Util’s the only moral framework

**Murray 97** (Alastair, Professor of Politics at U. Of Wales-Swansea, *Reconstructing Realism*, p. 110)

Weber emphasised that, while the 'absolute ethic of the gospel' must be taken seriously, it is inadequate to the tasks of evaluation presented by politics. Against this 'ethic of ultimate ends' — Gesinnung — he therefore proposed the 'ethic of responsibility' — Verantwortung. First, whilst the former dictates only the purity of intentions and pays no attention to consequences, the ethic of responsibility commands acknowledgement of the divergence between intention and result. Its adherent 'does not feel in a position to burden others with the results of his [OR HER] own actions so far as he was able to foresee them; he [OR SHE] will say: these results are ascribed to my action'. Second, the 'ethic of ultimate ends' is incapable of dealing adequately with the moral dilemma presented by the necessity of using evil means to achieve moral ends: Everything that is striven for through political action operating with violent means and following an ethic of responsibility endangers the 'salvation of the soul.' If, however, one chases after the ultimate good in a war of beliefs, following a pure ethic of absolute ends, then the goals may be changed and discredited for generations, because responsibility for consequences is lacking. The 'ethic of responsibility', on the other hand, can accommodate this paradox and limit the employment of such means, because it accepts responsibility for the consequences which they imply. Thus, Weber maintains that only the ethic of responsibility can cope with the 'inner tension' between the 'demon of politics' and 'the god of love'. 9 The realists followed this conception closely in their formulation of a political ethic.10 This influence is particularly clear in Morgenthau.11 In terms of the first element of this conception, the rejection of a purely deontological ethic, Morgenthau echoed Weber's formulation, arguing tha/t:the political actor has, beyond the general moral duties, a special moral responsibility to act wisely ... The individual, acting on his own behalf, may act unwisely without moral reproach as long as the consequences of his inexpedient action concern only [HER OR] himself. What is done in the political sphere by its very nature concerns others who must suffer from unwise action. What is here done with good intentions but unwisely and hence with disastrous results is morally defective; for it violates the ethics of responsibility to which all action affecting others, and hence political action par excellence, is subject.12 This led Morgenthau to argue, in terms of the concern to reject doctrines which advocate that the end justifies the means, that the impossibility of the logic underlying this doctrine 'leads to the negation of absolute ethical judgements altogether'.13

All lives are infinitely valuable, the only ethical option is to maximize the number saved

**Cummisky, 96** (David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be added and summed in this way—this point still does not justify deontologieal constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that 1 may still saw two; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hills example of a priceless object: If I can save two of three priceless statutes only by destroying one. Then 1 cannot claim that saving two makes up for the loss of the one**. But** Similarly, **the loss of the two is not outweighed by** the **one** that was **not destroyed**. Indeed, even if dignity cannot be simply summed up. How is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the lass of the one, each is priceless: thus, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing'letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.\*

# 1nc

## 1

Topicality

A “restriction” defines and confines authority

Simpson, U.S. Appeals Judge for the Fifth Circuit, 1981

(Bowman Transportation v. Interstate Commerce Commission, 643 F.2d 285, Lexis)

In three cases, Freight, All Kinds, L.C.L., Container Charges-U.S.A., 323 I.C.C. 468 (1964), Railway Express Agency, Incorporated, Extension-Traverse City, Mich., 96 M.C.C. 727 (1965), and Nebraska-Iowa Xpress, Inc. v. I.C.C., No. 79-1661 (D.C.Cir.1980), the Commission removed or disallowed weight restrictions on express carriers. In Freight, All Kinds, the examiner had imposed a 500 pound weight restrictionn on Railway Express Agency and in removing this restriction the Commission stated, "To impose such an unexpected burden upon the respondent would be improper. Assuming, arguendo, that it would be desirable to define "express service' in terms of a definite weight limit, the factual basis for such a limitation could be established only in a general investigation or ex parte proceeding. [\*288] " Freight, All Kinds, L.C.L., Container Charges-U.S.A., supra, 323 I.C.C. at 482. **In removing another** 500 pound weight **limitation** which had been imposed by the joint board, **the Commission stated**:

**The Commission** [\*\*7] **is always reluctant to impose restrictions in grants of** operating **authority** which are administratively undesirable or difficult to enforce. The instant restriction imposed by the board in its recommended grant has both of these characteristics, and **we perceive no useful purpose in** retaining **such a restriction** in the authority granted. **This condition** which **defines and confines the operation** to be performed in terms of an arbitrary weight limit is incompatible with the concept of "express service".

Violation – the authority for using humanitarian justifications for introducing force does not exist

Forster ’00 (Jacques, Vice President of the International Committee of the Red Cross, presented at the Ninth Annual Seminar on International Humanitarian Law for Diplomats accredited to the United Nations, “’Humanitarian Intervention’ and International Humanitarian Law,” March 8-9, 2000, http://www.icrc.org/eng/resources/documents/statement/57jqjk.htm)

This new challenge leads me to make the following concluding remarks.

1) The use of force by the international community should come within the **scope of the United Nations Charter**. International humanitarian law cannot be invoked to justify armed intervention because it has nothing to do with the right of States to use force. Its role is strictly limited to setting limits to armed force irrespective of the legitimacy of its use.

2) In the event of armed intervention, despite the fact that its legal justification lies beyond the frontiers of international humanitarian law, this body of law must be respected by all the parties to the conflict in all circumstances. The legitimacy of armed intervention **has no effect** on the obligations of the parties under international humanitarian law **and therefore cannot be invoked to exempt intervention forces from these obligations.** In this context, the ICRC welcomes the promulgation and entry into force of the Secretary-General's bulletin on observance by United Nations forces of international humanitarian law by which the United Nations has made a solemn commitment to abide by the highest standards of this law.

3) Humanitarian action is designed not to resolve conflicts but to protect human dignity and save lives. To maintain its neutral and impartial character and, consequently, the trust of all the parties to the conflict, it must be clearly dissociated from political and military measures the international community may take in search for conflict resolution. Only by strictly respecting the specificity of each other’s mandates can military and humanitarian actors work “separately together” in a way that leads to the shared goal of peace.

Prefer this

Predictable limits – the aff creates arbitrary authority not in the law – no stable locus for debate

Precision – “Humanitarian justifications” and “humanitarian justifications” conflate legal terms of art that make interpretation of the REAL LAW impossible

Forster ’00 (Jacques, Vice President of the International Committee of the Red Cross, presented at the Ninth Annual Seminar on International Humanitarian Law for Diplomats accredited to the United Nations, “’Humanitarian Intervention’ and International Humanitarian Law,” March 8-9, 2000, http://www.icrc.org/eng/resources/documents/statement/57jqjk.htm)

I want to thank you for giving me this opportunity to address a topic which in the last few years has become a favourite theme of intergovernmental debate, international conferences, research papers, journal articles and news items: I am referring to the concept of " humanitarian intervention " .

Much of today's international response to a conflict situation, including the one that involves the use of armed force, **tends to be labelled " humanitarian** " . From various sources - international fora, statesmen, mass media - we hear the expression " humanitarian intervention " and sometimes even more paradoxical and startling phrases, such as " military humanitarism " , " humanitarian war " and even " humanitarian bombardment " . This discourse is revealing.

I cite these words (statements) not only to illustrate the strong feelings aroused by this issue, but also to express **concern about the use of the word " humanitarian** " . As an organisation whose mandate stems from international humanitarian law, the ICRC is indeed worried by this far **too broad and indiscriminate use**. Moreover, the ICRC considers expressions such as " humanitarian intervention” to be unhelpful and even dangerous since they lead us to erroneous conclusions which blur perceptions of the distinct character of international humanitarian law and humanitarian action.

## 2

Unemployment benefits will be restored, but continued pressure on the GOP is key

Jamelle Bouie 12-28, The Daily Beast, Republicans’ Unemployment Shame, <http://www.thedailybeast.com/articles/2013/12/28/republicans-unemployment-shame.html>

The prospects for fixing the lapse are mixed. Most Republicans are opposed to extending benefits, and argue that the program increases dependency, despite research that the opposite is true; with some form of support guaranteed, unemployed workers are more likely to stay in the workforce and continue their search for a job. With that said, there are Republicans in the Senate—like Dean Heller of Nevada—who support a short-term extension of three months. And House Speaker John Boehner has signaled his willingness to consider an extension, provided it’s offset with further cuts to spending.

The problem is that Congress has just passed an agreement that maintains most sequester cuts, and congressional Democrats are unlikely to sign on to another round of deficit reduction, just as Republicans are loath to consider new spending.

If the long-term unemployed have anything on their side, it’s that extending benefits is popular with the public, with 55 percent in favor and 33 percent opposed, according to a recent survey (PDF) commissioned by the National Employment Law Project. Likewise, Public Policy Polling—a Democratic firm—found that in four GOP swing districts, large bipartisan majorities supported an extension. In some areas, in fact, local news outlets are hitting Republicans hard for their resistance to renewing emergency unemployment insurance.

