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### CP

#### Text: The President of the United States should issue an executive order that it will not indefinitely detain individuals captured in the U.S. because of Muslim charity contributions nor will it detain humanitarian health workers globally. The President should give a public speech confirming the shift in policy and commit to following the practice.

### DA

#### NSA reforms will pass – found a sweet spot – Obama is key

ROLL CALL 3 – 25 – 14 [Hill’s Bipartisan Deadlock on Phone Records May Be Easing, <http://blogs.rollcall.com/hawkings/obama-nsa-reform-plan-could-ease-congressional-deadlock-on-spying/>]

Eight months ago, in one of its most important and fascinatingly nonpartisan votes of recent memory, the House came up just seven members short of eviscerating the government’s vast effort to keep tabs on American phone habits.

The roll call revealed a profound divide in Congress on how assertively the intelligence community should be allowed to probe into the personal lives of private citizens in the cause of thwarting terrorism. It is a split that has stymied legislative efforts to revamp the National Security Agency’s bulk data collection programs.

Until now, maybe. Senior members with jurisdiction over the surveillance efforts, in both parties and on both sides of the Hill, are signaling generalized and tentative but nonetheless clear support for the central elements of a proposed compromise that President Barack Obama previewed Tuesday and will formally unveil by week’s end.

The president, in other words, may be close to finding the congressional sweet spot on one of the most vexing problems he’s faced — an issue that surged onto Washington’s agenda after the secret phone records collection efforts were disclosed by former NSA contractor Edward Snowden.

If Obama can seal the deal, which he’s pledged to push for by the end of June, it would almost surely rank among his most important second-term victories at the Capitol. It also would create an exception that proves the rule about the improbability of bipartisan agreement on hot-button issues in an election season.

“I recognize that people were concerned about what might happen in the future with that bulk data,” Obama said at a news conference in The Hague, where he’s been working to gain support for containing Russia from a group of European leaders who have their own complaints about U.S. spying on telephone calls. “This proposal that’s been presented to me would eliminate that concern.”

The top two members of the House Intelligence Committee, GOP Chairman Mike Rogers of Michigan and ranking Democrat C.A. Dutch Ruppersberger of Maryland, introduced their own bill to revamp surveillance policy Tuesday — and declared they expect it would track very closely with the language coming from the administration. They said they had been negotiating with White House officials for several weeks and viewed the two proposals as compatible.

At their core, both the Obama and House bills would end the NSA practice of sucking up and storing for five years the date and time, duration and destination of many millions of phone calls placed or received by Americans. Instead, the phone companies would be required to retain this so-called metadata (and comparable information about email and Internet use) for 18 months, their current practice. And the government would have to obtain something like a search warrant from the Foreign Intelligence Surveillance Court, meaning in each discreet case a judge would limit how deeply the telecom companies would have to query their databases in hopes of finding calling patterns that suggest national security threats.

Since both Rogers and Ruppersberger have been prominent defenders of the bulk collection system, any agreement they reach that has Obama’s blessing can be expected to pass the House.

It should garner support from a lopsided majority of the 217 House members (three-fifths of the Republicans and two-fifths of the Democrats) who voted to stick with the status quo last July. And it stands a chance to win over at least some on the other side — an unusual coalition of 94 mostly libertarian-leaning tea party Republicans and 111 liberal Democrats, who say NSA searches of the databases should be limited to information about existing targets of investigations.

But one leader of that camp vowed to work for the defeat of any measure that looks like either the Obama or Intelligence panel plans. Republican Rep. Jim Sensenbrenner of Wisconsin, who as chairman of House Judiciary a decade ago was instrumental in writing the Patriot Act, believes that law has been grossly misapplied by the NSA to invade personal privacy much too easily.

Sensenbrenner said he would continue to push his measure to almost entirely prevent the NSA from looking at telecommunications metadata. But the sponsor of the companion Senate bill, Judiciary Chairman Patrick J. Leahy, D-Vt., said he would remain open to finding the makings of a deal in the Obama plan. Leahy signaled the legislative negotiating would be much smoother if Obama suspended the bulk data collection during the talks.

Much more enthusiastic was Calfornia’s Dianne Feinstein, the Democratic chairwoman of the Senate Intelligence Committee, who said she generally supports the House proposal and views Obama’s plan “a worthy effort.” Her committee’s top Republican, the retiring Saxby Chambliss of Georgia, was a bit more equivocal but gave a strong indication he was eager to cut a deal based on the ideas from the House and the White House.

There are plenty of important points over which to haggle: about the ways the metadata is to be retained, the format for FBI to view the information, the liability for the telecommunications companies, the specificity of the search requests and the reach and secrecy of the judicial oversight.

And the American Civil Liberties Union said it had already found enough differences between the two measures unveiled Tuesday to give its “crucial first step” blessing to the Obama plan while rejecting the Rogers-Ruppersberger bill. The ACLU said that proposal would end up expanding the FBI’s investigative reach instead of limiting it.

But in a year when all sides say they are still ready to share the credit for at least one more top-tier legislative accomplishment, the knot over surveillance may be starting to unravel.

#### PLAN slays Obama’s agenda

LOOMIS 7—Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University [Dr. Andrew J. Loomis, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### NSA scandal being unhandled risks a rupture in trans-atlantic ties

HEUSER 13 executive director of the Washington, DC-based Bertelsmann Foundation [Annette Heuser, Euractive, The erosion of the transatlantic trust, 10/25/13 http://www.euractiv.com/global-europe/erosion-transatlantic-trust-analysis-531335]

Allegations of the NSA's tapping of German Chancellor Angela Merkel's mobile phone have yet to be proved, but the agency's spying is already causing unprecedented damage to the trans-Atlantic relationship. The controversy has festered for five months, but it reached a new peak with yesterday's call from the chancellor to President Barack Obama. Her message to the president, who is increasingly besieged by his closest allies: Spying on her or her government is unacceptable.

Three things are remarkable about this recent development.

First, the chancellor is known to be a cautious political leader. She takes time to determine her course of action and then still proceeds carefully. But her quick and personal involvement in placing a call to her friend, Barack, would not have occurred if the German intelligence service had not provided her with robust information about US hacking.

Second, President Obama's reportedly cool response to the chancellor reconfirms the skepticism of European leaders and the broader European public about the commander-in-chief's commitment to the trans-Atlantic relationship. Mr Obama is increasingly perceived as a leader who does not see the need to nurture ties with his closest allies or even establish close political ties to his counterparts in Europe and elsewhere. The president is the first in the post-war era who does not appear to be a trans-Atlanticist at heart.

Third, the Obama administration continues to underestimate the short- and long-term effects of the NSA scandal on the trans-Atlantic relationship. Europe is now united in its repugnance of American spying practices, and this abhorrence goes beyond any personal targeting of the German chancellor or her government. Europeans feel that Washington has disregarded and disrespected their privacy, which they, in general, safeguard more than Americans do.

The latest allegations mean the US has likely crossed a line. A European response is now coming, and it will be a collective one. Negotiations for a Transatlantic Trade and Investment Partnership (TTIP) may be put on hold. There have already been calls among high-ranking European officials to do so.

A recent Bertelsmann Foundation study estimated a TTIP could create 740,000 new American jobs. Putting such a deal in jeopardy means the potential loss of a significant economic boon and the only prestigious project in which the US and Europe are currently engaged.

The NSA scandal and its (mis)management by the White House are causing a political tsunami in Europe. Until now it was the Iraq War that defined the recent nadir in trans-Atlantic relations. But that disagreement concerned military intervention. This time the fundamental issue of trust is at hand, and that means the consequences of a rupture are more severe. Americans and Europeans have been profoundly successful over the past seven decades establishing the close ties that, at least until recently, have bound them together. Nothing short of a profound and tragic break in that fragile tradition could now be unfolding.

#### Extinction

**Stivachtis 10** – Director of International Studies Program @ Virginia Polytechnic Institute & State University [Dr. Yannis. A. Stivachtis (Professor of Poli Sci & Ph.D. in Politics & International Relations from Lancaster University), THE IMPERATIVE FOR TRANSATLANTIC COOPERATION,” The Research Institute for European and American Studies, 2010, pg. http://www.rieas.gr/research-areas/global-issues/transatlantic-studies/78.html]

There is no doubt that US-European relations are in a **period of transition**, and that the stresses and strains of globalization are increasing both the number and the seriousness of the challenges that confront transatlantic relations.

The events of 9/11 and the Iraq War have added significantly to these stresses and strains. At the same time, international terrorism, the nuclearization of **North Korea** and especially **Iran**, the proliferation of weapons of mass destruction (WMD), the transformation of **Russia** into a stable and cooperative member of the international community, the growing power of **China**, the political and economic transformation and integration of the **Caucasian** and **Central Asian** states, the integration and stabilization of the **Balkan** countries, the promotion of peace and stability in the **Mid**dle **East**, poverty, climate change, AIDS and other emergent problems and situations require further cooperation among countries at the regional, global and institutional levels.

Therefore, cooperation between the U.S. and Europe is more **imperative** than ever to deal effectively with these problems. It is fair to say that the challenges of crafting a new relationship between the U.S. and the EU as well as between the U.S. and NATO are more regional than global, but the implications of success or failure will be global.

The transatlantic relationship is still in crisis, despite efforts to improve it since the Iraq War. This is not to say that differences between the two sides of the Atlantic did not exist before the war. Actually, post-1945 relations between Europe and the U.S. were fraught with disagreements and never free of crisis since the Suez crisis of 1956. Moreover, despite trans-Atlantic proclamations of solidarity in the aftermath of 9/11, the U.S. and Europe parted ways on issues from global warming and biotechnology to peacekeeping and national missile defense.

Questions such as, the future role of NATO and its relationship to the common European Security and Defense policy (ESDP), or what constitutes terrorism and what the rights of captured suspected terrorists are, have been added to the list of US-European disagreements.

There are two reasons for concern regarding the transatlantic rift. First, if European leaders conclude that Europe must become **counterweight** to the U.S., rather than a partner, it will be difficult to engage in the kind of open search for a common ground than an elective partnership requires. Second, there is a risk that public opinion in both the U.S. and Europe will make it difficult even for leaders who want to forge a new relationship to make the necessary accommodations.

If both sides would actively work to heal the breach, a new opportunity could be created. A vibrant transatlantic partnership remains a real possibility, but only if both sides make the necessary political commitment.

There are strong reasons to believe that the security challenges facing the U.S. and Europe are more shared than divergent. The most dramatic case is terrorism. Closely related is the common interest in halting the spread of weapons of mass destruction and the nuclearization of Iran and North Korea. This commonality of threats is clearly perceived by publics on both sides of the Atlantic.

Actually, Americans and Europeans see eye to eye on more issues than one would expect from reading newspapers and magazines. But while elites on both sides of the Atlantic bemoan a largely illusory gap over the use of military force, biotechnology, and global warming, surveys of American and European public opinion highlight sharp differences over global leadership, defense spending, and the Middle East that threaten the future of the last century’s most successful alliance.

There are other important, shared interests as well. The transformation of Russia into a stable cooperative member of the international community is a priority both for the U.S. and Europe. They also have an interest in promoting a stable regime in Ukraine. It is necessary for the U.S. and EU to form a united front to meet these challenges because first, there is a risk that dangerous materials related to **WMD** will fall into the wrong hands; and second, the **spread of conflict** along those countries’ periphery could destabilize neighboring countries and provide **safe havens for terrorists** and other international criminal organizations. Likewise, in the Caucasus and Central Asia both sides share a stake in promoting political and economic transformation and integrating these states into larger communities such as the OSCE.

This would also minimize the risk of instability spreading and prevent those countries of becoming havens for international terrorists and criminals. Similarly, there is a common interest in integrating the Balkans politically and economically. Dealing with Iran, Iraq, Lebanon, and the Israeli-Palestinian conflict as well as other **political issues in the Mid**dle **East** are also of a great concern for both sides although the U.S. plays a dominant role in the region. Finally, US-European cooperation will be more effective in dealing with the **rising power of China** through engagement but also containment.

The post Iraq War realities have shown that it is no longer simply a question of adapting transatlantic institutions to new realities. The changing structure of relations between the U.S. and Europe implies that a new basis for the relationship must be found if transatlantic cooperation and partnership is to continue. The future course of relations will be **determined above all by U.S. policy towards Europe** and the Atlantic Alliance.

Wise policy can help forge a new, more enduring strategic partnership, through which the two sides of the Atlantic cooperate in meeting the many major challenges and opportunities of the evolving world together. But a policy that **takes Europe for granted** and routinely **ignores or** even **belittles Europe**an concerns, may force Europe to conclude that the costs of continued alliance outweigh its benefits.

### K

#### Hegemonic promotion of liberal democracy is anti-democratic and coercive. Democracy as the new standard for civilization condemns Oriental Others to assimilation or destruction.

Christopher **HOBSON** International Politics @ Aberystwyth **‘8** “Democracy as Civilization” *Global Society* 22 (1) p.83-88

With the conclusion of the Cold War and the apparent triumph of the Western model of market capitalism and liberal democracy, there was what Ian Clark terms “the reinvention of a restrictive international society”.51 A considerable resurgence in the confidence of liberal values, combined with a sizeable power differential favouring key democratic states, has led to the (re)emergence of a more explicit and restrictive standard of civilisation, which again largely reflects the values and interests of these core states. Lacking the juridical status of the “classical” standard, it is in the political realm that it is primarily found, centred on the principles of democracy, capitalism and individual human rights. Of these, democracy has been the unifying feature of this new standard. Democracy is widely accepted as the most suitable form of governance for liberal capitalism, in so far as it provides the necessary institutional framework while allowing the freedom, autonomy and space that liberal economics seeks. Similarly, democracy is seen to be essential for the full protection and respect of human rights, with such rights only being considered totally secure when they are not dependent on the benevolence of an unaccountable ruler.52 These compatibilities, along with a host of other goods this form of rule is seen to provide— freedom, stability, accountability, openness, some level of social justice, international peace, stronger international law and so on—make democracy the focal point for the new standard. In providing a set of socio-political institutions, democracy becomes the framework and mechanism through which these other values and interests are transmitted. Put simply, in the 21st century it is the ballot box that is becoming the symbol of legitimate statehood. These moves towards a “restrictive international society” has meant a tightening and strengthening of the principles that inform “rightful membership”, with the growing belief that the internal (democratic) makeup of states plays a crucial role in bringing about “rightful conduct”.53 This has led to a renewed emphasis on the socio-political organisation of states. A pervading desire for liberal democracy in the political sphere and market capitalism in the economic one has been manifested in the policies and rhetoric of individual states, international organisations and NGOs. This increasing push towards a far greater level of socio-political uniformity across states clashes with the more pluralist framework inherited from the UN Charter system. In these shifts are reflected a continuing tension between two versions of liberalism that help to define international society, what Simpson terms “liberal pluralism” and “liberal anti-pluralism”.54 The former corresponds to classical liberalism which emphasises “the virtues of tolerance, diversity, openness together with an agnosticism about moral truth”.55 As noted, this was more prominent in the post-1945 order based on sovereign equality and independence. It was a **pluralist ethic framed in terms of coexistence**, not inquiring too heavily into the domestic makeup of states. Following the end of the Cold War, however, we have witnessed the rise of “liberal anti-pluralism”. This version of liberalism is imbued with a “moralistic fervour” and a conviction in the truth and “rightness” of liberalism and liberal polities.56 It encourages an exclusiveness and an intolerance towards non-liberal regimes. Once again, **we inhabit a world of civilised and barbarous communities**, only now it is understood in terms of democracies and non-democracies. In the post-ColdWar era, marked by this liberal anti-pluralism, there has been a far greater interest in the internal makeup of states, with liberal jurists even claiming the emergence of a “right” to democracy.57 This has also meant a much heavier emphasis placed on labelling, ostracising and, when necessary, confronting pariah states that do not conform to the new standard. An increased concern with such outlaw states has been most prominent in US foreign policy, with President Bush’s “axis of evil” being the obvious example. Indeed, one characteristic that unified this “axis” against “the civilized world” was the “non-democratic” label that America applied to them.58 Reflecting on this anti-pluralist trend, Donnelly makes the useful distinction between “behavioural” and “ontological” outlaw states. The former “violate particular international norms”, while the latter “are outlaws more for who they are than what they have done”.59 The manner in which international society is reformulating, with a more explicit and stricter standard based around democracy, is one that leads to states being more easily classified as “**ontological outlaws**”. It is what these states are—non-democratic— that becomes the essential problem and the basis of their pariah status. Democracy as Civilisation Democratic governance has become the benchmark for full international legitimacy in a world where “a democracy is what it is virtuous for a state to be”.60 Democracy has taken on the conceptual characteristics of “civilisation”, associated with notions of progress, development, modernisation and a host of other laudable traits. The phenomenon of democratic states being considered “virtuous”, however, is hardly a new one. Ivor Brown wrote shortly after the First World War of a “world in which every one is trying to show that he is more democratic than everybody else”.61 This trend quickly declined with the rise of fascism, but with the end of the SecondWorldWar an ideological contest drawing on different understandings of democracy soon emerged. Central to the dynamics of the Cold War were two competing visions of this concept—liberal democracy was championed by the United States and its allies against the people’s democracies of the Soviet Union and its satellites. Neither side actively denied “democracy”, but rather contested its boundaries by attempting to redescribe it in such a manner as to include one camp, whilst excluding the other. Commenting on the situation in 1979, Dunn noted that “democratic theory is the moral Esperanto of the present nation-state system, the language in which all Nations are truly United”.62 Writing a decade earlier, Macpherson had highlighted three types of democracy in existence, since along with the liberal and communist versions of democracy, there was also a ThirdWorld model.63With the conclusion of the Cold War, it was liberal democracy that proved victorious, a perhaps obvious, but necessary point made by Fukuyama.64 Models of democracy were replaced by a model of democracy. In this regard, Fenves suggests that Fukuyama hit upon an important “linguistic fact”, namely “the absence of any universalizable alternative to the language of liberal democracy for the legitimization of political institutions”. 65 What the end of the Cold War signified was not simply that democratic states were confirmed as “virtuous”, but also the rise of a much more limited understanding of what “democracy” as an institution, and in practice, means. It is one variant—the Anglo-American liberal one—that is promoted as democracy and the benchmark of fully legitimate statehood.66 Liberal democracy, supposedly exemplified by the United States, has become hegemonic to the extent that the “liberal” is regularly dropped out, with **this model naturalised as democracy**. What is lost is that there are multiple types of democracy, of which the liberal version is only one.67 In this regard, Hutchings gives the important caution not “to become closed to the appreciation of alternative ways of thinking about what democracy means”.68 To do this, it must be recognised that liberal democracy has been conditioned, shaped and determined by its primarily Anglo-American heritage. In considering alternative conceptions of democracy within Africa, Bradley makes the point that it is “a configuration of governance moulded by the general values, biases, and nuances of a given culture”.69 What this suggests is that the model of democracy promoted not only by the United States but also the European Union, United Nations and a host of other countries and international bodies is not politically and culturally neutral but one that distinctly reflects the experiences, interests and values of these promoters. In the case of the world’s most prominent and forceful promoter, democracy is viewed through an American lens, with an understanding that closely corresponds to the dominant liberal, procedural definition found in American political science.70 And clearly **the way democracy is promulgated by the leading power has considerable ramifications for the way it is received and interpreted by other actors in world politics.** An understanding that closely corresponds to American experience and the politics of the United States, which emphasises political and civil rights at the same time as giving less importance to economic ones, becomes naturalised as democracy. In the process “**alternatives**”, as Hazel Smith notes, “**are made invisible”**.71 The relationship between liberalism and democracy found in this version of democracy is an historically contingent one. Even if one does not fully accept this argument, instead following Fukuyama and suggesting the universality of liberal democracy, there will still be differences across societies in terms of the weighting given to the two parts. Within the American tradition, liberalism has been hegemonic, structuring democracy.72 Yet there is no reason why in other societies the two components may not be combined differently. They may be related more equally, or the democratic dimension could instead structure the liberal one. The regimes found in Scandinavia offer the most notable real-world example of prosperous democracies where the liberal dimension is not necessarily prioritised. Forms of social democracy, along with models that emphasise a far greater level of activity and participation by the people, are viable alternatives **hidden behind the dominant version.** Variations within and between the different models found in Western democratic states largely disappear when democracy is exported, with the type promoted being one that corresponds closely to the Anglo-American standard. And whereas the dominance of liberalism was not a problem for America at its founding due to exceptionally fortunate circumstances, it is highly questionable whether similar conditions now exist in most of the world.73 A new standard of civilisation based on democracy thus retains the Westerncentricism that marked its “classical” iteration. Like the earlier version of the standard which reflected the interests and values of the dominant European powers, now democracy is understood and promoted in a similar fashion.74 Within the new standard, democracy is viewed largely through an American, or more generally Western, lens. And in so doing, once again a socio-political form of organisation is encouraged, promoted or dictated that conforms to a model emerging from a core of powerful Western states. This new standard is not asking states to meet some objective criteria but is asking (or telling) “them” to become more like “us”. It is for this reason that Mozaffari is mistaken in suggesting that the new standard operates more through “attraction” than “coercion”.75 Rather, democracy’s progressive label and the **universalising language with which it is cloaked** means that the **structures of power it operates** in and with **are** **overlooked**. Behind the seemingly benign universal standard of democracy is a specific conception of what democracy is and what democratic states should be. **Coercion operates through defining and limiting what democracy is and can be.** States that do not conform to this liberal democratic standard now struggle to be recognised as fully legitimate. Indeed, a “sin” that presently unites all rogue and pariah states is their undemocratic nature.76 Particularly instructive is the case of Iran, which has claims to being considered democratic,77 but is refused this label as it does not conform to dominant perceptions of what democracy should be. When identifying it as part of the “axis of evil”, Bush singled it out as a country where “an unelected few repress the Iranian people’s hope for freedom”.78 States like Iran that are judged to be non-democratic or insufficiently democratic are becoming, in the terminology of Donnelly, “ontological outlaws”.79 It is what these states are, or perhaps more accurately are not, that removes them from, in Bush’s words, “the civilized world”.80 One major reason for this is that the internal makeup of states is now widely seen as determinative of external behaviour. Thus, democracies are threatening precisely because they are non-democratic. At the heart of these perceptions is the hugely influential Democratic Peace Thesis (DPT), which proposes that the internal (democratic) character of states has a causative role in helping to generate international peace. It is necessary to consider the democratic peace in more detail, as it plays a crucial part in cementing democracy’s pre-eminent position in international politics. The pacifist nature of democratic states, identified by the DPT, helps to represent and inform their “virtue”, while non-democracies increasingly are tar**geted as obstacles on the road to “perpetual peace**.”

