# Off

#### Obama is selling the Iranian deal now – Stars are aligned – needs to hold off congress from more action

PARSI 2/18/14—President of the National Iranian American Council [Trita Parsi, US-Iran deal: Compromise is key, <http://www.aljazeera.com/indepth/opinion/2014/02/us-iran-deal-compromise-key-201421845935181913.html>]

As a new phase of nuclear talks begins between Iran and the five permanent members of the UN Security Council plus Germany (P5+1) in Vienna on February 18, one thing is clear: From here onwards, diplomacy depends primarily on the ability of the presidents of Iran and the US to absorb and sell compromise.

The stars could not be better aligned for a US-Iran breakthrough. Regional developments - from the instability following the Arab spring to the civil war in Syria - have significantly increased the cost of continued conflict, as has the escalation of the nuclear issue with steadily growing Iranian capabilities and ever tightening economic sanctions.

Domestically, developments are also favourable for a deal. Iran's hardliners and proponents of a narrative of resistance have been put on the defensive by Hassan Rouhani's election victory in June 2013. And Iran's Supreme Leader Ayatollah Ali Khamenei has thus far firmly backed Rouhani's negotiation strategy.

In Washington, proponents of Israeli Prime Miinister Benjamin Netanyahu's line have suffered several defeats over the past year, from the nomination of Senator Chuck Hagel for Secretary of Defense, to the call for military action in Syria, to the failure to pass new sanctions on Iran, rendering their influence less decisive. All three defeats were, in no small part, due to the mobilisation of pro-diplomacy groups in the US. Timing-wise, striking a deal during Rouhani's first year and during Obama's last years in office is also ideal.

That doesn't mean, however, that negotiations will be easy. On the contrary, the hard part begins now.

In the interim deal, the main concessions exchanged were increased transparency and inspections of Iran's nuclear facilities, halting the expansion of the enrichment program, and ending it at the 20 percent level. In return, Iran would get Western acceptance of enrichment on Iranian soil, and agreement that Iran eventually will enjoy all rights granted by the Non-Proliferation Treaty (NPT), as well as some minor sanctions relief.

#### Plan causes causes internal Democrat defection

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.

#### New sanctions will cause war – prefer newest comprehensive study

ARMBRUSTER 2/18/14—National Security Editor for ThinkProgress.org at the Center for American Progress Action Fund [Ben Armbruster, Bipartisan Expert Group Says New Iran Sanctions Will Undermine Diplomacy, http://thinkprogress.org/world/2014/02/18/3300741/iran-project-sanctions-diplomacy/]

A new report from a bipartisan group of experts at the Iran Project released on Tuesday finds that opponents of new sanctions on Iran at this time are largely correct in that they would lead to a break-down of diplomacy, isolate the U.S. from its negotiating partners and embolden hard-liners in Tehran.

The Iran sanctions battle in the Senate has stalled for now, but it’s unclear if the House will take up the matter again, as Majority Leader Eric Cantor (R-VA) is reportedly working on language with other House leaders.

The Iran Project’s report analyzes arguments for and against the Senate Iran sanctions bill that was introduced last December by Sens. Mark Kirk (R-IL) and Robert Menendez (D-NJ), who have argued that new sanctions will give the U.S. more leverage in nuclear talks with Iran.

But, the report says, “It is diﬃcult to argue that a new sanctions bill is intended to support the negotiations when all the countries doing the negotiating oppose it.”

Kirk, Menendez and other supporters of the bill say the sanctions have a delayed trigger and will kick in in six months or if Iran backs out of the deal. Not so, the Iran Project says. “After carefully reading the bill line by line and consulting with both current and retired Senate staff the relevant committees, it appears that the critics are correct: the change in sanctions law takes effect upon passage,” the report says, which would most likely put the United States in violation of the interim nuclear agreement reached in Geneva in November

On whether new sanctions will weaken the international coalition on imposing existing sanctions, “some countries would continue to honor some sanctions,” the Iran Project says if the Senate sanctions bill passes. “Still, it would seem that on balance, the net result would be less pressure on Iran.” The report also says that unilateral congressional action on sanctions now “would feed an unwelcome narrative” to America’s partners, the U.K., France, China, Russia, Germany and others, that the U.S. can’t live up to its promises and is an unreliable partner.

Many, like Sen. Patrick Murphy (D-CT), have argued that placing new sanctions on Iran will undermine relative moderate Iranian President Hassan Rouhani, who supports a diplomatic approach with the U.S. The Iran Project agrees. “It is very diﬃcult to imagine that the sanctions bill would do anything but undermine Rouhani, as he attempts to steer Iran on a diﬀerent path. This is an assessment shared not only by Iran experts, and Iranian expats who have opposed the regime, but also by Israeli military intelligence, which has concluded that Rouhani may represent a fundamental shift in Iranian politics.”

“[I]t is difficult to escape the conclusion that a new sanctions bill would increase the probability of war, even if it does not guarantee such an outcome,” the report says.

The bipartisan Iran Project has issued several reports on the Iran nuclear issue. In 2012, the group concluded that attacking Iran would risk an “all out regional war” lasting “several years” and that In order to achieve regime change, the report says, “the occupation of Iran would require a commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.”

#### That escalates to World War III

**Reuveny 10** - Professor of political economy @ Indiana University [Dr. Rafael Reuveny (PhD in Economics and Political Science from the University of Indiana), “Guest Opinion: Unilateral strike on Iran could trigger world depression,” McClatchy Newspaper, Aug 9, 2010, pg. http://www.indiana.edu/~spea/news/speaking\_out/reuveny\_on\_unilateral\_strike\_Iran.shtml]

BLOOMINGTON, Ind. -- A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash.  
For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.  
Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground.  
All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.  
Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond.  
A regional war  
Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war.  
During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents.  
Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat.  
In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.  
An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean.  
Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe.  
The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony.  
Replaying Nixon’s nightmare  
Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.

Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted.

If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force.

While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

# T

#### Interpretation – restriction requires *prohibition* of an authority

#### Restriction means prohibition

Corpus Juris Secundum 31

Volume 54, p. 735

RESTRICT: To confine; to limit; to prevent (a person or thing) from passing a certain limit in any kind of action; to restrain; to restrain without bounds.

#### Authority is power delegated to an agent

Kelly 3 - judge for the State of Michigan

(JOSEPH ELEZOVIC, Plaintiff, and LULA ELEZOVIC, Plaintiff-Appellant/Cross-Appellee, v. FORD MOTOR COMPANY and DANIEL P. BENNETT, Defendants-Appellees/Cross-Appellants., No. 236749, COURT OF APPEALS OF MICHIGAN, 259 Mich. App. 187; 673 N.W.2d 776; 2003 Mich. App. LEXIS 2649; 93 Fair Empl. Prac. Cas. (BNA) 244; 92 Fair Empl. Prac. Cas. (BNA) 1557, Lexis)

Applying agency principles, a principal is responsible for the acts of its agents done within the scope of the agent's authority, "even though acting contrary to instructions." [Dick Loehr's, Inc v Secretary of State, 180 Mich. App. 165, 168; 446 N.W.2d 624 (1989)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=115&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b180%20Mich.%20App.%20165%2cat%20168%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=708331d40466e4347936b73e103c82fb). This is because, in part, an agency relationship arises where the principal [\*\*\*36]  has the right to control the conduct of the agent. [St Clair Intermediate School Dist v Intermediate Ed Ass'n/Michigan Ed Ass'n, 458 Mich. 540, 558 n 18; 581 N.W.2d 707 (1998)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=116&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b458%20Mich.%20540%2cat%20558%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c0a63a81a484a6ce53be229bc2290a07) (citations omitted). The employer is also liable for the torts of his employee if "'the servant purported to act or to speak on behalf of the principal and there was reliance upon apparent authority, or he was aided in accomplishing the tort by the existence of the agency relation,'" [McCann v Michigan, 398 Mich. 65, 71; 247 N.W.2d 521 (1976)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=117&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b398%20Mich.%2065%2cat%2071%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=5219d53b6a7119254f8041c911d87fd2), quoting [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=118&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=71c1bf8c001fe5ae1153be4268b8e9e9), p 481; see also [Champion v Nation Wide Security, Inc, 450 Mich. 702, 704, 712; 545 N.W.2d 596 (1996)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=119&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b450%20Mich.%20702%2cat%20704%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=3d1841dc7f4fb90804d8adb6349a6fae), citing [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=120&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c1927abf5bf3954a85d211c044ada141), p 481 ("the master is liable for the tort of his servant if the servant 'was aided in accomplishing the tort by the existence of the agency relation'"). In [Backus v  [\*213]  Kauffman (On Rehearing), 238 Mich. App. 402, 409; 605 N.W.2d 690 (1999)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=121&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b238%20Mich.%20App.%20402%2cat%20409%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=d9947545fee151274d489cbc14123160), this Court stated: The term "authority" is defined by Black's Law Dictionary to include "the power delegated by a principal to an agent." Black's Law Dictionary (7th ed), p [\*\*\*37]  127. "Scope of authority" is defined in the following manner: "The reasonable power that an agent has been delegated or might foreseeably be delegated in carrying out the principal's business." Id. at 1348.

**increase requires pre-existing**

**Ripple, 87** (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

**Ground – Not pre-existence makes the topic about potential executive action they can preempt rather than the desirability of existing restrictions**

**Violations – the affirmative doesn’t prohibit, they *regulate* Obama’s authority**

**Voting issue –**

**Limits – absent a prohibition, every single condition or regulation acts as a functional restriction on some single process of war powers authority – dozens of tiny mechanisms creates an infinite number of affs that core lit doesn’t check.**

**Ground – Not pre-existence makes the topic about potential executive action they can preempt rather than the desirability of existing restrictions**

**Bidirectionality – absent a prohibition, the aff can create meaningless “conditions” that EXPAND presidential power –**

# Off

**Deference**

**Judicial involvement in war power authority debates turns and escalates every impact**

POSNER & VERMEULE 07 \*Professor of Law at the University of Chicago Law School. \*\*Professor of Law at Harvard [Eric A. Posner & Adrian Vermeule, Terror in the Balance: Security, Liberty, and the Courts, Oxford University Press] page 17-18

Whatever the doctrinal formulation, the basic distinction between the two views is that our view counsels courts to provide high deference during emergencies, as courts have actually done, whereas the civil libertarian view does not. During normal times, the deferential view and the civil libertarian view permit the same kinds of executive action, and during war or other emergencies, the deferential view permits more kinds of executive action than the civil libertarian view does. We assume that courts have historically provided extra deference during an emergency or war because they believe that deference enables the government, especially the executive, to act quickly and decisively. Although deference also permits the government to violate rights, violations that are intolerable during normal times become tolerable when the stakes are higher. Civil libertarians, on the other hand, claim either that government action is likely to be worse during emergencies than during normal times, or at least that no extra deference should be afforded to government decisionmaking in times of emergency-and that therefore the deferential position that judges have historically taken in emergencies is a mistake.

The deferential view does not rest on a conceptual claim; it rests on a claim about relative institutional competence and about the comparative statics of governmental and judicial performance across emergencies and normal times. In emergencies, the ordinary life of the nation, and the bureaucratic and legal routines that have been developed in ordinary times, are disrupted. In the case of wars, including the "war on terror," the government and the public are not aware of a threat to national security at time 0. At time 1, an invasion or declaration of war by a foreign power reveals the existence of the threat and may at the same time cause substantial losses. At time 2, an emergency response is undertaken.

Several characteristics of the emergency are worthy of note. First, the threat reduces the social pie-both immediately, to the extent that it is manifested in an attack, and prospectively, to the extent that it reveals that the threatened nation will incur further damage unless it takes costly defensive measures. Second, the defensive measures can be more or less effective. Ideally, the government chooses the least costly means of defusing the threat; typically, this will be some combination of military engagement overseas, increased intelligence gathering, and enhanced policing at home. Third, the defensive measures must be taken quickly, and-because every national threat is unique, unlike ordinary crime-the defensive measures will be extremely hard to evaluate. There are standard ways of preventing and investigating street crime, spouse abuse, child pornography, and the like; and within a range, these ways are constant across jurisdictions and even nation-states. Thus, there is always a template that one can use to evaluate ordinary policing. By contrast, emergency threats vary in their type and magnitude and across jurisdictions, depending heavily on the geopolitical position of the state in question. Thus, there is no general template that can be used for evaluating the government's response.

In emergencies, then, judges are at sea, even more so than are executive officials. The novelty of the threats and of the necessary responses makes judicial routines and evolved legal rules seem inapposite, even obstructive. There is a premium on the executive's capacities for swift, vigorous, and secretive action. Of course, the judges know that executive action may rest on irrational assumptions, or bad motivations, or may otherwise be misguided. But this knowledge is largely useless to the judges, because they cannot sort good executive action from bad, and they know that the delay produced by judicial review is costly in itself. In emergencies, the judges have no sensible alternative but to defer heavily to executive action, and the judges know this.

**Effective fast response and mission planning is key to deterring every conflict globally**

KAGAN & O’HANLON 07 resident scholar at AEI & senior fellow in foreign policy at Brookings [Frederick Kagan & Michael O’Hanlon, “The Case for Larger Ground Forces”, April 2007, <http://www.aei.org/files/2007/04/24/20070424_Kagan20070424.pdf>]

We live at a time when wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is tenuous. To view this as a strategic military challenge for the United States is not to espouse a specific theory of America’s role in the world or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that overseas threats must be countered before they can directly threaten this country’s shores, that the basic stability of the international system is essential to American peace and prosperity, and that no country besides the United States is in a position to lead the way in countering major challenges to the global order. Let us highlight the threats and their consequences with a few concrete examples, emphasizing those that involve key strategic regions of the world such as the Persian Gulf and East Asia, or key potential threats to American security, such as the spread of nuclear weapons and the strengthening of the global Al Qaeda/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North Korea, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, Sino Taiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing.

Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time. Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan. Let us hope there will be no such large-scale missions for a while. But preparing for the possibility, while doing whatever we can at this late hour to relieve the pressure on our soldiers and Marines in ongoing operations, is prudent. At worst, the only potential downside to a major program to strengthen the military is the possibility of spending a bit too much money. Recent history shows no link between having a larger military and its overuse; indeed, Ronald Reagan’s time in office was characterized by higher defense budgets and yet much less use of the military, an outcome for which we can hope in the coming years, but hardly guarantee. While the authors disagree between ourselves about proper increases in the size and cost of the military (with O’Hanlon preferring to hold defense to roughly 4 percent of GDP and seeing ground forces increase by a total of perhaps 100,000, and Kagan willing to devote at least 5 percent of GDP to defense as in the Reagan years and increase the Army by at least 250,000), we agree on the need to start expanding ground force capabilities by at least 25,000 a year immediately. Such a measure is not only prudent, it is also badly overdue.

# Off

**Congress DA**

**Precedent for war powers deliberation now. It will check US militarism**

**Hunter 8/31**/13 - Chair of the Council for a Community of Democracies [Robert E. Hunter (US ambassador to NATO (93-98) and Served on Carter’s National Security Council as the Director of West European Affairs and then as Director of Middle East Affairs, “Restoring Congress’ Role In Making War,” Lobe Log, August 31, 2013, pg. <http://www.lobelog.com/restoring-congress-role-in-making-war/>

But the most remarkable element of the President’s statement is the likely precedent he is setting in terms of engaging Congress in decisions about the use of force, not just through “consultations,” but in formal authorization. This gets into complex constitutional and legal territory, and will lead many in Congress (and elsewhere) to expect Obama — and his successors — to show such deference to Congress in the future, as, indeed, many members of Congress regularly demand.

But seeking authorization for the use of force from Congress as opposed to conducting consultations has long since become the exception rather than the rule. The last formal congressional declarations of war, called for by Article One of the Constitution, were against Bulgaria, Romania, and Hungary on June 4, 1942. Since then, even when Congress has been engaged, it has either been through non-binding resolutions or under the provisions of the [War Powers Resolution of November 1973](http://www.policyalmanac.org/world/archive/war_powers_resolution.shtml). That congressional effort to regain some lost ground in decisions to send US forces into harm’s way was largely a response to administration actions in the Vietnam War, especially the [Tonkin Gulf Resolution](https://www.mtholyoke.edu/acad/intrel/pentagon3/ps12.htm) of August 1964, which was actually prepared in draft before the triggering incident. The War Powers Resolution does not prevent a president from using force on his own authority, but only imposes post facto requirements for gaining congressional approval or ending US military action. In the current circumstances, military strikes of a few days’ duration, those provisions would almost certainly not come into play.

There were two basic reasons for abandoning the constitutional provision of a formal declaration of war. One was that such a declaration, once turned on, would be hard to turn off, and could lead to a demand for unconditional surrender (as with Germany and Japan in World War II), even when that would not be in the nation’s interests — notably in the Korean War. The more compelling reason for ignoring this requirement was the felt need, during the Cold War, for the president to be able to respond almost instantly to a nuclear attack on the United States or on very short order to a conventional military attack on US and allied forces in Europe.