There’s a chance that this pressure will work to move a few GOP lawmakers to the “yes” camp, providing votes to help the unemployed. But, as we saw throughout 2013, you’re almost certain to lose if you bet on Republicans to do the right thing.

The plan sparks an inter-branch fight derailing the agenda

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."

While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6°

In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failedperhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

Capital is key to passage – prevents economic collapse

AP 12/28 [“1.3 million are losing unemployment benefits Saturday morning,” http://www.columbiatribune.com/news/million-are-losing-unemployment-benefits-saturday-morning/article\_9d1b52ec-6f81-11e3-9033-10604b9f6eda.html?comments=focus]

WASHINGTON — More than 1 million Americans are bracing for a harrowing, post-Christmas jolt as extended federal unemployment benefits come to a sudden halt this weekend, with potentially significant implications for the recovering U.S. economy. A tense political battle likely looms when Congress reconvenes in the new, midterm election year.¶ Nudging Congress along, a vacationing President Barack Obama called two senators proposing an extension to offer his support. From Hawaii, Obama pledged yesterdayto push Congress to move quickly next year to address the "urgent economic priority," the White House said.¶ For families dependent on cash assistance, the end of the federal government's "emergency unemployment compensation" will mean some difficult belt-tightening as enrollees lose their average monthly stipend of $1,166.¶ Jobless rates could drop, but analysts say the economy might suffer with less money for consumers to spend on everything from clothes to cars. Having let the "emergency" program expire as part of a budget deal, it's unclear if Congress has the appetite to start it anew.¶ An estimated 1.3 million people will be cut off when the federally funded unemployment payments end today.¶ Started under President George W. Bush, the benefits were designed as a cushion for the millions of U.S. citizens who lost their jobs in a recession and failed to find new ones while receiving state jobless benefits, which in most states expire after six months. Another 1.9 million people across the country are expected to exhaust their state benefits before the end of June.¶ The Obama administration says those payments have kept 11.4 million people out of poverty and benefited almost 17 million children. The cost of them since 2008 has totaled $225 billion.

Nuclear war

Harris and Burrows ‘9

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

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

## 3

Legal restrictions legitimize the exception, guaranteeing that the aff is ignored the moment it’s needed most

Joseph Margulies and Hope Metcalf 11, Joe is a law prof at Northwestern, Hope is a lecturer at Yale Law, “Terrorizing Academia”, Journal of Legal Education, Volume 60, Number 3 (February 2011)

Despite profound differences between and within these groups, legal scholars in all three camps (as well as litigants and clinicians, including the authors) shared a common perspective—viz., that repressive legal policies adopted by wartime governments are temporary departures from hypothesized peacetime norms. In this narrative, metaphors of bewilderment, wandering, and confusion predominate. The country “loses its bearings” and “goes astray.” Bad things happen until at last the nation “finds itself” or “comes to its senses,” recovers its “values,” and fixes the problem. Internment ends, habeas is restored, prisoners are pardoned, repression passes. In a show of regret, we change direction, “get back on course,” and vow it will never happen again. Until the next time, when it does. This view, popularized in treatments like All the Laws but One, by the late Chief Justice Rehnquist,2 or the more thoughtful and thorough discussion in Perilous Times by Chicago’s Geoffrey Stone,3 quickly became the dominant narrative in American society and the legal academy. This narrative also figured heavily in the many challenges to Bush-era policies, including by the authors. The narrative permitted litigators and legal scholars to draw upon what elsewhere has been referred to as America’s “civic religion”4 and to cast the courts in the role of hero-judges 5 whom we hoped would restore legal order.6 But by framing the Bush Administration’s response as the latest in a series of regrettable but temporary deviations from a hypothesized liberal norm, the legal academy ignored the more persistent, and decidedly illiberal, authoritarian tendency in American thought to demonize communal “others” during moments of perceived threat. Viewed in this light, what the dominant narrative identified as a brief departure caused by a military crisis is more accurately seen as part of a recurring process of intense stigmatization tied to periods of social upheaval, of which war and its accompanying repressions are simply representative (and particularly acute) illustrations. It is worth recalling, for instance, that the heyday of the Ku Klux Klan in this country, when the organization could claim upwards of 3 million members, was the early-1920s, and that the period of greatest Klan expansion began in the summer of 1920, almost immediately after the nation had “recovered” from the Red Scare of 1919–20.7 Klan activity during this period, unlike its earlier and later iterations, focused mainly on the scourge of the immigrant Jew and Catholic, and flowed effortlessly from the anti-alien, anti-radical hysteria of the Red Scare. Yet this period is almost entirely unaccounted for in the dominant post-9/11 narrative of deviation and redemption, which in most versions glides seamlessly from the madness of the Red Scare to the internment of the Japanese during World War II.8 And because we were studying the elephant with the wrong end of the telescope, we came to a flawed understanding of the beast. In Part IV, we argue that the interventionists and unilateralists came to an incomplete understanding by focusing almost exclusively on what Stuart Scheingold called “the myth of rights”—the belief that if we can identify, elaborate, and secure judicial recognition of the legal “right,” political structures and policies will adapt their behavior to the requirements of the law and change will follow more or less automatically.9 Scholars struggled to define the relationship between law and security primarily through exploration of structural10 and procedural questions, and, to a lesser extent, to substantive rights. And they examined the almost limitless number of subsidiary questions clustered within these issues. Questions about the right to habeas review, for instance, generated a great deal of scholarship about the handful of World War II-era cases that the Bush Administration relied upon, including most prominently Johnson v. Eisentrager and Ex Parte Quirin. 11 Regardless of political viewpoint, a common notion among most unilateralist and interventionist scholars was that when law legitimized or delegitimized a particular policy, this would have a direct and observable effect on actual behavior. The premise of this scholarship, in other words, was that policies “struck down” by the courts, or credibly condemned as lawless by the academy, would inevitably be changed—and that this should be the focus of reform efforts. Even when disagreement existed about the substance of rights or even which branch should decide their parameters, it reflected shared acceptance of the primacy of law, often to the exclusion of underlying social or political dynamics. Eric Posner and Adrian Vermeule, for instance, may have thought, unlike the great majority of their colleagues, that the torture memo was “standard fare.”12 But their position nonetheless accepted the notion that if the prisoners had a legal right to be treated otherwise, then the torture memo authorized illegal behavior and must be given no effect.13 Recent developments, however, cast doubt on two grounding ideas of interventionist and unilateralist scholarship—viz., that post-9/11 policies were best explained as responses to a national crisis (and therefore limited in time and scope), and that the problem was essentially legal (and therefore responsive to condemnation by the judiciary and legal academy). One might have reasonably predicted that in the wake of a string of Supreme Court decisions limiting executive power, apparently widespread and bipartisan support for the closure of Guantánamo during the 2008 presidential campaign, and the election of President Barack Obama, which itself heralded a series of executive orders that attempted to dismantle many Bush-era policies, the nation would be “returning” to a period of respect for individual rights and the rule of law. Yet the period following Obama’s election has been marked by an increasingly retributive and venomous narrative surrounding Islam and national security. Precisely when the dominant narrative would have predicted change and redemption, we have seen retreat and retrenchment. This conundrum is not adequately addressed by dominant strands of post-9/11 legal scholarship. In retrospect, it is surprising that much post-9/11 scholarship appears to have set aside critical lessons from previous decades as to the relationship among law, society and politics.14 Many scholars have long argued in other contexts that rights—or at least the experience of rights—are subject to political and social constraints, particularly for groups subject to historic marginalization. Rather than self-executing, rights are better viewed as contingent political resources, capable of mobilizing public sentiment and generating social expectations.15 From that view, a victory in Rasul or Boumediene no more guaranteed that prisoners at Guantánamo would enjoy the right to habeas corpus than a victory in Brown v. Board 16 guaranteed that schools in the South would be desegregated.17 Rasul and Boumediene, therefore, should be seen as part (and probably only a small part) of a varied and complex collection of events, including the fiasco in Iraq, the scandal at the Abu Ghraib prison, and the use of warrantless wiretaps, as well as seemingly unrelated episodes like the official response to Hurricane Katrina. These and other events during the Bush years merged to give rise to a powerful social narrative critiquing an administration committed to lawlessness, content with incompetence, and engaged in behavior that was contrary to perceived “American values.”18 Yet the very success of this narrative, culminating in the election of Barack Obama in 2008, produced quiescence on the Left, even as it stimulated massive opposition on the Right. The result has been the emergence of a counter-narrative about national security that has produced a vigorous social backlash such that most of the Bush-era policies will continue largely unchanged, at least for the foreseeable future.19 Just as we see a widening gap between judicial recognition of rights in the abstract and the observation of those rights as a matter of fact, there appears to be an emerging dominance of proceduralist approaches, which take as a given that rights dissolve under political pressure, and, thus, are best protected by basic procedural measures. But that stance falls short in its seeming readiness to trade away rights in the face of political tension. First, it accepts the tropes du jour surrounding radical Islam—namely, that it is a unique, and uniquely apocalyptic, threat to U.S. security. In this, proceduralists do not pay adequate heed to the lessons of American history and sociology. And second, it endorses too easily the idea that procedural and structural protections will protect against substantive injustice in the face of popular and/or political demands for an outcome-determinative system that cannot tolerate acquittals. Procedures only provide protection, however, if there is sufficient political support for the underlying right. Since the premise of the proceduralist scholarship is that such support does not exist, it is folly to expect the political branches to create meaningful and robust protections. In short, a witch hunt does not become less a mockery of justice when the accused is given the right to confront witnesses. And a separate system (especially when designed for demonized “others,” such as Muslims) cannot, by definition, be equal. In the end, we urge a fuller embrace of what Scheingold called “the politics of rights,” which recognizes the contingent character of rights in American society. We agree with Mari Matsuda, who observed more than two decades ago that rights are a necessary but not sufficient resource for marginalized people with little political capital.20 To be effective, therefore, we must look beyond the courts and grapple with the hard work of long-term change with, through and, perhaps, in spite of law. These are by no means new dilemmas, but the post-9/11 context raises difficult and perplexing questions that deserve study and careful thought as our nation settles into what appears to be a permanent emergency.