#### This drive to destroy non-liberal ways of life will culminate in extinction

Batur 7 [Pinar, PhD @ UT-Austin – Prof. of Sociology @ Vassar, *The Heart of Violence: Global Racism, War, and Genocide*, Handbook of The Sociology of Racial and Ethnic Relations, eds. Vera and Feagin, p. 441-3]

War and genocide are horrid, and taking them for granted is inhuman. In the 21st century, our problem is not only seeing them as natural and inevitable, but even worse: not seeing, not noticing, but ignoring them. Such act and thought, fueled by global racism, reveal that racial inequality has advanced from the establishment of racial hierarchy and institutionalization of segregation, to the confinement and exclusion, and elimination, of those considered inferior through genocide. In this trajectory, global racism manifests genocide. But this is not inevitable. This article, by examining global racism, explores the new terms of exclusion and the path to permanent war and genocide, to examine the integrality of genocide to the frame-work of global antiracist confrontation. GLOBAL RACISM IN THE AGE OF “CULTURE WARS” Racist legitimization of inequality has changed from presupposed biological inferiority to assumed cultural inadequacy. This defines the new terms of impossibility of coexistence, much less equality. The Jim Crow racism of biological inferiority is now being replaced with a new and modern racism (Baker 1981; Ansell 1997) with “culture war” as the key to justify difference, hierarchy, and oppression. The ideology of “culture war” is becoming embedded in institutions, defining the workings of organizations, and is now defended by individuals who argue that they are not racist, but are not blind to the inherent differences between African-Americans/Arabs/Chinese, or whomever, and “us.” “Us” as a concept defines the power of a group to distinguish itself and to assign a superior value to its institutions, revealing certainty that **affinity with “them” will be harmful to its existence** (Hunter 1991; Buchanan 2002). How can we conceptualize this shift to examine what has changed over the past century and what has remained the same in a racist society? Joe Feagin examines this question with a theory of systemic racism to explore societal complexity of interconnected elements for longevity and adaptability of racism. He sees that systemic racism persists due to a “white racial frame,” defining and maintaining an “organized set of racialized ideas, stereotypes, emotions, and inclinations to discriminate” (Feagin 2006: 25). The white racial frame arranges the routine operation of racist institutions, which enables social and economic repro-duction and amendment of racial privilege. It is this frame that defines the political and economic bases of cultural and historical legitimization. While the white racial frame is one of the components of systemic racism, it is attached to other terms of racial oppression to forge systemic coherency. It has altered over time from slavery to segregation to racial oppression and now frames “culture war,” or “clash of civilizations,” to legitimate the racist oppression of domination, exclusion, war, and genocide. The concept of “culture war” emerged to define opposing ideas in America regarding privacy, censorship, citizenship rights, and secularism, but it has been globalized through conflicts over immigration, nuclear power, and the “war on terrorism.” Its discourse and action articulate to flood the racial space of systemic racism. Racism is a process of defining and building communities and societies based on racial-ized hierarchy of power. The expansion of capitalism cast new formulas of divisions and oppositions, fostering inequality even while integrating all previous forms of oppressive hierarchical arrangements as long as they bolstered the need to maintain the structure and form of capitalist arrangements (Batur-VanderLippe 1996). In this context, the white racial frame, defining the terms of racist systems of oppression, enabled the globalization of racial space through the articulation of capitalism (Du Bois 1942; Winant 1994). The key to understanding this expansion is comprehension of the synergistic relationship between racist systems of oppression and the capitalist system of exploitation. Taken separately, these two systems would be unable to create such oppression independently. However, the synergy between them is devastating. In the age of industrial capitalism, this synergy manifested itself imperialism and colonialism. In the age of advanced capitalism, it is war and genocide. The capitalist system, by enabling and maintaining the connection between everyday life and the global, buttresses the processes of racial oppression, and synergy between racial oppression and capitalist exploitation begets violence. Etienne Balibar points out that the connection between everyday life and the global is established through thought, making global racism a way of thinking, enabling connections of “words with objects and words with images in order to create concepts” (Balibar 1994: 200). Yet, global racism is not only an articulation of thought, but also a way of knowing and acting, framed by both everyday and global experiences. Synergy between capitalism and racism as systems of oppression enables this perpetuation and destruction on the global level. As capitalism expanded and adapted to the particularities of spatial and temporal variables, global racism became part of its legitimization and accommodation, first in terms of colonialist arrangements. In colonized and colonizing lands, global racism has been perpetuated through racial ideologies and discriminatory practices under capitalism by the creation and recreation of connections among memory, knowledge, institutions, and construction of the future in thought and action. What makes racism global are the bridges connecting the particularities of everyday racist experiences to the universality of racist concepts and actions, maintained globally by myriad forms of prejudice, discrimination, and violence (Balibar and Wallerstein 1991; Batur 1999, 2006). Under colonialism, colonizing and colonized societies were antagonistic opposites. Since colonizing society portrayed the colonized “other,” as the adversary and challenger of the “the ideal self,” not only identification but also segregation and containment were essential to racist policies. The terms of exclusion were set by the institutions that fostered and maintained segregation, but the intensity of exclusion, and redundancy, became more apparent in the age of advanced capitalism, as an extension of post-colonial discipline. The exclusionary measures when tested led to war, and genocide. Although, more often than not, genocide was perpetuated and fostered by the post-colonial institutions, rather than colonizing forces, the colonial identification of the “inferior other” led to segregation, then exclusion, then war and genocide. Violence glued them together into seamless continuity. Violence is integral to understanding global racism. Fanon (1963), in exploring colonial oppression, discusses how divisions created or reinforced by colonialism guarantee the perpetuation, and escalation, of violence for both the colonizer and colonized. Racial differentiations, cemented through the colonial relationship, are integral to the aggregation of violence during and after colonialism: “Manichaeism [division of the universe into opposites of good and evil] goes to its logical conclusion and dehumanizes” (Fanon 1963:42). Within this dehumanizing framework, Fanon argues that the violence resulting from the destruction of everyday life, sense of self and imagination under colonialism continues to infest the post-colonial existence by integrating colonized land into the violent destruction of a new “geography of hunger” and exploitation (Fanon 1963: 96). The “geography of hunger” marks the context and space in which oppression and exploitation continue. The historical maps drawn by colonialism now demarcate the boundaries of post-colonial arrangements. The white racial frame restructures this space to fit the imagery of symbolic racism, modifying it to fit the television screen, or making the evidence of the necessity of the politics of exclusion, and the violence of war and genocide, palatable enough for the front page of newspapers, spread out next to the morning breakfast cereal. Two examples of this “geography of hunger and exploitation” are Iraq and New Orleans.

#### Alternative—Challenge to *conceptual* framework of national security. Only our alternative displaces the source of executive overreach. Legal restraint without conceptual change is futile.

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 45-51]

The prevalence of these continuities between Frankfurter’s vision and contemporary judicial arguments raise serious concerns with today’s conceptual framework. Certainly, Frankfurter’s role during World War II in defending and promoting a number of infamous judicial decisions highlights the potential abuses embedded in a legal discourse premised on the specially-situated knowledge of executive officials and military personnel. As the example of Japanese internment dramatizes, too strong an assumption of expert understanding can easily allow elite prejudices—and with it state violence—to run rampant and unconstrained. For the present, it hints at an obvious question: How skeptical should we be of current assertions of expertise and, indeed, of the dominant security framework itself? One claim, repeated especially in the wake of September 11, has been that regardless of normative legitimacy, the prevailing security concept—with its account of unique knowledge, insulation, and hierarchy—is simply an unavoidable consequence of existing global dangers. Even if Herring and Frankfurter may have been wrong in principle about their answer to the question “who decides in matters of security?” they nevertheless were right to believe that complexity and endemic threat make it impossible to defend the old Lockean sensibility. In the final pages of the article, I explore this basic question of the degree to which objective conditions justify the conceptual shifts and offer some initial reflections on what might be required to limit the government’s expansive security powers. VI. CONCLUSION: THE OPENNESS OF THREATS The ideological transformation in the meaning of security has helped to generate a massive and largely secret infrastructure of overlapping executive agencies, all tasked with gathering information and keeping the country safe from perceived threats. In 2010, The Washington Post produced a series of articles outlining the buildings, personnel, and companies that make up this hidden national security apparatus. According to journalists Dana Priest and William Arkin, there exist “some 1271 government organizations and 1931 private companies” across 10,000 locations in the United States, all working on “counterterrorism, homeland security, and intelligence.”180 This apparatus is especially concentrated in the Washington, D.C. area, which amounts to “the capital of an alternative geography of the United States.”181 Employed by these hidden agencies and bureaucratic entities are some 854,000 people (approximately 1.5 times as many people as live in Washington itself) who hold topsecret clearances.182 As Priest and Arkin make clear, the most elite of those with such clearance are highly trained experts, ranging from scientists and economists to regional specialists. “To do what it does, the NSA relies on the largest number of mathematicians in the world. It needs linguists and technology experts, as well as cryptologists, known as ‘crippies.’”183 These professionals cluster together in neighborhoods that are among the wealthiest in the country—six of the ten richest counties in the United States according to Census Bureau data.184 As the executive of Howard County, Virginia, one such community, declared, “These are some of the most brilliant people in the world. . . . They demand good schools and a high quality of life.”185 School excellence is particularly important, as education holds the key to sustaining elevated professional and financial status across generations. In fact, some schools are even “adopting a curriculum . . . that will teach students as young as 10 what kind of lifestyle it takes to get a security clearance and what kind of behavior would disqualify them.”186 The implicit aim of this curriculum is to ensure that the children of NSA mathematicians and Defense Department linguists can one day succeed their parents on the job. In effect, what Priest and Arkin detail is a striking illustration of how security has transformed from a matter of ordinary judgment into one of elite skill. They also underscore how this transformation is bound to a related set of developments regarding social privilege and status—developments that would have been welcome to Frankfurter but deeply disillusioning to Brownson, Lincoln, and Taney. Such changes highlight how one’s professional standing increasingly drives who has a right to make key institutional choices. Lost in the process, however, is the longstanding belief that issues of war and peace are fundamentally a domain of common care, marked by democratic intelligence and shared responsibility. Despite such democratic concerns, a large part of what makes today’s dominant security concept so compelling are two purportedly objective sociological claims about the nature of modern threat. As these claims undergird the current security concept, by way of a conclusion I would like to assess them more directly and, in the process, indicate what they suggest about the prospects for any future reform. The first claim is that global interdependence means that the U.S. faces near continuous threats from abroad. Just as Pearl Harbor presented a physical attack on the homeland justifying a revised framework, the American position in the world since has been one of permanent insecurity in the face of new, equally objective dangers. Although today these threats no longer come from menacing totalitarian regimes like Nazi Germany or the Soviet Union, they nonetheless create of world of chaos and instability in which American domestic peace is imperiled by decentralized terrorists and aggressive rogue states.187 Second, and relatedly, the objective complexity of modern threats makes it impossible for ordinary citizens to comprehend fully the causes and likely consequences of existing dangers. Thus, the best response is the further entrenchment of Herring’s national security state, with the U.S. permanently mobilized militarily to gather intelligence and to combat enemies wherever they strike—at home or abroad. Accordingly, modern legal and political institutions that privilege executive authority and insulated decisionmaking are simply the necessary consequence of these externally generated crises. Regardless of these trade-offs, the security benefits of an empowered presidency (one armed with countless secret and public agencies as well as with a truly global military footprint)188 greatly outweigh the costs. Yet, although these sociological views have become commonplace, the conclusions that Americans should draw about security requirements are not nearly as clear cut as the conventional wisdom assumes. In particular, a closer examination of contemporary arguments about endemic danger suggests that such claims are not objective empirical judgments but rather are socially complex and politically infused interpretations. Indeed, the openness of existing circumstances to multiple interpretations of threat implies that the presumptive need for secrecy and centralization is not self-evident. And as underscored by high profile failures in expert assessment, claims to security expertise are themselves riddled with ideological presuppositions and subjective biases. All this indicates that the gulf between elite knowledge and lay incomprehension in matters of security may be far less extensive than is ordinarily thought. It also means that the question of who decides—and with it the issue of how democratic or insular our institutions should be—remains open as well. Clearly technological changes, from airpower to biological and chemical weapons, have shifted the nature of America’s position in the world and its potential vulnerability. As has been widely remarked for nearly a century, the oceans alone cannot guarantee our permanent safety. Yet, in truth they never fully ensured domestic tranquility. The nineteenth century was one of near continuous violence, especially with indigenous communities fighting to protect their territory from expansionist settlers.189 But even if technological shifts make doomsday scenarios more chilling than those faced by Hamilton, Jefferson, or Taney, the mere existence of these scenarios tells us little about their likelihood or how best to address them. Indeed, these latter security judgments are inevitably permeated with subjective political assessments, assessments that carry with them preexisting ideological points of view—such as regarding how much risk constitutional societies should accept or how interventionist states should be in foreign policy. In fact, from its emergence in the 1930s and 1940s, supporters of the modern security concept have—at times unwittingly—reaffirmed the political rather than purely objective nature of interpreting external threats. In particular, commentators have repeatedly noted the link between the idea of insecurity and America’s post-World War II position of global primacy, one which today has only expanded following the Cold War. In 1961, none other than Senator James William Fulbright declared, in terms reminiscent of Herring and Frankfurter, that security imperatives meant that “our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century,” was no longer “adequate” for the “20th- century nation.”190 For Fulbright, the driving impetus behind the need to jettison antiquated constitutional practices was the importance of sustaining the country’s “preeminen[ce] in political and military power.”191 Fulbright held that greater executive action and war-making capacities were essential precisely because the United States found itself “burdened with all the enormous responsibilities that accompany such power.”192 According to Fulbright, the United States had both a right and a duty to suppress those forms of chaos and disorder that existed at the edges of American authority. Thus, rather than being purely objective, the American condition of permanent danger was itself deeply tied to political calculations about the importance of global primacy. What generated the condition of continual crisis was not only technological change, but also the belief that the United States’ own ‘national security’ rested on the successful projection of power into the internal affairs of foreign states. The key point is that regardless of whether one agrees with such an underlying project, the value of this project is ultimately an open political question. This suggests that whether distant crises should be viewed as generating insecurity at home is similarly as much an interpretative judgment as an empirically verifiable conclusion.193 To appreciate the open nature of security determinations, one need only look at the presentation of terrorism as a principal and overriding danger facing the country. According to the State Department’s Annual Country Reports on Terrorism, in 2009 “[t]here were just 25 U.S. noncombatant fatalities from terrorism worldwide” (sixteen abroad and nine at home).194 While the fear of a terrorist attack is a legitimate concern, these numbers—which have been consistent in recent years—place the gravity of the threat in perspective. Rather than a condition of endemic danger—requiring everincreasing secrecy and centralization—such facts are perfectly consistent with a reading that Americans do not face an existential crisis (one presumably comparable to Pearl Harbor) and actually enjoy relative security. Indeed, the disconnect between numbers and resources expended, especially in a time of profound economic insecurity, highlights the political choice of policymakers and citizens to persist in interpreting foreign events through a World War II and early Cold War lens of permanent threat. In fact, the continuous alteration of basic constitutional values to fit ‘national security’ aims highlights just how entrenched Herring’s old vision of security as pre-political and foundational has become, regardless of whether other interpretations of the present moment may be equally compelling. It also underscores a telling and often ignored point about the nature of modern security expertise, particularly as reproduced by the United States’ massive intelligence infrastructure. To the extent that political assumptions—like the centrality of global primacy or the view that instability abroad necessarily implicates security at home—shape the interpretative approach of executive officials, what passes as objective security expertise is itself intertwined with contested claims about how to view external actors and their motivations. This means that while modern conditions may well be complex, the conclusions of the presumed experts may not be systematically less liable to subjective bias than judgments made by ordinary citizens based on publicly available information. It further underscores that the question of who decides cannot be foreclosed in advance by simply asserting deference to elite knowledge. If anything, one can argue that the presumptive gulf between elite awareness and suspect mass opinion has generated its own very dramatic political and legal pathologies. In recent years, the country has witnessed a variety of security crises built on the basic failure of ‘expertise.’195 At present, part of what obscures this fact is the very culture of secret information sustained by the modern security concept. Today, it is commonplace for government officials to leak security material about terrorism or external threat to newspapers as a method of shaping the public debate.196 These ‘open’ secrets allow greater public access to elite information and embody a central and routine instrument for incorporating mass voice into state decision-making. But this mode of popular involvement comes at a key cost. Secret information is generally treated as worthy of a higher status than information already present in the public realm—the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed,197 its status as secret masks these problems and allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism; it also means that security judgments may be more ‘Hobbesian’—marked fundamentally by epistemological uncertainty as opposed to verifiable fact—than policymakers admit. If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars—emphasizing new statutory frameworks or greater judicial assertiveness—is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants—danger too complex for the average citizen to comprehend independently—it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