With the Cold War now on “the ash heap of history,” this second argument should long since have fallen by the wayside, but it has not.  Presidents are generally considered to have the power to commit US military forces, subject to the provisions of the War Powers Resolution [WPR], which have never been properly tested. But why? Even with the 9/11 attacks on the US homeland, the US did not respond immediately, but took time to build the necessary force and plans to overthrow the Taliban regime in Afghanistan (and, anyway, if President George W. Bush had asked on 9/12 for a declaration of war, he no doubt would have received it from Congress, very likely unanimously).

As times goes by, therefore, what President Obama said on August 29, 2013 could well be remembered less for what it will mean regarding the use of chemical weapons in Syria and more for what it implies for the reestablishment of a process of full deliberation and fully-shared responsibilities with the Congress for decisions of war-peace, as was the historic practice until 1950. This proposition will be much debated, as it should be; but if the president’s declaration does become precedent (as, in this author’s judgment, it should be, except in exceptional circumstances where a prompt military response is indeed in the national interest), he will have done an important and lasting service to the nation, including a potentially significant step in reducing the excessive militarization of US foreign policy.

There would be one added benefit: members of Congress, most of whom know little about the outside world and have not for decades had to take seriously their constitutional responsibilities for declaring war, would be required to become better-informed participants in some of the most consequential decisions the nation has to take, which, not incidentally, also involve risks to the lives of America’s fighting men and women.

**Dismantling war powers justiciability undermines deliberation. Our link is unique**

**Broughton 01** – Asst Attorney General of Texas [[Broughton, J. Richard](http://www.heinonline.org.proxy.library.emory.edu/HOL/LuceneSearch?specialcollection=&terms=creator%3A%22Broughton,%20J.%20Richard%22&yearlo=&yearhi=&subject=ANY&journal=ALL&sortby=relevance&collection=journals&searchtype=advanced&submit=Search&base=js&all=true&solr=true" \t "_blank" \o "Search for results by Broughton, J. Richard) (LL.M., with distinction, Georgetown University Law Center), “What Is It Good For--War Power, Judicial Review, and Constitutional Deliberation,” Oklahoma Law Review, Vol. 54, Issue 4 (Winter 2001), pp. 685-726

Judicial abstention from war powers disputes can mitigate the effects of the judicial overhang by encouraging Congress and the President to think more seriously about constitutional structure."' In the Vietnam era, for example, Congress enacted the War Powers Resolution to assert its own constitutional prerogatives only after the courts had consistently refused to intervene. Perhaps this was no accident. Without resort to the judiciary, Congress was forced to take responsibility for using its Article I powers in its own defense. Whatever the other flaws of the War Powers Resolution, it at least represents Congress's assertiveness in attempting to define the boundaries of constitutional war power, as the Constitution provides. (Wther Congress got it right is a separate matter, beyond the scope of this article.) Similarly, rather than resort to the courts to challenge the constitutionality of the Resolution, presidents since Nixon have simply deployed troops at their discretion, forcing Congress to either authorize the action, reject such authorization, withdraw funding, or, perhaps as a last resort, impeach the President. Thus, the modem trend of cases leaving war powers controversies to the political branches has produced somewhat more responsible political institutions, though much work must still be done to truly effectuate the Constitution's vision of prudent and reasoned constitutional discourse among the Congress and the White House.' In keeping therefore with constitutional history and design, political actors best serve republican government when they give careful attention to constitutional boundaries and constitutional weapons in the course of adopting military and foreign policy. Political actors will be more likely to do so if they have only themselves, and not the courts, to do the work.

IV. Conclusion

There is much we can learn from Madison and Marshall, statesmen who understood the value of prudent constitutional reasoning to the practical governance of a large republic. Importantly, not all such reasoning occurs in the courts, nor should it. Those matters not "of a judiciary nature," in Madison's words, must find resolution in other fora. Controversies between Congress and the President regarding the Constitution's allocation of war powers are among this class of disputes. This is not to say that courts must leave all cases involving foreign affairs to the vicissitudes of political institutions; the Constitution explicitly vests the judiciary with authority over admiralty and maritime cases, as well as cases affecting ambassadors, public ministers, and consuls, all of which may invariably touch upon foreign relations. War powers disputes are constitutionally unique, however, because the Constitution itself commits the resolution of those disputes to legislators and the chief executive. The courts have, for the most part, appropriately left these disputes where they belong, in the hands of the political branches. Through the doctrine of justiciability, courts have helped to preserve the separation of powers by recognizing both the limits on their Article In authority and the broa prerogatives that the Constitution grants to political actors who are charged with making and effecting American military and foreign policy. By continuing this trend, as the District of Columbia Circuit did in Campbell, the judiciary can encourage deliberation about constitutional structure in the political branches, as Madison and Marshall envisioned. Pg. 724-725

**Global nuclear war**

**Boyle 12** - Professor of International Law @ University of Illinois College of Law [Francis A. Boyle (PhD. degrees in Political Science from [Harvard University](http://en.wikipedia.org/wiki/Harvard_University)), “Unlimited Imperialism and the Threat of World War III. U.S. Militarism at the Start of the 21st Century,” Global Research, December 25, 2012, pg. http://www.globalresearch.ca/unlimited-imperialism-and-the-threat-of-world-war-iii-u-s-militarism-at-the-start-of-the-21st-century/5316852

Historically, this latest eruption of American militarism at the start of the 21st Century is akin to that of America opening the 20th Century by means of the U.S.-instigated Spanish-American War in 1898.  Then the Republican administration of President  William McKinley stole their colonial empire from Spain in Cuba, Puerto Rico, Guam, and the Philippines; inflicted a near genocidal war against the Filipino people; while at the same time illegally annexing the Kingdom of Hawaii and subjecting the Native Hawaiian people (who call themselves the Kanaka Maoli) to near genocidal conditions.  Additionally, McKinley’s military and colonial expansion into the Pacific was also designed to secure America’s economic exploitation of China pursuant to the euphemistic rubric of the “open door” policy.   But over the next four decades America’s aggressive presence, policies, and practices in the “Pacific” would ineluctably pave the way for Japan’s attack at Pearl Harbor on Dec. 7, 194l, and thus America’s precipitation into the ongoing Second World War.

Today a century later the serial imperial aggressions launched and menaced by the Republican Bush Jr. administration and now the Democratic Obama administration are threatening to set off World War III.

By shamelessly exploiting the terrible tragedy of 11 September 2001 [9/11], the Bush Jr. administration set forth to steal a hydrocarbon empire from the Muslim states and peoples living in Central Asia and the Persian Gulf and Africa under the bogus pretexts of (1) fighting a war against international terrorism; and/or (2) eliminating weapons of mass destruction; and/or (3) the promotion of democracy; and/or (4) self-styled “humanitarian intervention”/responsibility to protect.  Only this time the geopolitical stakes are infinitely greater than they were a century ago:  control and domination of two-thirds of the world’s hydrocarbon resources and thus the very fundament and energizer of the global economic system – oil and gas.  The Bush Jr./ Obama  administrations  have  already targeted the remaining hydrocarbon reserves of Africa, Latin America, and Southeast Asia for further conquest or domination, together with the strategic choke-points at sea and on land required for their transportation.  In this regard, the Bush Jr. administration  announced the establishment of the U.S. Pentagon’s Africa Command (AFRICOM) in order to better control, dominate, and exploit both the natural resources and the variegated peoples of the continent of Africa, the very cradle of our human species.  Libya and the Libyans became the first victims to succumb to AFRICOM under the Obama administration. They will not be the last.

This current bout of U.S. imperialism is what Hans Morgenthau denominated “unlimited imperialism” in his seminal work Politics Among Nations (4th ed. 1968, at 52-53):

“The outstanding historic examples of unlimited imperialism are the expansionist policies of Alexander the Great, Rome, the Arabs in the seventh and eighth centuries, Napoleon I, and Hitler. They all have in common an urge toward expansion which knows no rational limits, feeds on its own successes and, if not stopped by a superior force, will go on to the confines of the political world. This urge will not be satisfied so long as there remains anywhere a possible object of domination–a politically organized group of men which by its very independence challenges the conqueror’s lust for power. It is, as we shall see, exactly the lack of moderation, the aspiration to conquer all that lends itself to conquest, characteristic of unlimited imperialism, which in the past has been the undoing of the imperialistic policies of this kind… “

 It is the Unlimited Imperialists along the lines of Alexander, Rome, Napoleon and Hitler who are now in charge of conducting American foreign policy. The factual circumstances surrounding the outbreaks of both the First World War and the Second World War currently hover like twin Swords of Damocles over the heads of all humanity.

# 1nc – disad

**The plan’s ruling on the Geneva Convention eviscerates court legitimacy and turns the case because it destroys the signal of the aff**

**Sanchez 5** [Ernesto J., B.A. University of Pennsylvania, 1998; M.Phil. University of Cambridge; J.D. University of Pennsylvania, 2004. I would like to thank the Pacific Legal Foundation for its generous sponsorship of this project, which began as the first prize submission to its Fifth Annual Program for Judicial Awareness Writing Competition on public policy issues facing the federal judiciary. I particularly acknowledge the assistance of Mr. R.S. Radford, the Director of the Foundation's Program for Judicial Awareness, in coordinating the revision and publication of this Article, “ARTICLE: A Case Against Judicial Internationalism,” 38 Conn. L. Rev. 185]

Proponents of the internationalist approach to constitutional interpretation that such cases as Lawrence and Roper illustrated would do well to consider whether this prospect is truly consistent with the concept of a sovereign nation. Judges who choose to use their power to pick and choose foreign legal principles to impose on the American people may face a **well-deserved backlash** from at least some segments of the general population. These sorts of crises are not unprecedented. One recent news article noted that many representatives and senators regard recent Supreme Court decisions as unconstitutional and unwarranted usurpations of power that only legislators may rightfully exercise. 259 And what members of a certain generation of attorneys can forget the popular movement, which some congressmen and senators supported, to impeach Earl Warren and William O. Douglas, who were supposedly guilty of the crime of excessive judicial activism? Yet to ask Americans to put up with court decisions because foreigners happen to approve of them would **risk a far greater backlash**. As Professor Jeremy Rabkin of Cornell University has stated: We implicitly appeal to our citizens to put up with court rulings they find objectionable in the interest of maintaining a common constitutional framework. [Accordingly,] it is a [\*236] big leap beyond this understanding to ask Americans to put up with a ruling because it is what foreigners happen to approve. 260 It is easy to dismiss such concerns about this internationalist approach as bitter complaints regarding the results of decisions with which one does not agree. But to refer to legal sources other than the Constitution in interpreting law simply **threatens to make the judiciary into less of an institution of judges and more of a group of policymakers.** The simple fact remains that effective research can probably find some foreign legal source to support any possible conclusion, in the absence of any neutral, guiding principle. Legislatures, then, remain the proper forum to examine whether the United States should emulate other countries' practices concerning a specific issue.

**Ruling on the Geneva Convention destroys the rule of law**

**Kochan 6** [Donald R., Assistant Professor of Law, Chapman University School of Law; J.D., Cornell Law School; B.A., Western Michigan University. Former Visiting Assistant Professor of Law, George Mason University School of Law, 2002-2003; Olin Research Fellow, University of Virginia School of Law, 2003-2004. I thank my assistants Kristi Collins, Amanda Collopy, and Miles Brandon Fuller for their assistance in preparation for portions of this Article, “ARTICLE: SOVEREIGNTY AND THE AMERICAN COURTS AT THE COCKTAIL PARTY OF INTERNATIONAL LAW: THE DANGERS OF DOMESTIC JUDICIAL INVOCATIONS OF FOREIGN AND INTERNATIONAL LAW,” Fordham University School of Law, 29 Fordham Int'l L.J. 507]

There are multiple problems with the judiciary's reliance on extraterritorial and extra-constitutional foreign or international sources to guide its decisions. 9 Perhaps the most fundamental flaw is its interference with rule of law values. 10 To borrow from [\*509] Judge Harold Leventhal, the use of international sources in judicial decision-making might be described as "the equivalent of entering a crowded cocktail party and looking over the heads of the guests for one's friends." 11 When judges are allowed to **cherry-pick from laws around the world** to define and interpret their laws at home, activism is emboldened and the **rule of law is diminished**. 12 The "cocktail party" analogy and debate recently reached the U.S. Senate floor when the newly appointed Chief Justice John Roberts went through his confirmation hearings. 13 Responding to questions on the trend of using foreign or international laws, Chief Justice Roberts rejected its legitimacy and cautioned its dangers: Domestic precedent can confine and shape the discretion of the judges. Foreign law, you can find anything you want. If you don't find it in the decisions of France or Italy, it's in the decisions of Somalia or Japan or Indonesia or wherever. As somebody said in another context, looking at foreign law for support is like looking out over a crowd and picking out your friends. You can find them. They're there. And that actually expands the discretion of the judge. It allows the judge to incorporate his or her own personal preferences, cloak them [\*510] with the authority of precedent - because they're finding precedent in foreign law - and use that to determine the meaning of the Constitution. 14

**The impact is terrorism and disease**

**Greco 5** (Michael S., President – American Bar Association, Miami Daily Business Review, 52.42, 12-5, Factiva)

What makes the rule of law so important that it attracted such a distinguished community† First, because the rule of law is so central to everything the legal community stands for, both in the United States and around the world. And second, because we increasingly find that our nation's top international priorities-defeating terrorism, corruption and even the spread of deadly diseases-are being undone at the ground level by poor governance and lawlessness. As Rice eloquently told the gathering, "In a world where threats pass even through the most fortified boundaries, weak and poorly governed states enable disease to spread undetected, and corruption to multiply unchecked, and hateful ideologies to grow more violent and more vengeful." The only real antidote to these global threats is governments, in all corners of the world, that operate with just, transparent and consistent legal systems that are enforced by fair and independent judiciaries. These issues are not just the province of distant foreign governments. Building the rule of law must begin at home. Recent revelations in our own country-that the CIA has maintained secret prisons for foreign detainees-underscore the urgent need for an independent, nonpartisan commission to investigate our treatment of such prisoners.

**Mutations ensure diseases cause extinction**

**Darling 12** (David, Astronomer, “9 Strange Ways the World Really Might End”, Seattle's Big Blog, 3-18, http://blog.seattlepi.com/thebigblog/2012/03/18/9-strange-ways-the-world-really-might-end/?fb\_xd\_fragment, Washington State University)

Our body is in constant competition with a dizzying array of viruses, bacteria, and parasites, many of which treat us simply as a source of food or a vehicle for reproduction. What’s troubling is that these microbes can mutate and evolve at fantastic speed – the more so thanks to the burgeoning human population – confronting our bodies with new dangers every year. HIV, Ebola, bird flu, and antibiotic-resistant “super bugs” are just a few of the pathogenic threats to humanity that have surfaced over the past few decades. Our soaring numbers, ubiquitous international travel, and the increasing use of chemicals and biological agents without full knowledge of their consequences, have increased the risk of unstoppable pandemics arising from mutant viruses and their ilk. Bubonic plague, the Black Death, and the Spanish Flu are vivid examples from history of how microbial agents can decimate populations. But the consequences aren’t limited to a high body count. When the death toll gets high enough, it can disrupt the very fabric of society. According to U.S. government studies, if a global pandemic affecting at least half the world’s population were to strike today, health professionals wouldn’t be able to cope with the vast numbers of sick and succumbing people. The result of so many deaths would have serious implications for the infrastructure, food supply, and security of 21st century man. While an untreatable **pandemic could strike suddenly and** potentially **bring civilization to its knees in weeks** or months, degenerative diseases might do so over longer periods. The most common degenerative disease is cancer. Every second men and every third women in the western world will be diagnosed with this disease in their lifetime. Degeneration of our environment through the release of toxins and wastes, air pollution, and intake of unhealthy foods is making this problem worse. If cancer, or some other form of degenerative disease, were to become even more commonplace and strike before reproduction, or become infectious (as seen in the transmitted facial cancer of the Tasmanian Devil, a carnivorous marsupial in Australia) the very survival of our species could be **threatened**.

# 1nc – counterplan

**The United States federal government should**

**--restrict the authority of the President of the United States to indefinitely detain by ruling that executive indefinite detention violates the Suspension Clause including a closure of Guantanamo Bay**

**--ban policies authorizing nuclear use against a government for inadvertently releasing nuclear material used in an attack against the United States or its allies**

**--prevent global deforestation by engaging in binding international partnerships and regulations and providing economic incentives and compensation for international countries**

**--reaffirm commitment to counterterrorism intelligence sharing with NATO, the EU and 5 EYES partners by no longer exploiting legal loopholes, ending use of unnecessary extraordinary renditions, and improvements in intelligence security among other cooperative concessions as explained by the McGill evidence below and expand commitment to the operations of the NATO-Russia Council’s Cooperative Airspace Initiative and further counterterrorism intelligence sharing coordination**

**--pass, sign and ratify existing and future environmental protection treaties and ratify the Convention on the Rights of the Child**

**The President should release a presidential directive, announce, and commit to the United States being bound by ratified human rights treaties including but not limited to the Geneva Convention as described by our Shattuck evidence below.**

**CP solves Geneva Convention advantage**

**Shattuck 08** (John Shattuck is CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University, Human Rights Magazine, 2008, Vol. 35)

Mr. President, you can restore U.S. influence by reconnecting the nation’s values and policies on human rights and the rule of law. Among the initiatives that you might take are the following.