Their aff instrumentalizes the law for moral hubris – destroys any stable basis for regulating authority

Cohen ’04 (Jean L., Ph.d., Nell and Herbert M. Singer Professor of Political Thought @ Columbia University, “Whose Sovereignty? Empire Versus International Law,” Ethics & International Affairs 18, no. 3, 2004)

I agree that we are in the presence of something new. But I am not convinced that one should abandon the discourse of sovereignty in order to perceive and conceptualize these shifts. Nor am I convinced that the step from an international to a cosmopolitan legal world order without the sovereign state has been or should be taken. The two doubts are connected: I argue that if we drop the concept of sovereignty and buy into the idea that the state has been disaggregated, and that international treaty organizations are upstaged by transnational governance, we will **misconstrue the nature** of contemporary international society and the political choices facing us. If we assume that a constitutional, cosmopolitan legal order already exists, which has replaced or should replace international law and its core principles of sovereign equality, territorial integrity, nonintervention, and domestic jurisdiction with cosmopolitan right, and if we construe the evolving doctrine of **“humanitarian intervention” as the enforcement of that right,** we risk becoming apologists **for imperial projects**. Under current conditions, this path leads to the political instrumentalization of “law” (cosmopolitan right) **and the moralization of politics rather than to a global rule of law**. I will argue that we face the following political choice today: We can either opt for strengthening international law by updating it, making explicit the particular conception of sovereignty on which it is now based and showing that this is compatible with cosmopolitan principles inherent in human rights norms; or we can abandon the principle of sovereign equality and the present rules of international law for the sake of human rights, thus relinquishing an important barrier to the proliferation of imperial projects and regional attempts at Grossraum ordering (direct annexation or other forms of control of neighboring smaller polities) by twenty-first-century great powers, who invoke (and instrumentalize) cosmopolitan right as they proceed. 10 Clearly I opt for the former over the latter. The first project entails acknowledging the existence and value of a dualistic world order whose core remains the international society of states embedded within (suitably reformed) international institutions and international law, but that also has important cosmopolitan elements and cosmopolitan legal principles (human rights norms) upon which the discourse of transnationalism and governance relies, if inadequately. On this approach (my own), legal cosmopolitanism is potentially linked to a project radically distinct from empire and pure power politics—namely, the democratization of international relations and the updating of international law. This requires the strengthening of supranational institutions, formal legal reform, and the creation of a global rule of law that protects both the sovereign equality of states based on a revised conception of sovereignty and human rights. Much will depend on how the new, and its relation to what went before, is framed. Unlike the theorists of cosmopolitan law and justice without state sovereignty, the paradox for which I want to argue is that today the rearticulation and democratization of sovereignty (internal and external), configured within a multilayered world order with effective international institutions and an updated international law, is the sine qua non for the emergence of a global “rule of law” and constitutes an important part of a counterproject to empire. **Without a global rule of law that protects sovereignty as well as human rights, any talk of “cosmopolitan” right**, especially and above all the alleged right to intervene militarily to enforce human rights, **is inherently suspect.** Cosmopolitan right can supplement—but not replace—sovereignty-based public international law.

This embrace of liberal warfare results in a global state of war on a planetary scale

Brad Evans, lecturer in the School of Politics and International Studies at the University of Leeds, and Michael Hardt, Professor of Literature and Italian at Duke University, 2010, Barbarians to Savages: Liberal War Inside and Out, Theory & Event Volume 13, Issue 3

Evans: One of the most important aspects of your work has been to argue why the original sentiment which provoked Deleuze and Guattari’s Nomadology narrative needed to be challenged. With the onset of a global war machine which showed absolutely no respect for state boundaries, matched by the rise of many local fires of resistance which had no interest in capturing state power, the sentiment that “History is always written from the victory of States” could now be brought firmly into question. On a theoretical level alone, the need to bring the Nomadology Treatise up to date was an important move. However, there was something clearly more at stake for you than simply attempting to canonise Deleuze and Guattari. One gets the impression from your works that you were deeply troubled by what was taking place with this new found humanitarianism. Indeed, as you suggest, if we accept that this changing political terrain demanded a rewriting of war itself—away from geo-political territorial struggles which once monopolised the strategic field, towards bio-political life struggles whose unrelenting wars were now to be consciously fought for the politics of all life itself, then it could be argued that the political stakes could not be higher. For not only does a bio-political ascendency force a re-conceptualisation of the war effort—to include those forces which are less militaristic and more developmental (one can see this best reflected today in the now familiar security mantra “War by Other Means”), but through this process a new paradigm appears which makes it possible to envisage for the first time in human history a Global State of War or a Civil War on a planetary scale.

Whilst it was rather easy to find support for this non-State paradigm during the 1990’s—especially when the indigenous themselves started writing of the onset of a Fourth World War which was enveloping the planet and consuming everybody within, some have argued that the picture became more clouded with the invasion of Iraq which was simply geo-politics as usual. The familiar language that has been routinely deployed here would be of US Exceptionalism. My concern is not really to attend to this revival of an out-dated theoretical persuasion. I agree with your sentiments in Multitude that this account can be convincingly challenged with relative ease. Foucault has done enough himself to show that Liberal War does not demand a strategic trade-off between geo-political and biopolitical aspirations. They can be mutually re-enforcing, even, or perhaps more to the point, especially within a global Liberal Imaginary. And what is more, we should not lose sight of the fact that it was when major combat operations were effectively declared over, that is when the borderlands truly ignited. My concerns today are more attuned to the post-Bush era, which going back to the original War on Terror’s life-centric remit is once again calling for the need to step up the humanitarian war effort in order to secure the global peace. Indeed, perhaps more worrying still, given that the return of the Kantian inspired humanitarian sensibility can now be presented in an altogether more globally enlightened fashion, offering a marked and much needed departure from the destructive but ultimately powerless (in the positive sense of the word) self-serving neo-con, then it is possible to detect a more intellectually vociferous shift taking place which is rendering all forms of political difference to be truly dangerous on a planetary scale. With this in mind, I would like your thoughts on the Global State of War today. What for instance do you feel have been the most important changes in the paradigm since you first proposed the idea? And would you argue that war is still the permanent social relation of global rule?

Hardt: The notion of a global civil war starts from the question of sovereignty. Traditionally war is conceived (in the field of international relations, for instance, or in international law) as armed conflict between two sovereign powers whereas civil war designates conflict within a single territory in which one or both of the parties is not sovereign. War designates, in other words, a conflict in some sense external to the structures of sovereignty and civil war a conflict internal to them. It is clear that few if any of the instances of armed conflict around the world today fit the classic model of war between sovereign states. And perhaps even the great conflicts of the cold war, from Korea and Vietnam to countries throughout Latin America, already undermined the distinction, draping the conflict between sovereign states in the guise of local civil wars. Toni Negri and I thus claimed that in our era there is no more war but only civil wars or, really, a global civil war. It is probably more precise to say instead that the distinction between war and civil war has been undermined, in the same way that one might say, in more metaphorical terms, not that there is no more outside but rather that the division between inside and outside has been eroded.

This claim is also widely recognized, it seems to me, among military and security theorists. The change from the framework of war to that of civil war, for instance, corresponds closely to thinking of armed conflicts as not military campaigns but police actions, and thus a shift from the external to the internal use of force. The general rhetorical move from war to security marks in more general terms a similar shift. The security mantra that you cite – “war by other means” – also indicates how the confusion between inside and outside implies the mixture of a series of fields that are traditionally separate: war and politics, for example, but also killing and generating forms of social life. This opens a complicated question about the ways in which contemporary military actions have become biopolitical and what that conception helps us understand about them.