### Disease

#### No disease can cause human extinction—burnout

Posner 5—judge on the U.S. Court of Appeals, Seventh Circuit, and senior lecturer at the University of Chicago Law School [Richard A, Winter, “Catastrophe: the dozen most significant catastrophic risks and what we can do about them,” http://findarticles.com/p/articles/mi\_kmske/is\_3\_11/ai\_n29167514/pg\_2?tag=content;col1]

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extiinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease. The reason is improvements in medical science. But the comfort is a small one. Pandemics can still impose enormous losses and resist prevention and cure: the lesson of the AIDS pandemic. And there is always a lust time.

### AT: Locals

#### AQ affiliated Lone wolves have exclusively local focus- no large scale attacks

Ben Hubbard 1/25/14, Middle East Correspondence for The New York Times, "The Franchising of Al Qaeda," http://www.nytimes.com/2014/01/26/sunday-review/the-franchising-of-al-qaeda.html?\_r=0¶

THE letter bore the corporate tone of a C.E.O. resolving a turf dispute between two middle managers. In formal prose and numbered lists, Ayman al-Zawahri, the leader of Al Qaeda, directed one of the group’s affiliates in Syria to withdraw to Iraq and leave operations in Syria to someone else.¶ The response was unequivocal. Abu Bakr al-Baghdadi, the leader of the Islamic State in Iraq and Syria, or ISIS, declared that his fighters would remain in Syria “as long as we have a vein that pumps and an eye that blinks.”¶ It was the first time in the history of the world’s most notorious terrorist organization that one of the affiliates had publicly broken with the international leadership, and the news sent shock waves through the online forums where jihadists meet. In no uncertain terms, ISIS had gone rogue.¶ That split, in June, was a watershed moment in the vast decentralization of Al Qaeda and its ideology since 9/11. As the power of the central leadership created by Osama bin Laden has declined, the vanguard of violent jihad has been taken up by an array of groups in a dozen countries across Africa and the Middle East, attacking Western interests in Algeria and Libya, training bombers in Yemen, seizing territory in Syria and Iraq, and gunning down shoppers in Kenya.¶ What links these groups, experts say, is no longer a centralized organization but a loose ideology that any group can appropriate and apply as it sees fit while gaining the mystique of a recognized brand name. In short, Al Qaeda today is less a corporation than a vision driving a diverse spread of militant groups.¶ “Al Qaeda is kind of a ready-made kit now,” said William McCants, a scholar of militant Islam at the Brookings Institution. “It is a portable ideology that is entirely fleshed out, with its own symbols and ways of mobilizing people and money to the cause. In many ways, you don’t have to join the actual organization anymore to get those benefits.” For policy makers and terrorism analysts, this has made it harder to define what it means to be “Al Qaeda” and to gauge and combat threats. In addition, disagreements over definitions of Al Qaeda have animated debates in Washington about the perpetrators of the 2012 attack on the American diplomatic compound in Benghazi, Libya, especially over the Benghazi militant group Ansar al-Shariah. Although intelligence agencies and the State Department do not consider the group an affiliate of Al Qaeda, some Republican critics of President Obama argue that its puritanical, anti-Western vision makes it one. In many ways, American counterterrorism operations since 9/11 have successfully handicapped the original Qaeda organization founded by Bin Laden from the remnants of the mujahedeen who fought against the Soviets in Afghanistan in the 1980s. Drone strikes have eliminated top leaders, surveillance impedes communication with affiliates and the killing of Bin Laden removed a charismatic, unifying figure.¶ The franchise model has been essential to the group’s survival, even if that means affiliated groups are often left to their own devices and focus more on local struggles than on attacking the West.¶ “There is really not one Al Qaeda anymore,” said Gregory D. Johnsen, the author of “The Last Refuge,” a book on Al Qaeda in Yemen. “It has taken on the local flavor of wherever it is, although none of the groups have really disavowed transnational jihad.”¶ ¶ The conflict in Syria, currently the world’s biggest draw for international jihadists, illustrates how difficult it can be to characterize militant groups.¶ ISIS, despite having publicly rebuffed Mr. Zawahri, has thousands of foreign fighters who have seized territory in Iraq and Syria, where it seeks to found an Islamic state. Its rush to control resources and impose strict Islamic codes caused a backlash from other rebel groups, and fighting between the sides has killed more than 1,400 people in recent weeks.¶ Syria’s other Qaeda group, the Nusra Front, remains loyal to Mr. Zawahri, but has also maintained good relations with the wider rebel movement that shares the American goal of getting rid of President Bashar al-Assad. Beyond its open affiliation with Al Qaeda, little separates the Nusra Front from other Islamist battalions fighting in Syria. One of them, Ahrar al-Sham, even has a Qaeda member in its leadership. While these groups’ Islamic vision for the future of Syria may disturb many Americans (and Syrians), they have not attacked Western targets. “There are a lot of militant groups out there that are supporting either Islamist, salafist or jihadi doctrine, but they are not all wrapped up about the U.S., so do you call them all Al Qaeda?” said Clint Watts, a former F.B.I. agent now with the Philadelphia-based Foreign Policy Research Institute.¶

### 1NC Iraq

#### Alt causes – legislature, terrorism, Anbar

**UN News Centre 3-27** [Recent crisis in Anbar most serious challenge to state-building in Iraq – UN envoy, http://www.un.org/apps/news/story.asp?NewsID=47450&Cr=iraq&Cr1=#.UzVr1K1dXEg]

The crisis in Iraq’s Anbar province, where three months of fighting has displaced over 66,000 families, **poses the most serious challenge to the Government’s efforts to maintain the stability and security needed to build a democratic State**, a United Nations envoy told the Security Council today.¶ Nickolay Mladenov, the Secretary-General’s Special Representative and head of the UN Assistance Mission for Iraq (UNAMI), said in his briefing to the 15-member body that since the crisis began in late December, the Council of Representatives has witnessed boycotts by three of its largest blocs.¶ This has resulted in the **inability** of the Council of Representatives – Iraq’s legislature – **to secure a quorum for the majority of its sessions**. It has also brought the entire legislative process to a halt during this critical time ahead of national elections scheduled for 30 April, he noted.¶ It is from Anbar, which has suffered months of attacks by the attacks being carried out by Al-Qaida-linked militants, that “the most serious threat to the security of the country stems,” said Mr. Mladenov, a Bulgarian national who was appointed to head UNAMI last August. It is also beginning to affect other parts of the country.¶ “The country’s security is strained by well-armed and well-trained terrorist groups with access to substantial financial resources. Their goal is clear – establish a permanent foothold beyond the control of the authorities and consolidate a base for the expansion of their operations. They exploit divisions and weaknesses in Iraqi society and want to ultimately make the country ungovernable.”¶ The UN is also closely following all attempts to broker a peaceful solution to the Anbar crisis, said the envoy, who has engaged in intensive meetings with leaders from across the spectrum of Iraqi politics.¶ “In all meetings I have stressed that while the United Nations will support Iraq's fight against terrorism, the challenges facing the people of Iraq cannot be resolved without dialogue, and concessions,” he stated.¶ “While a security response is necessary to tackle the threat of armed groups and terrorists, a range of strategies are needed to successfully address the conditions that enable terrorist activity,” Mr. Mladenov stated. “The protection and advancement of human rights, equality before the law and the inclusion of those who feel marginalised will become central in any political resolution in the future.”¶ He reported that amidst the crisis, the UN’s primary concern has been to provide life-saving assistance to those displaced by the fighting – over 66,000 families, many of whom remain trapped in areas of active conflict.¶ “The intensity and nature of the fighting is significantly constraining regular access by the UN and other humanitarian actors to those affected,” the envoy said. “Despite these difficult circumstances, the UN is delivering assistance where it can and has recently accessed areas that were previously unreachable.”¶ At the same time, Mr. Mladenov stressed that without securing additional funding, the UN will very soon be unable to continue its humanitarian assistance to those fleeing the fighting in Anbar.¶ As for the upcoming polls, which will be Iraq’s third national election under the 2005 Constitution, he said that it is likely to be the country’s most contested race to date. On the same day, voters in the Kurdistan Region will also choose their governorate council representatives.¶ “We are confident that from a technical perspective the two elections can take place on time,” he stated, noting that technical preparations are on track, including the distribution so far of 75 per cent of the new electronic voter registration cards, and that security arrangements are also expected to be in place.¶ Mr. Mladenov, who was presenting the Secretary-General’s latest report on the activities of UNAMI and the most recent developments in the country, also reiterated that Iraq’s future cannot be considered in isolation from the broader challenges that the region is facing.¶ “As divisions continue to plague Iraqi politics, the ongoing conflict in Syria has added a regional dimension to sectarian tensions and is affording terrorist networks the occasion to forge links across the border and extend their support base.

#### Plan can’t solve legal enforcement which is the problem

**Mahmoud 3-23** [Nawzad, quoting Hajim al-Hassani, former speaker of the Iraqi parliament, Former Iraqi Speaker: ‘The Unity of Iraq is Only a Slogan’ http://rudaw.net/english/interview/23032014]

Rudaw: How do you evaluate the issues between Baghdad and the Kurdistan Region? Have they reached a deadlock? Hajim al-Hassani: These problems should have been solved in the beginning of the political process. But rivalries over power have delayed solving these issues time after time. The process is crystal clear, as some people intend to take Iraq back to the first square by establishing a central government and exercising control over the Kurdistan Region and other governorates. It is obvious that we are against these attempts and will not allow Iraq to have a centralized form of governance and dictatorship as in the past. Sincere dialogue is needed for solving the issues. We have been making and drafting laws for eight years, but none of them were addressing the important laws that are required by our constitution, such as the law of gas and oil, the law of the federal court and the law of the political parties. These laws will create a sound foundation for an institutionalized state.¶ Rudaw: These issues exist because of the lack of laws or failure to implement them, because as you stated, many laws have been legislated in the past years?¶ Hajim al-Hassani: **It is clear that making laws does not solve the problems. Implementing laws is as important as making them**. We have made many laws but have they been implemented? Laws have to be made, implemented and the implementation method evaluated. Sometimes laws are made but they are full of holes, and they need to be amended.¶ We need serious dialogue and open talks in order to detect whether we have a true partnership in running this country or one side, which intends to impose its authority on the rest.

#### Must resolve sectarianism before you can solve

**Casagrande 3-28** [Sabrina, No end in sight to Iraq's crisis, analysts say, http://www.dw.de/no-end-in-sight-to-iraqs-crisis-analysts-say/a-17529167]

It is particularly this element of marginalized groups that is so problematic, Benraad said. "This **radicalization is due to marginalization.** The solution in Iraq has to be political and go through the rehabilitation of **the Sunnis**. **They've been sidelined** politically."¶ She added that the government had to be the one initiating reconciliation. "I don't see how Iraq can exist with the omnipresent cycle of violence," she said.¶ According to Dodge, the violence is a result of the vacuum resulting from the regime change after the fall of Saddam Hussein. "The entire state collapsed: law and order, the economy went haywire," Dodge said. "Then from 2003 to 2007, there was a painful and slow process of rebuilding." However, this period was taken advantage of by violent groups forming and stepping into that vacuum, he added.¶ It is still unclear how the election process will continue following the IHEC's resignation. Analysts agree that Maliki has shown his political adeptness over the years. "Maliki's political art has been downplayed by many, but he's a real strategist," Benraad said. "He makes it clear that he is le moindre mal, the least evil."¶ The final decision will be up to the Iraqi people - should the elections take place on April 30.¶ "It's the Iraqi population who decides and Maliki is still the most popular politician in Iraq," Dodge said. "**Democracy in Iraq is badly beaten up and on its last legs**, but it's not dead. So that's not so bad."

### 1NC No Impact

#### No Latin American instability --- political institutions check

Coll 12 (Alberto R., Professor of International Law – DePaul College of Law, Former Chairman of the Strategic Research Department – U.S. Naval War College, Former Dean – Center for Naval Warfare Studies, Former Principal Deputy Assistant Secretary of Defense, “The Real Latin American Revolution”, Chicago Council on Global Affairs, 5-17, http://2012summits.org/commentaries/detail/coll\_2, Deech)

With the G8 gathering in Camp David and the NATO summit in Chicago, it is easy to lose sight of one of the key revolutions in global affairs over the past fifteen years: the rise of Latin America.¶ Until not long ago, Latin America was synonymous with instability, revolution, and economic stagnation. For much of the Cold War, two highly destructive forces dominated Latin American politics. One was the tendency of its powerful militaries to block any progressive reform by installing repressive regimes, many of which went on to commit appalling human rights atrocities in the name of fighting communism. The other was the penchant of Latin America’s elites for protectionism, populism, and revolution as panaceas for the region’s ills.¶ The results were political conflict, massive poverty, and limited clout in global affairs. In the 1970s and 1980s, countries such as Mexico, Brazil, and Argentina were left behind by the likes of China, India, Taiwan, South Korea, and Singapore, which had been backwaters only a few decades earlier.¶ Today, Latin America is an economically dynamic region with a growing voice in international affairs. Symbolically enough, the June meeting of the G20 group of world economic powers will take place in Mexico, and three Latin American countries—Brazil, Mexico and Argentina—now count among its highly sought-after ranks. ¶ Elsewhere, the latest new member of the Organization for Economic Co-operation and Development (OECD)—the mostly European and North American group of democracies committed to a free market economy—is Chile, invited to join in 2010 on the basis of its impressive economic performance and political stability.¶ Several developments help to explain Latin America’s resurgence. ¶ The first is political. With notable exceptions such as Venezuela and parts of Central America, political institutions have matured and democratic practices have strengthened. In most countries, the military has retreated from politics, ceding space to a vigorous civil society. There were over thirty military coups in the region between 1975 and 1985. In the past decade there was only one (in Honduras).

### 1NC Demo

#### Backsliding will produce electoral authoritarianism, not dictatorship—it’s the new norm.

Ryan Shirah, 4/23/2012. Fellow @ Center for the Study of Democracy @ UC Irvine. “Institutional Legacy and the Survival of New Democracies: The Lasting Effects of Competitive Authoritarianism,” http://www.socsci.uci.edu/files/democracy/docs/conferences/grad/shirah.pdf.