**Human Rights Law Enforcement.** You should announce that the United States is bound by the human rights treaties and con-ventions that it has ratified and adopted as domestic law, including the Geneva Conventions, the Torture Convention, and the Interna-tional Covenant on Civil and Political Rights. You should follow through with your commitment to close the detention center at Guan-tanamo and transfer detainees to this country for determinations whether to try them in U.S. courts or release them. Fully complying with the Geneva Conventions would not preclude the United States from trying detainees in military commissions under constitutional standards of due process, nor would it restrict the government’s authority to conduct lawful interrogations to obtain intelligence in-formation about terrorist activities.

**Domestic Habeas Corpus ruling sends the same signal to solve the aff**

**Shattuck 08** (John Shattuck is CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University, Human Rights Magazine, 2008, Vol. 35)

The gap between America’s values and actions revealed by this polling data has severely eroded U.S. global influence. How can you and your administration gain it back?

First, you should make it clear that one of our country’s bedrock principles is the international rule of law. Human rights are **de-fined and protected by the Constitution** and international treaties ratified and incorporated into our domestic law. **In flaunting basic rules**—such as **habeas corpus,** the Convention against Torture, and the Geneva Conventions—the previous administration created a series of “law-free zones.” Within these zones, detainees were abused, thousands were held indefinitely without charges, and human rights were trampled.

**Terrorism only goes nuclear when we have a doctrine of retaliating with our own nuclear weapons --- the CP solves the motivation**

**Beljac 08**(Marko, PhD at Monash University, Teaches at LaTrobe University and the University of Melbourne, “Pakistan and the prospects for nuclear terrorism”, Australian Policy Online, February 8th, http://apo.org.au/commentary/pakistan-and-prospects-nuclear-terrorism)

One disturbing option that has been opened up by nuclear forensics and has been seriously considered in the White House is the promulgation of a “negligence doctrine” to deter nuclear terrorism. The idea here is that if a state were to lose control over fissile materials or nuclear weapons through “negligence,” and these materials were stolen and used in a nuclear explosive device by a terrorist group, then the United States would hold such a state “responsible” for the terrorist attack and strike back with nuclear weapons.

The possibility of such a nuclear strike, it’s argued, would deter “negligence.” But the concept makes “negligence” sound like a conscious choice made at the very highest policy levels, which it need not be. Sometimes at US nuclear weapons plants people have been caught sleeping on the job but surely the negligence doctrine would not apply if Bin Laden got his nuclear device because of a Homer Simpson.

In reality, a “negligence doctrine” would make an act of nuclear terrorism more likely. Jihadi groups like Al Qaeda are revolutionary - or, more accurately, counter-revolutionary - vanguards who see their main strategic task as mobilising a dissatisfied but apathetic population. In this sense they have been highly influenced by Lenin and the Bolsheviks. It is not hard to see how a “negligence doctrine,” rather than deterring nuclear terrorism, would actually encourage Jihadi groups to **attempt to get their hands on** the necessary fissile materials for a nuclear device because the prospect of a US nuclear counter-strike on such obviously immoral grounds would enrage, and hopefully radicalise, the entire Islamic world.

**Repeal of negligence doctrine enables better cooperation with other countries over nuclear security, and results in BETTER intel sharing**

**Levi 08** (Michael A., PhD in war studies, University of London, David M. Rubenstein senior fellow for energ and the environment at the Council on Foreign Relations. former fellow on foreign policy at the Brookings Institute, "Deterring State Sponsorship of Terrorism", Council Special Report No. 39, September 2008)

Threatening retaliation against countries like Russia and Pakistan in response to terrorist attacks stemming from lax security practices is unwise. It undercuts efforts to work cooperatively with those states to improve their nuclear security; dissuades those states from informing others if they discover that their nuclear weapons or materials are ever stolen, thus undermining any efforts to recover them; and makes it difficult to work with those states in the aftermath of an attack to prevent further detonations. At the same time, U.S. threats are likely to do little to actually encourage many critical states to take nuclear terrorism more seriously—Russia and Pakistan, in particular, face terrorist threats of their own, and the prospect of nuclear attacks on Moscow or Islamabad by Chechen separatists or Islamist radicals is surely greater motivation for strengthened nuclear security than the possibility that, following an attack on Washington, the United States might somehow retaliate. (To the extent that retaliatory threats are military in nature, they will also often be incredible; it is implausible, for example, that the United States would retaliate militarily against Russia. On the other hand, more plausible threats, such as economic or political ones, are far weaker.) Adapting deterrence to cases of lax security is likely to increase, rather than decrease, the nuclear terrorist threat. The United States should, in most cases, emphasize cooperation instead while explicitly ruling out retribution.

**CP solves terrorism through expanding allied cooperation and making intel sharing resilient**

**McGill 12** (Anna-Katherine Staser McGill, School of Graduate and Continuing Studies in Diplomacy, Norwich University, “Challenges to International Counterterrorism Intelligence Sharing,” Global Security Studies, Summer 2012, Volume 3, Issue 3, http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf)

Conclusion It is clear that diplomacy will continue to be a key component in US counterterrorism coalition building. Intelligence sharing, as a by-product of these efforts, will likely improve for as long as trust is maintained or improved and compromises are made in the greater interest of combating the shared threat of terrorism. However, the US is also likely to face continuing foreseeable challenges from the ever expanding breadth of its international allies, its increasing dependence on its counterterrorism coalitions, and unpredictable setbacks to international trust like WikiLeaks. There are ways, however, to allay the impact of these challenges if not overcome them all together. With regards to traditional allies the United States must continue to **negotiate a close working relationship** with its NATO, EU, and 5 EYES partners. Great strides have been made but future disagreements on policy, tactics, and strategy for the war on terrorism are inevitable. The best way to prepare for such future issues is to continue to foster a positive collaborative relationship with these nations so that mutual trust will prevent arguments from threatening the survival of the alliance. This means that the US must carefully manage its international position. It **cannot exploit legal loopholes** like exporting suspects to other nations for questionable interrogations; it cannot bully its friends nor act unilaterally against their wishes; and it must hold itself to high moral standards befitting a liberal democracy. For new and non-traditional allies, Reveron states that “the long-term challenge for policymakers will be to convert these short-term tactical relationships into meaningful alliances while protecting against counterintelligence threats” (467). Traditional alliances have to start somewhere and over time these new relationships can turn in to tried and tested cooperation. In order to further develop these relationships the US should attempt to iron out policy differences in other arenas rather than turn a blind eye to them and continue providing technical and material support to their development of effective intelligence programs. The US should not however hold CT cooperation supreme over other critical issues such as nuclear and conventional arms proliferation and human rights violations. Nations like Iran and Syria may be helpful in the short term and for limited purposes but this does not negate their less desirable practices. Finally, the US will also need to look inward to prevent more classified information leaks. The US needs to be more critical in the issuance of security clearances, employ digital monitoring of who is downloading information and in what amount to prevent mass dumps, and give greater importance to curtailing the “insider threat” of US citizens leaking information overall. Improving intelligence security will help to mitigate the blowback from WikiLeaks and will go a long way to **advancing US credibility and trust building.**

**CP solves the environment**

**CCTF 09** (Commission on Climate and Tropical Forests. “Major bipartisan Commission calls for U.S. leadership to protect ‘climate forests’” October 7, 2009, http://www.climateforestscommission.org/news/major-bipartisan-commission-calls-for-us-leadership-to-protect-climate-forests.html)

The Commission on Climate and Tropical Forests, co-chaired by John Podesta and Senator Lincoln Chafee, is a bipartisan group of leaders from business, government, advocacy, conservation, global development, science and national security that has developed recommendations on the inclusion of tropical forest conservation in broader U.S. climate change policies. Tropical deforestation accounts for 17 percent of global greenhouse gas emissions and protecting tropical forests is integral to combating climate change. The Commission’s recommendations are designed to help ensure U.S. climate policies provide the most effective response to this issue and are aligned with global solutions. Report Recommendations Halve deforestation within a decade. The United States should lead a global partnership to cut tropical deforestation in half within a decade and achieve zero net emissions from the forest sector by no later than 2030. Create the financial incentives for forest protection. With the right policy mechanisms, the U.S. could alter the financial incentives that lead to tropical deforestation. To unlock cost savings, the United States should invest at least $1 billion by 2012, and U.S. policy should mobilize $5 billion annually by 2020 in public funding and $9 billion annually from the private sector.

**Guantanamo plank solves Geneva impact**

**Ratner, 8** (Law Prof-Michigan, “Think Again: Geneva Conventions,” 2/19, http://www.foreignpolicy.com/articles/2008/02/19/think\_again\_geneva\_conventions?page=0,6)

"The Conventions Require Closing Guantánamo"

No, but changes must be made. The Geneva Conventions allow countries to detain POWs in camps, and, if someone in enemy hands does not fit the POW category, he or she is automatically accorded civilian status, which has its own protections. But none of the residents of Guantánamo's military prison qualifies as either, according to the Bush administration, thus depriving the roughly 275 detainees who remain there of the rights accorded by the conventions, such as adequate shelter and eventual release.

The possibility that detainees could remain in legal limbo indefinitely at Guantánamo has turned the issue into a foreign-relations disaster for the United States. But let’s be clear -- the Geneva Conventions don't require the United States to close up shop in Cuba. The rules simply insist that a working legal framework be put in place, instead of the legal vacuum that exists now.

There are several options worth consideration. The prison at Guantánamo could be turned into a pre-trial holding area where detainees are held before they are brought before U.S. courts on formal charges. (The hiccup here is that most of the detainees haven’t clearly violated any U.S. law.) Alternatively, the U.S. Congress could pass legislation installing a system of preventive detention for dangerous individuals. The courts could occasionally review detainees' particular circumstances and judge whether continued detention is necessary and lawful. (The problem here is that such a system would run against 200 years of American jurisprudence.) In the end, closing Guantánamo is probably the only option that would realistically restore America's reputation, though it isn't required by any clause in the conventions. It's just the wisest course of action.

# 1NC Afghan ADV

**Do NOT default aff on a risk of solving this advantage – there can actually be ZERO RISK**

**Alt causes from THEIR OWN EVIDENCE.**

**ICG ev – bribes, endemic problems with communications, transport, infrastructure and lack of electricity mean that it is likely that the afghan justice system will remain dysfunctional for some time to come.”**

**Alt causes to credibility**

**-drones**

**-war on terror**

**Civilian casualties**

**We are never going to be credible with Afghanistan**

And, more alt cause ev from Aff authors-- Bribery is the key.

**Eviatar 12** - Senior counsel in the Law and Security Program of Human Rights First [Daphne Eviatar, “U.S. must aid Afghan judicial system,” Politico, March 13, 2012 09:38 PM EDT, pg. http://tinyurl.com/cmvkfkv

Afghanistan’s justice system, meanwhile, is notoriously corrupt, failing to provide even the most basic elements of fair trials, including defense lawyers. When I was in Kabul last year, Afghan defense lawyers and human-rights activists told me that defense lawyers for the accused are still a rarity in much of the country. Even when a defense lawyer is assigned, that attorney often can’t meet with his client for many months, particularly in national security cases. In the meantime, the suspect may be tortured into confessing to a crime he didn’t commit.

Once the case gets to court, getting a judge to even listen to a defense lawyer’s objections or allow presentation of real evidence is challenging. Most Afghans I interviewed insist that evidence is irrelevant in any case. The popular sentiment is that with money, anyone can buy his way out of jail. Those without, guilty or innocent, will be left to rot in prison.

The United States is aware of these problems. Washington knows that a successful U.S. withdrawal depends on the Afghan government’s eventual ability to deliver law, order and justice to its people.

To the U.S. military’s credit, it’s been trying to improve Afghan trials in national security cases by providing mentoring and training for judges and prosecutors handling trials in a U.S.-built facility on the Bagram Air Base and ensuring the accused get a lawyer. But that’s made only small improvements so far, judging from the poor quality of the Afghan trial I observed at Bagram last year. It’s also not clear if that project will continue after the U.S. hands authority to Afghanistan.

It should. Despite mounting pressure to withdraw U.S. troops from Afghanistan, the United States needs to remain involved by providing assistance not only to the military and police, as it’s doing now, but also to the Afghan justice system.

This judicial system needs far more than a few mentors for judges and prosecutors. It needs investigators trained to produce reliable evidence, prosecutors who understand its value and defense lawyers trained to demand that evidence and challenge confessions resulting from torture. It also needs to be able to ensure the safe and humane treatment of detainees.

**No modeling**

**Hope not facts**

**Solvecy is from Evitar – who works for a human rights organization chastising the US**

**And, their impact ev isn’t about the aff—Cronin evidence is about proxy conflict over Afghanistan as the US leaves—rule of law does nothing to prevent other countries from intervening once we’re out of there.**

**Here’s the conclusion to their Cronin evidence—it’s about asking Afghanistan to be neutral like Switzerland, about afghan IR, and concludes the US can’t solve:**

Cronin, “aff” author, 13 (Audrey Kurth Cronin is Professor of Public Policy at George Mason University and author of How Terrorism Ends and Great Power Politics and the Struggle over Austria. Thinking Long on Afghanistan: Could it be Neutralized? Center for Strategic and International Studies The Washington Quarterly • 36:1 pp. 55\_72 [http://dx.doi.org/10.1080/0163660X.2013.751650](http://dx.doi.org/10.1080/0163660X.2013.751650" \t "_blank))

With ISAF withdrawal inevitable, a sea change is already underway: the¶ question is whether the United States will be ahead of the curve or behind it.¶ Under current circumstances, key actions within Afghanistan by any one state¶ are perceived to have a deleterious effect on the interests of other competing¶ states, so the only feasible solution is to discourage all of them from interfering in¶ a neutralized state. As the United States draws down over the next two years,¶ yielding to regional anarchy would be irresponsible. Allowing neighbors to rely¶ on bilateral measures, jockey for relative position, and pursue conflicting¶ national interests without regard for dangerous regional dynamics will result in a¶ repeat of the pattern that has played out in Afghanistan for the past thirty¶ years/except this time the outcome could be not just terrorism but nuclear war.

[WAKE’S evidence that’s not even a little bit about the plan ENDS]

Neutralization is the best strategic solution for the future of Afghanistan. It¶ maintains the integrity of the state, deters intervention, and draws regional¶ powers into stabilizing rather than destabilizing behavior. It is not a panacea:¶ within Afghanistan (as in Switzerland), neutralization may involve the violent¶ emergence of new (or very old) confederate forms of governance. But the¶ outcome of this struggle for modern statehood is up to the Afghans, not NATO¶ or the United States/or Pakistan, China, or Russia for that matter/under any¶ circumstances. Neutralization is the only way, over time, to stabilize the region¶ and maximize the chances for Afghan self-/determination to evolve.¶

And, No one will model our courts, Afghanistan included—their ev is hopes and dreams

Black 12—Eric Black writes Eric Black Ink for MinnPost, analyzing politics and government of Minnesota and the United States, the historical background of topics and other issues [September 27, 2012, “Some ideas to limit the ‘supremacy’ of the U.S. Supreme Court,” <http://www.minnpost.com/eric-black-ink/2012/11/some-ideas-limit-supremacy-us-supreme-court>]

It seems to be part of our national DNA. We see ourselves as so unlike the rest of the world that we have developed a semi-religious belief in what we call “American exceptionalism.” Maybe the upside is some kind of boost to our collective self-esteem. But one of the downsides is a reluctance to look around the world and see if anyone (especially not France) has a good idea from which we might benefit.

Especially on democracy. We see ourselves as the world’s model for democracy and the “rule of law.” We expect others to copy us, although they have long since stopped doing so with reference to the specifics of how to design a government. We grumble a good deal about the breakdowns in our system, but we are not much open to ideas for improving it.

University of Minnesota political scientist Lisa Hilbink, whose specialties include comparative constitutional systems around the world, said that basically, since the end of World War II, most of the world outside of Latin America came to the conclusion that the U.S. system was “pretty crazy.”

A great many new constitutions have been written since then, in emerging democracies and in old democracies that wrote new constitutions. In many ways, the foreign framers did benefit from our example, often in deciding what not to do. As I have mentioned in previous installments, no other country thinks our Electoral College example is worth following and likewise no one has designed a system of “veto points” like ours in which it is much easier to block action than to get anything done.

