pol'y 93, lexis)

A. How to Approach U.S. Confiscation Claims for Cuban Property A future Cuban government n189 will need to provide some type of remedy for the confiscated property claims. n190 The extent and substance of that remedy is largely unknown, although not without speculation from experts and property owners themselves. The current Cuban government is not entirely closed to negotiating a settlement for the confiscated properties; however, they have made it clear that they will not be pushed or bullied by the United States government. Cuba claims that, if anything, the United States should be compensating them for the billions of dollars they have suffered in embargo-related damages over the years. n191 Whichever way the issue is resolved, the expropriation claims are recognized as a large obstacle to the normalization of U.S.-Cuba relations n192 and a precondition to increasing foreign investment in the island. n193 As it becomes [\*117] apparent that the transition to democracy and a free-market economy will not instantly occur in Cuba, the viability of any proposed program to settle property claims will depend on the economic and political conditions in which Cuba finds itself at that time. n194 Also, several questions should be considered, such as who should negotiate the settlements and what form of compensation would be the most adequate? In Cuba's past negotiations with the countries that received compensation for confiscated property were held between Cuba and the state representing the claimant. The settlements were negotiated over a long period of time, and payments were made in lump sum. n195 If history repeats, any future government in Cuba will likely seek similar terms for the U.S. claims. Traditionally, the U.S. President has wide power to settle claims against foreign governments. n196 Here, due to the magnitude and the amount of the claims, certain groups have suggested that a bilateral U.S.-Cuba tribunal be established to resolve the claims. n197 A third alternative would be to allow the claimants to negotiate directly with the Cuban government for whatever form of compensation that will mutually benefit the two parties. Unfortunately, it has been held that individual claimants have forfeited their right to settle directly with the Cuban government when they certified their claims with the Department of State. Claimants are thus bound by any settlement reached by the Department of State on their behalf. n198

#### Decline causes nuclear war – increased nationalism and loss of multilateralism

**Merlini 11**

Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism**.**

#### Prefer our evidence --- there are institutional and professional reasons to inflate the risk of terrorism

**Mueller, 04** (John, Woody Hayes Chair of National Security Studies at the Mershon Center at Ohio State University, Regulation, Fall)

In addition, it should be pointed out that the response to September 11 has created a vast and often well-funded terrorism industry. Its members would be nearly out of business if terrorism were to be back-burnered, and accordingly they have every competitive incentive (and they are nothing if not competitive) to conclude that it is their civic duty to keep the pot boiling. Moreover, there is more reputational danger in underplaying risks than in exaggerating them. People routinely ridicule futurist H.G. Wells’ prediction that the conflict beginning in 1914 would be “the war that will end war,” but not his equally confident declaration at the end of World War II that “the end of everything we call life is close at hand.” Disproved doomsayers can always claim that caution induced by their warnings prevented the predicted calamity from occurring. (Call this the Y2K effect.) Disproved Pollyannas have no such convenient refuge.

# 1nr

#### ‘Its’ is a possessive pronoun showing ownership

**Glossary of English Grammar Terms, 2005** – (“Term: Possessive Pronoun,”

http://www.usingenglish.com/glossary/possessive-pronoun.html)

Mine, yours, his, hers, its, ours, theirs are the possessive pronouns used to substitute a noun and to show possession or ownership.

EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

#### Multilateral coop will always structurally fail regardless of their internal link

**Barma et al., 13** (Naazneen, assistant professor of national-security affairs at the Naval Postgraduate School; Ely Ratner, a fellow at the Center for a New American Security; and Steven Weber, professor of political science and at the School of Information at the University of California, Berkeley, March/April 2013, “The Mythical Liberal Order,” The National Interest, http://nationalinterest.org/print/article/the-mythical-liberal-order-8146)