Rather than pursuing that biopolitical question directly, though, I want first to understand better how the shift in the relationship between war and sovereignty that Toni and I propose relates to your notion of liberal and humanitarian war. In a war conventionally conceived, it is sufficient for the two sovereign powers to justify their actions primarily on the basis of national interest as long as they remain within the confines of international law. Whereas those inside , in other words, are at least in principle privilege to the liberal framework of rights and representation, those outside are not. When the relationship of sovereignty shifts, however, and the distinction between inside and outside erodes, then there are no such limits of the liberal ideological and political structures. This might be a way of understanding why contemporary military actions have to be justified in terms of discourses of human rights and liberal values. And this might be related, in turn, to what many political theorists analyze as the decline of liberal values in the US political sphere at the hands of neoliberal and neoconservative logics.1 In other words, perhaps when the division declines between the inside and outside of sovereignty, on the one hand, the liberal logic must be deployed (however inadequately) to justify the use of violence over what was the outside while, on the other, liberal logics are increasingly diluted or suppressed in what was the inside.

Evans: What I am proposing with the “Liberal War Thesis” borrows from some pioneering works which have already started to cover the main theoretical ground2. Central to this approach is an attempt to critically evaluate global Liberal governance (which includes both productive and non-productive elements) by questioning its will to rule. Liberal Peace is thus challenged, not on the basis of its abstract claims to universality—juridical or otherwise, but precisely because it’s global imaginary shows a remarkable capacity to wage war—by whatever means—in order to govern all species life. This is not, then, to be confused with some militaristic appropriation of the democratic body politic—a situation in which Liberal value systems have been completely undermined by the onslaught of the military mind. More revealing, it exposes the intricate workings of a Liberal rationality whose ultimate pursuit is global political dominance. Traces of this account can no doubt be found in Michael Ignatieff’s (completely sympathetic) book Empire Lite, which notes how the gradual confluence between the humanitarian and the military has resulted in the onset of an ostensibly humanitarian empire that is less concerned with territory (although the State no doubt still figures) than it is with governing life itself for its own protection and betterment. Liberalism as such is considered here (à la Foucault) to be a technology of government or a means for strategising power which taking life to be its object feels compelled to wager the destiny of humanity against its own political strategy. Liberalism can therefore be said to betray a particularly novel strategic field in which the writing of threat assumes both planetary (macro-specific) and human (micro-specific) ascriptions. Although it should be noted that it is only through giving the utmost priority to life itself—working to secure life from each and every threats posed to an otherwise progressive existence, that its global imaginary could ever hold sway. No coincidence then that the dominant strategic paradigm for Liberals is Global Human Security. What could therefore be termed the Liberal problematic of security of course registers as a Liberal bio-politics of security, which in the process of promoting certain forms of life equally demands a re-conceptualisation of war in the sense that not every life lives up to productive expectations, let alone shows its compliance.

In a number of crucial ways, this approach offers both a theoretical and empirical challenge to the familiar IR scripts which have tended to either valorise Liberalism’s visionary potential or simply castigate its misguided idealism. Perhaps the most important of these is to insist upon a rewriting of the history of Liberalism from the perspective of war. Admittedly, there is much work to be done here. Not least, there is a need to show with greater historical depth, critical purpose, and intellectual rigour how Liberal war (both externally and internally) has subsequently informed its juridical commitments and not vice versa. Here I am invariably provoking the well rehearsed “Laws of War” sermon, which I believe more accurately should be rephrased to be the “Wars of Law”. Nevertheless, despite this pressing need to rewrite the Liberal encounter in language whose familiarity would be capable of penetrating the rather conservative but equally esoteric/specialist field of International Relations, sufficient contemporary grounds already exist which enable us to provide a challenging account of global civil war from the perspective of Liberal bio-political rule. Michael Dillon and Julian Reid’s The Liberal Way of War encapsulates these sentiments, with the following abridged passage worth quoting:

A bio-political discourse of species existence is also a bio-political discourse of species endangerment. As a form of rule whose referent object is that of species existence, the liberal way of rule is simultaneously also a problematisation of fear and danger involving threats to the peace and prosperity of the species. Hence its allied need, in the pursuing the peace and prosperity of the species, to make war on whatever threatens it. That is the reason why liberal peacemaking is lethal. Its violence a necessary corollary of the aporetic character of its mission to foster the peace and prosperity of the species... There is, then, a martial face to liberal peace. The liberal way of rule is contoured by the liberal way of war... Liberalism is therefore obliged to exercise a strategic calculus of necessary killing, in the course of which calculus ought to be able to say how much killing is enough...[However] it has no better way of saying how much killing is enough, once it starts killing to make life live, than does the geopolitical strategic calculus of necessary killing’3.

This brings me to the problem of the inside/outside. On the face of it, it is quite suggestive to account for this conflation by acknowledging the onset of a global political imaginary that no longer permits any relationship with the outside. One could then support the types of hypothesis you mention, which rather than affirming the best of the enlightened Liberal tradition actually correlate the hollowing out of Liberal values to the inability to carve out any meaningful distinctions between inside/outside, peace/war, friend/enemy, good/evil, truth/falsehood and so forth. However, whilst this approach would no doubt either re-enforce the militaristic paradigm or raise further critical doubts about the post-modern/post-structural turn in political thought, it is nevertheless misleading. The collapses of these meaningful distinctions are not inimical to Liberal rationality. To the contrary, the erosion of these great dialectical interplays now actually provides Liberalism with its very generative principles of formation. I felt that you began to explore this in Empire by noting how Foucault’s bio-politics was inadequate to our complex, adaptive and emergent times. To rectify this, Deleuze’s notion of Control Societies was introduced which is more in line with contemporary systems of rule.

My interest in this however is what actually lies behind. Namely, the realisation that societies of control are informed by a fundamental change in the bio-political account of life, which although giving more to life in terms of its potentiality, equally presents life in an altogether more dangerous light. This reveals what I would term the Liberal Paradox of Potentiality—revealing also contemporary Liberalism’s irresolvable bio-political aporia. On the one hand, it is recognised that the body which is liberated from the former disciplinary regimes is a body whose capacity to be free is assumed to increase exponentially. With Liberal freedom here not implying that every situation always presents a certain degree of freedom, or for that matter that one can simply “be free”, but that freedom is something which needs to be continually produced. And yet it is precisely because a body is now endowed with adaptive and emergent qualities—capable of becoming other than what was once epistemologically certain, that a life sets off more alarms. After all, who knows what a body is now capable of doing? Deleuze’s reading of Spinoza thus reads rather prophetic. For what a body is capable of becoming is the war cry heeded by contemporary security practitioners. This is reflected by recent developments in the field of counter-terrorism. A marked shift is now clearly taking place in this field which is moving us away from the traditional actions (punish after the event) or intentions (punish if intentions can be established) based approaches, tending instead towards a more pervasive capabilities assessment (punish if one can establish the capability to strike).

Hardt: I find it interesting how the decline of the division between inside and outside does not undermine liberal rationality, as you say, from the perspectives or in the fields of International Relations and Security Studies but does undermine the logic of a variety of liberal and radical democratic projects in the field of Political Theory. It seems to me that the collapse of a meaningful distinction between inside and outside is inimical to liberal democracy or radical democracy for these authors. For the critique and/or redemption of liberal democracy in political theorists such as William Connolly and Wendy Brown a discrete and bounded space is required for the effectiveness of liberal rights, formal equality, freedoms, and representation. Ernesto Laclau’s notion of the people, Chantal Mouffe’s concept of hegemony, and Etienne Balibar’s idea of citizenship (even in a supranational context such as Europe) all similarly require a delimited sovereign space and a specific population. The focus in all these cases, it seems to me, is not on the outside or the conflict across the inside/outside border but rather on the circumscribed nature of the inside. The people to whom these notions of liberal or radical democracy apply must be determinate and limited. That is not to say, I should repeat, that the projects of these political theorists require the definition of an enemy or focus on mechanisms of exclusion, but rather that they rely on a definite conception of the “inside,” that is, a coherent social body (such as a people) and a delimited sovereign space (whether national or not).

## 4

The United States should support a United Nations resolution to limit the use of humanitarian justifications as grounds for introducing the United States Armed Forces into hostilities

Unclear criteria for intervention creates international uncertainty over the broader R2P agenda – a clear policy is key to norm implementation

Gilligan ’13 (Emma, Associate Professor in History at the University of Connecticut, “Redefining Humanitarian Intervention: The Historical Challenge of R2P,” Journal of Human Rights Volume 12, Issue 1, 2013)

While the R2P doctrine provides a clear and integrated framework for protecting human lives, the UN has yet to devise a specific list of criteria for military intervention. This remains a critical problem. To a large extent, there is agreement that the UN is the primary forum for decision making on the use of force. Yet, the expression used to determine whether the international community should intervene (i.e., that a state “manifestly fails” to protect its population) remains ambiguous and could be used in an obstructionist way. The issue, moreover, on how to punish states that fail to respond to mass atrocities is not addressed in the ICISS report or in the UN documents. This is not to suggest that these issues will not be on a future agenda. Clearly Ban's decision to reintroduce the P5 “Code of Conduct” and proposal to include a list of military criteria in the debate are significant steps in returning the discussion to some of the initial suggestions proposed by the ICISS in 2001.