**No impact to Afghanistan**

**Haass 10/11/09** – President, Council on Foreign Relations, former Director of the State Department's Policy Planning Staff

(Richard N. “In the Afghan War, Aim for the Middle.” Washington Post Op-Ed. http://www.cfr.org/publication/20383/in\_the\_afghan\_war\_aim\_for\_the\_middle.html)

Why does Afghanistan matter? We generally hear four arguments. First, if the Taliban returns to power, Afghanistan will again be a haven for terrorist groups. Second, if the Taliban takes over, Afghanistan will again become a human rights nightmare. Third, a perceived defeat of the United States in Afghanistan would be a blow to U.S. prestige everywhere and would embolden radicals. Fourth, an Afghanistan under Taliban control would be used by extremists as a sanctuary from which to destabilize Pakistan. None of these assumptions is as strong as proponents maintain. Afghanistan certainly matters -- the question is how much. Al-Qaeda does not require Afghan real estate to constitute a regional or global threat. Terrorists gravitate to areas of least resistance; if they cannot use Afghanistan, they will use countries such as Yemen or Somalia, as in fact they already are. No doubt, the human rights situation would grow worse under Taliban rule, but helping Afghan girls get an education, no matter how laudable, is not a goal that justifies an enormous U.S. military commitment. And yes, the taking of Kabul by the Taliban would become part of the radicals' narrative, but the United States fared well in Asia after the fall of South Vietnam, and less than a decade after an ignominious withdrawal from Beirut, the United States amassed the international coalition that ousted Saddam Hussein from Kuwait. There are and always will be opportunities to demonstrate the effectiveness of U.S. power.

**Others will fill in to solve stability.**

**Prashad ‘9** (Vijay, George and Martha Kellner Chair of South Asian History – Trinity College, GazetteNET, “Don't escalate Afghanistan war, reach out to country's neighbors”, 12-5, http://www.gazettenet.com/2009/12/05/dont-escalate-afghanistan-war?SESSf793588a8482ac7b45e5aa116b4d4c76=gnews)

Instead, the U.S. backed one group of nasty warlords (the Northern Alliance) against the Taliban, throwing to the wind the progressive forces within Afghan society. The SCO was also disregarded. This was a costly mistake. The SCO continues to have influence in the region. This summer, elements in the Taliban insurgency sent a letter to the SCO, asking it to intervene against the occupation. Of course the SCO is sitting on its hands, but it is able. The regional solution will be difficult, given that it would have to scrub off the effects of 30 years of warfare. Right after the Taliban fled in 2001, the U.S. convened a "donor's conference" in Bonn, where Europe, Japan and the U.S. gathered to promise money for the reconstruction of the country. No one invited the SCO players. This has not changed. Europe, Japan and the U.S., the countries with the least legitimacy in Afghanistan are the ones calling the shots. Rather than conference calls with Brussels (the NATO headquarters), Paris, London and Kabul (with the shaky government of Karzai), the Obama administration should have called a political conference of the SCO, to see what it would have taken to hand over the Afghan imbroglio to them. The SCO met in Bishkek (capital of Kyrgyzstan) on Nov. 24 to discuss the problem of the region, and made all kinds of suggestions. None of these are operational till the U.S.-NATO forces withdraw from Kabul. China is the only power in the region with the wealth and expertise to genuinely rebuild Afghanistan (people might criticize its development policy in Africa, but mark this: Chinese investment enters countries in Africa without IMF-type conditionalities and Chinese engineers and managers live in modest conditions, not creating the kind of high-overhead NGO lifestyles of the European and U.S. humanitarian workers). The U.S. media has portrayed the escalation of the occupation in a very simplistic fashion: Either the U.S. solves the problem, or the Taliban returns. This is a false choice, one that assumes that only the U.S. can act, the White Knight riding in to save the world. Others are ready. But they don't want to act unless they have a commitment that the U.S. is not going to use their blood and treasure to build its empire.

# Central asia war

**No escalation**

**Clais, ‘10**

[Jonas, United States Institute of Peace, “Preventing Conflict in the “Stans”,” 4-23, <http://www.usip.org/files/resources/PB%2021%20Preventing%20Conflict%20in%20the%20Stans.pdf>]

Despite this litany of conflict drivers, Central Asia has remained relatively peaceful for the past 20 years, apart from the 1992 Tajik civil war. Unlike most regions at low risk of conflict, Central Asia cannot rely on its institutional capacity to pave the road to self-sustainable peace. Although very effective in the short term, some of the factors mitigating conflict are unsustainable sources of stability. The Soviet legacy, characterized by extreme deprivation and violent suppression, nonetheless operates as a conflict-managing factor in Central Asia. Quantitative studies established a quasi-consensus among scholars on the negative effect of both extreme democracy and extreme autocracy on the risk of civil war, anocracies being most conflict-prone. 6 The brutal Soviet practices hardened and intimidated the population, discouraging popular uprisings. Current law enforcement tools used in Uzbekistan and Tajikistan are often Soviet-inherited and serve as effective yet inhumane conflict management instruments. A recent report by the United Nations Human Rights Committee condemned the human rights situation in Uzbekistan, stressing the excessive use of torture. The Kyrgyz security forces, on the other hand, are rather ineffective, providing a safe-haven to militant groups based in the region. In Tajikistan, the civil conflict bred war fatigue, reducing the odds that an opportunistic leader will be able to mobilize Tajiks to violently undermine their government. Though they cannot assure stability in the long term, some of the region’s financial and socioeconomic lifelines also mitigate conflict in the short term. International, regional, and nongovernmental organizations, as well as individual countries, provide vital assistance to Central Asia’s development. Unfortunately, a significant proportion of the aid is lost to corruption before it reaches its targets. Chinese and Russian capital injections offer some breathing space, as well as crucial investments in economic infrastructure. Yet, as indicated earlier, these benefactors may demand political concessions in return. Migrant remittances also serve as an important source of revenue for the region, especially in Tajikistan, where remittances make up almost half of the country’s gross domestic product—by far the highest number worldwide.

7

# Geneva

# 1nc – Geneva

**U.S. air strikes would destroy North Korea’s nuclear arsenal**

**Baker 3**—Rear Admiral, Senior Fellow at the Center for Defense Information, Distinguished Service Medal, Bronze Star—AND—Colin Robinson, CDI Research Analyst, Master of Arts in War Studies degree from King’s College London (Stephen H., no date given but latest cited is 2003, “Stand-off with North Korea: War Scenarios and Consequences,” [http://www.cdi.org/north-korea/north-korea-crisis.pdf](http://www.cdi.org/north-korea/north-korea-crisis.pdf" \t "_blank))

U.S. air strikes upon the North Korean nuclear facilities at Yongbyon were under consideration during the 1993-1994 crises and again the last few months. At the present time, the main objective of such an attack would probably be to stop DPRK use of the plutonium-using reactor at the site, and to prevent its capability to reprocess into weapons grade material the large number of spent plutonium fuel rods stored there. U.S. officials, citing satellite photographs, said on Feb. 26, 2003, that North Korea had restarted the Yongbyon reactor, though there was no evidence the DPRK was reprocessing spent fuel rods. A surgical air strike on the reactor or re-processing facilities would be possible with a high likelihood of success. It is less certain what the long-term consequences of the attack in terms of possible radiation release would be. There is a concern that hitting the reprocessing facility and spent fuel rods could create radioactive fallout over China, Japan, Russia or the Korean Peninsula itself.17

**We have to destroy them now --- within 5 years, North Korea will have a strong nuclear capability – turns their impact**

**Sanger 11**—Chief Washington Correspondent for The New York Times, appointed adjunct professor of public policy at the Kennedy School of Government at Harvard AND Elisabeth Bumiller, national affairs correspondent at NYT (David E., 11 January 2011, Gates Warns of North Korea Missile Threat to U.S., [http://www.nytimes.com/2011/01/12/world/asia/12military.html](http://www.nytimes.com/2011/01/12/world/asia/12military.html" \t "_blank))

Defense Secretary Robert M. Gates warned Tuesday that North Korea was within five years of being able to strike the continental United States with an intercontinental ballistic missile, and said that, combined with its expanding nuclear program, the country “is becoming a direct threat to the United States.” Mr. Gates is a former director of the C.I.A., and his statement, officials said, reflected both a new assessment by American intelligence officials and his own concern that Washington had consistently underestimated the pace at which the North was developing nuclear and missile technologies.

# Bio d

**No impact and resilient**

**Easterbrook ‘95** (Distinguished Fellow, Fullbright Foundation (Gregg, A Moment on Earth pg 25)

IN THE AFTERMATH OF EVENTS SUCH AS LOVE CANAL OR THE Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. **The environment** that contains them **is** close to **indestructible.** The living environment of **Earth has survived ice ages;** bombardments of **cosmic radiation more deadly than atomic fallout**; **solar radiation more powerful than the worst-case projection for ozone depletion; thousand-year periods of intense volcanism releasing global air pollution** **far worse than** that made by **any factory**; **reversals of the planet's magnetic poles; the rearrangement of continents**; transformation of plains into mountain ranges and of seas into plains; fluctuations of ocean currents and the jet stream; **300-foot vacillations in sea levels**; shortening and lengthening of the seasons caused by shifts in the planetary axis; **collisions of asteroids and comets** **bearing far more force than man's nuclear arsenals**; and the years without summer that followed these impacts. Yet hearts beat on, and petals unfold still. **Were the environment fragile it would have expired many eons** **before** the advent of the industrial affronts of the dreaming ape. Human assaults on the environment, though mischievous, **are pinpricks compared to forces of the magnitude nature is accustomed to resisting.**

# Terror

**Terrorists can’t get nukes**

Topychkanov 1/25/14 (Pyotr PhD in History, Associate in the Carnegie Moscow Center’s Nonproliferation Program, “Nuclear Terrorism: Bogeyman or Real Threat?”, <http://russiancouncil.ru/en/inner/?id_4=3045&active_id_11=39#top>)

Nuclear terrorism involves using fissile weapons-grade materials: Uranium-235 enriched to over 90% and plutonium-239 with an isotopic purity of at least 94%. According to current estimates, in the five countries that have nuclear weapons, building a nuclear device requires 8kg of plutonium or 25kg of highly-enriched uranium (HEU); although some specialists suggest 4kg to 5kg of plutonium or 16kg of HEU would be sufficient. With 20% enriched uranium, it would take 800kg of material to reach the critical mass needed for a nuclear explosion, which is believed to be technically implausible [3].

Obtaining fissile weapons grade materials is no easy matter for terrorists, chiefly for the following reasons.

Enriching uranium or producing the necessary quantity of plutonium requires scientific and technological facilities that no terrorist organisation has.

Acquiring the necessary quantities of fissile weapons-grade materials on the black market would require the relevant supply, which is not currently there (the IAEA receives about 150-200 reports from Member States each year of fissile materials that are lost, stolen or otherwise out of their control, but, first, most incidents are unrelated to weapons-grade uranium or plutonium and, secondly, in all reported incidents the fissile materials are returned under proper control).

Should terrorists nevertheless succeed in obtaining the requisite quantity of weapons-grade uranium or plutonium, as a study commissioned in 1977 by US Congress showed, a small group of people who had never had any access to classified information could develop and build a primitive nuclear explosive device [4]. To do so, according to estimates at that time, they would need up to US$ 1 million, a medium-size workshop, at least one specialist who is conversant with the relevant literature, and an engineer.

Today, some solutions are within an easier reach for terrorists compared to the 1970s, largely thanks to information technologies. However, any active application of such technologies leads to higher risk of detection. Queries regarding nuclear weapons development made using internet browsers can be traced by intelligence services [5].

Importantly, nuclear devices built under such conditions can hardly be expected to be reliable, since given the lack of specialists, high-precision equipment, and testing capabilities, it would be difficult to avoid errors during the development or assembly of any such device. In addition, handling major amounts of cash or sourcing fissile weapons-grade materials in the required quantities would inevitably put the terrorist cell on the radars of the intelligence services of a number of countries. As a result, having risked substantial amounts of money and possible detection, an organisation planning to commit an act of nuclear terrorism would have to accept that the outcome is uncertain, at best.

**No impact**

**Mueller ‘10** (John, Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies and a Professor of Political Science at The Ohio State University, A.B. from the University of Chicago, M.A. and Ph.D. @ UCLA, *Atomic Obsession – Nuclear Alarmism from Hiroshima to Al-Qaeda*, Oxford University Press, Accessed @ Emory)

In the ensuing decades, massiveexaggerations of the physical effects of nuclear weapons have been very much **the rule**. Words like "liquidate," "annihilate," and "vaporize," not to mention "Armageddon" and "apocalypse," have been commonly applied in scenarios where those sorts of extreme characterizations are simply not sound. As with Oppenheimer in 1946, it remains a **massive overstatement** to confidently insist, as the prominent foreign policy analyst Joseph Cirincione docs today, that "a nuclear 9/11 would destroy an entire city," or to conclude with Robert Gallucci that a single terrorist atom bomb would be capable of “obliterating a large portion of a city." Nor is it correct to casually assert, as journalist Lawrence Scott Sheets does, that an atomic bomb of the size exploded at Hiroshima (or smaller) could, in the hands of terrorists, "**kill millions of people**."" And defense analyst Brian Jenkins is (presumably knowingly) engaging in rather extravagant hyperbole when he says that America's "awesome nuclear arsenal" during the cold war could have "destroyed the planet." But his auditors are likely to take him literally, and they are likely to do so as well for Cirincione when he asserts that the world's remain-arsenal of 26,000 nuclear weapons is enough "to destroy the planet several times over." By contrast, as one physicist points out, "the largest bomb that has ever been exploded anywhere was sixty megatons, and that is **one-thousandth the force** of an earthquake, one-thousandth the force of a hurricane."

**No retaliation**

**Crowley, 10** (Michael, Senior Editor the New Republic, “Obama and Nuclear Deterrence”, <http://www.tnr.com/node/72263>)

Others argue that the United States should promise that it would never use nuclear weapons first, but only in response to a nuclear attack. As the story notes, some experts don't place much weight on how our publicly-stated doctrine emerges because they don't expect foreign nations to take it literally. And the reality is that any decisions about using nukes will certainly be case-by-case. But I'd still like to see some wider discussion of the underlying questions, which are among the most consequential that policymakers can consider. The questions are particularly vexing when it comes to terrorist groups and rogue states. Would we, for instance, actually nuke Pyongyang if it sold a weapon to terrorists who used it in America? That implied threat seems to exist, but I actually doubt that a President Obama--or any president, for that matter--would go through with it.

### 2NC

### china

**Chinese democracy is critical to stop the repressing of epidemic information**

Kurlantzick 03 (Joshua Kurlantzick, foreign editor of The New Republic , World Policy Journal, Spring 2003, Vol. 20, Issue 1, “The Dragon Still Has Teeth”)

For now, the Chinese leadership's repressive strategies seem to be working. But Beijing may be trading stability in the short term for trouble in the long run. Its policies will only stifle the country's development. Restrictions on the media and other sources of information mean that ordinary Chinese still too often rely on rumor and the state-controlled press for their information. As a result, important social issues such as the country's burgeoning HIV/**AIDS epidemic are ignored**, with potentially catastrophic consequences. The United Nations estimates that China will have 10 million people infected with HIV by the end of the decade, yet studies repeatedly show that less than 20 percent of Chinese know anything about the virus.

**Solves extinction**

**Parker 03** (Randall Parker, Political Commentator, “Chinese Government Faulted For Making SARS Outbreak Worse,” Future Pundit, April 4, 2003, http://www.futurepundit.com/archives/001104.html)

China is the place where the holding back of information on epidemic outbreaks promises to be most threatening to the world as a whole. Because of the millions of people (tens of millions? hundreds of millions?) in Southern China who live in close proximity with pigs, ducks, and other fowl China is like a big experiment for the mixing of DNA across different virus strains that normally infect different species. In the case of SARS it is likely that a human coronavirus coinfected a cell (probably in a human) at the same time a coronavirus from another species did as well. Genes were exchanged and the result was a coronavirus that is more lethal to humans. This also happens with influenza viruses. The most lethal influenza viruses are either viruses that jumped over from other species or which exchanged DNA with viruses from other species. Because China has such ideal conditions for gene swapping between virus strains from different species it is more likely than any place on Earth to be the source of the next killer virus whose lethality would rank up there with the 1918-1919 Influenza pandemic that killed 20 to 40 million people. The authoritarian impulses of the Chinese authorities to control and hush up bad **news,** as they have done with the SARS pathogen, put the rest of the world at much greater risk to every new disease that first shows up in China. This impulse on the part of the Chinese government deserves to be widely and loudly criticised. The rest of the world needs to make it clear to China that this kind of "hush it up" reaction to disease outbreaks will not be tolerated because it creates an unacceptable risk to the health of all of humanity.