Assessed against its ability to solve global problems, the current system is falling progressively further behind on the most important challenges, including financial stability, the “responsibility to protect,” and coordinated action on climate change, nuclear proliferation, cyberwarfare and maritime security. The authority, legitimacy and capacity of multilateral institutions dissolve when the going gets tough—when member countries have meaningfully different interests (as in currency manipulations), when the distribution of costs is large enough to matter (as in humanitarian crises in sub-Saharan Africa) or when the shadow of future uncertainties looms large (as in carbon reduction). Like a sports team that perfects exquisite plays during practice but fails to execute against an actual opponent, global-governance institutions have sputtered precisely when their supposed skills and multilateral capital are needed most. ¶ WHY HAS this happened? The hopeful liberal notion that these failures of global governance are merely reflections of organizational dysfunction that can be fixed by reforming or “reengineering” the institutions themselves, as if this were a job for management consultants fiddling with organization charts, is a costly distraction from the real challenge. A decade-long effort to revive the dead-on-arrival Doha Development Round in international trade is the sharpest example of the cost of such a tinkering-around-the-edges approach and its ultimate futility. Equally distracting and wrong is the notion held by neoconservatives and others that global governance is inherently a bad idea and that its institutions are ineffective and undesirable simply by virtue of being supranational. ¶ The root cause of stalled global governance is simpler and more straightforward. “Multipolarization” has come faster and more forcefully than expected. Relatively authoritarian and postcolonial emerging powers have become leading voices that undermine anything approaching international consensus and, with that, multilateral institutions. It’s not just the reasonable demand for more seats at the table. That might have caused something of a decline in effectiveness but also an increase in legitimacy that on balance could have rendered it a net positive.¶ Instead, global governance has gotten the worst of both worlds: a decline in both effectiveness and legitimacy. The problem is not one of a few rogue states acting badly in an otherwise coherent system. There has been no real breakdown per se. There just wasn’t all that much liberal world order to break down in the first place. The new voices are more than just numerous and powerful. They are truly distinct from the voices of an old era, and they approach the global system in a meaningfully different way.¶

#### Multilateralism fails – organizations fail and exclusion of countries is inevitable

**Gallagher 10** – leading Australian consultant on trade and public policy (Peter, “Plurilateralism… get used to it,” 12/20/10, <http://www.petergallagher.com.au/index.php/site/article/plurilateralism...-get-used-to-it)//AY>

Those Orga­ni­za­tions will go on. So will mul­ti­lat­er­al­ism. This week is only another reminder that col­lab­o­ra­tive man­age­ment of the global com­mons (peace, trade… pos­si­bly emis­sions) is, and always has been, very dif­fi­cult to achieve. The ‘one-world, one vision’ approach endorsed by the U.N. in its cur­rent form and backed for sixty years by the U.S. and Europe (chiefly) may be too hard to sus­tain for the next lit­tle while. Dur­ing the past decade, the veil of mul­ti­lat­eral col­lab­o­ra­tion thrown over the inner-workings of the U.N./Bretton-Woods man­age­ment frame­work has grown thin­ner and thin­ner. There has always been a cer­tain amount of stiff-arming behind the veil. But, with appro­pri­ate restraint—including by Japan—it worked for a long time to deliver effec­tive global col­lab­o­ra­tion. After this week, it will never be quite the same. But there’s no need for panic. It’s a shame but no emer­gency that a U.N. meet­ing turns out to be another expen­sive dud. Just relax and try to enjoy the ride. Enjoy the rich­ness of greater global diver­sity, for one thing. The extra­or­di­nary thing about this week in Copen­hagen is not what we didn’t see (an agree­ment on emis­sions) but what we *did* see, clearly for the first time. The veil of mul­ti­lat­er­al­ism has fallen long enough to show the world the present real­i­ties behind it. First, of course, the expen­sive, chaotic sham of 192 nations in at least as many lim­ou­sines, from Tuvalu to the United States, try­ing to agree on 1 text with at least 2 tar­gets lubri­cated by a $100billion bribe (that turned out to be only a $10billion i.o.u.) Sec­ond, and more impor­tant, The Pres­i­dent of the United States being intro­duced to a meet­ing to which he not been invited—*at which he did not even have a seat*—to nego­ti­ate a nar­row deal, sav­ing the appear­ance of col­lab­o­ra­tion, with Brazil, China, India and South Africa. To enter the room, Obama had to leave Europe and Japan out in the cold. He had to work out a deal with four giant economies that col­lec­tively hold quite a few mark­ers on the future of the global com­mons, but most of whom are by any mea­sure still poor coun­tries. The [account](http://bit.ly/8172r2) of this meet­ing is a vision of the global frame­work for col­lab­o­ra­tion now and in the next few decades. What we now have as a frame­work for global orga­ni­za­tion is a roil­ing, argu­men­ta­tive, pluri­lat­er­al­ism where alliances and coali­tions slip and slide along a dozen dif­fer­ent planes of inter­na­tional endeav­our. Farewell to the old two-handed back-room brawls and staged con­sen­sus of the *pax atlantica*. In the new frame­work broad, top-down ‘solu­tions’ like Kyoto’s tar­gets and the WTO’s ‘Sin­gle Under­tak­ing’ cannnot be made to work by a fly­ing visit from the U.S. Pres­i­dent or alter­nate hand-wringing and blus­ter from Brussels. The bad news—if you’d like the world to be a set­tled place ruled by, say, a benef­i­cent dic­ta­tor (oxy­moron) from Wash­ing­ton or even Beijing—is that ‘global gov­er­nance’ now becomes a tricky mat­ter of rec­on­cil­ing and align­ing many dif­fer­ent, prob­a­bly autonomous, or at best regional attempts to deal with the man­age­ment of global com­mons. Guar­an­teed to be messy.