The appointment of Edward Luck by the office of the UN Secretary General was a landmark event. Luck's achievements include facilitating the UN informal dialogues, drafting Ban Ki-Moon's reports, creating the UN Contact Group, and negotiating with recalcitrant states. His appointment has been instrumental in ensuring that R2P remains on the UN table at the forefront of discussion. Luck has also set the tone for those who consider themselves in the R2P vanguard by being a notable leader. Indeed, his newly strengthened R2P helped to identify areas that needed to be more tightly organized within the UN system. It is true that this appointment, as well as the continued backing of the UN Secretary General, has yet to generate a coherent and systematic response to violent conflicts by UN member states. The gulf between the framework of the norm and its effective implementation remains large and careful reinforcement of regional organizations is urgently needed to consolidate the norm in everyday practice.

For many, this rearticulation of “humanitarian intervention” was very necessary when faith in the international system had been so comprehensively dismantled after the events of the 1990s, and the US invasion of Iraq in 2003. Intolerant attitudes toward R2P have not, therefore, corrupted the energy of its advocates. The question is whether Luck's efforts will result in **policy oriented strategies that strengthen existing institutions** and encourage more committed resources. R2P continues to rest precariously in the hands of a few devoted individuals, the majority of whom sit in the office of the UN Secretary General. The future depends in part, not only on powerful people keeping the idea alive but ensuring that the R2P movement sustains the moral campaign it has generated. One only has to recall the historical plight of the 1948 Genocide Convention to recall the ease in which principle over practice is adopted. The challenge is deeply familiar.

Conclusion of their evidence agrees – we need to have the authority, but it should have limitations

Young ’03 (Iris Marion, Professor of Political Science at The University of Chicago, “The Logic of Masculinist Protection: Re?ections on the Current Security State”, Signs: Journal of Women in Culture and Society 2003, vol. 29, no. 1)

According to some recent reports, the lives of women in Afghanistan have changed little since before the war, except that some of them have lost their homes, their relatives, and what little livelihood they had (Reilly 2002). The oppression of most of them remains embedded in social structure, custom, and a culture of warlord anarchism**. I would not argue that humanitarian reasons can never justify going to war against a state. I think, however, that such protectionist grounds for military intervention must be limited to situations of genocide or impending genocide and where the war actually makes rescue possible** (Young 2003). Even if the U.S. government is sincere in its conviction that its military efforts are intended to save the world from evil, its political and military hegemony materially harms many poor and defenseless people of the world and positions most of the world in a position of subordination that nurtures resentment.

## Contention 1

The Aff’s not unique – the application of R2P was an exception and won’t be repeated, no linear increase in intervention – their author

Patrick ’11 (Stewart, Senior Fellow and the Director of the Program on International Institutions and Global Governance at the Council on Foreign Relations, “Libya and the Future of Humanitarian Intervention,” August 26, http://www.foreignaffairs.com/articles/68233/stewart-patrick/libya-and-the-future-of-humanitarian-intervention)

The fall of Libyan leader Muammar al-Qaddafi is a significant foreign policy triumph for U.S. President Barack Obama. By setting overall strategy while allowing others to shoulder the burden of implementing it, the Obama administration achieved its short-term objective of stopping Qaddafi's atrocities and its long-term one of removing him from power. This was all done at a modest financial cost, with no U.S. troops on the ground, and zero U.S. casualties. Meanwhile, as the first unambiguous military enforcement of the Responsibility to Protect norm, Qaddafi's utter defeat seemingly put new wind in the sails of humanitarian intervention.

One must be careful, however, not to overdraw lessons from the Libyan experience. It was a unique case and is unlikely to be repeated.

For one, Libya had Qaddafi, a villain straight from central casting, who had managed to alienate nearly all UN member states, including his erstwhile Arab and African allies.

**The timing was also perfect**. As the UN, NATO, and United States debated intervention, leaders in the Middle East were still reeling from the Arab Spring. Acutely aware of the vulnerability of their own regimes, the members of the Arab League, Organization of the Islamic Conference, and Gulf Cooperation Council all endorsed the UN's declaration of a no-fly zone over Libya, including the use of "all necessary means" to prevent mass atrocities.

In addition, China and Russia, the two permanent members of the Security Council (UNSC) most averse to authorizing military intervention under Chapter VII of the UN Charter, had no special relationship with, or interests in, Libya. So, they had no reason to veto a collective action.

Libya has demonstrated the viability of a well-implemented RtoP intervention, but one should not assume that the United States and its allies will now apply it universally.

Moreover, Libya is a small country, with a population of only 6.4 million, which is concentrated along a fairly narrow strip of land by the Mediterranean. Thus, the logistics of military intervention promised to be less daunting there than it would have in Sudan, for example, which is fifty percent larger, almost seven times as populous, and has hundreds of thousands soldiers under arms. And since Libya is situated on Europe's doorstep, NATO and the EU were more motivated to provide aerial power and political support for the mission, since regional instability and a wave of refugees would effect them if the revolution failed.

The country also possessed a credible, fairly cohesive, and **increasingly capable opposition movement**, which provided the ground force that casualty-averse Western governments would not. These rebels ultimately proved able to defeat Qaddafi's military machine.

Finally, Libya was an unambiguous case for applying the RtoP doctrine. To be sure, the atrocities Qaddafi orchestrated in Libya prior to the intervention pale in comparison to those committed during the course of other recent violent conflicts. In Sri Lanka, for example, the government killed thousands of civilians while finishing off the rebel Liberation Tigers of Tamil Eelam in 2009. And forces in the Democratic Republic of the Congo have raped tens -- or perhaps hundreds -- of thousands of women over the past decade to sow terror. Qaddafi's violent crackdown on this spring's protests and his explicit promise to "have no mercy and pity" on residents of Benghazi, the opposition stronghold, also left little ambiguity. As Secretary of State Hillary Clinton noted in March, "left unchecked, Qaddafi will commit unspeakable atrocities."

Qaddafi's ouster may vindicate the RtoP idea, but the application of the norm will inevitably remain selective and highly contingent on the political context. The humanitarian imperative is a strong and growing global impulse, but statecraft is still subject to constraints of geopolitics, resources, and political will.

What has been most striking in the Libyan case is the Obama administration's vocal leadership in seeking to consolidate RtoP as a vital global norm -- a stark contrast to the lukewarm attitude of the Bush administration. Washington's embrace of RtoP is critical, because the United States is the only country with the power and the credibility to actually enforce it.

Lest one imagine that the Libyan case is a one-off, on August 4 the Obama administration released the Presidential Study Directive on Mass Atrocities (PSD-10). The directive defines the prevention of mass atrocities as both "a core national security interest and a core moral responsibility of the United States." PSD-10 is a groundbreaking document and represents a huge victory for NSS Senior Director Samantha Power, a leading administration hawk on Libya.

Obama is not Bush – not a latent justification of his policies

Long ’13 (Kelley, Bridgewater University, “The Rhetorical Evolution of President Obama’s Discourse on the War on <Terror>,” May 2014)

It seems that President Obama all but abandons his previous rhetorical standings – the emphasis has been **removed from <democratic values>** domestically and focuses more on building democracy abroad, particularly in Iraq as the United States was withdrawing military forces from the country. President Obama implicitly admits the mistake of the Bush Administration: “It’s why I refocused the fight, bringing to a responsible end the war in Iraq, which had nothing to do with the 9/11 attacks, and dramatically increasing our resources in the region where Al Qaeda is actually based, in Afghanistan and Pakistan” (2010a). Here, he directly addressed his critics who expressed concern that we should not have withdrawn from Iraq when we did, that our presence there was necessary to maintain the security of their nation from <terrorist> infiltration. Implicitly, President Obama admitted that invading Iraq may have been a mistake considering that the <terrorists> who had organized and enacted the attacks of September 11th had direct connections to Afghanistan – we should have been looking for them where the evidence suggested they were, in hot beds of political turmoil and civil war tensions, which also includes Pakistan. By phrasing this confession in such an ambiguous way, it **absolves the current administration and removes the inaccurately labeled <terrorist>** conflict from Iraq, lowering the threat level from a clear and present danger within its borders to that of a removed, foreign, would-be invader – a common enemy that the newly founded Iraqi democracy and the United States now share.