### 1NC—North Korea War Good

**b) there’s no draw-in by major powers or nuclear escalation**  
**Feffer 9** (John Feffer Co-director of Foreign Policy In Focus North Korea Attacking Hawaii? [http://www.huffingtonpost.com/john-feffer/north-korea-attacking-haw\_b\_219837.html](http://www.huffingtonpost.com/john-feffer/north-korea-attacking-haw_b_219837.html" \t "_blank))

North Korea has two long-range missiles, the Taepodong-1 and the Taepodong-2. The first, likely used only for satellite launches, can maybe go 2,500 miles. But it's never been successfully tested. The Taepondong-2 maybe could go about 3,700 miles. But it too has failed in its two tests: a quick fizzle in 2006 and a failure in the third stage this last April. Even if Pyongyang gets everything right for a possible July 4 test, it's 4,500 miles between Pyongyang and Honolulu. As for putting a nuclear warhead on the top of it, North Korea has shown no evidence that it has the necessary miniaturization technology. North Korea has a lot of people in uniform, and its artillery can cause horrific damage to Seoul. But North Korea spends about half a billion dollars a year on its military. South Korea alone spends 40 times that amount. And the United States spends 1,000 times more. Neither China nor Russia would support any North Korean military action. Militarily speaking, North Korea is a kamikaze country. It can inflict damage, but only in a suicide attack and only close to home.

#### US will quickly devastate the North Korean arsenal without escalation

Friedman 3/12/13—Founder, chief intelligence officer and CEO of the private intelligence corporation Stratfor [Dr. George Friedman (Ph.D. in government @ Cornell University) “Will North Korea Resume the Korean War?” Real Clear Politics March 12, 2013, http://tinyurl.com/bxtml9b]

Indeed, resuming the Korean War probably is not something that anyone really wants. But because there are some analysts who think that such a resumption is plausible, I think it is worth considering the possibility that Pyongyang does want to restart the war. It is always worth examining an analysis based on the assumption that a given framework will not hold. For the record, I think the framework will hold, but I am simply examining the following hypothetical: This time, North Korea is serious.

To assess Pyongyang's sincerity, let's begin with two untested assumptions. First, assume North Korea has determined that it is unable to develop a deliverable nuclear weapon within a meaningful time frame. Either there are problems with constructing the device or its missiles are unreliable. Alternatively, assume it has decided that any further development of weapons will likely lead to attacks by the United States against its nuclear facilities. In other words, assume it expects to lose its nuclear capability because it cannot move forward or because moving forward will invite attacks

against nuclear facilities.

The second assumption, more likely accurate, is that North Korea has realized that the strategy it has followed since the 1990s is no longer working. The strategy has lost its effectiveness, and North Korean ferocity, weakness and insanity no longer impress anyone. Rather than generating financial and other concessions, the strategy has simply marginalized North Korea, so that apart from sanctions, there will be no talks, no frightened neighbors, no U.S. threats. Kim Jong Un would not announce himself with authority, but with a whimper.

An Unlikely Scenario

Taken together, these assumptions constitute a threat to regime survival. Unless its neighbors bought into the three premises of its strategy, North Korea could be susceptible to covert or overt foreign involvement, which would put the regime on the defensive and reveal its weakness. For the regime, this would be a direct threat, one that would require pre-emptive action.

It would be a worst-case scenario for Pyongyang. We consider it highly unlikely. But assume North Korea deems it more likely than we do, or assume that, despite the scenario's improbability, the consequences would be so devastating that the risk could not be borne.

It is a scenario that could take form if the North Korean nuclear threat were no longer effective in establishing the country's ferocity. It would also take form if North Korea's occasional and incomprehensible attacks were no longer unpredictable and thus were no longer effective in establishing the country's insanity. In this scenario, Pyongyang would have to re-establish credibility and unpredictability by taking concrete steps.

These concrete steps would represent a dramatic departure from the framework under which North Korea has long operated. They would obviously involve demands for a cease-fire from all players. There would have to be a cease-fire before major force could be brought to bear on North Korea. Last, they would have to involve the assumption that the United States would at least take the opportunity to bomb North Korean nuclear facilities -- which is why the assumptions on its nuclear capability are critical for this to work. Airstrikes against other targets in North Korea would be likely. Therefore, the key would be an action so severe that everyone would accept a rapid cease-fire and would limit counteraction against North Korea to targets that the North Koreans were prepared to sacrifice.

The obvious move by North Korea would be the one that has been historically regarded as the likeliest scenario: massive artillery fire on Seoul, the capital of South Korea. The assumption has always been that over a longer period of time, U.S. air power would devastate North Korean artillery. But Seoul would meanwhile be damaged severely, something South Korea would not tolerate. Therefore, North Korea would bet that South Korea would demand a cease-fire, thereby bringing the United States along in its demand, before U.S. airstrikes could inflict overwhelming damage on North Korea and silence its guns. This would take a few days.

Under this scenario, North Korea would be in a position to demand compensation that South Korea would be willing to pay in order to save its capital. It could rely on South Korea to restrain further retaliations by the United States, and China would be prepared to negotiate another armistice. North Korea would have re-established its credibility, redefined the terms of the North-South relationship and, perhaps having lost its dubious nuclear deterrent, gained a significant conventional deterrent that no one thought it would ever use.

#### Kim regime collapse is inevitable. War is a spark that speeds up the transition

Keller 12—Writer and former Executive Editor for The New York Times [Bill Keller, “The Day After,” New York Times, April 29, 2012, http://tinyurl.com/bguuedl]

Fifteen years ago, when many Korea scholars were predicting that — with the end of life support from the former Soviet Union — the Pyongyang regime could not survive, Marcus Noland of the Peterson Institute for International Economics wrote a contrarian piece in Foreign Affairs explaining “Why North Korea Will Muddle Through.” He was right at the time, so he is worth listening to when he says that these days he suspects the regime is as fragile as it has ever been. Many of the most watchful experts agree. The obvious reason for doubt about the regime’s stability is the new leader, who seems even less qualified than his father and grandfather to manage his threadbare police state. His first attempt to prove his manhood by firing off a long-range rocket ended in an emasculating misfire.

More important, Kim Jong-un inherits a system whose legitimacy, such as it ever was, is being rotted away from below. Korea-watchers have an expression to describe what seems to be happening, as a lawless commerce undermines central control. They say “the market is eating the state.”

Along with food, clothing and tools, the border trade has brought the North Korean populace information about the world outside. North Korea has almost no Internet, but smuggled radios, TVs, DVDs and cellphones have become more common, circumventing the propaganda monopoly.

“North Korea has not discussed the Arab Spring,” Noland told me. “But in the marketplaces, people were talking about Egypt.”

Don’t expect a popular uprising of that kind in North Korea. There is no Twitter-equipped youth brigade, no Muslim Brotherhood. As one Korea hand told me, “People surviving on 800 calories a day literally don’t have the energy to confront the regime.” The more likely scenarios involve some kind of collapse, sparked by Borgia-style infighting, an army coup or a military exchange with one of the neighbors.

If the regime is truly tottering, we may have been focused on the wrong questions about North Korea.

The engagement camp asks: How can we lure them back to the table so that we can persuade them to disarm? I’m all for diplomacy, and would be overjoyed by a verifiable peace deal. But the North Korean leaders have established to all but the most wishful thinkers that they have no intention of shedding their weapons programs, and that they cannot be trusted to keep a bargain.

#### War now eliminates a short-term risk of a super EMP attack and a return to the Dark Ages

Pry 2/28/13—Executive Director of the Task Force on National and Homeland Security and Director of the U.S. Nuclear Strategy Forum, both congressional advisory boards, and served in the Congressional EMP Commission, the Congressional Strategic Posture Commission, the House Armed Services Committee, and the CIA [Dr. Peter Vincent Pry, “Op-Ed: Underestimating North Korea and Iran,” Arutz Sheva, February 28, 2013, http://www.israelnationalnews.com/Articles/Article.aspx/12944#.UT\_vUBk1bZs]

In fact, North Korea and Iran imperil the political and economic gains made by Mankind since the Enlightenment, by arming themselves with what are essentially "anti-technology weapons" that could inflict a worldwide blackout and, figuratively and literally, turn the clock of history back to the Dark Ages.

The Congressional EMP Commission estimates that, given the nation's current unpreparedness, an EMP attack would plunge the United States into a protracted, perhaps permanent, blackout--and within one year about two-thirds of the national population, 200 million Americans, would probably perish from starvation, disease, and societal collapse.

Therefore, Super-EMP warheads mated to FOBS missiles that can reach any nation on Earth with an EMP attack, will confer upon North Korea and Iran an Assured Destruction capability against the United States, and the world. The geopolitical consequences of this development are so extremely grave that U.S. and global security have, in effect, gone over the "strategic cliff" into free-fall. Where we will land, into what kind of future, is as yet unknown.

Nevertheless, some very bad developments are foreseeable. Iran will certainly be inspired by North Korea's example to persist in the development of its own nuclear weapon and ICBM programs to pose a mortal threat to the United States. North Korea will continue to help Iran.

If North Korea and Iran both acquire the capability to threaten America and the world with EMP genocide, this will destroy the foundations of the existing world order based on the U.S. acting as a superpower, which has since 1945 halted the cycle of world wars and sustained the global advancement of freedom. North Korea and Iran being armed with Assured Destruction capability changes the whole strategic calculus of risk for the United States in upholding its superpower role, and will erode the confidence of U.S. allies--perhaps to the point where they need to develop their own nuclear weapons.

Most alarming, we are fast moving to a place where, for the first time in history, failed little states like North Korea and Iran, that cannot even feed their own people, will have power in their hands to blackmail or destroy the largest and most successful societies on Earth. North Korea and Iran perceive themselves to be at war with the United States, and are desperate, highly unpredictable characters. When the mob is at the gates of their dictators, will they want to take America with them, down into darkness?

# --defense

#### No escalation

Yglesias 7—Associate Editor of the Atlantic Monthly [Matthew, “Containing Iraq,” 9/12,

http://matthewyglesias.theatlantic.com/archives/2007/09/containing\_iraq.php]

Kevin Drum tries to throw some water on the "Middle East in Flames" theory holding that American withdrawal from Iraq will lead not only to a short-term intensification of fighting in Iraq, but also to some kind of broader regional conflagration. Ivo Daalder and James Lindsay, as usual sensible but several clicks to my right, also make this point briefly in Democracy: "Talk that Iraq’s troubles will trigger a regional war is overblown; none of the half-dozen civil wars the Middle East has witnessed over the past half-century led to a regional conflagration."

Also worth mentioning in this context is the basic point that the Iranian and Syrian militaries just aren't able to conduct meaningful offensive military operations. The Saudi, Kuwait, and Jordanian militaries are even worse. The IDF has plenty of Arabs to fight closer to home. What you're looking at, realistically, is that our allies in Kurdistan might provide safe harbor to PKK guerillas, thus prompting our allies in Turkey to mount some cross-border military strikes against the PKK or possibly retaliatory ones against other Kurdish targets. This is a real problem, but it's obviously not a problem that's mitigated by having the US Army try to act as the Baghdad Police Department or sending US Marines to wander around the desert hunting a possibly mythical terrorist organization.

#### Middle East war doesn’t escalate

Maloney 7 (Suzanne, Senior Fellow – Saban Center for Middle East Policy, Steve Cook, Fellow – Council on Foreign Relations, and Ray Takeyh, Fellow – Council for Foreign Relations, “Why the Iraq War Won’t Engulf the Mideast”, International Herald Tribune, 6-28, http://www.brookings.edu/views/op-ed/maloney20070629.htm)

Long before the Bush administration began selling "the surge" in Iraq as a way to avert a general war in the Middle East, observers both inside and outside the government were growing concerned about the potential for armed conflict among the regional powers. Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### Won’t go nuclear

Dyer 2 (Gwynne, Ph.D. in War Studies – University of London and Board of Governors – Canada’s Royal Military College, The Coming War, Queen’s Quarterly, December, Lexis)

All of this indicates an extremely dangerous situation, with many variables that are impossible to assess fully. But there is one comforting reality here: this will not become World War III. Not long ago, wars in the Middle East always went to the brink very quickly, with the Americans and Soviets deeply involved on opposite sides, bristling their nuclear weapons at one another. And for quite some time we lived on the brink of oblivion. But that is over. World War III has been cancelled, and I don't think we could pump it up again no matter how hard we tried. The connections that once tied Middle Eastern confrontations to a global confrontation involving tens of thousands of nuclear weapons have all been undone. The East-West Cold War is finished. The truly dangerous powers in the world today are the industrialized countries in general. We are the ones with the resources and the technology to churn out weapons of mass destruction like sausages. But the good news is: we are out of the business.

**Empirics go neg – leaders default toward regime preservation**

**Cook 07** – CFR senior fellow for MidEast Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania (Steven, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, 6 /28, Why the Iraq war won't engulf the Mideast, http://www.iht.com/bin/print.php?id=6383265)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved

### 1NC Turn—Russian Oil

#### Middle East war fuels Russian oil growth

Cetron 7**—**president of Forecasting International [Marvin, The Futurist, “Worst-case scenario: the Middle East: current trends indicate that a Middle Eastern war might last for decades,” 9/1, http://www.mywire.com/pubs/TheFuturist/2007/09/01/4296533?page=1]

Russia clearly benefits from a Middle Eastern war. In any such scenario, Europe must become even more dependent on Russian oil than it is today, and Russia grows rich. This does not represent a significant change, of course; the trends are going in that direction already. In addition, by drawing Muslim extremists to the Middle East, a war between the Sunni and Shi'ite lands is likely to bring relative stability to Chechnya and the "stans" for so long as it draws terrorist attention away from local goals. Russia can only welcome this development.

#### Lowering prices will destroy the Russian economy

Peters 7—Andrea Peters [10/12/2007, “Russia: Putin launches electoral bid to retain power,” World Socialist Website, http://www.wsws.org/articles/2007/oct2007/puti-o12.shtml]

However, the Russian economy is plagued by serious problems. While investment in manufacturing and other industries has significantly increased over the past several years, the oil and gas industries are still the linchpin of Russia’s economic boom. This places the country in a precarious position, as any decline in energy prices on the world market, or challenges to its geopolitical position in the world’s oil producing and transportation areas, would be a significant blow to the country’s economy.

#### Causes civil war—escalates to great powers, causes Russia-China war and nuclear terrorism.

David 99—Steven David, Prof. of political science at Johns Hopkins [1999, Foreign Affairs]

If internal war does strike Russia, economic deterioration will be a prime cause. From 1989 to the present, the GDP has fallen by 50 percent. In a society where, ten years ago, unemployment scarcely existed, it reached 9.5 percent in 1997 with many economists declaring the true figure to be much higher. Twenty-two percent of Russians live below the official poverty line (earning less than $ 70 a month). Modern Russia can neither collect taxes (it gathers only half the revenue it is due) nor significantly cut spending. Reformers tout privatization as the country's cure-all, but in a land without well-defined property rights or contract law and where subsidies remain a way of life, the prospects for transition to an American-style capitalist economy look remote at best. As the massive devaluation of the ruble and the current political crisis show, Russia's condition is even worse than most analysts feared. If conditions get worse, even the stoic Russian people will soon run out of patience. A future conflict would quickly draw in Russia's military. In the Soviet days civilian rule kept the powerful armed forces in check. But with the Communist Party out of office, what little civilian control remains relies on an exceedingly fragile foundation -- personal friendships between government leaders and military commanders. Meanwhile, the morale of Russian soldiers has fallen to a dangerous low. Drastic cuts in spending mean inadequate pay, housing, and medical care. A new emphasis on domestic missions has created an ideological split between the old and new guard in the military leadership, increasing the risk that disgruntled generals may enter the political fray and feeding the resentment of soldiers who dislike being used as a national police force. Newly enhanced ties between military units and local authorities pose another danger. Soldiers grow ever more dependent on local governments for housing, food, and wages. Draftees serve closer to home, and new laws have increased local control over the armed forces. Were a conflict to emerge between a regional power and Moscow, it is not at all clear which side the military would support. Divining the military's allegiance is crucial, however, since the structure of the Russian Federation makes it virtually certain that regional conflicts will continue to erupt. Russia's 89 republics, krais, and oblasts grow ever more independent in a system that does little to keep them together. As the central government finds itself unable to force its will beyond Moscow (if even that far), power devolves to the periphery. With the economy collapsing, republics feel less and less incentive to pay taxes to Moscow when they receive so little in return. Three-quarters of them already have their own constitutions, nearly all of which make some claim to sovereignty. Strong ethnic bonds promoted by shortsighted Soviet policies may motivate non-Russians to secede from the Federation. Chechnya's successful revolt against Russian control inspired similar movements for autonomy and independence throughout the country. If these rebellions spread and Moscow responds with force, civil war is likely. Should Russia succumb to internal war, the consequences for the United States and Europe will be severe. A major power like Russia -- even though in decline -- does not suffer civil war quietly or alone. An embattled Russian Federation might provoke opportunistic attacks from enemies such as China. Massive flows of refugees would pour into central and western Europe. Armed struggles in Russia could easily spill into its neighbors. Damage from the fighting, particularly attacks on nuclear plants, would poison the environment of much of Europe and Asia. Within Russia, the consequences would be even worse. Just as the sheer brutality of the last Russian civil war laid the basis for the privations of Soviet communism, a second civil war might produce another horrific regime. Most alarming is the real possibility that the violent disintegration of Russia could lead to loss of control over its nuclear arsenal. No nuclear state has ever fallen victim to civil war, but even without a clear precedent the grim consequences can be foreseen. Russia retains some 20,000 nuclear weapons and the raw material for tens of thousands more, in scores of sites scattered throughout the country. So far, the government has managed to prevent the loss of any weapons or much material. If war erupts, however, Moscow's already weak grip on nuclear sites will slacken, making weapons and supplies available to a wide range of anti-American groups and states. Such dispersal of nuclear weapons represents the greatest physical threat America now faces. And it is hard to think of anything that would increase this threat more than the chaos that would follow a Russian civil war.