#### Tons of alt causes - powerful states bypass organizations, UN bureaucracy and systematic factors

**Thakur 11**– (Ramesh, Professor of International Relations and Foundation Director of the Centre for Nuclear Nonproliferation and Disarmament at the Australian National University in Canberra, “The United Nations in Global Governance: Rebalancing Organized Multilateralism for Current andFuture Challenges”<http://www.un.org/en/ga/president/65/initiatives/GlobalGovernance/Thakur_GA_Thematic_Debate_on_UN_in_GG.pdf>) DF

In an interdependent, globalized and networked world,multilateralism will continue to be a key aspect of international relations. Limitations do and always will exist. The utility and effectiveness of formal multilateral institutions are, inevitably, conditioned and constrained by the exigencies of power. Powerful states may work through or around multilateral institutions at their pleasure and selectively. Some issues may defy multilateral approaches. Changing normative expectations may cast doubt on the¶ constitutive values of specific international institutions. But the theoretical rationale of¶I nstitutionalism – that all states benefit from a world in which agreed rules and common¶ norms bind the behaviour of all actors – is broadly intact and indisputable.¶All actors depend upon multilateralism and the underwriting of regularity and public¶ goods in the international system. But if they are to remain viable, international organizations and the values of multilateralism embedded in them must be reconstituted in line with 21st century principles of governance and legitimacy. Just a simportantly, they must be capable of addressing contemporary challenges effectively. This may involve moving beyond the original roots of multilateralism, reassessing the values on which¶ multilateralism is based and promoted, and recognizing that contemporary and prospective challenges call for more agility, nimbleness, flexibility, adaptability and anticipatory rather than always reactive solutions.¶ At the centre of the existing multilateral order is the United Nations. Of course one part¶of the United Nations is an international bureaucracy with many failings and flaws and a¶ forum often used for finger pointing, not problem solving. Too often hasit demonstrated¶a failure to tackle urgent collective action problems due to institutionalized inability,¶ incapacity or unwillingness. Yet the world body remains the embodiment of the¶international community, the focus of international expectations and the locus of¶collective action as the symbol of an imagined and constructed community of strangers.¶Moreover, the UN record since 1945 demonstrates an under‐appreciated capacity for¶policy innovation, institutional adaptation and organizational learning, for example with¶respect to peacekeeping gmissions.That said, without continual structural and procedural reforms, the legitimacy and¶performance deficits will accumulate and there will be an intensifying crisis of confidence¶in the world’s system of organized multilateralism centred on the United Nations. The¶values and institutions of formalized multilateralism as currently constituted are neither¶optimally effective nor legitimate. The chief multilateral organizations do not meet¶current standards of representivity, consent, juridical accountability, rule of law, broad¶participation, and transparency – and therefore political legitimacy. This is an acute¶problem precisely because international organizations play an increasingly important and¶intrusive role in people’s lives. The more this happens, the more people will realize that¶multilateralism is value‐laden, connoting fundamental social and political choices¶regarding the balance between the market and equity, human rights, governance, and¶democracy. A range of public policy decisions and practices have been transferred to the¶international level,raising a number of pressing normative challenges to the Westphalian foundations o fmultilateralism as citizens become rights holders and states are deemed to¶have responsibilities of sovereignty.¶That is, the challenge to the values and institutions of multilateralism results not merely¶For many particular distribution of power, but also from systemic factors like the nature ofthe state, the nature of power, the nature of security and threats to international security, the actors who drive security and insecurity, and the global norms that regulate the international behaviour of state and nonstate actors alike.