Contemporary authoritarian regimes sport an impressively diverse array of political institutions. Nominally democratic institutions like elected legislatures and political parties are now a common feature of nondemocratic politics (Schedler 2002). While a signiﬁcant amount of work has been put into understanding the causes and consequences of this institutional variation, many questions have not yet been adequately addressed. In particular, as Brownlee (2009a) points out, “comparativists have delved less deeply into the long–term and post– regime effects of electoral competition” (132). Building upon previous work on unfree elections and democratization (Brownlee 2009b, Schedler 2009, Lindberg 2006a, Lindberg 2006b, Lindberg 2009a, Howard & Roessler 2002, Hadenius & Teorell 2007), this study examines how the adoption of competitive elections prior to a democratic transition affects prospects for long–term democratic stability and consolidation. 1 I engage the literature on hybrid regimes and political institutions under dictatorship in order to draw out implications for how the institutionalization of competitive elections prior to democratization might impact the stability of a democratic successor regime. Previously unaddressed implications of two competing arguments are presented. An event history analysis of 74 new democracies that transitioned from authoritarian rule between 1975 and 2003 shows that institutional legacies signiﬁcantly affect prospects for democratic consolidation. Speciﬁcally, competitive authoritarian regimes tend to make for longer–lived democracies following a democratic transition than regimes without minimally competitive elections. 2 The idea that political institutions have signiﬁcant and independent effects is hardly controversial in comparative politics. What has been less broadly accepted is the notion that nominally democratic institutions are anything but window dressing in regimes that do not allow for meaningful challenges to authority. By the late 1980s, a series of observed transitions led to the conclusion that there was no sustainable form of electoral authoritarianism. Huntington (1991) famously declared that “liberalized authoritarianism is not a stable equilibrium; the halfway house does not stand” (174–5). Others had already begun drawing the same conclusion; regimes that adopted nominally democratic institutions did not represent a new variety or subtype of authoritarian regime, they were instead considered transitory states (O’Donnell & Schmitter 1986, DiPalma 1990, Przeworski 1991). For a decade, the literature on democratization treated dictatorships with electoral institutions as semi–democracies or states in the process of full liberalization. But by the turn of the century the observed facts made this a diffcult position to maintain. Dictators remained in power alongside legislatures, political parties, and electoral systems that they had created or inherited. It became clear that electoral authoritarianism was not an ephemeral and unstable state; it was a new kind of nondemocracy, and it was quickly becoming the norm (Schedler 2002).

#### Party-based autocracy best prevents civil conflict through a balance of coercion and co-optation

Hanne Fjelde, 2010. Senior Researcher, PRIO; Assistant Professor, Department of Peace and Conflict Research, Uppsala University. “Generals, Dictators, and Kings: Author- itarian Regimes and Civil Conflict, 1973–2004,” Conflict Management and Peace Science 27.3, 195–218.

The last decade has seen an increase in literature that examines how political institutions influence the risk of civil conflict. Existing literature has centered on the finding that inconsistent regimes, that is, autocratic regimes that also display some seemingly democratic institutions, run a higher risk of civil war than either consistent autocracies or democracies. Recent research has questioned this finding on empirical grounds by showing that the Polity dataset, on which most of the evidence is based, partly defines inconsistent regimes by the presence of political violence (Strand, 2007; Vreeland, 2008). Once the endogenous aspects of the Polity data are removed, the evidence of a higher risk of conflict associated with inconsistent regimes is no longer robust, nor does there seem to be any other clear association between political institutions and civil war. These findings suggest that the frequently used Polity index is unsuitable for studies of civil conflict, because the Polity score is not independent from the observation of conflict. Moreover, they illustrate that current knowledge of the political determinants of conflict to a large extent builds on aggregate data sources that mask substantial information about actual regime characteristics in the polities we study. Over a decade ago, Gleditsch and Ward (1997) noted that since a country’s value on the Polity scale is an aggregation of the value on individual indicators, vastly different institutional configurations can underlie the same Polity score. They warned that users of this dataset thus risk conflating very different types of polities over time and across space. Since then, however, the effort to further unfold the authority patterns of the aggregate regime categories in studies of civil conflict has, with the exception mentioned above, exclusively dealt with institutional differences among democracies (c.f. Reynal-Querol, 2002, 2005). Authoritarian regime type remains a residual category. This article theoretically and empirically unpacks the authoritarian regime category. 1 It suggests that to stay in power and avoid rebellion aimed at overthrowing the regime, dictators have two principal instruments: coercion, that is, to forcefully marginalize or eliminate political opponents, or co-optation, that is, to transform opponents into supporters through offers of spoils such as power positions or rents. The capacity for both efficient coercion and co-optation is conditioned by the regime’s institutional infrastructure. I argue that dictators who govern through political parties are more able to forcefully control and buy off opposition than dictators who either rely on the military to stay in power, or who coordinate their rule through the royal family. Authoritarian regimes thus exhibit predictable differences in their ability to avoid organized violent challenges to their authority. To examine this argument, the articles uses a new dataset by Hadenius and Teorell (2007b) to study the risk of civil conflict in four types of authoritarian regimes—military regimes, monarchies, single-party regimes, and multi-party electoral autocracies—from 1973 to the present, and in doing so, contributes to the literature on political institutions and conflict. The study shows that the emerging view, that political institutions are not a significant determinant of civil conflict, results from treating a heterogeneous set of authoritarian regimes as homogenous. When differentiating between them, I find that both military regimes and multi-party electoral autocracies have a higher risk of conflict than single-party regimes, which on the other hand seem to possess institutions that make them particularly resilient to armed challenges to their authority. Exploring these results further, however, I find that multi-party electoral autocracies have minor conflicts but tend to avoid large-scale civil wars. One explanation is that the need for electoral support in these regimes restrains the dictator’s use of force. Lastly, I find that the effect of political transitions in authoritarian regimes is more complex than assumed by previous research, and conditioned by the type of regime taking power. For military regimes, the risk is lowest immediately after a regime change and then increases over time. The opposite seems to be the case for multi-party electoral autocracies.

#### Civil conflict increases international terrorism via escalation effects—statistical models support.

Nauro F. Campos and Martin Gassebner, March 2013. Department of Economics, Brunel University, Uxbridge. “INTERNATIONAL TERRORISM, DOMESTIC POLITICAL INSTABILITY, AND THE ESCALATION EFFECT,” Economics and Politics, 25.1, http://onlinelibrary.wiley.com/store/10.1111/ecpo.12002/asset/ecpo12002.pdf?v=1&t=ho2exidu&s=c29cfb9a44cae7b1645436dd13679644560dc702.

More than 10 years have now passed since the 9/11 terrorist attack. These have been followed not only by the Madrid and London bombings, which were equally hideous, but also by a wave of increasingly sophisticated terrorist attacks all over the world. Such atrocities have not only caused extensive loss of human life but also have had perverse economic consequences in terms of increased uncertainty, reduced productive investment, and larger shares of national output spent on antiterror activities (see, e.g., Sandler et al., 2008). Figure 1 illustrates these points. 1 It shows transnational terror attacks per country from diﬀerent regions in the world. Note that, ﬁrst, international terrorism attacks are distributed widely across countries and regions. Second, while the average yearly number of terror attacks has decreased, their sophistication increased as shown by the rising number of fatalities over the last 40 years. 2 Third, the most lethal attacks are from African, Asian, and Middle Eastern countries. The objective of this article is to examine the causes of international terrorism across countries and over time. This is an important question because there are still considerable disagreements. Recent research has made great strides in furthering our understanding of the aggregate behavior of terrorism over time, its economic and political costs and micro-foundations, but the debate lingers about its root causes. 3 The literature has produced a detailed investigation of the relative roles of economic conditions (GDP levels and growth rates, poverty, income inequality) and of political rights and democracy, among other factors. Yet, the resulting estimates still diverge in size, statistical signiﬁcance, and even sign. In this debate, little to no attention has been paid to the role of domestic political instability. The latter may play an important role in that domestic political instability may escalate into international terrorist acts. Terrorism is deﬁned as premeditated political violence against civilians with the objective of maximizing media exposure to the act and, ultimately, to the terror group and/or to its “cause.” 4 Terrorist acts differ from civil wars, guerrilla warfare, and riots because, among other reasons, they mainly target non-military facilities and/or personnel (that is, because the focus of terrorist activities are “civilian” targets). As the aim is to raise the proﬁle of the “cause,” one main objective of terrorism is to maximize media exposure so as to further the atmosphere of fear. As the relative importance of exposure vis-a-vis the terror act itself increases (the propaganda eclipsing the deed), planning and required skills become relatively more important. Attacks become fewer, but deadlier. This article puts forward a novel explanation for international terrorism: the escalation effect. It also presents supporting econometric evidence. The escalation eﬀect focuses on domestic political instability. The intuition is that (domestic) political instability provides the “learning environment” required to carry out increasingly sophisticated terror attacks. Using a yearly panel of 123 countries over 1973–2003 and data on various aspects of international terrorism, our main ﬁndings are that (1) civil wars, guerrilla warfare, and riots robustly predict the origin of international terrorism, while demonstrations and strikes do less so, (2) the data offer less support for the role of per capita GDP and democracy in explaining international terrorism, and (3) there are important differences in the strength of the escalation effect across levels of economic development, with the effect weaker in richer and stronger in poorer countries. These results hold for various indicators of domestic political instability, estimators, subsamples, subperiods, and the presence of alternative explanations.

#### Nuclear terrorism causes nuclear conflict.

Ayson, Professor of Strategic Studies at Victoria, 10—Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 [“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” *Studies in Conflict & Terrorism*, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld]

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem.

It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well.

Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41

Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo?

In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack?

Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response.

#### Party based autocracies are key to defeat terrorism—a range of hard and soft CT options is key—empirical evidence supports.

Matthew C. Wilson and James A. Piazza, October 2013. The Pennsylvania State University. “Autocracies and Terrorism: Conditioning Effects of Authoritarian Regime Type on Terrorist Attacks,” American Journal of Political Science 57.4.

Terrorism poses a unique challenge to state security that is quite unlike those posed by armed civil conflicts or in- terstate wars.2 It refers to the strategic use of violence by clandestine and relatively few nonstate actors to attract at- tention, convey a political message, or influence (Lacquer 1977; Ross 1993; Schmid and Jongman 1988). Terror- ists are difficult to identify, do not have a fixed location, and are more indiscriminate in the application of violence (Jackson 2007; Lacquer 1977; Ross 1993; Sanchez-Cuenca and de la Calle 2009). Unlike rebel groups in a civil war or countries prosecuting interstate wars, terrorist movements are not focused on gaining and controlling territory or achieving a conventional battlefield victory, as they have relatively weak capacity to project force (Sanchez- Cuenca and de la Calle 2009). Because of this weakness, terrorism is a strategy employed by dissidents that makes use of asymmetrical threat advantages vis-a`-vis the gov- ernments they oppose. The determinants of terrorism are thus likely to be different from the determinants of civil wars or interstate wars.3

Terrorism’s distinctive features—the strategic use of violence as a political message, civilian targeting, clandes- tine perpetrators, the inability to control territory, and asymmetrical threats—make it particularly sensitive to regime type. While a state’s ability to respond to security threats posed by civil or interstate war is primarily de- termined by its capacity to mobilize and project physical force to defend its institutions, territory, and people, successful management of the threat of terrorism requires a mix of physical force and political and economic tools to monitor and channel dissent into behaviors that reinforce state control. Terrorism is a “faceless” form of po- litical violence that requires disproportionate intelligence and some level of community sympathy or support— fueled by underlying grievances—in order to be effective (Crenshaw 1981; Ross 1993). State response to terrorism must therefore be a careful balance of coercive and non- coercive strategies aimed at gathering intelligence about the terrorists, securing the cooperation of citizens in areas where terrorists operate, and, where possible, channeling dissidence into behaviors and structures that can be con- trolled by the state.

There is some indirect empirical evidence for these as- sertions. Walsh and Piazza (2010) determined that states employing strategies that abuse physical integrity rights of citizens are more likely to be attacked by terrorists, suggesting the limitations of a coercion-only counter- terrorism strategy. In their landmark empirical study of over 700 terrorist movements, Jones and Libicki (2008) determined that nearly half of all terminations of terrorist campaigns globally have involved bringing terrorists into a political process to air their grievances and to negotiate a settlement with the state; the remainder of termina- tions has involved either military defeat or factionaliza- tion. Empirical research by Li (2005) supports a more nuanced relationship between democracy and terrorism. He finds that constraints on executive power in democracies, which hampers the ability of officials to repress terrorist activity, boosts terrorism; political participation, which aids government ability to co-opt and manage extremism and dissent, reduces terrorism. These findings suggest that the capacity for a state to deploy multiple types of responses is important for explaining why some states are better at avoiding terrorism.

If the range of state response to terrorism—the “flexibility” to use both coercive state power to crush or disrupt terrorist movements and the capacity to co-opt would-be terrorists—is salient to explaining terrorism, it is crucial to understand the regime types that have a wider range of counterterrorism strategies. We theorize that there are three categories of responses a state can pursue in the face of terrorism: (1) mobilize coercion or repression against terrorists and their supporters or sympathizers; (2) co- opt terrorists and their supporters or sympathizers; and (3) pursue a mix of both coercion and co-optation.

Coercion, or repression, involves the use of sanctions to impose a cost on an individual or a group to deter specific activities and beliefs (Davenport 2007; Goldstein 1978). Specific examples might include arrest and im- prisonment, physical abuse, assassinations, curtailment of political participation or personal autonomy, surveil- lance, harassment, and threats. A consistent finding is that authorities generally employ some form of repression to counter or eliminate threats (Davenport 2007). Re- ported findings on the effects of repression on dissent are highly inconsistent, however (Choi 2008; Francisco 1996; Gupta and Venieris 1981; Gurr and Moore 1997; Hibbs 1973; Lichbach and Gurr 1981; Moore 1998; Muller 1985; Piazza and Walsh 2010; Rasler 1996; Walsh and Piazza 2010; Ziegenhagen 1986). On the one hand, repression can raise the costs of collective action by threatening livelihood or life itself, thereby preventing potential recruits from becoming terrorists. On the other hand, repression increases the ideological benefit of fighting against the state (Bueno de Mesquita et al. 2005). It also has a nega- tive impact on the economy, making the opportunity cost of becoming a terrorist lower (Bueno de Mesquita et al. 2005; Siqueira and Sandler 2006).

Leaders can also use positive reinforcements to buy off or “co-opt” potential opposition. An extreme example of the former type is President Joseph Mobutu in the now Democratic Republic of Congo, who handed out cash in exchange for political support (Le Billon 2003). Lead- ers who need cooperation can simply purchase it with rewards, perks, and privileges (Gandhi and Przeworski 2006). Bueno de Mesquita et al. (2003) demonstrate that the size of the winning coalition relative to the selec- torate must be sufficiently large for the leader to choose to distribute goods publicly rather than privately. Below a certain threshold, it is more expedient to distribute rents to a select few to maintain office. On their own, however, rent-sharing systems are long-run inefficient and can re- tard economic growth (Bueno de Mesquita et al. 2006; Haber 2006). Thus, in addition to sharing material spoils, a leader can induce cooperation by providing policy con- cessions, which involves the creation of forums for nego- tiating oppositional demands (Acemoglu and Robinson 2005; Gandhi and Przeworski 2006).

Offering a space for limited deliberation and rep- resentation encourages potential oppositional groups to negotiate their interests within the legal boundaries of the state. The creation of institutions such as a legislature, political parties, and bureaucratic offices generates positions that elites and opposition members can be used to fill, which is another form of co-optation (Brownlee 2007; Gandhi 2008).4 Political office provides direct and indirect benefits to working with the regime for potential opposition members. In turn, their involvement helps to preserve the regime by forcing them to invest in it, so long as they value their positions and their “stake” in the game (Aksoy, Carter, and Wright 2012; Gandhi 2008). Deliberative organizations also neutralize potential opposition by affecting the costs of coordination. For example, a strong party can be used to co-opt by distributing benefits and offices to elites and regularizing uncertainty regarding their positions, keeping them in the fold (Cox 2009; Gandhi 2008; Haber 2006).