### 1NC Turn—Chechnya

#### Middle East war prevents a Chechen war

Cetron 7—president of Forecasting International [Marvin, The Futurist, “Worst-case scenario: the Middle East: current trends indicate that a Middle Eastern war might last for decades”, 9/1, http://www.mywire.com/pubs/TheFuturist/2007/09/01/4296533?page=1]

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#### Chechnya war goes nuclear

Blank 1 [Stephen, Demokratizatsiya, “Russia's Ulster: The Chechen War and its consequences,” Winter, http://findarticles.com/p/articles/mi\_qa3996/is\_200101/ai\_n8951462/pg\_10]

Russian military officials and analysts also told me in June 1999 that NATO's Kosovo campaign led doctrine writers to include provisions for deploying tactical nuclear weapons in unspecified conventional threat scenarios.62 In December 1999, Moscow confirmed this when the commander in chief of the Strategic Nuclear Forces, General Vladimir Yakovlev, admitted that Moscow had to lower the threshold of conflict wherein it might launch a first-strike nuclear attack because it could not otherwise defend against local wars and conflicts, a category that could be stretched to include Chechnya.63 The security concept reiterated his statements, overtly expressing Russia's strategy of deterrence and nuclear warfighting for limited and unlimited nuclear war.64 Other authoritative statements by Deputy Defense Minister Vladimir Mikhailov confirm the trend toward nuclear warfighting for limited and unlimited nuclear war scenarios and announce Moscow's belief that it can control such situations despite forty years of Soviet argument that no such control was feasible.65 Indeed, the national security concept openly advocated limited nuclear war.66

# \*\*\*DRONES

# 2nc – makes aff impact inev

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>

The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence.

Such continual violations of the territorial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani President Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolution against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.76

The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatisfied with the direction of the country and where the military, which has launched coups before, remains a popular force.77

# Central asia war

**No escalation**

**Clais, ‘10**

[Jonas, United States Institute of Peace, “Preventing Conflict in the “Stans”,” 4-23, <http://www.usip.org/files/resources/PB%2021%20Preventing%20Conflict%20in%20the%20Stans.pdf>]

Despite this litany of conflict drivers, Central Asia has remained relatively peaceful for the past 20 years, apart from the 1992 Tajik civil war. Unlike most regions at low risk of conflict, Central Asia cannot rely on its institutional capacity to pave the road to self-sustainable peace. Although very effective in the short term, some of the factors mitigating conflict are unsustainable sources of stability. The Soviet legacy, characterized by extreme deprivation and violent suppression, nonetheless operates as a conflict-managing factor in Central Asia. Quantitative studies established a quasi-consensus among scholars on the negative effect of both extreme democracy and extreme autocracy on the risk of civil war, anocracies being most conflict-prone. 6 The brutal Soviet practices hardened and intimidated the population, discouraging popular uprisings. Current law enforcement tools used in Uzbekistan and Tajikistan are often Soviet-inherited and serve as effective yet inhumane conflict management instruments. A recent report by the United Nations Human Rights Committee condemned the human rights situation in Uzbekistan, stressing the excessive use of torture. The Kyrgyz security forces, on the other hand, are rather ineffective, providing a safe-haven to militant groups based in the region. In Tajikistan, the civil conflict bred war fatigue, reducing the odds that an opportunistic leader will be able to mobilize Tajiks to violently undermine their government. Though they cannot assure stability in the long term, some of the region’s financial and socioeconomic lifelines also mitigate conflict in the short term. International, regional, and nongovernmental organizations, as well as individual countries, provide vital assistance to Central Asia’s development. Unfortunately, a significant proportion of the aid is lost to corruption before it reaches its targets. Chinese and Russian capital injections offer some breathing space, as well as crucial investments in economic infrastructure. Yet, as indicated earlier, these benefactors may demand political concessions in return. Migrant remittances also serve as an important source of revenue for the region, especially in Tajikistan, where remittances make up almost half of the country’s gross domestic product—by far the highest number worldwide.

7

**Assumes resource competition**

**Oliker, ‘3**

[Olga, Senior International Policy Analyst at the RAND Corporation, “CONFLICT IN CENTRAL ASIA AND SOUTH CAUCASUS: IMPLICATIONS OF FOREIGN INTERESTS AND INVOLVEMENT,” <http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1598/MR1598.ch7.pdf>]

It is therefore highly likely that coming years will see continued competition among outside powers over the region and its resources and allegiances. This does not necessarily mean, however, that great power conflict will result. In fact, as the exploration of the interests and motivations of various actors undertaken in this chapter will show, competition is moderated by the many shared interests of the outside powers in question. But strategic and economic interests will also cause foreign states to be increasingly active in the region diplomatically, economically, and militarily. This means that if other factors spur conflict in the region, as analysis elsewhere in this report suggests is likely, there is significant potential for outside powers to get involved—even if their interests are not themselves the reason that conflict emerges. Because there is room for many states to gain from the region’s potential and because regional stability is a shared goal as well, there will be high in centives to cooperate as well as compete. Strategic reasons to maintain good ties among interested third parties will also temper the likelihood of conflict. But because there is also little doubt that some will gain more than others, it is likely that competition will remain a significant factor—and may at times be fierce. Moreover, the existence of incentives for cooperation among outside powers does not imply that third parties cannot be potential sources of regional conflict in other ways, or that one or more of them will not get involved in conflict if it occurs for other reasons.

**SCO checks war**

**Maksutov in ‘6** (Ruslan, Stockholm International Peace Research Institute, “The Shanghai Cooperation Organization: A Central Asian Perspective”, August, <http://www.sipri.org/contents/worldsec/Ruslan.SCO.pdf/download>)

As a starting point, it is fair to say that all Central Asian countries—as well as China and Russia—are interested in security cooperation within a multilateral framework, such as the SCO provides. For Central Asia this issue ranks in importance with that of economic development, given the explosive environment created locally by a mixture of external and internal threats. Central Asia is encircled by four of the world’s eight known nuclear weapon states (China, India, Russia and Pakistan), of which Pakistan has a poor nuclear non-proliferation profile and Afghanistan is a haven for terrorism and extremism. Socio-economic degradation in Central Asian states adds to the reasons for concern and makes obvious the interdependence between progress in security and in development. Some scholars argue that currently concealed tendencies evolving in various states of Central Asia—such as the wide-ranging social discontent with oppressive regimes in the region, and the growing risks of state collapse and economic decline—all conducive to the quick growth of radical religious movements, could have far-reaching implications for regional stability once they come more into the light. 41 At first sight, the instruments established by the SCO to fulfil its declared security- building objectives seem to match the needs that Central Asian states have defined against this background. While the existence of the SCO further reduces the already remote threat of conventional interstate war in the region, 42 it allows for a major and direct focus on the non-state, non-traditional and transnational threats that now loom so large by comparison.

**Alt causes to instability**

Richard A. **Boucher**, Assistant Secretary of State for South and Central Asian Affairs, 4/26/**200**“U.S. Policy in Central Asia: Balancing Priorities (Part II),” Statement to the House International Relations Committee, <http://www.state.gov/p/sca/rls/rm/2006/65292.htm>.

Central Asia faces numerous threats to its stability, including Islamic extremism, a population that remains poor and has little economic opportunity, the post-Soviet legacy of authoritarianism, public perceptions of injustice, and high levels of corruption. As a consequence, nurturing both economic and democratic reform in the region is difficult, even daunting. Furthermore, the repressive and backward-looking authoritarian regimes in Turkmenistan and Uzbekistan may further challenge our efforts to integrate the region and encourage reform and development.

# --solves geneva

**Ratify the Convention on the Rights of the Child**

**Koh 4**, dean of Yale Law School and professor of international agreement, 9/20/2004 (Harold, “On America's Double Standard,” http://prospect.org/article/americas-double-standard)

A third form of American exceptionalism, our penchant for non-ratification (or ratification with reservations) of international treaties, is more problematic -- but for the United States, not for the world. For example, **it is a huge embarrassment** that only two nations in the world -- the United States and Somalia, which until recently did not have an organized government -- have not ratified the international Convention on the Rights of the Child. But this is largely our loss. In no small part because of its promiscuous failure to ratify a convention with which it actually complies in most respects, the United States rarely gets enough credit for the large-scale moral and financial support that it actually gives to children's rights around the world.

# solves Geneva internal link

**Credibility on detention solves terror and the environment**

Wexler 8 (Lesley, Assistant Professor, Florida State University College of Law, “HUMAN RIGHTS IMPACT STATEMENTS: AN IMMIGRATION CASE STUDY,” 22 Geo. Immigr. L.J. 285, Lexis)

Enhancing our reputation for human rights compliance is especially important given current political realities. Many countries hold a declining opinion of the United States.53 The international community would welcome America’s affirmation of the continuing importance of human rights in the wake of many post-September 11th actions such as torture, extraordinary rendition, increased domestic surveillance, and harsher and more frequent detention of immigrants. Moreover, the international community would benefit from the assurance that the concept of “human rights” means more than a justification for regime change.54 American exceptionalism to human rights law angers our allies and complicates efforts to secure their cooperation.55 Not surprisingly, many countries view the United States’ silence about its own human rights failings as hypocritical.56 In particular, the international community strongly criticizes the State Department’s annual human rights reports for omitting an assessment of domestic performance as well as omitting “actions by governments taken at the request of the United States or with the expressed support of the United States . . . .”57 Human rights advocates suggest that U.S. leadership on human rights faces a severe credibility gap - for instance, other countries perceive the United States as a laggard on human rights treaty compliance in regards to migrants58 - but that repudiation of past abuses and momentum for policy changes could restore its leadership.59¶ As many have suggested, good international relations are vital to winning the War on Terror.60 Moreover, international cooperation is essential to address immigration related issues such as human trafficking. A visible commitment to migrants’ human rights might bolster the United States’ credibility when it seeks better treatment for the approximately 2 million American émigrés.61 Other international problems, such as climate change and related environmental issues, also require cooperation and leadership. An increased willingness to participate in global human rights discourse and demonstrate adherence to human rights treaties might enhance our ability to lead and participate in other arenas.

# --terror

CP solves the first advantage through expanding allied cooperation and making intel sharing resilient

**McGill 12** (Anna-Katherine Staser McGill, School of Graduate and Continuing Studies in Diplomacy, Norwich University, “Challenges to International Counterterrorism Intelligence Sharing,” Global Security Studies, Summer 2012, Volume 3, Issue 3, http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf)

Conclusion It is clear that diplomacy will continue to be a key component in US counterterrorism coalition building. Intelligence sharing, as a by-product of these efforts, will likely improve for as long as trust is maintained or improved and compromises are made in the greater interest of combating the shared threat of terrorism. However, the US is also likely to face continuing foreseeable challenges from the ever expanding breadth of its international allies, its increasing dependence on its counterterrorism coalitions, and unpredictable setbacks to international trust like WikiLeaks. There are ways, however, to allay the impact of these challenges if not overcome them all together. With regards to traditional allies the United States must continue to **negotiate a close working relationship** with its NATO, EU, and 5 EYES partners. Great strides have been made but future disagreements on policy, tactics, and strategy for the war on terrorism are inevitable. The best way to prepare for such future issues is to continue to foster a positive collaborative relationship with these nations so that mutual trust will prevent arguments from threatening the survival of the alliance. This means that the US must carefully manage its international position. It **cannot exploit legal loopholes** like exporting suspects to other nations for questionable interrogations; it cannot bully its friends nor act unilaterally against their wishes; and it must hold itself to high moral standards befitting a liberal democracy. For new and non-traditional allies, Reveron states that “the long-term challenge for policymakers will be to convert these short-term tactical relationships into meaningful alliances while protecting against counterintelligence threats” (467). Traditional alliances have to start somewhere and over time these new relationships can turn in to tried and tested cooperation. In order to further develop these relationships the US should attempt to iron out policy differences in other arenas rather than turn a blind eye to them and continue providing technical and material support to their development of effective intelligence programs. The US should not however hold CT cooperation supreme over other critical issues such as nuclear and conventional arms proliferation and human rights violations. Nations like Iran and Syria may be helpful in the short term and for limited purposes but this does not negate their less desirable practices. Finally, the US will also need to look inward to prevent more classified information leaks. The US needs to be more critical in the issuance of security clearances, employ digital monitoring of who is downloading information and in what amount to prevent mass dumps, and give greater importance to curtailing the “insider threat” of US citizens leaking information overall. Improving intelligence security will help to mitigate the blowback from WikiLeaks and will go a long way to **advancing US credibility and trust building.**

**NRC operational expansion solves as well --- enhances counterterror coop**

**NATO 12** Last updated: 23-May-2012 16:10 http://www.nato.int/cps/en/SID-ED060502-C82F582E/natolive/topics\_77646.htm?

**Deepening relations with partners to combat terrorism**

Combating terrorism was among the main drivers behind the creation of the NATO-Russia Council (NRC) in May 2002. The common fight against terrorism remains a key aspect of NATO’s dialogue with Russia, as well as a focus of the NRC’s practical cooperation activities. For example, Russia has contributed to the fight against terrorism by participating in Operation Active Endeavour, in 2006 and 2007.

In December 2004, the NRC agreed an Action Plan on Terrorism that **laid out areas of cooperation** and was subject to regular review. In April 2011, NRC Foreign Ministers approved an updated NRC Action Plan on Terrorism that aims to enhance capabilities to act, individually and jointly, in three critical areas: preventing terrorism, combating terrorist activities and managing the consequences of terrorist acts (for more information, see NATO-Russia Action Plan on Terrorism).

In 2003 **the NRC** also **launched the** Cooperative Airspace Initiative **(CAI) to foster cooperation on airspace surveillance and air traffic coordination**, with the underlying goal to enhance confidence-building and to strengthen capabilities required for the **handling** of situations in which aircraft are suspected of being used as **weapons to perpetrate terrorist attacks.** The CAI system became operational in 2011.

# OV

**Outweighs nuclear war**

**Zakaria 05** (Fareed Zakaria, “A Threat Worse than Terror,” 10-31, Newsweek, http://www.fareedzakaria.com/ARTICLES/newsweek/103105.html)

A flu **pandemic is the most dangerous threat the U**nited **S**tates **faces today**," says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. "It's a bigger threat than terrorism. In fact it's bigger than anything I dealt with when I was in government." One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, **a pandemic ranks higher than a major** terror **attack,** even one **involving w**eapons of **m**ass **d**estruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions. Whether this particular virus makes the final, fatal mutation that allows it to move from human to human, one day some virus will. The basic factor that is fueling this surge of viruses is China's growth. (China is the natural habitat of the influenza virus.) As China develops, it urbanizes, and its forests and wetlands shrink. That forces migratory birds to gather closer together-and closer to human habitation--which increases the chances of a virus spreading from one species to the next. Also, growth means a huge rise in chicken consumption. Across thousands of homes in China every day, chickens are slaughtered in highly unhygienic ways. "Every day the chances that this virus or another such virus will move from one species to another grow," says Laurie Garrett, author of "The Coming Plague," who has been writing brilliantly on this topic for years. Nobody really disputes that we are badly unprepared for this threat. "If something like this pandemic were to happen today," says Falkenrath, "the government would be mostly an observer, not a manager." The government can't even give intelligent advice to its citizens because it doesn't actually know what to say. We don't know whether people should stay put, leave cities, stay home or go to the nearest hospital. During the cold war, hundreds of people in government participated in dozens of crisis simulations of nuclear wars, accidents and incidents. These "tabletop exercises" were conducted so that if and when a real crisis hit, policymakers would not be confronting critical decisions for the first time. No such expertise exists for today's deadliest threat.

**Weakening the court prevents sustainable development**

Stein 5—Former Judge of the New South Wales Court of Appeal and the New South Wales Land and Environment Court [Justice Paul Stein (International Union for Conservation of Nature (IUCN) Specialist Group on the Judiciary), “Why judges are essential to the rule of law and environmental protection,” Judges and the Rule of Law: Creating the Links: Environment, Human Rights and Poverty, IUCN Environmental Policy and Law Paper No. 60, Edited by Thomas Greiber, 2006]

The Johannesburg Principles state:

“We emphasize that the fragile state of the global environment requires the judiciary, as the guardian of the Rule of Law, to boldly and fearlessly implement and enforce applicable international and national laws, which in the field of environment and sustainable development will assist in alleviating poverty and sustaining an enduring civilization, and ensuring that the present generation will enjoy and improve the quality of life of all peoples, while also ensuring that the inherent rights and interests of succeeding generations are not compromised.”