No internal link – protection discourse does not relate to specific policy and does not create a norm of intervention

Heinze ’11 (Eric A., is Assistant Professor of Political Science and International Studies at the University of Oklahoma, “Humanitarian Intervention, the Responsibility to Protect, and Confused Legitimacy,” Academia)

The results of this attempt to reframe the humanitarian intervention debate as R2P are interesting to examine in terms of the broader acceptance of humanitarian intervention in international society. On one hand, there have been some extremely promising developments at the United Nations (UN) for R2P advocates—most notably when member states at the 2005 World Summit unanimously endorsed a version of the R2P doctrine, followed by a reaffirmation of R2P by the UN Security Council, which indicated its readiness to adopt appropriate R2P measures where necessary. These developments were the genesis of another wave of literature on R2P and humanitarian intervention that can be described as a mix of scholarship and advocacy, while an academic journal called Global Responsibility to Protect was founded in 2009, with the **explicit aim** to promote the “**development [of R2P] as a new norm of global politics**” and to “disseminate information about the current status of R2P and efforts to realize its promise” (Global Responsibility to Protect website). Furthermore, these developments have led some commentators to declare R2P, as well as humanitarian intervention, as “new international norms,” or, alternatively, as “emerging norms” (Bellamy 2005; Evans 2008b; Arbour 2008; Kuperman 2008; Serrano 2010).

On the other hand, **state practice has not necessarily accompanied these declarations of the existence of a new norm,** and indeed, after the 2005 World Summit, there was something of a **“revolt”5 against R2P**. Many UN member states attempted to **backtrack from their commitments** and have been reluctant to support subsequent implementation efforts. While there is evidence to suggest that much of this “revolt” against R2P has been a result of its association with the more controversial idea of humanitarian intervention (Bellamy 2009: 113), it also suggests that the status of humanitarian intervention as an international norm perhaps has been over-stated in the extant literature, despite the fact that the idea has gained acceptance in some international circles and among academics (Stahn 2007).

Impact inevitable – they have to start with a critique of violence not just who is using it

Forsythe '13 (David P., Emeritus University Professor and Charles J. Mach Distinguished Professor in Political Science at the University of Nebraska-Lincoln, "On Contested Concepts: Humanitarianism, Human Rights, and the Notion of Neutrality," Journal of Human Rights Volume 12, Issue 1, 2013)

The difficulty of distinction here is not merely a problem of parsing sincere from insincere motivations or intentions. Thus, for example, it is not sufficient to dismiss NATO's self-definition as a “solidarity” organization (NATO 2011), nor is it adequate to simply ignore the claim that what activists on board the Gaza Freedom Flotilla were doing was an act of “foreign intervention.” 15 Instead, what resides in the difficulty of distinguishing acts of transnational solidarity from acts of foreign intervention are the mutable borders of the political communities we imagine, the importance we attach to their “autonomy,” and who we take to be the proper subject of politics within those borders. 16 Without those borders, as one might wish, neither the distinction between “national” and “foreigner,” nor the distinction between “solidarity” and “intervention” would make much sense.

Finally, the last but not least of the challenges that presented itself in debates on the demands of transnational solidarity in the case of Libya, if only through its systematic absence, was a critique of violence. 17 Such a critique could begin by addressing violence as a means—regardless of the agents mobilizing it, be them cosmopolitans, internationalists, imperialists, anti-imperialists, nation-states, international organizations, revolutionaries, reformists, or solidarity activists and regardless of the ends it serves, be them legal or illegal, legitimate or illegitimate, just or unjust. An exception to the absence of such a critique could be offered by “pacifists,” but even there a critical question remains, as to what violence is, as to what is said to constitute and not constitute violence.

I ultimately raise the question of violence not as a “mere” exercise in philosophical thought but, in the spirit of Hannah Arendt, as a practical problem of politics and action (Arendt 1969). Without a renewed critique of violence, I am afraid, and without living traditions in which to make sense of its own critiques, a politics of transnational solidarity will endlessly attempt to position itself, case by case, bomb by bomb, strike by strike, arrest by arrest, bullet by bullet, camp by camp and will continue to do so exception after exception, life after life. Perhaps, this is the only “solution”—which a multitude of states, theologians, lawyers, philosophers, and revolutionaries have been willing to offer—but perhaps it is not.

Their risk assessment arg is out of context – political action and fidelity towards the global rule of law stop violence – this is fact not white masculinism

Kyle '13 (Jess, Dept. of Philosophy @ Binghamton, "Protecting the World: Military Humanitarian Intervention and the Ethics of Care," Hypatia Vol. 28 Iss. 2, pg. 257-273 2013)

In this section I articulate what I take to be the costs of Held's exceptionalist approach to intervention. This approach minimally allows for interventions with features similar to the Kosovo case, but also holds that caring values should guide decisions about any new individual instances of intervention, including the extent to which international law must be respected. I refer to these costs collectively as the problem of global worldlessness, which is the loss or erosion of global political space, and claim that Kosovo is best understood as not simply an undermining of law but as a perpetuation of the undermining influences that have plagued the postwar legal system since its founding.

Hannah Arendt's understanding of “world” is my primary source of inspiration in developing an account of the problem of global worldlessness. For Arendt, the world is the space that is constituted by political action and then protective of political action through the exclusion or controlled limitation of violence. Political power emerges through political action—when distinct individuals act in concert—and is thought of by Arendt as the opposite of violence (Arendt 1970, 44–56). She thus offers a view of productive power wherein power is not borne of acts of violence, but rather political action; nor is power destructive of politics, but instead creates and sustains the space within which it occurs.

The founding moments that constitute political space rely on a crucial material feature of the world. Power dissipates quickly, but tangible human artifacts such as constitutions provide a way for power to be concretized. Worldly objects, understood as concretized power, make enduring political space possible. As Iris Marion Young writes on the institutionalization of Arendtian power:

In founding a constitution the founding collective gives itself relative permanence, a permanence guaranteed through covenants. In the moment of founding participants in a public mutually promise to abide by principles that guide institutions, to organize and give their energy to the implementation of the institutions, and to be loyal to the institutions and one another through them. (Young 2003, 260)

These connections among action, power, and protected political space allow the 1945 creation of the UN Charter to be read as the founding of a globally expansive world. Arendt writes that “All laws first create a space in which they are valid, and this space is the world in which we can move about in freedom” (Arendt 2005, 190). The world constituted by the Charter (and related covenants, such as those regarding human rights) is an ongoing project of building and maintaining a global space of politics in which the primary actors are state representatives, UN officials, and, increasingly, NGO-affiliated individuals, although the actions of individuals per se may contribute to or undermine this political project of a global world.

The world created with the UN Charter is an especially fragile one. It is fragile in the sense that any world is—it is dependent upon the effective marginalization of that violence that could be its undoing. Maintenance of international peace and security is a core purpose of the UN, along with developing relations among nations based on respect for equal rights and self-determination and on achieving cooperation to solve problems and promote human rights.5 Yet understanding the postwar international legal regime as political space highlights the containment of violence as not only a goal but also a necessary precondition for the continued existence of this space, as space where actors may move in freedom from the threat of violence from stronger agents and in general rely on speech rather than violence. The global world does not necessarily fail to be political space if it fails, for example, to solve international economic problems; it does fail to be the stable political space of a world if it cannot effectively contain violence and thereby protect politics.

Conflation turn:

The aff’s conflation of humanitarian intervention with R2P destroys support for non-controversial R2P initiatives

Heinze ’11 (Eric A., is Assistant Professor of Political Science and International Studies at the University of Oklahoma, “Humanitarian Intervention, the Responsibility to Protect, and Confused Legitimacy,” Academia)

As the title of Pattison’s book suggests, the idea of a responsibility to protect (or R2P) has become a prominent theme in the discussion about humanitarian intervention, and has arguably given the academic conversation on this topic a new lease on life, especially since few humanitarian interventions have actually been undertaken in the past decade compared with the 1990s. However, there has been a **misleading tendency** in some recent literature to **conflate these two separate ideas**. The books under review generally do a good job of keeping them separate. Hehir takes pains to distinguish between the two ideas and to describe how R2P **relates to the separate idea of humanitarian intervention**. Pattison, though clearly conflating the two in his title, focuses his discussion of R2P on that part of it that pertains to military intervention, thus implying, if not explicitly arguing, that R2P is mainly about humanitarian intervention. The tendency to conflate these two ideas is more than just an analytical quibble. As I suggest below, this distinction is consensus on humanitarian intervention, in particular, has been elusive (Bellamy 2009). Thus, **confusing R2P** (which is a **much broader policy agenda** about preventing gross human suffering) **with the narrower and more controversial idea of humanitarian intervention** potentially makes it **less likely that states will support important R2P initiatives** for fear that doing so ipso facto lends support to an “emerging norm” of which many are understandably quite wary.