### 1NC Modeling Impact Turn

#### (Yellow) Their 1ac evidence says Malaysia models our detention policies

Atwood 9 (Et. Al, Frmr. USAID Administrator, Amicus Brief, Al-Marri v Spagone, Brief of Frmr. US Diplomats, 1/28, http://www.brennancenter.org/sites/default/files/legacy/Justice/20090128.Almarri.v.Sapgone.Amicus.Brief-Former.U.S.Diplomats.pdf)

One hallmark of a dictatorship is the government’s assertion of a right to arrest and indefinitely imprison anyone within its borders, citizen or non-citizen, without criminal trial or charges, and to confine such individuals in harsh and inhumane conditions. Aside from undercutting our ability to exercise moral suasion against such regimes, a decision upholding such a claimed right by the United States Executive will ill-serve our country as we seek to restore our international reputation and to obtain more cooperation from our allies in combating terrorism, in supporting our efforts in the wars in Afghanistan and Iraq, and in dealing with the Israeli-Palestinian conundrum. Our professional experience informs us that the United States faces an international credibility gap resulting from a “do as I say not as I do” foreign policy that placed perceived threats to American security as the paramount ethic above its once venerated respect for freedom from unjustified restraints on liberty. Indeed, in its prosecution of the war on terror, the United States has largely dispensed with its most valuable diplomatic asset – its values – and adopted a duplicitous stance that exempts our country from the same standard to which we expect others to adhere. We have come to believe, in our representation of this country to other nations, that those nations are more willing to accept American leadership and counsel to the extent that they see us as true to the principle of freedom under the law. Yet, the evidence is clear that the world has taken notice of, and reacted negatively to, our government’s increasing willingness to dispense with first principles of individual liberty. The State Department Legal Advisor in the previous Administration has acknowledged Guantanamo’s disastrous impact on our foreign relations, calling it a “huge black eye for the United States – an albatross round our neck.”3 The group Human Rights Watch now lists Petitioner’s detention as an “enemy combatant” in annual reports detailing world-wide human rights abuses.4 The group specifically warns of the increasing danger of U.S. policy in applying war-time powers against its residents and the perilous path upon which the U.S. has embarked. As elaborated in its 2004 World Report: The U.S. Government asserts that its treatment of … al-Marri is sanctioned by the laws of war (also known as international humanitarian law) …. But the U.S. government is **seeking to make the entire world a battlefield in the amorphous, ill-defined, and most likely never ending “war against terrorism**.” By its logic, any individual believed to be affiliated in any way with terrorists can be imprisoned indefinitely …. The laws of war were never intended to undermine the basic rights of persons, whether combatants or civilians, but **the administration’s rereading of the law does just that**.5 Before the House Subcommittee on International Relations, a former Assistant Secretary of State for Democracy, Human Rights and Labor, testified that current U.S. policy detracts from our long term diplomatic goals in that it “needlessly antagoniz[es] our allies …. [and] unwittingly diminish[es] our capacity for exceptional leadership to address the global human rights challenges ahead.”6 Petitioner’s detention is specifically cited as an example of a practice that “encourage[s] other countries to commit similar abuses in the name of fighting terrorism and [as] undermin[ing] our ability to protest when they do.”7 The double standards of the U.S. approach to human rights abroad and at home with regard to Petitioner, as well as Guantanamo, **present an insurmountable challenge to our diplomatic mission. This is so because our most effective diplomatic weapon – our nation’s moral standing – is lost when our government holds itself to a different standard than it would have other countries apply.** Consider that the United States Department of State provides an annual report to the Speaker of the House of Representatives and the Senate Committee on Foreign Relations offering “a full and complete report regarding the status of internationally recognized human rights” for essentially all countries in the world.8 Among the offenses against “internationally recognized human rights” acknowledged and reported by the State Department are instances of “arbitrary arrest or detention” and “denial of fair public trials” – precisely what has happened to the Petitioner here.9 Petitioner has been held without criminal trial or legal justification for nearly eight years. He also alleges that he was held for periods as long as sixteen months incommunicado, when his family was denied access to see him, as were his attorneys. Petitioner further alleges that he was interrogated repeatedly in ways that bordered on torture, including sleep deprivation, painful stress positions, extreme sensory deprivation, and threats of violence or death.10 Compare this treatment with the further State Department report on human rights abuses in Iran, one of the most notorious totalitarian regimes in the world. For Iran, the State Department catalogued as human rights abuses the fact that: Detainees often went weeks or months without charges or trial, frequently were denied prompt contact with family, and often were denied access to legal representation for prolonged periods ….[M]any detainees were held incommunicado …. In practice there was neither a legal time limit for incommunicado detention nor any judicial means to determine the legality of the detention ….11 This same State Department report on human rights abuses for Iran also describes common methods of prisoner abuse “includ[ing] prolonged solitary confinement with sensory deprivation, … long confinement in contorted positions, … [and] threats of execution if individuals refused to confess ….”12 The United States has historically been viewed as a beacon of light for its commitment to a basic tenet of Anglo-American law – that no one may be subjected to indefinite detention without charge, and that the conditions of justified confinement shall be humane. In our professional experience, we have found our commitment to these fundamental precepts of human dignity to be the strongest asset of American diplomacy. The admiration and respect for this nation abroad is a function of our own commitment to liberty under law and we have led the world in this cause. When our nation is perceived as applying these principles selectively, or ignoring them all together, our voice abroad is not only weakened but our adversaries are also emboldened to conduct the very type of treatment against which we have historically rallied. For example, explaining the detention of militants without trial, Malaysia’s law minister said that the practice was “just like the process in Guantanamo Bay.”13 Egypt has also moved to detain human rights campaigners as threats to national security, as have Ivory Coast, Cameroon and Burkina Faso.14 Russia, in its recent campaign in Georgia and brutality in Chechnya, has also heralded the war on terror as its primary justification.

#### We’ll concede that argument. Modeling good – key to Malaysian counter-terrorism.

[Stephanie Sta Maria](http://www.freemalaysiatoday.com/category/author/stamaria/), 9/21/2011. “Foolish to repeal ISA, says anti-terror expert,” Free Malaysia Today, http://www.freemalaysiatoday.com/category/nation/2011/09/21/foolish-to-repeal-isa-says-anti-terror-expert/.

Rohan Gunaratna, who heads the International Centre for Political Violence and Terrorism Research at Singapore’s Nanyang Technological University, sees the decision as colliding head-on with Malaysia’s long-term national and strategic interest.

The centre, which conducts counter-terrrorism research and training, is one of the largest of its kind in the world.

In Gunaratna’s opinion, terrorism is still a potent threat to the world. He said there had not been a significant decline or even a plateau in terrorist threats since the 9/11 attacks on New York.

While he agreed that the immediate tactical threat had been reduced, he said the long-term strategic threat still existed.

“More Muslims have been radicalised and more extremist groups have emerged in the last decade,” he told FMT.

“The only reason Malaysia hasn’t suffered a terrorist [attack](http://www.freemalaysiatoday.com/category/nation/2011/09/21/foolish-to-repeal-isa-says-anti-terror-expert/) so far is because the ISA was an invaluable protective tool. The other reason is because its Special Branch admirably prevented a number of plans both to strike Malaysia and to use it as a regional base.”

But this could change with the ISA’s repeal, he said.

He warned that **the future of Malaysia’s security hinged on the government’s ability to preventively detain terrorist suspects**, **confine those suspected of advocating terrorism and ensure their rehabilitation**.

He said this could prove to be challenging without the ISA because producing terrorist suspects in court would generate publicity and tip off the terrorist network.

“The Malaysian authorities will then struggle to disrupt this network.”

#### That’s a strategic ground for terrorists to destroy the Straits of Malacca – kills the economy and trade

Andrin Raj, 3/24/2010. Counter Terrorism & Security Analyst and Director for Stratad Asia Pacific Strategic Centre (SAPSC) and Director for Chapter-SEA Regional HQ for the International Association for Counterterrorism and Security Professionals. He was a Visiting Fellow at the Japan Institute for International Affairs (JIIA) 2008-09.He is also one of the founding members of the Turkish Think Tank Dialogue (TOD TURKEY) of the Turkish Asian Center For Strategic Studies (TASAM) and part of the Think Tank Forum of the Organization of Islamic Countries based in Istanbul, Turkey. He is a Visiting Lecturer at the Institute for Diplomacy and foreign Relations, Ministry of Foreign Affairs, Malaysia and Lectures at the Monash University, Malaysia campus. “The Straits of Malacca Under the Threat of a Maritime Terrorist [Attack](http://www.turkishweekly.net/op-ed/2646/the-straits-of-malacca-under-the-threat-of-a-maritime-terrorist-attack.html),” The Journal of Turkish Weekly, http://www.turkishweekly.net/op-ed/2646/the-straits-of-malacca-under-the-threat-of-a-maritime-terrorist-attack.html.

The current threat posed by a terrorist group in the Straits of Malacca is no other than Al Qaedas regional associate, Jemaah Islamiyah. The re-emergence of Jemaah Islamiyah in the region some three years ago was itself a sign that it had re-grouped and was planning attacks within the region. The threat has long remained overlooked! The Straits is one of JIs most important targets in Southeast Asia and a large scale maritime attack in one of the busiest sea lanes of communication (SLOC) **would be disastrous to the economies of the world**. The attacks and bombings in Indonesia, Southern Thailand and Southern Philippines escalated over the three years should have alerted the authorities to an immediate response in countering the threat.   
The arrest of Al Qaedas operatives in Malaysia last year and early this year clearly proves that Al Qaeda is still operating within our shores and supporting its regional groups within Southeast Asia. **Al Qaeda operatives are using Malaysia as a conduit for its operations and planning**. The fact remains that Malaysia, Singapore and Australia are a non operational sector for Jemaah Islamiyah and Al Qaedas operatives. Although there were some sources indicating threats within these countries, the authorities have foiled the attempts posed by these groups with the assistance of foreign intelligence agencies. However these operational cells are involved in planning, recruitment and funding activities of terrorist operations, such as a potential maritime attack within the region.  
A few years ago, the Free Aceh Movement (GAM) had issued warnings to seafarers using the Straits to comply with GAMs request in informing the autonomy granted region, similar protocols for the right of passage and warned that attacks by pirates may be imminent and could not protect vessels that plied the route. However this warning was never to be made legitimate by the GAM Movement as the real intension was to indentify potential cargos for hijacking by using pirates as an alibi to carry out the attacks. An attack that took place early of February 2009 was a pirate attack on a Singapore tug coordinated by the GAM Movement using its operatives as pirates.   
The [nexus](http://www.turkishweekly.net/op-ed/2646/the-straits-of-malacca-under-the-threat-of-a-maritime-terrorist-attack.html) of piracy and terrorism is indeed a real phenomenon that many may disagree upon. Similar other attacks took place in 2003 where three chemical tankers and an oil tanker were attacked by separatist rebels claiming membership of GAM. Other terrorist groups operating in the region have carried out maritime terrorist attacks in the Philippines, the Straits of Malacca, and the Sulu waters and are now growing within the South Asian waters. Sources have indicated that terrorist operatives are moving freely within the region and are beginning to set base in certain Southeast Asian countries. The role of these operatives is not clear but it can be assumed that they are seeking grounds either for operational targets and planning or merely recruiting new members.  
The recent arrest of militants in the Aceh region and the major seizure of arms over the period of two months confirmed that militants were undergoing paramilitary trainings which included weapons use and hand-to-hand combat at a camp site in the Acehnese Mountains for preparation for a terrorist and possible maritime attack. The possible link is centered towards the Free Aceh Movement who has strong ties with Jemaah Islamiyah. The coastal waters of Sumatra are poorly protected and terrorist groups operating within Sumatra have a wide range of operational grounds to work from. The Islands on the coastline such as the Aruah, Sinaboi, Rupat Bengkalis and Karimunbesar Islands allow for proper hide outs and [protection](http://www.turkishweekly.net/op-ed/2646/the-straits-of-malacca-under-the-threat-of-a-maritime-terrorist-attack.html) against security forces. If an attack is to take place, security forces should concentrate within the North entrance of the Straits, the Sinaboi waters and the Southern mouth of the Straits.  
The potential threat from a maritime terrorist attack can and will include supertankers, LPG (Liquid Petroleum Gas) and LNG (Liquid Natural Gas) of chemical carriers being used as floating bombs. The fact remains that an LNG tanker can burst into flames and its heat can cover an area of a 5 mile radius. This high risk phenomenon can cause secondary burns to anyone within the area. The fire cannot be put off as the fuel will burn till all of the natural gas is emptied. There are no adequate immediate measures by the authorities for this disaster and this will lead to the Straits being temporarily closed to seafarers. Terrorist planning for such an attack will target vessels during the late hours of the evening and early hours of the morning prior to sun light. The area of concern will be nearer to the Sumatra coastlines where ample strategic positioning is conducive for the attacks.   
Terrorist are equipped with radar surveillance that can monitor vessels plying the straits and to determine if an attack is safe from security forces. These positioning radars are usually located some distance between them and are able to indentify the number of vessels/ships/boats going into the area of surveillance. Operative boats are stationed in between these radars and are sent out when the coast is clear from other approaching boats, such maybe of security forces patrols. Once inside the radar eyes, operatives will swing out to the Vessel and engage the lone target. Any approaching boats within distance of the perpetrated attack will be called back to shore by informants operating the surveillance radars. The Straits of Malacca is positioned for a similar threat scenario. Security forces need to understand the concepts and operations conducted by terrorist on maritime attacks from the many scenarios that have taken place globally.  
Other means of creating a threat scenario is where terrorists can blow up a small boat and claim that they have mined the Straits. The scenarios are not limited and hence the authorities need to step up on a preventive measure such as full scale collaboration within the littoral states and the international community for a major emergency disaster relief centre to be set up. This should include all readiness of well trained and equipped personnel, special equipments for sea operations, special ships that are capable of assisting accidents and fires, specialized medical units, rescue teams for search and rescue (SAR), expert teams which are specialized in activities in response to various types of disasters, military support force, coast guard support and provisions of relief supplies. It is impossible to prevent an attack such as the above and the authorities should now prepare for the worst. Terrorist groups are not limited to only maritime attacks on vessels but also fixed platforms at sea or in port, against coastal facilities or settlements, including tourist resorts, port areas and port town or cities.   
The authorities must not underestimate Jemaah Islamiyahs capabilities for a maritime terrorist attack. These terrorist groups operating within our region are trained and capable of such an attack. The Liberation Tamil Tigers Elam (LTTE) is the father of all maritime trainings conducted for terrorist groups operating internationally. The LTTE developed maritime capabilities to compensate their loss base in Tamil Nadu, India and eventually developed a full fledge navy that commanded their operations in Sri Lanka. The LTTE has inspired terrorist groups such as Al Qaeda in its operations, tactics, technologies, and techniques and has mimicked LTTEs manipulation of the merchant maritime sphere to perpetrate attacks. Sources indicate that the LTTE group has provided trainings for maritime operations to terrorist groups and this includes Al Qaeda.  
Al Qaeda has taken those trainings and capabilities and broadcasted them out to terrorist groups. This over the years has given inspiration in increasing maritime attacks and experimentation. The bombing of the USS Cole in the coast of Yemen in 2000 was an experiment that included trial and error concept in a maritime attack. The threat has proliferated globally transiting from small regional actors to larger international terrorist groups to smaller localized actors. The copy cat phenomena of proliferating techniques are being used by terrorist groups operating internationally and regionally across the globe. This is so for the Southeast Asias regional terrorist group, Jemaah Islamiyah and its associated groups.  
The reach of Maritime Terrorism is across the globe and it is decentralized. It is important to critically monitor the activities and capabilities of terrorist groups across the globe to anticipate and prepare for those tactics in your own theatre. Currently the groups with established maritime capabilities in Asia are: Al Qaeda, Jemaah Islamiyah, Free Aceh Movement (GAM),Barisan Revolusi National, Kumpulan Mujahedeen Malaysia, Akaran Army, Pattani United Liberation Organization, Harkat-ul-Jehad-al-Islami, Harkat-ul-Mujihadeen, Tamil Tigers (LTTE), United Liberation Front of Assam (ULFA).   
The threat conditions conducive for maritime terrorist attacks in the Straits can be directed to ineffective governance, poor national terrorism deterrent capacity, and the level of security preparedness, national security culture and the availability of a right target for an attack. This ineffectiveness can lead to major threats such as causing extensive damage to major coastal infrastructure and industrial area, attack and damage to offshore and coastal oil and gas production facilities, closing of harbors, channels and waterways. The threat of a maritime attack is imminent and the terrorist groups operating in Southeast Asia are well prepared for such an attack in the Straits. The authorities should now be vigilant as the element of surprise will take precedence.

## \*\*\* 2NC

### AT: Disease

#### New tech solves disease spread—locates infection threats in real time.

SecurityInfoWatch 9—[July 6, 2009, “Real-time locating technology helps contain pandemic outbreaks,” http://www.securityinfowatch.com/root+level/1312122?pageNum=1]

Last week, the World Health Organization declared the H1N1 virus, also commonly referred to as "swine flu", a worldwide pandemic. National and state health officials in the U.S. are urging healthcare providers to take precautions to limit the spread of the virus from infected patients to healthy patients and staff. In response to this latest threat, Intelligent InSites, Inc. today announced a solution that state healthcare agencies, hospitals, and senior care facilities can utilize to help prevent the transmission and spread of communicable diseases, such as H1N1, common influenza, and other infectious diseases. The solution uses location technology in conjunction with Intelligent InSites popular "enterprise visibility" software to identify the location of patients, staff, and equipment anywhere in a facility in real time. With access to real-time location information, healthcare providers are able to quickly identify people and assets that currently are or have been in the same location with an infected person, which allows the hospital to take appropriate actions to contain the spread of the virus. U.S. Secretary of Homeland Security, Janet Napolitano, urges state and local governments, school districts, and the private sector to modify and update their pandemic plans, as the state of pandemic preparedness in the U.S. is not at a desirable level. According to a recent report published by the Vendome Group, entitled "Trends in Disaster Preparedness and Recovery Technologies", nearly two-thirds of healthcare organizations consider themselves not well prepared for a pandemic. Mary Jagim, RN, a nationally recognized leader and consultant in emergency preparedness in hospitals, has seen the lack of preparedness first hand. "Working for over 20 years in an emergency department setting, I know how critical it is to have the ability to instantly and reliably trace all exposures between an infected person and others. This is truly a vital step in successful containment and control of infectious diseases. Emergency preparedness plans should harness the use of technology which can mitigate the chaos when a crisis arises. The solution Intelligent InSites provides is designed to help healthcare organizations effectively manage large-scale emergency events, including infectious disease outbreaks, and should be considered by healthcare providers and agencies as part of a comprehensive emergency response strategy." The InSites Enterprise Visibility Platform(TM) uses real-time locating technologies, such as RFID, infrared, or ultrasound to reliably track the location and all interactions among patients, staff members, and equipment without disruption to the process of care delivery. The InSites Platform automatically senses and records the location of each person as they move about the facility through the use of a small tag provided to them when they check in. This data can then be used to quickly and accurately provide meaningful information to care givers. For example, when a patient is positively tested for a virus, staff can instantly run a report identifying everywhere that patient has been in the hospital, as well as all patients, staff, and even equipment that were in the same location at the same time. The staff then uses that information to initiate the disease control protocols established by the hospital, screening exposed personnel or patients, and the provision of antiviral treatment. The system also provides reports that help risk management personnel analyze infection patterns and assist with compiling data requested by government agencies, such as Centers for Disease Control & Prevention. This not only protects patients and hospital employees, but it also increases the safety of the entire community. "We are currently working with several government agencies and healthcare providers who wish to incorporate the use of our system in their emergency preparedness and continuity of operation plans. Given that our technology is capable of rapid and noninvasive deployment, the InSites Platform is seen by healthcare authorities as an immediate answer to managing the H1N1 virus threat, as well as preparing for other emergency situations," stated Mark Rheault, President and CEO of Intelligent InSites.