There can be no argument that environmental law, and sustainable development law in particular, are vibrant and dynamic areas, both internationally and domestically. Judge Weeramantry (of the ICJ) has reminded us that we judges, as custodians of the law, have a major obligation to contribute to its development. Much of sustainable development law is presently making the journey from soft law into hard law. This is happening internationally but also it is occurring in many national legislatures and courts.

Fundamental environmental laws relating to water, air, our soils and energy are critical to narrowing the widening gap between the rich and poor of the world. Development may be seen as the bridge to narrow that gap but it is one that is riddled with dangers and contradictions. We cannot bridge the gap with materials stolen from future generations. Truly sustainable development can only take place in harmony with the environment. Importantly we must not allow sustainable development to be duchessed and bastardized.

A role for judges?

It is in striking the balance between development and the environment that the courts have a role. Of course, this role imposes on judges a significant trust. The balancing of the rights and needs of citizens, present and future, with development, is a delicate one. It is a balance often between powerful interests (private and public) and the voiceless poor. In a way judges are the meat in the sandwich but, difficult as it is, we must not shirk our duty. Pg. 53-54

**Risk of a link takes out solvency**

**Hansford 6** (Thomas, Assistant Professor of Political Science – University of South Carolina and James Spriggs, Associate Professor of Political Science – University of California, Davis, The Politics of Precedent on the U.S. Supreme Court, p. 18-24)

Judges promote legitimacy because they recognize that it encourages acceptance of and compliance with theirdecisions(Gibson 1989; Mon¬dak 1990, 1994; Tyler and Mitchell 1994). In our view of Supreme Court decision making, the justices value legitimacy for instrumental reasons, namely, as a means to the end of producing efficacious policy (see Epstein and Knight 1998). As discussed more fully below, court decisions are not self-executing and thus third parties must implement them before they have any real effects. Since legitimacy encourages compliance, it enhances the power of courts and facilitates their ability to cause legal and political change. Landes and Posner (1976, 273) make this point when stating: "No matter how willful a judge is, he is likely to follow precedent to some extent, for if he did not the practice of decision according to precedent (stare decisis, the lawyers call it) would be undermined and the precedential significance of his own decisions thereby reduced." Justice Stevens (1983, 2) reiterates this point by noting that stare decisis "obvi¬ously enhances the institutional strength of the judiciary." The significance of institutional and decisional legitimacy follows from two well-known characteristics of the judiciary. While these features apply to all courts, we will discuss them in the context relevant for our purposes-the U.S. Supreme Court. First, unlike elected officials or bureaucrats, the justices are expected to provide neutral, legal justifica¬tions for their decisions (Friedman et al. 1981; Maltz 1988). One important element of this expectation is that the justices show respect for the Court's prior decisions (Powell 1990). A recent national survey, for instance, demonstrates that the American public expects the Court to decide based on legal factors (Scheb and Lyons 2001). Nearly eighty-five percent of respondents to this survey indicated that precedent should have some or a large impact on the justices' decisions. By contrast, over seventy-three percent of respondents thought that whether judges were Democrats or Republicans should have no influence on their decisions. As these data indicate, Americans overwhelmingly believe in the idea that judges should make decisions based on neutral, legal criteria. Second, the Court lacks significant implementation powers and thus relies on its external reputation to encourage implementation of and compliance with its decisions. Alexander Hamilton pointed this idea out in Federalist 78: "The judiciary on the contrary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm for the efficacy of its judgments." The basic idea is that the Court must rely on third parties to implement its policies, and a central way to promote compliance is through fostering institutional and decisional legitimacy (see Knight and Epstein 1996). If the Court, or a particular majority opinion, is perceived as somewhat illegitimate, then the prospects for compliance may decrease. The power of the Court, that is, rests on its "prestige to persuade" (Ginsburg 2004, 199).

# No disease

**Even if climate change doesn’t guarantee spread absent effective solutions, other human factors do as well**

**IRIN 12** (IRIN news service of the UN Office for the Coordination of Humanitarian Affairs, citing Alan Fenwick, a professor of tropical parasitology at Imperial College London, “HEALTH: Fears Over Climate Change Impact on Neglected Tropical Disease,” November 5, 2012, http://www.irinnews.org/report/96709/health-fears-over-climate-change-impact-on-neglected-tropical-diseases)

\*\*\*note --- NTD’s = neglected tropical disease

Climate change, caused by the release of human-produced greenhouse gases into the atmosphere, is expected to have wide-reaching effects in relatively short order. But other human factors are sure to have an effect on the spread of NTDs, as well. Alan Fenwick, a professor of tropical parasitology at Imperial College London, said that everyone working in his field “is aware of climate change.” But, he said, “in my opinion, more of what we’re seeing at the moment that impacts these diseases is man-made - so we’re talking about, for example, changes in water distribution, irrigation schemes… We also see increasing urbanization, with more people moving in to cities.” Julian Entwistle, from pest management business consultancy Xenex Associates, believes there is evidence challenging the notion that climate change will lead to the rapid expansion of some NTDs, and says the movement of goods should be considered foremost among the drivers of vector-borne diseases. The international trade in car tyres, for example, facilitates the spread of mosquitos that carry the NTD dengue fever and other illnesses; the water that accumulates in tyres offers a breeding ground for the insects. To control the spread of these diseases, said Entwistle, tyre importation could be regulated and tyre storage locations could be reported and inspected. Additionally, many NTDs are linked to poor sanitation, meaning advances in living standards could mitigate their spread. “Movements into areas of relative affluence - that have running water and sanitation - we know can stop NTDs. But if [people] are moving into packed slums, this has the opposite effect,” Fenwick said. But in most cases, the consequences of human activity are simply unknown. Here, too, better research networks and disease surveillance will be essential. “Although the argument over determinants is scientifically interesting, what we really need to do is fund a stronger disease control program that’s more robust in response to increased risk," said WHO’s Campbell-Lendrum.

# Err neg –

**Legitimacy high – solid approval – avoiding controversies, public trust is high**

ECONOMIST 6 – 27 – 13 [The Supreme Court's term in review, Economist pg. <http://www.economist.com/blogs/democracyinamerica/2013/06/supreme-courts-term-review>]

It would be very hard to find someone who is happy with every decision the court has issued this term. This fact alone lends legitimacy to the Supreme Court as an institution and eases the “counter-majoritarian difficulty” diagnosed by Mr Bickel. Several patterns in the court’s 78 opinions this year give it an air of moderation. First, while there were many 5-4 splits (23% of the total), a surprising proportion of decisions—43 percent—were unanimous. So the Roberts court is often cohesive, but it is not ideologically monolithic the way, say, the Warren court was. While it leans conservative and is undoubtedly pro-business (witness the two cases sharply limiting the rights of employees to sue their employers for sexual harassment or retaliation), the Roberts court splits differences and tends to rule on narrow grounds in hot-button cases. Second, this year's court has splintered in unpredictable ways over some sensitive issues: in the Native American adoption case, liberal stalwart Justice Breyer joined the conservatives in the majority and Justice Scalia sided with the liberals in dissent. Justice Scalia is a favorite whipping boy of the left, but he received kudos from the editorial board of the New York Times for opposing Arizona's proof of citizenship law in Arizona v. Inter Tribal Council of Arizona.

Approval ratings for the Supreme Court are about five times higher than they are for Congress, and there seems to be good reason for this: both the left and the right have reason to cheer certain rulings and to jeer others. Love them, hate them, or (more likely), love them and hate them, there is little reason to worry that the institution's legitimacy in the eyes of the public is in much trouble as the gavel comes down for the last time this summer.

# AT: HR rulings good

CP solves

Not specific – here’s a link to the aff

Sanchez, 05 (Ernesto, JD at the University of Pennsylvania, 38 Conn. L. Rev. 185, “A Case Against Judicial Internationalism”, December, lexis)

 [\*237]  Why is this episode relevant? The French experience with the death penalty quite frankly exemplifies the best model by which a country should decide whether to follow an international trend. As if it were deciding to ratify a treaty, France abolished the death penalty at the conclusion of a democratic, legislative process. [264](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=d171832683767d865345557e38891018&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=ae7e7fa68d22057efb5d323d4f9b4ec7#n264) It may be ironic, given this Article's arguments, that looking to a foreign country can demonstrate an optimal way to incorporate a foreign perspective into domestic law. But the means by which France, and other countries such as Canada and Great Britain for that matter, abolished capital punishment is the sort of process that is consistent with the Framers' intent underlying the laws of the United States -- that legislatures, and not judges, should enact policy changes. Just as treaties do not become law until Congress ratifies them, so too should international perspectives not be applied to purely domestic issues until the popular will on the subject has been fully heard. In contrast, the imposition of such rules by unelected judges, who must constantly interpret laws in manners with which a majority of the population might disagree, surely would **exacerbate** the **popular tensions** this comparatively unaccountable branch of government faces and **undermine the respect for its power** upon which the **rule of law's stability depends**.

**Plan isnt perceived as increasing HR – destroys legitimacy first**

Wilkinson, 04 (J. Harvie, Circuit Judge for the 4th Circuit, 27 Harv. J.L. & Pub. Pol'y 423, “DEBATE: THE USE OF INTERNATIONAL LAW IN JUDICIAL DECISIONS”, lexis)

Where courts go too far, in my view, is where they rely upon international (and mostly European) precedents when resolving important and contentious social issues. This "internationalization" of the Constitution on domestic social issues raises three types of problems. The first is that an over-reliance on foreign precedents may serve to **compromise judicial decisions** in the eyes of the American public. Judges serve as unelected stewards of the Constitution whose power rests in part on their ability to persuade. While majorities may simmer  [\*426]  when judges vindicate the rights of minorities, in the long run judges can promote respect for their decisions by appealing to principles that Americans can relate to as part of an American constitutional tradition. The counter-majoritarian difficulty is thus alleviated when judges draw upon common principles and ideas that form our shared American heritage. But when judges rely on foreign sources, especially for difficult constitutional questions concerning domestic social issues, they move the bases for judicial decision-making even farther from the realm of both democratic accountability and popular acceptance. They aggravate the risks already inherent in having unelected officials overrule popular enactments by creating the perception that foreign sentiment shapes domestic law. To be sure, examples from other countries may be illuminating. But the Court's legitimacy must ultimately rest on reliance and reference to the American Constitution and to American democratic; outcomes, from which their judicial authority springs. By relying on foreign laws and rulings over which the American people have no control -- either directly through the power of election or even indirectly through the process of judicial appointment -- judges risk estranging and disempowering the public. I fear that the internationalization of our constitutional values may thus **undermine public acceptance of our judicial system.**

# Other court cases

**Others don’t thump**

VAUGHS 13 University of Maryland Francis King Carey School of Law [Katherine L. Vaughns & Heather Williams, Of Civil Wrongs and Rights: Kiyemba v. Obama and the Meaning of Freedom, Separation of Powers, and the Rule of Law Ten Years After 9/11, 20 Asian American Law Journal (2013).]﻿

This article is about the rise and fall of continued adherence to the rule of law, proper application of the separation of powers doctrine, and the meaning of freedom for a group of seventeen Uighurs—a Turkic Muslim ethnic minority whose members reside in the Xinjiang province of China—who had been held at the Guantanamo Bay Naval Base since 2002. Most scholars regard the trilogy of Hamdi v. Rumsfeld, Hamdan v. Rumsfeld, and Boumediene v. Bush as demonstrating the Supreme Court’s willingness to uphold the rule of law during the war on terror. The recent experience of the Uighurs suggest that this commitment is either waning or was never as strong as scholars thought. About a year and a half before the tenth anniversary of the terrorist attacks of September 11, 2001, the United States Supreme Court was primed to hear oral arguments in the Uighurs’ case known as Kiyemba v. Obama. The issue in this case was whether the Uighurs, who were concededly being detained illegally, would be released from Guantanamo Bay. As a result of the government’s latest delay tactics, the Court never heard the merits of the case. Had it done so, the Court, arguably, would have established the contours of a constitutionally required habeas remedy for foreign nationals whose indefinite detention had been judicially declared illegal and no other option but release into the continental interior of the United States is possible. The Court’s dismissal of the Uighurs previously-granted cert.-petition thus signaled the beginning of the end of the Court’s landmark “war-on –terror” line of precedential cases culminating in the evisceration of its 2008 seminal case of Boumediene v. Bush. With the D. C. Circuit Court of Appeals decision now reinstated in which the court had held in 2009 that habeas courts had no jurisdiction to order the release of foreign nationals under such circumstances because it was an immigration case triggering the political branches’ plenary power over which such matters are largely immune from judicial intervention. But Kiyemba v. Obama is not an immigration case. The Uighurs were brought here involuntarily as a result of the government’s counterterrorism policies, the implementation of which the Court had declared unlawful over the course of a four year period beginning with Rasul v. Bush in 2004. The D.C. Circuit Court holding, which still stands, was erroneous because the Uighurs never sought to immigrate to this country; their filing of writs of habeas corpus placed the matter solidly in the area of granting constitutionally required habeas relief which a habeas court has jurisdiction to decide. Through political machinations and influences at all levels of government, however, the Supreme Court has more recently decided to end its role of protecting the individual rights of Guantanamo Bay detainees with a series of denials of cert.-petitions without a single dissent authored to voice concerns about the beginning of the end of the Republic Benjamin Franklin once said we had but only if we could keep it. And although most of the original group of Uighurs has subsequently been relocated to other countries, the two still remaining have now entered their second decade of unlawful detention.

# 2nc – treaty

**The plan creates an independent judicial role in enforcing international law**

**Wu 7** (Tim, Professor – Columbia Law School, “Treaties’ Domains”, Virginia Law Review, May, 93 Va. L. Rev. 571, Lexis)

Congressional breach poses more complicated problems for the judiciary. Unlike with respect to the States, the Supremacy Clause does not clearly command courts to prevent Congressional breach of treaties. Instead, the judiciary shares the job of treaty enforcement with Congress (and also with the President, as discussed below). In addition, Congress has the power, accepted since at least 1798, to terminate, or repudiate, treaty obligations altogether. When Congress acts inconsistently with a U.S. treaty obligation, the rule of deference has been clear: the judiciary refuses to enforce the treaty independently. [45](http://www.lexis.com/research/retrieve?_m=b898d9ba987397ca5db1e532b71b3753&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzb-zSkAB&_md5=31839cdd7cd6da51980ac59f551d814f" \l "n45" \t "_self) Arguably, in the realm of treaty enforcement, Congress is an alternative, and perhaps predominant, enforcement agency for American treaties. That is not to say that Congress enforces treaties in the usual legal sense of the term but rather that Congress enforces them through implementation. By passing implementing legislation, Congress can decide how it wants a particular treaty to be enforced in the United States. The judiciary, in turn, looks for signs that Congress has taken charge of treaty enforcement in a given area. That can be evidenced most clearly by the passage of implementing legislation, but sometimes the passage of prior legislation in a field can demonstrate that  [\*588]  Congress has exerted its control over an area of treaty enforcement. [46](http://www.lexis.com/research/retrieve?_m=b898d9ba987397ca5db1e532b71b3753&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzb-zSkAB&_md5=31839cdd7cd6da51980ac59f551d814f" \l "n46" \t "_self) In either case (more obviously the former), potential inconsistency with the treaty represents a Congressional choice.