The original Responsibility to Protect is the title of a report published by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, which was chaired by former Australian Foreign Minister Gareth Evans and Algerian diplomat Mohamed Sahnoun. The Commission **sought to build consensus** around three central “responsibilities” international actors have toward alleviating egregious human suffering—the responsibilities to prevent, to react, and to rebuild—collectively called the “responsibility to protect.” Largely inspired by Francis Deng’s concept of “sovereignty as responsibility” (Deng et al. 1996), the ICISS adopted similar language in order to encourage states to live up to their responsibilities in looking out for the general welfare of their own citizens, as well as to emphasize that the primary responsibility to protect lies with the state government in question, and that “it is only if the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place” (ICISS 2001: 17).

Maintaining the threat of localized intervention is key to US R2P credibility

Kelly 12

Robert Kelly, professor of international relations at Pusan National University, Ducks of Minerva, February 7, 2012, "Retrenchment & Liberal Internationalism don’t really Fit Together (2): R2P", http://www.whiteoliphaunt.com/duckofminerva/2012/02/retrenchment-liberal-internationalism\_07.html

Simultaneously, we are elated that the Libya operation worked, (against all odds given the Iraq experience and what we know about foreign intervention in LDCs generally). Lots of Duck writers supported the intervention. (I found Jon Western’s arguments last spring particularly persuasive; some of my writing on Libya is here and here.) Even if you didn’t support it, and worried that it meant more ‘empire,’ it still tugged at your heartstrings to see Libyans fighting and dying against a nasty tyrant. So you probably supported the NATO intervention even though you didn’t want to.

We realize that dictatorships are extremely vulnerable only in short windows which the regime will close as quickly as possible with as much blood as necessary. If there is anytime that Syria or NK might switch to more humane governance, it looks like now, when the center is weak. As with Libya, there is a window of opportunity that is deeply tempting, despite our broad sense that the US is doing too much and killing too many people. But given how rare revolutions like Libya are, it feels ridiculous, almost immoral, to miss such a unique, human rights-improving opportunity on behalf of a generalized principle like retrenchment (‘make me a non-interventionist, but not yet’).

Further, there is growing body of evidence that intervention can actually work pretty well and most crucially reduce the killing. How many more times can you teach the Holocaust or Darfur or the Khmer Rouge or ‘rape as a weapon’ in class before you personally agree with R2P? For me this has been fairly central. I worry a lot about US ‘empire,’ but I find teaching the material that we do in IR to be so disturbing sometimes, that it makes me an unwanted interventionist. I often wonder how undergraduates must think of us as we calmly explain the ‘nuclear calculator,’ or how to gauge who is history’s worst genocidaire. So even if we broadly want US retrenchment, we are keen enough to realize that R2P is genuinely appealing and that the opportunities for it to be effective are both rare and short. Ie, if we don’t move quickly to help places like Libya and Syria when the rare opportunity arises, we leave them to yet further decades of repression. Who wants to explain that away? And realistically the only state with the ability to push through meaningful R2P interventions is the US.

In brief, the bulk of IR scholars today normatively wants two things increasingly at odds, I think: 1. a slowdown, if not end, of the GWoT – torture, indefinite detention, Guantanamo, drones, Islamophobia, national security state overkill, domestic militarism, and the relentless killing. 2. R2P – taking advantage of the momentary weakness of truly awful regimes to push through desperately needed liberal changes in the name of humanitarianism. The former results in the (much-wanted) demilitarization of US foreign policy and domestic culture, while the second requires a large, interventionist US military, because honestly, no one else can do really R2P besides the US.

I guess if you are Walt or Layne or Ron Paul, these aren’t in conflict. Realist ‘retrenchers’ think the second goal is fairly illusory, so they are comfortable foregoing it to get the sorely needed de-militarization of US life. But the work of Pinker, Goldstein, Western, the democratic peace, even the end of history, makes me more confident that humanitarian action can work and that at least minimally liberalized states can get along without killing each other or their own people. It is awfully tempting to think that just a little bit more exertion, a little more defense spending, a little more covert assistance could help push through desperately needed change in places like Syria or Zimbabwe…

Prevents genocide and contains conflict spread

Slaughter 12

ANNE-MARIE SLAUGHTER, Anne-Marie Slaughter is currently the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University, The Atlantic, January 23, 2012, "How the World Could—and Maybe Should—Intervene in Syria", http://www.theatlantic.com/international/archive/2012/01/how-the-world-could-and-maybe-should-intervene-in-syria/251776/

Consider the consequences. If the Arab League, the U.S., the European Union, Turkey, and the UN Secretary General spend a year wringing their hands as the death toll continues to mount, the responsibility to protect (R2P) doctrine will be exposed as a convenient fiction for power politics or oil politics, feeding precisely the cynicism and conspiracy theories in the Middle East and elsewhere that the U.S. spends its public diplomacy budget and countless diplomatic hours trying to debunk. If you believe, as I do, that R2P is a foundation for increased peace and respect for human rights over the long term, that each time it is invoked successfully to authorize the prevention of genocide, crimes against humanity, grave and systematic war crimes, and ethnic cleansing as much as the protection of civilians from such atrocities once they are occurring, it becomes a stronger deterrent against the commission of those acts in the first place. Governments' systematic abuse of their own citizens have either caused or presaged countless conflicts around the world: the crimes against humanity perpetrated against the Jews and other minorities by the Nazi government before World War II; Saddam Hussein's systematic war crimes in his war with Iran in the 1980s before his invasion of Kuwait in 1991; the Rwandan genocide leading to 15 years of conflict in the Congo; the ethnic cleansing in the Balkans before and during the war in Bosnia, Croatia, and ultimately Kosovo; and countless cases of such behavior triggering civil war and ethnic conflict that create massive refugee flows and destabilization across entire regions. Deterrence and prevention of crimes of this magnitude is thus a force for peace.

## Contention 2

No solvency – the aff does not eliminate R2P as an international doctrine – outspoken criticism does not change implementation

Gilligan ’13 (Emma, Associate Professor in History at the University of Connecticut, “Redefining Humanitarian Intervention: The Historical Challenge of R2P,” Journal of Human Rights Volume 12, Issue 1, 2013)

While success on the ground for R2P was critically limited after 2005, evidence of the growing success of Luck's strategy to build support for the concept across the member states was becoming clearer by 2009. This support was not immediately obvious. In July, Luck organized an informal thematic dialogue on R2P based on the Secretary-General's report “Implementing the Responsibility to Protect.” The prelude to the meeting began with the controversial memo forwarded by the General Assembly President, Miguel d'Escoto Brockmann of Nicaragua, to member states (Office of the President Of The General Assembly [OPGA] 2009). In an unprecedented step, Brockmann challenged the neutrality of the office of the General Assembly President with his four-page memo, issued prior to the dialogue. Brockmann argued that it was “the **great anti-colonial struggles** and the anti-apartheid struggles that restored the human rights of populations across the developing world and therefore were the greatest application of responsibility to protect in world history” (OPGA 2009: 1). His memo concentrated on the importance of prevention as the key to R2P with an emphasis on reforming international economic governance. He rejected the notion of criteria for the use of force for specific crimes by reinforcing the prohibition on force as prescribed by the charter. He finished by saying “that the General Assembly would need to ensure that it does not inadvertently or even remotely, in the words of Jurgen Habermas, ‘break the civilizing bounds which the Charter of the United Nations placed with good reason upon the process of goal-realization' ” (OPGA 2009).

The memo was followed by an informal panel of academics chosen by Brockmann. The panel consisted of American academic Noam Chomsky, the French physicist Jean Bricmont

, and the Kenyan author Ngugi wa Thiong'o. Although Luck insisted that Gareth Evans be included, the panel was an unproductive collaboration. Chomsky and Bricmont failed to address the central question of R2P: how to respond to mass atrocity crimes—war crimes, crimes against humanity, ethnic cleansing, and genocide. **Both scholars criticized the historical crimes** committed by the United States and Western powers, with Chomsky (2009: 4) arguing that R2P was another historical example of the civilizing mission and a “weapon for imperial intervention at will.” For Chomsky, it was not coincidental that the R2P doctrine appeared at the same time that the Bush administration was seeking to protect its international oil and gas lines. Bricmont (2009: 2) centered his talk against the United States, arguing that “If it is true that the 21st century needs a new United Nations, it does not need one that legitimizes such interventions by novel arguments, but one that gives at least moral support to those who try to construct a world less dominated by the United States and its allies.”

While Ngugi wa Thiong'o's (2009: 8) arguments were more subtle, he too failed to address the central issue and blithely argued that “the global community, through a strengthened and democratic United Nations and its organs, should look at structural uneven development as an integral part of the implementation of the responsibility to protect.”

Public opinion or resistance does not overcome political factors that lead to circumvention

Hildebrandt et al. ’13 (Timothy Hildebrandt, Assistant Professor in Social Policy and Developoment in the Department of Social Policy at The London School of Economics, Courtney Hillebrecht, Ph.d., Assistant Professor in IR @ the University of Nebraska Lincoln, and Jon Pevehouse, “Opinion: In U.S., humanitarian intervention is just 'politics as usual,'” <http://www.ibsys.com/content-development/content-portfolio/Opinion-In-U-S-humanitarian-intervention-is-just-politics-as-usual/-/8622374/20140962/-/s6jhd2z/-/index.html>)

Those who push for more humanitarian missions can increase support for such missions by raising public outcry for action.