#### Our claim is empirical.

Peters et al. 3 [Dr. Clarence, and Dr. Ronald, Director of Biodefense and Emerging Infectious Diseases @ UT, Chairman of Genetics Medicine @ Cornell, FDCH Political Transcripts, U.S. REPRESENTATIVE CHRISTOPHER COX (R-CA) HOLDS HEARING ON COUNTERING THE BIOTERRORISM THREAT, 3-15, L/N]

PETERS: I think we have one example from the movement of the Conquistadors to the New World. They brought measles, smallpox and a variety of other diseases with them. They didn't wipe out the Indians, but they destroyed their civilization and were instrumental in the Spaniards being able to conquer the New World with relatively few people. I think we have something going on right now with SARS that we don't know exactly what the end of it's going to be, but we already know that Asian economies are suffering tremendously. My prediction is that they will not be able to control it in China. If that's true, then we will be dealing with repeated introductions in this country for the indefinite future so that we may see a change in our way of life where we are taking temperatures in airports, in addition to taking your shoes off and putting them through the X-ray machine. And we may see emergency rooms rebuilt so that if you have a cough you go in one entrance and go into a negative pressure cubicle until your SARS test comes back. So I think that while wiping out human life is extremely unlikely, we have unengineered examples of bugs that have made great impacts on civilizations. COX: Dr. Crystal? CRYSTAL: The natural examples of what you suggested were, as hundreds of years ago, with smallpox and also with the plague. The plague wiped out one-third of the civilization. We now have treatments for ordinances (ph) like the plague because they were engineered to be resistant. And if they infected a number of people and had the capability of being spread rapidly from individual to individual, it would cause enormous havoc. I agree with the panel -- I don't think it would wipe out civilization, but the consequences to our society would be enormous.

### AT: Lone Wolf

#### Lone wolves focused on local issues and don’t have the capacity for existential attacks

Jason Burke '13 the South Asia correspondent for The Guardian, 1/28/13, "Al-Qaida: how great is the terrorism threat to the west now?," The Guardian, http://www.theguardian.com/world/2013/jan/29/al-qaida-terrorism-threat-west

The high point, however, was reached around 2004 or 2005. Even as it appeared to peak, the wave of extremism was receding. Since then, the central leadership of al-Qaida has suffered blow after blow. It is not just Bin Laden who has been killed or rendered inactive, but pretty much everyone else in the senior and middle ranks of the organisation. Ayman al-Zawahiri, the leader of al-Qaida central, may be an effective, utterly dedicated and experienced organiser but he lacks Bin Laden's charisma. Saif al Adel, the only other veteran leader remaining, lacks his stature and may not be at liberty at all but detained in Iran.¶ Key players who few, beyond specialists, had ever heard of – such as the very capable Libyan Atiyah Abd al-Rahman – have gone. British security officials describe "al-Qaida central" as being "hollowed out", largely by the controversial drone strikes. Equally damaging for the group, al-Qaida's training infrastructure is minimal, certainly compared with the dozens of fully fledged camps that were in use on the eve of the 9/11 attacks. Back in 2008, according to interrogation documents, handlers were forced to admit to new recruits coming straight from Europe that their facilities unfortunately bore no resemblance to those depicted in recruiting videos.¶ Nothing has improved since. Volunteers are fewer than before. There are younger members rising up the thinning ranks, but this is promotion by default not merit.¶ Equally damaging has been the rejection by successive communities over the past two decades. Almost every attempt by al-Qaida central to win genuine popular support has failed – in Iraq, Pakistan, Saudi Arabia and elsewhere. Polls show approval ratings for Bin Laden peaking around 2004-5 and then steep decline. This is particularly true when communities have direct experience of extremist violence or rule. The al-Qaida brand is irremediably tarnished. Even Bin Laden was apparently thinking of relaunching the group under a new name, his correspondence reveals.¶ The two most spectacular attacks in recent years – in Algeria and the strike on Mumbai by Pakistan-based militants from the Lashkar-e-Taiba organisation – were carried out by entities that have, in the first instance, tenuous connections with al-Qaida's senior leadership and, in the second, none at all. This indicates the degree to which the remnant led by al-Zawahiri have become, at best, only one player among many.¶ The result is that the centripetal force the group once exerted has gone and we have returned to a situation similar to that of the old "pre-al-Qaida" days with a whole series of different local groups involved in local struggles with negligible central co-ordination.¶ There are major differences with the previous period, of course. Decades of violence have led to much higher structural levels of radicalisation and polarisation. The technology and tactics used by all protagonists in these current "shadow wars" has evolved. Then there are the consequences of the Arab spring – for the Sahel and Syria and elsewhere. But, nonetheless, the unthinking use of the term al-Qaida, as has so often been the case in the past, obscures rather than illuminate the real chaotic and fractured, if still dynamic, nature of modern Islamist militancy. This is something Cameron's own security services will have told him.¶ Of course a threat remains. But the big attacks – those that could potentially pose something a little closer to "an existential threat" – are unlikely.

### Pak

#### No Pakistani collapse

Dasgupta 13 (Sunil Ph.D. in political science and the director of UMBC's Political Science Program and a senior fellow at Brookings, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/)

Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.

Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

### AT: No Trans

#### Democracy leads to trade discrimination against poor countries—increases the gap.

Daniel Yuichi Kono, October 2008. University of California at Davis. “Democracy and Trade Discrimination,” Journal of Politics, 70.4.

Does democracy promote free trade? Scholars have begun to debate this question in earnest, with some arguing unequivocally that it does (Bliss and Russett 1998; Mansﬁeld, Milner, and Rosendorff 2002; Milner and Kubota 2005) and others claiming that it does so only under certain conditions (Kono 2006; Tavares 2008). Given the global trend toward democracy (Freedom House 2002), the answer is of more than academic interest. If democracy indeed promotes trade, then the spread of democracy should reinforce the global trading system, perhaps opening markets for poor countries that have historically lacked market access. However, if democracy can lead to either liberalization or protection, then the prognosis for world trade is less clear-cut. Either way, understanding and predicting the future of the global trading system requires an understanding of the democracy-trade policy relationship. I argue that the effects of democracy on trade policy vary not only across countries but also across trading partners. Like Milner and Kubota (2005) and Tavares (2008), I assume that democratization shifts political inﬂuence from capital to labor. This, according to Mayer (1984), should create pressures for lower tariffs on capital-intensive goods but higher tariffs on labor-intensive goods. In an augmented Heckscher-Ohlin setting, the former goods are supplied by wealthier partners and the latter by poorer partners. Democratization should thus lead to liberalization with richer partners but to increased protection against poorer ones. This simple insight sheds light on many important developments in global trade. For example, it helps explain the evolution of the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO): why, in its early years, a GATT dominated by wealthy democracies discriminated against poor-country exports; why those poor countries, which were mostly autocratic, eschewed participation in the GATT; why the recent wave of democratization led many poor countries to join the GATT/WTO and to demand market access; and why this demand continues to meet resistance from the WTO’s wealthy, democratic members. My results also explain a number of trends in regional trade arrangements (RTAs): why, for many years, RTAs were clubs of either rich democracies or poor autocracies; why many poor democracies have recently sought RTAs with wealthy partners; and why the implementation of North-South RTAs has often been slow. In short, the geographic spread of democracy from rich countries to poor ones potentially explains many of the central contours of the global trading system. My results imply that waves of democratization can, depending on their composition, either help or hinder world trade. The ‘‘First Wave’’ (Huntington 1991), which involved wealthy countries in the early twentieth century, may have contributed to the downfall of the ﬁrst era of globalization, while the ‘‘Third Wave,’’ involving poor countries in the late twentieth century, may be reinforcing the second era. Because most remaining autocracies are poor, continued democratization augers well for world trade. Nonetheless, this process is a double-edged sword because it should lead developing countries both to open their markets to richer partners and to close them to poorer ones. It could thus lead to ‘‘hub-and-spoke’’ trading patterns, in which poor-country spokes trade with rich-world hubs but not with each other. This could hurt poor countries, both by reducing their market access and by diverting investment toward already capital-rich hubs. My results thus imply that the spread of democracy will require stronger efforts to combat discrimination in international trade.

### 2NC Overview [Terrorism]

#### Major war is obsolete—civil war is significantly more probable.

Robert Jervis, July 2011. Professor of International Politics @ Columbia University. “Force in Our Times,” Saltzman Working Paper No. 15, http://www.siwps.com/news.attachment/saltzmanworkingpaper15-842/SaltzmanWorkingPaper15.PDF.

Two dramatic and seemingly-contradictory trends are central. On the one hand, since the end of the Cold War if not before, the amount of inter-state and even civil war has drastically declined. Of course much depends on the time periods selected and the counting rules employed, but by any measure international wars are scarce if not vanishing, and civil wars, after blossoming in the 1990s, have greatly diminished.32 Significant instances of civil strife remain and are made salient by the horrific examples that appear in the newspapers every day, but in fact all inventories that I know of conclude that they are fewer than they used to be. Ironically, although realism stresses the conflict–inducing power of international anarchy, the barriers and inhibitions against international war now seem significantly more robust than those limiting civil wars. But even the latter are stronger than they were in the past. Although a central question is whether these trends will be reversed, they truly are startling, of great importance, and were largely unpredicted. They also remain insufficiently appreciated; one rarely reads statements about how fortunate we are to live in such a peaceful era. Perhaps the reasons are that optimism is generally derided in the cynical academic community, peace is not the sort of dramatic event that seizes public (and media) attention, and in the absence of major wars, we all find other things to worry about.

#### Nuclear terrorism is the most probable impact—no acquisition/motivation barriers

Dvorkin 12—Major General (retired) Vladimir Z. Dvorkin is doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences [September 21, 2012, “What Can Destroy Strategic Stability: Nuclear Terrorism Is a Real Threat,” http://belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html]

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.

At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.

Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.

Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.

Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).

A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.

The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.

If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory.

To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order. All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction—equivalent to full-scale nuclear war

Toon 7—Owen B. Toon, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., [April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf]

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

### 2NC Electoral Autocracy Solves

#### Party autocracy utilizes the best balance of coercion and co-optation—they can channel dissent while also monitoring opposition and cracking down when necessary.

Hanne Fjelde, 2010. Senior Researcher, PRIO; Assistant Professor, Department of Peace and Conflict Research, Uppsala University. “Generals, Dictators, and Kings: Author- itarian Regimes and Civil Conflict, 1973–2004,” Conflict Management and Peace Science 27.3, 195–218.

The literature on political institutions and civil conflict portrays coercion as the key instrument by which authoritarian governments avoid rebellion (Hegre et al., 2001; Henderson and Singer, 2000; Muller and Weede, 1990). When contrasted with democracies, this assumption is not unreasonable. All autocratic leaders use some coercion to stay in power. Policies that ban political associations opposed to the government and intimidate, arrest, torture, or kill opponents who violate these restrictions are micro-foundations of authoritarian rule (Wintrobe, 1998). Still, an overwhelming use of coercive force is a costly strategy with a high risk of backfiring. It depletes bases of support and strengthens the cause of potential conspirators to depose the dictator. It also creates incentives to hide such conspiracies and feign loyalty in order to avoid retaliation. Dictators that purge indiscriminately heighten everyone’s sense of uncertainty, including their own (Haber, 2006; Tullock, 1987; Wintrobe, 1998). This observation points to the relevance of the dictator’s institutional infrastructure. An intrusive societal organization reduces the cost of repression by providing dictators with information that allows them to identify conspirators and selectively target collusion. Moreover, it channels political mobilization into pro-regime organizations. It is the politically insulated regimes that will be forced into relying on overt brutality. This argument identifies single-party regimes as having the most powerful instrument to systematically marginalize opposition and eliminate rivals. The party organization constitutes a potent institutional infrastructure to monitor societal groups. A decentralized party organization can absorb and thus control the political energies of the population, channeling them into pro-regime activities (Linz, 2000). With regard to already mobilized groups, the party provides the dictator with a venue to control the challenges: access is restricted, and political aspirations and demands from competing factions can be discussed without challenging the foundations of the regime (Gandhi and Przeworski, 2006). This institutional apparatus also increases the regime’s ability to detect and selectively target subversive elements that could become viable rebel groups. Single-party regimes have been very successful in subordinating the military to political control (Peceny et al., 2002). Equally important, they also tend to have large non-military intelligence organizations with far-reaching tentacles into society (Brooker, 2000; Lai and Slater, 2006). The intrusiveness of the party institution into all aspects of civil, military, and political life makes it extremely difficult to mobilize an efficient rebel force able to overthrow the government. It provides single-party regimes with a forceful infrastructure to suppress opposition within the wider society, and within the state apparatus itself (Slater, 2003).

### 2NC Turkey Scenario

#### Political solutions alone fail --- Turkey must have firm anti-terrorism measures to complement or it risks escalation.

Sedat Laciner, 1/9/2013. Academic, columnist and author, is a Turkish academic specialist on the [Middle East](http://en.wikipedia.org/wiki/Middle_East) and International Relations, with particular reference to [Turkish foreign policy](http://en.wikipedia.org/wiki/Foreign_relations_of_Turkey) and rector of the [Çanakkale Onsekiz Mart University](http://en.wikipedia.org/wiki/%C3%87anakkale_Onsekiz_Mart_University). “Can Turkish Negotiations With PKK End Terror?,” Al Monitor, http://www.al-monitor.com/pulse/politics/2013/01/turkey-kurdistan-talks.html#.

True, the Ocalan-National Intelligence Organization [dialogue](http://www.al-monitor.com/pulse/originals/2013/01/turkey-kurds-pkk-peace.html) is useful. A new process is underway. But instead of resolving any single question, all we have to show are the bitter experiences of past failures. Although the list of landmines along the way is long, we can narrow them down to four basic risks in these negotiations.

The first risk is Ocalan himself. Although some would like to compare him to Mandela or Gandhi, Ocalan is neither a pacifist nor someone looking for political solutions. His commitment to guns and terror has not changed even during the 14 years he has spent in prison. If you look at his communications with the Kurdistan Workers Party (PKK) and the Kurdish Peace and Democracy Party you will see that he still believes in terror. The difference is that he is a utilitarian — even an opportunist — who can do anything when he has to. His ability to lower his profile until he gets his way is what has kept him alive. In that context, we are lucky he is in prison. Today he is 63 years old. If he spends another 14 years in prison, he won’t be able to do much at 77 or 78. Therefore, to get him out of Imrali Prison will be the focus of the [Error! Hyperlink reference not valid.](http://[link%20to:%20http://www.al-monitor.com/pulse/originals/2012/al-monitor/turkey-salafists-syria.html%5D" \t "_blank).

The second major risk is the PKK. The organization is not courageous enough to defy Ocalan. The image of Ocalan keeps the organization together and prevents it from crumbling. Moreover, that image provides the PKK with a support base. That is how they collect money and recruit militants. But Ocalan’s priorities are different from the PKK’s. At some point in the negotiations, the ties between the organization and Ocalan could rupture, allowing the hawks to sabotage the process.

The third major risk is the PKK’s international connections. Only a few days ago, two militants killed were of Iranian origin. The proportion of [Syrian and Iranian-origin](http://www.al-monitor.com/pulse/tr/contents/articles/security/01/07/peshmerga-on-alert-and-rabia-vil.html) militants has gone up substantially. Indeed, not just their numbers have increased, but their influence in the movement has grown as well. We have to think hard to understand how Iran, Syria and even Iraq will react to the process. We have to carefully calculate the positions of Israel, Russia, the US and Europe. The PKK is no longer a Turkish organization but an international one, and Ocalan’s international connections have shrunk to almost nil.

Even if all these risks can be avoided, the disintegration of the PKK into many mini-PKKs could make the situation worse instead of ending it. These mini-organizations are not likely to appeal to large constituencies, but they could be deadly enough to drag Turkey into a new Kurdish terror wave.

Don’t think that I am pessimistic or that I don’t support the negotiations. To the contrary; I am listing these risks not to block the negotiations but to encourage a more prudent approach to them.

What is most important is for Turkey to step up its security measures as if there were no negotiations. These measures, particularly for border security, must be completed as soon as possible. The narcotics trade and smuggling along the border should never be tolerated. If not, these two major resources will continue to finance terror and other crimes. Finally, the harmony recently achieved between security forces should be reinforced and continued. Even if an accord is reached with the PKK and the organization gets rid of all its weapons, a Turkey that shows weakness in any of these fields would be inviting disaster. The past is full of examples.

#### Resolving PKK conflict creates a key model for regional stability --- specifically solves Nagorno-Karabakh.

Dorian Jones, 5/27/2013. Freelance reporter based in Istanbul. “Will PKK Ceasefire Change Turkey’s Regional Role?” EurasiaNet, http://www.eurasianet.org/node/66751.

The March 21 ceasefire in the battle between the Kurdistan Workers’ Party and the Turkish state offers Turkey not only the hope of peace after decades of bloodshed, but poses profound implications for the region at large.

“If this [peace] process is successful, Turkey will be in a position to overcome its most strategic vulnerability” - its roughly 30-year-long fight with the Kurdistan Workers’ Party (PKK) over greater rights for Turkey’s Kurdish minority, - claimed Sinan Ulgen, head of the Istanbul-based research institute Edam.

Under the proposal, announced by jailed PKK leader Abdullah Öcalan, the group would pull thousands of its fighters out of Turkey and start disarmament.

Ending the conflict with the PKK, which has cost tens of thousands of lives, “would put Turkey strategically on a very different level and would imply that Turkey is becoming a more assertive, influential and confident player regionally,” Ulgen said.

Any such newfound confidence could help temper not only Turkey’s suspicions of its ethnic minorities, but of its neighbors as well.

Ultimately, the diplomatic peace dividend could extend from Cyprus to the disputed territory of Nagorno Karabakh in Azerbaijan, pointed out Attila Yesilada, a political analyst at Global Source Partners, an Istanbul-based research firm.

“If we solve our Kurdish problem, it will serve as a role model,” predicted Yesilada. “If we finally deliver in deeds rather than words.”

Ankara’s European and American allies have often touted Turkey as a model of democratic and economic success for conflict-strewn countries in the Middle East and North Africa.