**Independent judicial interpretation of international law undermines Congressional treaty power**

**Neuman 4** (Gerald, Professor of Jurisprudence – Columbia University, “The United States Constitution and International Law: The Uses of International Law in Constitutional Interpretation”, American Journal of International Law, January, 98 A.J.I.L. 82, Lexis)

Normative reasoning borrowed from international human rights sources will not necessarily prevail in the process of constitutional interpretation. Other normative considerations omitted there may be relevant, and consensual and institutional factors may also come into play. The Court may conclude that the normatively compelling interpretation of a right cannot be adopted at the constitutional level but, rather, should await political implementation. I emphasize again that the international human rights regime does not call for implementation at the constitutional level, only compliance. Thus, the Supreme Court has reason to examine international human rights norms and decisions interpreting them for the normative and functional insights that they may provide on analogous issues of constitutional right. They certainly cannot control constitutional interpretation, but they may inform it. The use of human rights treaties as an aid in construing constitutional rights might seem superficially in tension with the Supreme Court's reassurance in Reid v. Covert that the treaty power cannot be employed to violate constitutional rights. [31](http://www.lexis.com/research/retrieve?_m=f16f520b5403eb66bcb05e1ed38a5d91&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzb-zSkAB&_md5=93cd957f1bb60830f2ba00799f92b2ea" \l "n31" \t "_self) That appearance should dissolve on closer examination. The treaty makers cannot override constitutional norms, and they cannot order the Supreme Court to alter its interpretation of a constitutional provision. [32](http://www.lexis.com/research/retrieve?_m=f16f520b5403eb66bcb05e1ed38a5d91&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzb-zSkAB&_md5=93cd957f1bb60830f2ba00799f92b2ea" \l "n32" \t "_self) But treaties, like legislation, can contribute to a shift in the factual, institutional, and normative environment within which the Court carries on its task of constitutional interpretation. The resulting doctrinal evolution is unavoidable in any candid account of U.S. constitutional history. Nothing in Reid v. Covert and its progeny precludes this indirect influence of treaty making on constitutional law. Treaties and the case law arising under them thus become data available for the Court's consideration in elaborating the contemporary meaning of constitutional norms. The political branches can neither require the Court to follow international or foreign law in interpreting the Constitution nor prohibit the Court from considering international or foreign law. Under current circumstances, the Supreme Court correctly does not engage in the practice, pursued by some other constitutional courts, of construing constitutional rights for the purpose of judicially implementing the positive international obligations of the nation under human rights treaties. The positive effect of treaty norms differs from the moral or functional insight that they may provide. Human rights treaties do not require implementation at the constitutional level, and in the U.S. legal system Congress retains ultimate control over the means of implementing--or breaching--a treaty. Entrenching positive human rights standards as  [\*89]  constitutional interpretation, for the purpose of ensuring compliance with the treaty as such, would deprive the political branches of their authority to choose methods of treaty implementation, and would not be consistent with current constitutional understandings. [33](http://www.lexis.com/research/retrieve?_m=f16f520b5403eb66bcb05e1ed38a5d91&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzb-zSkAB&_md5=93cd957f1bb60830f2ba00799f92b2ea" \l "n33" \t "_self)

**This turns the case by expanding unchecked executive power, and makes every existing treaty unstable and uncertain**

**Trimble, 86** (Phillip, professor of law at UCLA, 33 UCLA L. Rev. 665, “A REVISIONIST VIEW OF CUSTOMARY INTERNATIONAL LAW”, February, lexis)

Elevating customary international law to the status of treaties entails a significant redistribution of political power and law-making authority, both domestically and internationally. This new status could significantly undermine the stability  [\*679]  of established legal regimes because of the unusual way in which customary international law might emerge. Customary international law "results from a general and consistent practice of states followed by them from a sense of legal obligation." [56](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n56) The state practice involved need only be general, not universal. [57](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n57) Moreover, a state's "practice" is not limited to its own acts; practice can consist of acquiescence to the acts of other states. [58](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n58) In theory, a rule might emerge when a state acquiesced, for whatever reasons, in the practices of other states, so long as there were a sufficient number of other states involved to qualify the practices as "general practice." While this may be unlikely because the scope of treaty law has expanded so much in the last twenty-five years, plausible hypotheticals can be imagined -- states might be bound by customary law of the sea growing out of the United  [\*680]  Nations Law of the Sea negotiations, and they might be bound by "emerging" human rights law. Although the Draft Restatement concedes that a state cannot be bound by a rule if the state indicates its disagreement when that rule is "still in the process of development," [59](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n59) a state might still be bound by a rule it had no direct part in making. Some commentators have stretched the limits of customary international law even further. They would have votes in the General Assembly qualify as practice. [60](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n60) Others would include  [\*681]  treaties made by other states. [61](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n61) Conceivably, a state could be bound by the norms contained in General Assembly resolutions and in treaties concluded by other states unless that state were able to conclude treaties embodying a different rule. In this way, the President and Congress might become bound by rules of law created wholly outside the domestic political process, and United States courts, following the Draft Restatement approach, might apply these rules. [62](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n62) This might be true even without the novel processes of law formation advanced by aggressive commentators, although the problem, as a practical matter, would be much less extensive if the General Assembly were not treated as a law-making body. The consequences of according legal significance to customary international law are considerable. At the international level, the Draft Restatement view would hold that **emerging customary norms** could **supercede an earlier treaty**. [63](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n63) The result might create **uncertainty** about whether **any specific treaty remains binding**. [64](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n64) In any case, it would transfer the authority to modify a treaty from its signatories  [\*682]  to an amorphous group of states whose practice could prescribe customary international law. According legal significance to customary international law might produce a similar redistribution of effective power, with similar uncertainties, in the domestic sphere. The law-making power of Congress might **shift to the President,** in light of the Executive's primacy in foreign affairs, [65](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n65) or to the judiciary, armed with the power to declare customary international law. [66](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n66) **Legislative power could even pass completely out of the government structure**. The United States could be bound by a rule formed by the general practice of other states. [67](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n67) For example, assume that in 1970 Congress passed a law criminalizing possession of certain drugs on board foreign-flag, but United States-owned, vessels on the high seas. In the next ten years a number of international conferences are held on the subject of national jurisdiction on the high seas. On the basis of positions expressed at those conferences, municipal laws adopted by a large number of other states, and a draft treaty approved by consensus, a rule of customary law emerges that only the flag state can exercise jurisdiction over its vessels on the high seas. The President issues a proclamation declaring that the United States accepts the relevant provisions as customary international law but declines to sign the treaty for unrelated reasons. [68](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n68)  [\*683]  Under the Draft Restatement view, this hypothetical rule of customary international law could take precedence over the hypothetical act of Congress (particularly in view of the Presidential proclamation). Of course, Congress could repass the criminal law. The courts, and even the Draft Restatement, would then apply the repassed rule. [69](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n69) We may only be worrying  [\*684]  about where the burden of overcoming inertia should rest. Suppose, however, that a number of years pass, all the other countries of the world join in the agreement, Congress pays no further attention to the question, and the Executive does not enforce the repassed law (for whatever reasons). Under the Draft Restatement approach, an activist court could find that the rule of customary law favoring exclusive flag state jurisdiction had reemerged, stronger than ever. Once again the act of Congress would be limited. This "bouncing ball" effect could go on indefinitely. If the courts become capable of applying customary international law in this manner, the judiciary will acquire another tool with which to strike down or limit acts of Congress. Customary international law will become equivalent to constitutional common law, embodying a judicial function as novel as that recently advocated by Dean Calabresi, who suggests that courts applying common law should be free to modify statutes that are out of tune with the contemporary legal landscape. [70](http://web.lexis-nexis.com.proxy.library.emory.edu/universe/document?_m=8af75ca2065301479255b90836e028d3&_docnum=2&wchp=dGLbVlz-zSkVA&_md5=759df08d82b3ea1f6e8626461eacdcb2#n70) With these developments, the vengeance of the international lawyers is complete, and the realists are destroyed. Customary international law not only embodies the restraint function much emphasized in the realist view, but also is applied in courts, on the initiative of mere individuals. Even the Congress must bow (at least temporarily) to its force.

**Treaty credibility and stability solves extinction**

**Muller 2K**

Dr. Harold Muller is the Director of the Peace Research Institute-Frankfurt and Professor of International Relations at Goethe University Compliance Politics: A Critical Analysis of Multilateral Arms Control Treaty Enforcement <http://cns.miis.edu/npr/pdfs/72muell.pdf>

In this author's view,3 at least four distinct missions continue to make arms control, disarmament, and non-proliferation agreements useful, even indispensable parts of a stable and reliable world security structure:

• As long as the risk of great power rivalry and competition exists—and it exists today—constructing barriers against a degeneration of this competition into major violence remains a pivotal task of global security policy. Things may be more complicated than during the bipolar age since asymmetries loom larger and more than one pair of competing major powers may exist. With overlapping rivalries among these powers, arms races are likely to be interconnected, and the stability of any one pair of rivals might be affected negatively by developments in other dyads. Because of this greater risk of instability, the increased political complexity of the post-bipolar world calls for more rather than less arms control. For these competitive relationships, stability or stabilization remains a key goal, and effectively verified agreements can contribute much to establish such stability. • Arms control also has a role to play in securing regional stability. At the regional level, arms control agreements can create balances of forces that reassure regional powers that their basic security is certain, and help build confidence in the basically non-aggressive policies of neighbors. Over time, a web of interlocking agreements may even create enough of a sense of security and confidence to overcome past confrontations and enable transitions towards more cooperative relationships. At the global level, arms limitation or prohibition agreements, notably in the field of weapons of mass destruction, are needed to ban existential dangers for global stability, ecological safety, and maybe the very survival of human life on earth. In an age of increasing interdependence and ensuing complex networks that support the satisfaction of basic needs, international cooperation is needed to secure the smooth working of these networks. Arms control can create underlying conditions of security and stability that reduce distrust and enable countries to commit them-selves to far-reaching cooperation in other sectors without perceiving undesirable risks to their national security. Global agreements also affect regional balances and help, if successful, to reduce the chances that regional conflicts will escalate. Under opportune circumstances, the normative frameworks that they enshrine may engender a feeling of community and shared security interests that help reduce the general level of conflict and assist in ushering in new relations of global cooperation. • Finally, one aspect that is rarely discussed in the arms control context is arms control among friends and partners. It takes the innocent form of military cooperation; joint staffs, commands, and units; common procurement planning; and broad and far-reaching transparency. While these relations serve at the surface to enhance a country's military capability by linking it with others, they are conducive as well to creating a sense of irreversibility in current friendly relations, by making unthinkable a return to previous, possibly more conflictual times. European defense cooperation is a case in point.1 Whatever the particular mission of a specific agreement, it will serve these worthwhile purposes only if it is implemented appropriately and, if not, means are available to ensure compliance. In other words, the enduring value of arms control rests very much on the ability to assure compliance.5 Despite the reasons given above for the continuing utility of arms control, the skeptics may still have the last word if agreements are made empty shells by repeated breaches and a lack of effective enforcement.

# Middle East

#### Middle East war doesn’t escalate

Maloney 7 (Suzanne, Senior Fellow – Saban Center for Middle East Policy, Steve Cook, Fellow – Council on Foreign Relations, and Ray Takeyh, Fellow – Council for Foreign Relations, “Why the Iraq War Won’t Engulf the Mideast”, International Herald Tribune, 6-28, http://www.brookings.edu/views/op-ed/maloney20070629.htm)

Long before the Bush administration began selling "the surge" in Iraq as a way to avert a general war in the Middle East, observers both inside and outside the government were growing concerned about the potential for armed conflict among the regional powers. Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### Won’t go nuclear

Dyer 2 (Gwynne, Ph.D. in War Studies – University of London and Board of Governors – Canada’s Royal Military College, The Coming War, Queen’s Quarterly, December, Lexis)

All of this indicates an extremely dangerous situation, with many variables that are impossible to assess fully. But there is one comforting reality here: this will not become World War III. Not long ago, wars in the Middle East always went to the brink very quickly, with the Americans and Soviets deeply involved on opposite sides, bristling their nuclear weapons at one another. And for quite some time we lived on the brink of oblivion. But that is over. World War III has been cancelled, and I don't think we could pump it up again no matter how hard we tried. The connections that once tied Middle Eastern confrontations to a global confrontation involving tens of thousands of nuclear weapons have all been undone. The East-West Cold War is finished. The truly dangerous powers in the world today are the industrialized countries in general. We are the ones with the resources and the technology to churn out weapons of mass destruction like sausages. But the good news is: we are out of the business.

**Empirics go neg – leaders default toward regime preservation**

**Cook 07** – CFR senior fellow for MidEast Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania (Steven, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, 6 /28, Why the Iraq war won't engulf the Mideast, http://www.iht.com/bin/print.php?id=6383265)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved

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## North Korea

**North Korea would be crushed in a war – they have calculator-like technology**

**Fisher 3-25** [Max, foreign staff for the Washington Post, A photo that makes North Korea look a lot less scary, http://www.washingtonpost.com/blogs/worldviews/wp/2013/03/25/a-photo-that-makes-north-korea-look-a-lot-less-scary/]

North Korea loves to threaten to start World War III. In the last week alone, it has warned Japan that it might launch a preemptive nuclear strike against it and released a video detailing its plan for a three-day invasion of South Korea.¶ The threats – turning Seoul into a sea of flames, eradicating the American military presence and maybe America itself – are empty, of course. And not just because North Korea doesn’t actually have any incentive to start a second Korean War (it has every incentive to make empty threats). They’re also empty because the North Korean military is just not that powerful anymore.¶ The photo at the top of this page helps to make my point, but first a bit of background.¶ It is true that the North Korean military is very big, one of the world’s largest standing armies: 1.1 million troops! 4,200 tanks! 820 fighter jets! It’s also, by virtue of Pyongyang’s “military first” policies, perhaps the most privileged and best funded arm of the state, maybe outside of Kim Jong Un’s personal piggy banks.¶ Even the military’s size and political backing, though, can’t make up for North Korea’s isolation and impoverishment. Most of those fighter jets, for example, will never take off because the regime can’t afford enough fuel to fill them up. Even if they could somehow procure enough jet fuel, the fighters “would have been shot out of the sky in the first few hours of a conflict,” Dartmouth professor and North Korea-watcher Jennifer Lind told NPR recently. The tanks, likewise, are old and inferior.¶ North Korean propaganda frequently tries to make the case that, not only is their national army fearless and enormous, but it’s also breathtakingly advanced. This propaganda is for domestic consumption, of course, but seeing it from the outside is a nice reminder of the wide technological gap between North Korea and its neighbors South Korea and Japan, not to mention the United States.¶ Take the above photo, just released by North Korean state media from leader Kim Jong Un’s big trip to visit Unit 1501 of the Korean People’s Army, which is reportedly developing new and exciting military technology.¶ Now, it’s possible that this computer – encased in a giant metal box, looking very retro – does something amazing. But note some of the environmental details: the dining room chair, the consumer desktop keyboard and Logitech mouse. None of those really scream “advanced military computing technology” so much as they suggest “we should put an old Dell in this metal box to show to Dear Leader.”¶ If you’ve been spending a lot of time reading about North Korea’s recent flurry of threats and provocations, apparently edging right up to the line of starting a war, perhaps it will ease your mind a bit to glimpse the technology and leadership behind its million-man army.¶ The Wall Street Journal’s Tom Gara tweeted, “North Korea appears to have crossed a dangerous threshold and developed a fully-functioning calculator.”¶ The ever-obsessive blog North Korea Leadership Watch of course has notes on the trip. Apparently, this military unit also manufactures playground equipment, such as plastic slides.¶ They also allegedly made this bit of equipment, in the photo below, which looks like it might be some sort of range-finder or infrared sensor, perhaps of the kind meant to use with guided munitions. It’s difficult to tell what it’s resting on top of: a vehicle of some kind? The hatch suggests it’s maybe an armored personnel carrier, although that armor looks awfully thin. It could also possibly be a submarine, given that other photos appear to show a long series of top-side hatches that might be launch tubes.¶ Of course, the point of this photo is less about the maybe-infrared viewfinder and more about having Kim Jong Un leaning jauntily against it, alongside some poor general who looks like he doesn’t really understand what pose he’s supposed to take. But that’s North Korea for you: irreverence in the service of militarism, itself in the service of dictatorship.

**No war**

**Kang, ‘10**

[David, professor of international relations and business and director of the Korean Studies Institute at the University of Southern California, “Korea’s New Cold War,” 12-31, [http://nationalinterest.org/commentary/koreas-new-cold-war-4653]//retaliation](http://nationalinterest.org/commentary/koreas-new-cold-war-4653%5d//retaliation), empirics, hype, deterrence, high tensions decrease the risk of irrational actions, NK would get crushed

However, despite dueling artillery barrages and the sinking of a warship, pledges of “enormous retaliation,” in-your-face joint military exercises and urgent calls for talks, the risk of all-out war on the Korean peninsula is less than it has been at anytime in the past four decades. North Korea didn’t blink, because it had no intention of actually starting a major war. Rather than signifying a new round of escalating tension between North and South Korea, the events of the past year point to something else—a new cold war between the two sides. In fact, one of my pet peeves is the analogies we use to describe the situation between South and North Korea. We often call the situation a “powder keg” or a “tinderbox,” implying a very unstable situation in which one small spark could lead to a huge explosion. But the evidence actually leads to the opposite conclusion: we have gone sixty years without a major war, despite numerous “sparks” such as the skirmishing and shows of force that occurred over the past month. If one believes the situation is a tinderbox, the only explanation for six decades without a major war is that we have been extraordinarily lucky. I prefer the opposite explanation: deterrence is quite stable because both sides know the costs of a major war, and both sides—rhetoric and muscle-flexing aside—keep smaller incidents in their proper perspective. How can this be, when North Korea threatens to use massive retaliation and mentions its nuclear weapons in its rhetoric, and when the South Korean leadership and military is determined to "respond relentlessly" to meet any North Korean provocation? Local skirmishing has stayed local for sixty years. The key issue is whether a local fight could escalate into all-out war, such as North Korea shelling Seoul with artillery or missiles. Such a decision would clearly have to be taken at the top of the North Korean leadership. Especially when tensions are high, both militaries are on high alert and local commanders particularly careful with their actions. Without a clear directive from the top, it is not likely that a commander one hundred kilometers away from the military exercises would make a decision on his own to start shooting at Seoul. For their part, North Korean leaders have not made such a decision in sixty years, knowing that any major attack on Seoul would cause a massive response from the South Korean and U.S. forces and would carry the war into Pyongyang and beyond. After the fighting, North Korea would cease to exist. Thus, while both North and South Korean leaders talk in grim tones about war, both sides have kept the actual fighting to localized areas, and I have seen no indication that this time the North Korean leadership plans to expand the fighting into a general war.