But the consequences of a more assertive Turkey no longer at war with itself may not only be benign, analysts caution. If Kurdish nationalism is no longer seen as a threat to Turkey’s territorial integrity, it also opens the door to a reconfiguration of its stance toward the large Kurdish populations in neighboring Iran, Iraq and Syria.

“Ankara would naturally be more disposed to establishing alliances with Kurds in the region, be it in Iraq or Syria,” predicted analyst Ulgen. “In a way, there will be implications for the region, especially if we take into consideration the future of nation states like Iraq and Syria, which is very much uncertain.”

With Ankara’s backing, Turkish companies have been signing direct energy deals with Iraq’s semi-autonomous Kurdistan Regional Government and circumventing Baghdad. For months, a massive energy deal involving the construction of gas and oil pipelines has been in the offing between the Turkish government and the Iraqi Kurds.

Washington fears such deals fuel Iraqi Kurdish aspirations for independence, but the Turkish government has rejected these misgivings.

The pipeline agreement is expected to be ratified shortly.

The energy deal not only offers potentially billions of dollars in transit fees to Turkey, along with the prospect of discounted energy prices, but also could solve one of its most pressing economic and diplomatic headaches – more secure energy supplies.

“Currently, we are almost completely reliant on Russia and Iran, which are, to say the least, volatile neighbors, if not hostile,” elaborated expert Yesilada. “And both are bound to use gas delivery as a negotiation [tool] in diplomacy.”

But the success of the deal with the Iraqi Kurds is dependent on peace with the PKK, he cautioned. “Unless the current ‘peace process’ reaches fruition, such pipelines would be lame ducks” for PKK attacks, Yesilada said.

In a televised March 27 interview, Turkish Justice Minister Sadullah Ergin said the PKK is expected to leave Turkey “before the end of summer,” Hürriyet Daily News reported. The PKK, though, has asked for legal guarantees for its fighters’ safe passage into northern Iraq and for the Turkish parliament’s inclusion in the peace process – proposals so far rejected by Ankara.

But if the ceasefire holds, and ends Turkey’s “paranoia” about the Kurds and tensions over their relationship to the Turkish state, “it will help the resolution of other remaining age-old problems,” predicted Cengiz Aktar, a professor of political science at Istanbul’s Bahçeşehir University.

One of the beneficiaries could be neighboring Armenia, Aktar argues. Diplomatic relations between the two countries broke off in 1993 amidst the war between Turkish ally Azerbaijan and Armenia over the breakaway territory of Nagorno Karabakh. A recent attempt at reconciliation between Ankara and Yerevan has stalled, with both sides blaming the other.

Nonetheless, even with the centenary of Ottoman Turkey’s 1915 massacre of ethnic Armenians approaching, “a Turkey at peace with itself . . . might be tempted to go ahead with Armenia,” Aktar reasoned. As yet, Yerevan has not commented on the PKK ceasefire.

#### Most probable scenario for global nuclear war.

Stephen Blank, June 2K. Professor of research at the Strategic Studies Institute of the US Army War College. “US Military Engagement with Transcaucasia and Central Asia,” <http://www.bits.de/NRANEU/docs/Blank2000.pdf>.

Washington’s burgeoning military-political-economic involvement seeks, *inter alia*, to demonstrate the U.S. ability to project military power even into this region or for that matter, into Ukraine where NATO recently held exercises that clearly originated as an anti-Russian scenario. Secretary of Defense William Cohen has discussed strengthening U.S.-Azerbaijani military cooperation and even training the Azerbaijani army, certainly alarming Armenia and Russia.69 And Washington is also training Georgia’s new Coast Guard. 70 However, Washington’s well-known ambivalence about committing force to Third World ethnopolitical conflicts suggests that U.S. military power will not be easily committed to saving its economic investment. But this ambivalence about committing forces and the dangerous situation, where Turkey is allied to Azerbaijan and Armenia is bound to Russia, create the potential for wider and more protracted regional conflicts among local forces. In that connection, Azerbaijan and Georgia’s growing efforts to secure NATO’s lasting involvement in the region, coupled with Russia’s determination to exclude other rivals, foster a polarization along very traditional lines.71 In 1993 Moscow even threatened World War III to deter Turkish intervention on behalf of Azerbaijan. Yet the new Russo-Armenian Treaty and Azeri-Turkish treaty suggest that Russia and Turkey could be dragged into a confrontation to rescue their allies from defeat. 72 Thus many of the conditions for conventional war or protracted ethnic conflict in which third parties intervene are present in the Transcaucasus. For example, many Third World conflicts generated by local structural factors have a great potential for unintended escalation. Big powers often feel obliged to rescue their lesser proteges and proxies. One or another big power may fail to grasp the other side’s stakes since interests here are not as clear as in Europe. Hence commitments involving the use of nuclear weapons to prevent a client’s defeat are not as well established or apparent. Clarity about the nature of the threat could prevent the kind of **rapid and almost uncontrolled escalation** we saw in 1993 when Turkish noises about intervening on behalf of Azerbaijan led Russian leaders to threaten a nuclear war in that case. 73 Precisely because Turkey is a NATO ally, Russian nuclear threats could trigger a potential nuclear blow (not a small possibility given the erratic nature of Russia’s declared nuclear strategies). The real threat of a Russian nuclear strike against Turkey to defend Moscow’s interests and forces in the Transcaucasus makes the **danger of major war there higher than almost everywhere else**. As Richard Betts has observed, The greatest danger lies in areas where (1) the potential for serious instability is high; (2) both superpowers perceive vital interests; (3) neither recognizes that the other’s perceived interest or commitment is as great as its own; (4) both have the capability to inject conventional forces; and, (5) neither has willing proxies capable of settling the situation.74

### AT War impact

#### Liberal democracy leads to diversionary wars

Daase 6 (Christopher, Chair in International Organisation, University of Frankfurt, Democratic Wars, pg. 77)

However, there is a contradictory effect as well. Democratic governments are tempted to use military violence prior to elections if their public esteem is in decline and if they must fear not being re-elected (Ostrom and]ob, 1986; Russett, 1990; Mintz and Russett, 1992; Mintz and Geza, 1993). In doing so, they count on the 'rally round the flag' effect, which is usually of short duration but long enough to make the public forget economic misery or governmental misbehaviour in order to influence tight elections results in favour of the incumbent. This diversionary effect of warfare is especially attractive to democracies since they have no other means at their disposal to diffuse discontent or suppress internal conflict. Therefore, the use of military force for diversionary purposes is generally 'a pathology of democratic systems' (Gelpi, 1997, p. 280).

## \*\*\* 1NR

### 2NC—K Prior

#### Reformist measures aimed at regulation of warfare with i-law are grounded in the West’s attempts at define itself as civilized against the savage other. Their impacts can’t be separated from the process of colonial identity formation—turns the case because it causes ineffective modeling that displaces effective local forms of regulating violence

Frédéric MÉGRET, Assistant-Professor of Law at the University of Toronto, 6 [“From ‘savages’ to ‘unlawful combatants’: a postcolonial look at international law’s ‘other’,” http://people.mcgill.ca/files/frederic.megret/Megret-SavagesandtheLawsofWar.pdf]

Far from being merely a perversion, I have sought to show how exclusion and the creation of an ‘other’ may have been at the very foundation of international humanitarian law, a phenomenon bound to re-emerge in times of strain. I have tried to show how the laws of war have always stood for a particular vision of what legitimate warfare is which is almost entirely informed by the European experience. Although the laws of war have accomplished something of a Copernican anthropological revolution over the last fifty years, there is more to practices such as Guantánamo than the mere onslaught of power and violence against the Law: something like the discreet exclusionary work of law itself.

It is this model — putatively universal but profoundly exclusive — that has been expanded the world over, to the point of saturating legal and moral public discourse about war. It is this model that exercises a monopoly over our imaginations about state violence and what can be done about it. In the process of expansion of the laws of war, warfare the world over has become something very much like (if not much worse than) what nineteenth century humanitarians had sought to avert. In that respect, humanitarian lawyers rightly prophesized the danger, but that prophecy also ended up being a startlingly self-realizing one. In many ways, international humanitarian law was the solution to the problem it simultaneously crystallized (something that could be said of much of international law).

It may be that such is the price to pay if one is to ever achieve a modicum of regulation in warfare. It is also important, however, to assess what has been lost in embracing a regulatory model that is so tainted with the ideology that gave rise to it, and so committed to the entrenchment of state power. In the nineteenth Century, one of the already mentioned fathers of international humanitarian law, de Martens, felt it was axiomatic that ‘the mission of European nations is precisely to inculcate oriental tribes and peoples ideas about the law, and to initiate them to the eternal and benevolent principles that have placed Europe at the head of civilization and humanity’.174 The question international humanitarian lawyers should be asking themselves as a matter of some urgency is: how have the laws of war been instrumental in reinforcing the very categories from which they supposedly drew and, with the benefit of hindsight, what is the balance sheet of international humanitarian law’s mediation of the colonial encounter?

Through colonization, did the non-Western world at least get the benefits of forms of regulation which were either unknown to them or in bad need of being updated for the purposes of international interaction? The laws of war beyond the West have been simultaneously enthusiastically embraced as part of the standard baggage of civilization, and routinely trampled. They have often proved far less effective than had been hoped at protecting the victims of armed conflict. The improbability of legal transplants is partly to blame. The laws of war presuppose a number of social ideal-types — the responsible commander, the chivalrous officer, the reliable NCO, the disciplined foot-soldier — that cannot be recreated at a moment’s notice once the laws of war have been cut off from their cultural base. Much of the sustainability of the laws of war relies on these shared assumptions about role-playing to make sense of otherwise enigmatic legal injunctions. By transferring only the thinnest of superstructure, the risk is that non-Western militaries will have inherited legal forms uninhabited by social purpose. The irony of course, is that by the time the non-Western world had committed to some of the archetypes implicit in the laws of war, international humanitarian law turned out to not be very good at restraining warfare at all and, in fact, particularly hopeless in regulating warfare among or within the recent converts.

But perhaps more attention should be paid to what the laws of war have excluded or obscured, instead of simply to what the laws of war have failed or succeeded in doing. Much international humanitarian scholarship over the past thirty years has been devoted to the worthy task of showing how traditions of restraint in warfare have existed in many non- Western cultures.175 This is undeniably a welcome (re)discovery that was long overdue. Maybe the laws of war were indeed merely giving a universal expression to what was otherwise an extremely widespread aspiration, in which case no culture could be said to have been specifically dispossessed of anything.

But typically this scholarship may well end up overemphasizing the similarities between such traditions, at the expense of what was specific about the development of the contemporary laws of war. That traditions of restraint in the use of violence by social entities against each other have existed almost universally is quite clear. The modern version of the laws of war, however, that which became globalized, is clearly, as I hope to have demonstrated, about more than a simple intuition that not all is permitted in times of war. The particular way that fundamental idea was expressed (through international law, through the language of statehood) for example will often have been as important as the message (the disincarnated idea that restraint in warfare is an obligation).

One fruitful and so far hardly pursued avenue of research, therefore, would try to assess the extent to which the contemporary laws of war ended up displacing existing, richly situated traditions for the benefit of a relatively decontextualised universalism. A history of how the laws of war have consequently impoverished cultural registers to deal with organized violence is still to be written, but it might shed light on the devastating consequences of conflicts in places like Africa for example.

In the meantime, it is tempting to think that the universalization of the laws of war has often left the non-Western world in the worst of places: one where existing traditions have been sufficiently destabilized to be discredited, but where the promise of ‘civilization’, hailed as the prize for massive societal transformation along Western lines, has failed to materialize.

The (missed) encounter between colonialism and the laws of war has also had implications for the ‘civilized world’ itself and our understanding of the emergence and development of international law. The exclusion of the non-civilized was obviously a consequence of international law’s prescriptions. But it was also a cause of the tonality of these prescriptions, part of a complex dialectical process of constitution (in the sense of ‘coming into being’) of international law, which conferred it its particular civilizational hue. The relation of public international law to the problem of war was never, needless to say, that of an already constituted set of norms to be applied to a novel and, to a degree, extraneous social problem. Instead, international law became what it eventually became by upholding itself as a vision of ‘civilization’ against the simultaneously constituted ‘savagery’, fantasized or not, of the non-Western warrior, so that this contrast, recycled through the ages and the endless echo of repetition, would be received as the original matrix through which international law ‘saw the world’. As such, the emergence of the modern laws of war was as much about identity as it was about norms.176 The ‘law of humanity’, as Ruti Teitel put it, ‘did the work of drawing the line between the ‘civilized’ and the ‘barbarians’’ and ‘supplied the sense that there was such a thing as international law’.177 Indeed, because of the centrality of the problem of war to international relations, the laws of war became central to international law’s self-image and still retain a unique place in the framing of a distinct reformist sensitivity, not to mention the discipline’s relatively good conscience.

### AT: Perm

#### Liberal institutionalism is an imperial ideology disguised by the language of science. Liberal institutionalism requires the elimination of non-liberal forms of life.

Tony SMITH Poli Sci @ Tufts 12 [*Conceptual Politics of Democracy Promotion* eds. Hobson and Kurki p. 206-210]

Writing in 1952, Reinhold Niebuhr expressed this point in what remains arguably the single best book on the United States in world affairs, The Irony of American History. 'There is a deep layer of Messianic consciousness in the mind of America,' the theologian wrote. Still, 'We were, as a matter of fact, always vague, as the whole liberal culture is fortunately vague, about how power is to be related to the allegedly universal values which we hold in trust for mankind' (Niebuhr 2008: 69). 'Fortunate vagueness', he explained, arose from the fact that 'in the liberal version of the dream of managing history, the problem of power is never fully elaborated' (Niebuhr 2008: 73). Here was a happy fact that distinguished us from the communists, who assumed, thanks to their ideology, that they could master history, and so were assured that the end would justify the means, such that world revolution under their auspices would bring about universal justice, freedom , and that most precious of promises, peace. In contrast, Niebuhr could write: On the whole, we have as a nation learned the lesson of history tolerably well. We have heeded the warning 'let not the wise man glory in his wisdom, let not the mighty man glory in his strength.' Though we are not without vainglorious delusions in regard to our power, we are saved by a certain grace inherent in common sense rather than in abstract theories from attempting to cut through the vast ambiguities of our historic situation and thereby bringing our destiny to a tragic conclusion by seeking to bring it to a neat and logical one ... This American experience is a refutation in parable of the whole effort to bring the vast forces of history under the control of any particular will, informed by a particular ideal ... [speaking of the communists] All such efforts are rooted in what seems at first glance to be a contradictory combination of voluntarism and determinism. These efforts are on the one hand excessively voluntaristic, assigning a power to the human will and the purity to the mind of some men which no mortal or group of mortals possesses. On the other, they are excessively deterministic since they regard most men as merely the creatures of an historical process. (Niebuhr 2008: 75, 79) The Irony of American History came out in January 1952, only months after the publication of Hannah Arendt's The Origins of Totalitarianism, a book that reached a conclusion similar to his. Fundamentalist political systems of thought, Arendt (1966: 467-9) wrote, are known for their scientific character; they combine the scientific approach with results of philosophical relevance and pretend to be scientific philosophy . .. Ideologies pretend to know the mysteries of the whole historical process—the secrets of the past, the intricacies of the present, the uncertainties of the future—because of the logic inherent in their respective ideas ... they pretend to have found a way to establish the rule of justice on earth ... All laws have become laws of movement. And she warned: Ideologies are always oriented toward history .... The claim to total explanation promises to explain all historical happenings ... hence ideological thinking becomes emancipated from the reality that we perceive with our five senses, and insists on a ' truer' reality concealed behind all perceptible things, dominating them from this place of concealment and requiring a sixth sense that enables us to become aware of it. ... Once it has established its premise, its point of departure, experiences no longer interfere with ideological thinking, nor can it be taught by reality. (Arendt 1966: 470) For Arendt as for Niebuhr, then, a virtue of liberal democracy was its relative lack of certitude in terms of faith in an iron ideology that rested on a pseudoscientific authority that its worldwide propagation would fulfill some mandate of history, or to put it more concretely, that the United States had been selected by the logic of historical development to expand the perimeter of democratic government and free market capitalism to the ends of the earth, and that in doing so it would serve not only its own basic national security needs but the peace of the world as well. True, in his address to the Congress asking for a declaration of war against Germany in 1917, Wilson had asserted, 'the world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.' (Link 1982: 533). Yet just what this meant and how it might be achieved were issues that were not resolved intellectually—at least not before the 1990s. Reinhold Niebuhr died in 1971, Hannah Arendt in 1975, some two decades short of seeing the 'fortunate vagueness' Niebuhr had saluted during their prime be abandoned by the emergence of what can only be called a ' hard liberal internationalist ideology', one virtually the equal of Marxism- Leninism in its ability to read the logic of History and prescribe how human events might be changed by messianic intervention into a world order where finally justice, freedom , and peace might prevail. The authors of this neo-liberal, neo-Wilsonianism: left and liberal academics. Their place of residence: the United States, in leading universities such as Harvard, Yale, Princeton, and Stanford. Their purpose: the instruction of those who made foreign policy in Washington in the aftermath of the Cold War. Their ambition: to help America translate its 'unipolar moment' into a 'unipolar epoch' by providing American leaders with a conceptual blueprint for making the world safe for democracy by democratising the world, thereby realizing through 'democratic globalism' the century-old Wilsonian dream—the creation of a structure of world peace. Their method: the construction of the missing set of liberal internationalist concepts whose ideological complexity, coherence, and promise would be the essential equivalence of MarxismLeninism, something most liberal internationalists had always wanted to achieve but only now seemed possible. Democratic globalism as imperialism in the 1990s The tragedy of American foreign policy was now at hand. Rather than obeying the strictures of a ' fortunate vagueness' which might check its ' messianic consciousness', as Niebuhr had enjoined, liberal internationalism became possessed of just what Arendt had hoped it might never develop, 'a scientific character ... of philosophic relevance' that 'pretend[s] to know the mysteries of the whole historical process,' that 'pretend[s] to have found a way to establish the rule of justice on earth ' (Niebuhr 2008: 74; Arendt 1966: 470). Only in the aftermath of the Cold War, with the United States triumphant and democracy expanding seemingly of its own accord to many comers of the world—from Central Europe to different countries in Asia (South Korea and Taiwan), Africa (South Africa), and Latin America (Chile and Argentina)—had the moment arrived for democracy promotion to move into a distinctively new mode, one that was self-confidently imperialist. Wilsonians could now maintain that the study of history revealed that it was not so much that American power had won the epic contest with the Soviet Union as that the appeal of liberal internationalism had defeated proletarian internationalism. The victory was best understood, then, as one of ideas, values, and institutions—rather than of states and leaders. In this sense, America had been a vehicle of forces far greater than itself, the sponsor of an international convergence of disparate class, ethnic, and nationalist forces converging into a single movement that had created an historical watershed of extraordinary importance. For a new world, new ways of thinking were mandatory. As Hegel has instructed us, 'Minerva's owl flies out at dusk' , and liberal scholars of the 1990s applied themselves to the task of understanding the great victories of democratic government and open market economies over their adversaries between 1939 and 1989. What, rather exactly, were the virtues of democracy that made these amazing successes possible? How, rather explicitly, might the free world now protect, indeed expand, its perimeter of action? A new concept of power and purpose was called for. Primed by the growth of think-tanks and prestigious official appointments to be 'policy relevant' , shocked by murderous outbreaks witnessed in the Balkans and Central Africa, believing as the liberal left did that progress was possible, Wilsonians set out to formulate their thinking at a level of conceptual sophistication that was to be of fundamental importance to the making of American foreign policy after the year 2000.6 The jewel in the crown of neo-liberal internationalism as it emerged from the seminar rooms of the greatest American universities was known as ' democratic peace theory'. Encapsulated simply as ' democracies do not go to war with one another', the theory contended that liberal democratic governments breed peace among themselves based on their domestic practices of the rule of law, the increased integration of their economies through measures of market openness, and their participation in multilateral organisations to adjudicate conflicts among each other so as to keep the peace. The extraordinary success of the European Union since the announcement of the Marshall Plan in 1947, combined with the close relations between the United States and the world's other liberal democracies, was taken as conclusive evidence that global peace could be expanded should other countries join ' the pacific union ', ' the zone of democratic peace'. A thumb-nail sketch cannot do justice to the richness of the argument. Political scientists of an empirical bent demonstrated conclusively to their satisfaction that 'regime type matters ', that it is in the nature of liberal democracies to keep the peace with one another, especially when they are integrated together economically. Theoretically inclined political scientists then argued that liberal internationalism could be thought of as ' non-utopian and non-ideological ', a scientifically validated set of concepts that should be recognized not only as a new but also a dominant form of conceptual ising the behaviour of states (Moravcsik 1997). And liberal political philosophers could maintain on the basis of democratic peace theory that a Kantian (or Wilsonian) liberal world order was a morally just goal for progressives worldwide to seek so that the anarchy of states, the Hobbesian state of nature, could be superseded and a Golden Age of what some dared call 'post-history' could be inaugurated (Rawls 1999). Yet if it were desirable that the world's leading states be democratised, was it actually possible to achieve such a goal? Here a second group of liberal internationalists emerged, intellectuals who maintained that the transition from authoritarian to democratic government had become far easier to manage than at earlier historical moments. The blueprint of liberal democracy was now tried and proven in terms of values, interests, and institutions in a wide variety of countries. The seeds of democracy could be planted by courageous Great Men virtually anywhere in the world. Where an extra push was needed, then the liberal world could help with a wide variety of agencies from the governmental (such as the Agency for International Development or the National Endowment for Democracy in the United States) to the non-governmental (be it the Open Society Institute, Human Rights Watch, Amnesty International, or Freedom House). With the development of new concepts of democratic transition, the older ideas in democratization studies of 'sequences' and ' preconditions' could be jettisoned. No longer was it necessary to count on a long historical process during which the middle class came to see its interests represented in the creation of a democratic state, no longer did a people have to painfully work out a social contract of tolerance for diversity and the institutions of limited government under the rule of law for democracy to take root. Examples as distinct as those of Spain, South Korea, Poland, and South Africa demonstrated that a liberal transformation could be made with astonishing speed and success. When combined, democratic peace theory and democratic transition theory achieved a volatile synergy that neither alone possessed. Peace theory argued that the world would benefit incalculably from the spread of democratic institutions, but it could not say that such a development was likely. Transition theory argued that rapid democratisation was possible, but it could not establish that such changes would much matter for world politics. Combined, however, the two concepts came to be the equivalent of a Kantian moral imperative to push what early in the Clinton years was called ' democratic enlargement' as far as Washington could while it possessed the status of the globe's sole superpower. The result would be nothing less than to change the character of world affairs that gave rise to war—international anarchy system and the character of authoritarian states—into an order of peace premised on the character of democratic governments and their association in multilateral communities basing their conduct on the rule of law that would increasingly have a global constitutional character. The arrogant presumption was, in short, that an aggressively liberal America suddenly had the possibility to change the character of History itself toward the reign of perpetual peace through democracy promotion. Enter the liberal jurists. In their hands a 'right to intervene' against states or in situations where gross and systematic human rights were being violated or weapons of mass destruction accumulated became a 'duty to intervene' in the name of what eventually became called a state 's 'responsibility to protect.' (lCISS 200 I). The meaning of 'sovereignty' was now transformed. Like pirate ships of old, authoritarian states could be attacked by what Secretary of State Madeleine Albright first dubbed a 'Community of Democracies', practicing ' muscular multilateralism' in order to reconstruct them around democratic values and institutions for the sake of world peace. What the jurists thus accomplished was the redefinition not only of the meaning of sovereignty but also that of 'Just War'. Imperialism to enforce the norms a state needed to honor under the terms of its 'responsibility to protect' (or 'R2P' as its partisans liked to phrase it) was now deemed legitimate. And by moving the locus of decision-making on the question of war outside the United Nations (whose Security Council could not be counted on to act to enforce the democratic code) to a League, or Community, or Concert of Democracies (the term varied according to the theorist), a call to arms for the sake of a democratising crusade was much more likely to succeed.

### ALT—Anti-Subordination Framing

#### Reject the forced choice of international law’s universality—aligning yourself with those living under contemporary colonialism opens political space for alternatives

Tayyab MAHMUD, Professor of Law and Director, Center for Global Justice, Seattle University School of Law, 10 [“Colonial Cartographies, Postcolonial Borders, and Enduring Failures of International Law: The Unending Wars Along the Afghanistan-Pakistan Frontier,” Brooklyn Journal of International Law, 36 Brooklyn J. Int'l L. 1, Lexis]

The doctrine of uti possidetis, far from being grounded in any sound legal principle, is thus more a political instrument to legitimize existing state boundaries. The precarious status of the norm was underscored by the Beagle Channel Arbitration's observation that it is "possibly, at least at first, a political tenet rather than a true rule of law." n405 Koskenniemi sees in the recognition of uti possidetis an acknowledgment that the ethical conception of international law cannot override the sociological. n406 Demarcation of boundaries is, essentially, a political act. However, when reified by international law, these boundaries appear to have an identity separate from politics of the international system. The primary rationale for the adoption of the principle has been to avoid territorial conflict among post-colonial states, particularly in the light of international law's primary role--preservation of order. n407 While peace and order remain elusive in the global system, uti possidetis furnishes a cloak of legitimacy [\*66] over colonial disposition of territories of the global South by sidestepping the questions of the origins of these dispositions. By forcing disparate people to circumscribe their political aspirations within predetermined territorial bounds, uti possidetis reverses the vision of self-determination that seeks to protect vulnerable populations by allowing them political and territorial arrangements of their own. n408 Ian Brownlie is unequivocal in stating that "it is uti possidetis which creates the ambit of the pertinent unit of self-determination, and which in that sense has a logical priority over self-determination." n409 The problem is that this logical priority furnishes the grounds for actually giving territory priority over people when confronted with assertions of the right of self-determination.

C. Colonial Boundaries, Unequal Treaties, and International Law

Treaties between imperial powers and a variety of agreements between colonizers and native authorities played a key role in determining the spatial scope of spheres of control and influence. n410 The Durand Line, [\*67] like borders of most postcolonial states, is a legacy of such treaties, particularly the 1893 agreement between the Afghan Amir and the British. n411 As disputes arise about the validity of these borders, questions about the legal status of the treaties that determined these borders surface. Most salient among these is the issue of unequal treaties. However, in tune with its gloss on the doctrine of uti possidetis to protect the status quo, modern international law has similarly resisted confronting the question of unequal treaties for the same purpose.

The Durand Line raises the question of the validity of the 1893 agreement dictated by the British to the reluctant Amir of Afghanistan, a vassal installed over a protectorate in all but name. n412 While examining the validity of such arrangements, one is confronted with the fact that the question of unequal treaties appears to have "evaporated as an issue from the domain of international law," and stands "consigned to the dustbin of 'redundant ideas,'" n413 deemed a mere "political" argument with scant legal valance. n414 How does a question implicated in colonial territorial treaties that imprison the postcolonial world in arbitrary spatial cages become invisible to international law? It took a series of conceptual and institutional maneuvers to make it disappear from sight.

The status of unequal treaties n415 in international law first arose in the nineteenth century in the context of treaties between Western powers and East Asian states n416 and was rehearsed in the early twentieth century by [\*68] Soviet jurists. n417 Drawing on extra-textual contexts that animated the texts of colonial treaties, Asian states and Soviet jurists argued that because imperial powers had used their dominant military position to gain concessions through treaties forced upon weaker states, such treaties were invalid. Because these agreements were the products of coercion, they implicated questions of status of parties, the context in which agreements were secured, and the nature of consent involved. The issue of inequality arises both in terms of unequal bargaining power of the parties and the substantive lack of equilibrium with respect to benefits and burdens allocated by these treaties. Note here that in some instances, the harsh and humiliating terms of unequal treaties were instrumental in the rise of anti-colonial resistance and nationalism in Asia and unprecedented collective military action by Western powers to quell this resistance. n418 Indeed it was the coordinated military action in China by Western powers to put down the anti-Western Boxer Uprising of 1900 that fashioned a new and enduring stratagem of international politics--collective military action by the Western powers in the global South. n419

Faced with questions about the validity of unequal treaties, the initial Western response was that these treaties were necessary given the "backwardness" of Asian societies and legal orders, and that once those "shortcomings" are remedied, the treaties will lose their force by the absence [\*69] of their raison d'etre. n420 By the late nineteenth century, international law's turn to positivism, with its recognition of differentiated sovereignties, stepped in to acknowledge and accommodate a diplomatic practice rooted in culture and history as the primary source of norms. n421 The contemporary Concert of Europe rested upon the Act of the Vienna Congress (1815), the peace treaty at the culmination of the Napoleonic Wars, and related agreements. n422 Preservation of the Concert of Europe and the attendant distribution of power became a primary preoccupation of international law. n423 Since peace treaties are unavoidably unequal in nature, international law now framed the question of sovereign consent as a purely formal one subject to overarching norms of preservation of order in the international system. n424 The classic notion that validity of [\*70] treaties rests upon consent by formally equal and sovereign states gave way to a positivist recognition that "[t]he obligation of treaties, by whatever denomination they may be called, is founded, not merely upon the contract itself, but upon those mutual relations between the two states, which may have induced them to enter into certain engagements." n425 Political realities trumped formal legal categories now deemed quaint. In this frame, unequal treaties of yesterday, however secured, furnished the grounds of the prevailing international order. To question their validity retrospectively raised the specter of unraveling the fragile order of things. With the question of state consent rendered a formal one, today any arguments based on consent to explain validity of treaties become "deceptively simple. . . . [because t]heir theoretical power lies in the suggestion that perhaps nothing really needs to be justified." n426

International lawyers deployed the same line of reasoning to defang the classic doctrine of ribus sic stantibus (things thus standing), whereby a fundamental change of circumstances can justify unilateral termination of treaties. Unequal treaties are particularly vulnerable to this line of attack with the passage of time and changes in the post-Napoleonic European balances of power. n427 When the issue arose within Europe in the late nineteenth century, international law's response was that because sanctity of treaties is essential to the maintenance of order, even in the face of changed circumstances, termination or modification of treaty obligations requires the consent of other parties. n428 As pressure for revision of treaty arrangements mounted, in light of a changed balance of power within Europe in the early twentieth century, international law's turn to institutions to deal with problems of order, now seen as essentially political in nature, provided an opening--signaling "a movement from a moment of law to politics." n429 The doctrine of ribus sic stantibus was now read as embracing two separate issues to be framed and resolved along two separate tracks. The political issue of accommodating changes in the [\*71] interests and powers of states was to be dealt with by the League of Nations under article 19 of its Charter. n430 The legal issue was to be narrowly construed as one of clausula--the relationship between underlying consent and changed circumstances--deemed suitable for judicial determination by the Permanent Court of International Justice ("PCIJ"). n431 As now enshrined in article 62 of the Vienna Convention, the doctrine of rebus sic stantibus stands confined within narrow limits as a legal question--a treaty is terminable only when unforeseen changes in the circumstances underlying the conclusion of the treaty transform radically the extent of the obligations still to be performed. n432 In the end, rebus sic stantibus stands sacrificed at the altar of pacta sunt servanda (agreements must be kept).

International law deals with the issue of coercion, duress, and unequal treaties with institutional and interpretive moves. The Vienna Convention on the Law of Treaties addresses the issue through articles 51 and 52--making coercion and threat or use of force "in violation of the principles of international law in the Charter of the United Nations" grounds for voiding a treaty. n433 With this iteration of a classic rule, "the problem has been legislated away." n434 The repackaging of what coercion, threat, or use of force is impermissible subtly altered the classic treaty law rule on duress that condemned all coercion. The prohibition on duress in the formation of a treaty now stands conditioned by the legal status of the coercion used. The qualifier "in violation of international law" on the [\*72] prohibition against the threat or use of force is to be read in the light of the U.N. Charter that does not outlaw use of force, only unlawful use of force. n435 Consequently, with unequal treaties of the past, the question becomes not the exercise of coercion and duress, but one of the legal status of threat or use of force in the eye of international norms in place at the time the treaties were made. The imperial bent of international law in the colonial age already stood recognized and legitimate by the positivist turn that international law took. n436 The implication is that any alleged use of force in treaties of the past may well have been lawful under contemporaneous norms. For good measure, the ICJ has held that any accusation of coercion to dispute the validity of a treaty must be accompanied by "clear evidence" that goes beyond, e.g., the mere presence of naval forces off the coast of the complaining party. n437 This narrow definition of coercion is particularly troubling in today's global order where effective instruments of economic coercion increasingly complement weapons of physical coercion in relations between states. n438 In the face of these conceptual and institutional moves, any continuing expectation that international law as it stands may interrogate unequal colonial treaties to rescue territorially imprisoned postcolonial formations is futile. To those who may still raise the question of unequal treaties, Brierly has an unequivocal response: "we must not invent a pseudo-legal principle to justify such action. The remedy has to be sought elsewhere, in political, not in juridical action." n439 While the question of colonial unequal treaties stands brushed aside, what about contemporary treaties that reflect existing international relations of domination? Here, it appears that it is sufficient to acknowledge that "bargaining frequently takes place in a world of uneven resources and opportunity costs," n440 and move on.

[\*73] The history of unequal treaties underscores that "the history of the international system is a history of inequality par excellence." n441 International law's posture towards legacies of colonialism has created a "legalized hegemony: the realization through legal forms of Great Power prerogatives." n442 The fleeting and ephemeral career of the unequal treaties doctrine in international law underscores an apparently foundational canon of the law: the specter of disorder necessitates defense of order, even an unjust order. This is in tune with Kant, author of the celebrated foundational injunction of the Enlightenment--"dare to know"--who declaimed that:

The origin of supreme power, for all practical purposes, is not discoverable by the people who are subject to it. In other words, the subject ought not to indulge in speculations about its origin with a view to acting upon them, as if its right to be obeyed were open to doubt . . . . [W]hether the power came first, and the law only appeared after it, or whether they ought to have followed this order--these are completely futile arguments for a people which is already subject to civil law, and they constitute a menace to the state. n443

International law, like modern law itself, is not so daring after all. It turns out that its primary function is to enable "[s]tates to carry on their day-to-day intercourse along orderly and predictable lines." n444 It is of little concern to it that the lines within which states have to exist in order "to carry out their day-to-day intercourse" are unstable, contested, and fruits of the exercise of imperial domination.

V. CONCLUSION

Modern colonialism was nothing if not an exercise in audacity. The global reach of colonial rule reordered subjects and reconfigured space. Fixed territorial demarcations of colonial possessions played a pivotal role in this process. Issuing from imperatives of colonial rule and compulsions of rivalries between colonial powers, these demarcations often cut across age-old cultural and historical social units. Postcolonial states inherited these demarcations and, with them, a host of endemic political and security afflictions. The unmistakable spatiality of the so-called [\*74] Great Games, both old and new, brings into relief the continuing salience of space and territory in an age when the forces and processes of globalization had supposedly rendered them irrelevant.

Modem international law, which in its incipient stage lent license to colonial rule, today legitimates colonial cartographies, thereby accentuating postcolonial dilemmas and conflicts. This accords with the larger affliction that plagues international law: its refusal to squarely face its complicity in the process of empire building combines with its inability to break free of the shadow of a sordid past. The career of the Durant Line highlights that when addressing many of today's intractable conflicts, the law as it exists is more of a problem than a solution. As humanity struggles to imagine political communities beyond the straitjackets of territorial states, a primary challenge is to clear the conceptual and doctrinal hurdles that remain in the way. This necessitates breaking free of imperial geographies and economies of knowledge that undergird modem legal constructs and international regimes. Albert Einstein cautioned us that "it is theory which decides what can be observed." The first step in that direction is to align our inquiries and sights with the other side of the lines drawn by international law.