But the bad news is that humanitarian crises, like in Syria, which should rise above politics as usual, are often **mired in that very spot**.

Although public opinion appears to have an influence on legislative behavior, **traditional factors** such as partisanship have the strongest influence **on how legislators cast their votes**.

Humanitarian intervention is most likely when the U.S. president enjoys a majority in Congress. In the case of the 1990s, humanitarian interventions failed to get off the ground when President Clinton lost majorities in Congress.

If American politics is becoming increasingly partisan, future administrations should have an even harder time galvanizing the domestic support they need to address any humanitarian crises.

This does not mean, however, that humanitarian intervention will only occur when a president enjoys a majority in Congress. As the recently launched humanitarian missions suggest, **politicians are learning the lessons of the 1990s and circumventing Congress.**

This helps explain why President Obama's decision to contribute the U.S. military to NATO operations in Libya proceeded without Congressional authorization; the president was surely aware that such a vote would go down to defeat in a Republican-controlled House and deeply partisan Senate.

Congress was similarly bypassed in October 2011 when the administration deployed military advisers to Uganda.

Congress was similarly bypassed in 2011 and 2013 when the administration deployed military advisers to Uganda and Jordan, respectively.

Military intervention solves war

Goldstein 11

Joshua S. Goldstein is professor emeritus of international relations at American University and author of Winning the War on War: The Decline of Armed Conflict Worldwide, Foreign Policy, September/October 2011, "Think Again: War", http://www.foreignpolicy.com/articles/2011/08/15/think\_again\_war?page=full

"Peacekeeping Doesn't Work."

It does now. The early 1990s were boom years for the blue helmets, with 15 new U.N. peacekeeping missions launched from 1991 to 1993 -- as many as in the U.N.'s entire history up to that point. The period was also host to peacekeeping's most spectacular failures. In Somalia, the U.N. arrived on a mission to alleviate starvation only to become embroiled in a civil war, and it quickly pulled out after 18 American soldiers died in a 1993 raid. In Rwanda in 1994, a weak U.N. force with no support from the Security Council completely failed to stop a genocide that killed more than half a million people. In Bosnia, the U.N. declared "safe areas" for civilians, but then stood by when Serbian forces overran one such area, Srebrenica, and executed more than 7,000 men and boys. (There were peacekeeping successes, too, such as in Namibia and Mozambique, but people tend to forget about them.)

In response, the United Nations commissioned a report in 2000, overseen by veteran diplomat Lakhdar Brahimi, examining how the organization's efforts had gone wrong. By then the U.N. had scaled back peacekeeping personnel by 80 percent worldwide, but as it expanded again the U.N. adapted to lessons learned. It strengthened planning and logistics capabilities and began deploying more heavily armed forces able to wade into battle if necessary. As a result, the 15 missions and 100,000 U.N. peacekeepers deployed worldwide today are meeting with far greater success than their predecessors.

Overall, the presence of peacekeepers has been shown to significantly reduce the likelihood of a war's reigniting after a cease-fire agreement. In the 1990s, about half of all cease-fires broke down, but in the past decade the figure has dropped to 12 percent. And though the U.N.'s status as a perennial punching bag in American politics suggests otherwise, these efforts are quite popular: In a 2007 survey, 79 percent of Americans favored strengthening the U.N. That's not to say there isn't room for improvement -- there's plenty. But the U.N. has done a lot of good around the world in containing war.

"Some Conflicts Will Never End."

Never say never. In 2005, researchers at the U.S. Institute of Peace characterized 14 wars, from Northern Ireland to Kashmir, as "intractable," in that they "resist any kind of settlement or resolution." Six years later, however, a funny thing has happened: All but a few of these wars (Israel-Palestine, Somalia, and Sudan) have either ended or made substantial progress toward doing so. In Sri Lanka, military victory ended the war, though only after a brutal endgame in which both sides are widely believed to have committed war crimes. Kashmir has a fairly stable cease-fire. In Colombia, the war sputters on, financed by drug revenue, but with little fighting left. In the Balkans and Northern Ireland, shaky peace arrangements have become less shaky; it's hard to imagine either sliding back into full-scale hostilities. In most of the African cases -- Burundi, Rwanda, Sierra Leone, Uganda, the Democratic Republic of the Congo, and Ivory Coast (notwithstanding the violent flare-up after elections there in late 2010, now resolved) -- U.N. missions have brought stability and made a return to war less likely (or, in the case of Congo and Uganda, have at least limited the area of fighting).

Could we do even better? The late peace researcher Randall Forsberg in 1997 foresaw "a world largely without war," one in which "the vanishing risk of great-power war has opened the door to a previously unimaginable future -- a future in which war is no longer socially-sanctioned and is rare, brief, and small in scale." Clearly, we are not there yet. But over the decades -- and indeed, even since Forsberg wrote those words -- norms about wars, and especially about the protection of civilians caught up in them, have evolved rapidly, far more so than anyone would have guessed even half a century ago. Similarly rapid shifts in norms preceded the ends of slavery and colonialism, two other scourges that were once also considered permanent features of civilization. So don't be surprised if the end of war, too, becomes downright thinkable.

# 2nc

# adv 1

## 2nc ov

Their understanding of Libya is ahistorical – Obama has not positioned himself as masculine protector – in fact, humanitarian intervention has been one of the few enclaves for feminine perspectives in U.S. foreign policy –

Samantha Power, Susan Rice, Anne-Marie Slaughter, Hillary Clinton – some of the few women who have broken through the paternalistic and masculine politics of international relations have done so by making the feminine case for defending the defenseless

Obviously the presence of women is not synonymous with a feminine perspective – but it is the aff who is too simplistic: they link intervention with Obama and masculinity, which is simply not what has happened – no link to their gender offense

And it’s a turn – the aff puts all these decisions in the hands of Obama, our male President – they ignore the female advisors who have, with good intentions, made these policies a reality

Broadwell, the American Prospect, 7/13/2013

(Paula, http://www.prospectmagazine.co.uk/magazine/the-doctrine-of-power-paula-broadwell-samantha-power/#.Ushs4mRDu6o)

Another key area of Power’s work under Obama has been Libya where, in March 2011, she allied with then Secretary of State Hillary Clinton and Ambassador to the UN Susan Rice to persuade Obama to support a Nato-led military intervention. Although Libya is still in turmoil, the military action, as alluded, was hailed as a model intervention by Nato’s then Supreme Allied Commander Admiral James Stavridis. Such a well-orchestrated multilateral response is rare, though it is the ideal that Power is likely to seek as the international community continues to grapple with containing the violence in Syria. But “no one with proximity to [Obama] or without it has been all that successful” with devising a strategy for Syria, Michael O’Hanlon of the Brookings Institution told me.

In public, Power has been muted about intervening in Syria. But she has not been silent in the White House. Her early argument for more robust action in Syria—such as arming the rebels—has been adopted, and at the UN she will seek to play a more prominent role in orchestrating multilateral efforts.

## 2nc r2p qu

Awful analogy – Libya was a unique example that depended on tons of factors lining up properly including broad international support, cost effectiveness, a cohesive opposition. Sudan and our minimal intervention in Syria prove the US is not looking to flex it’s R2P in anywhere near the capacity they’re spinning it, that’s Patrick.

No impact uniqueness – we’re moderating our intervention stance

CFR '13 (Jayshree Bajoria and Robert McMahon, "The Dilemma of Humanitarian Intervention," June 12, 2013, www.cfr.org/humanitarian-intervention/dilemma-humanitarian-intervention/p16524#p5)

Beyond operational and political questions, military intervention also involves legal issues, says CFR's Matthew Waxman. "Humanitarian/military intervention outside of a UN Security Council mandate remains a very highly contested area of international law," he says. And Russia and China have historically been reluctant to support any form of intervention. Besides their long-standing noninterference policy in the internal affairs of other countries, they are "particularly worried that it could create a precedent for the international community to have a say in how they treat their own, sometimes restive, minority populations," says CFR's Patrick.

The willingness to use armed force is also inevitably influenced not only by the desperation of the affected population but also by geopolitical factors, including the relevance of the country to the world community, regional stability, and the attitudes of other major players, say experts.

The U.S. role as standard bearer for the R2P concept remains a question. It has been reluctant to commit to a forceful intervention in Syria, limiting itself to announced plans to arm the opposition and working with Russia to try to convene a peace conference bringing together the Assad regime and rebels. CFR's Waxman says the U.S. nation-building experiences in Iraq and Afghanistan have demonstrated the on-the-ground challenges faced after U.S.-led interventions. "The United States has limited power to help put these countries back together after regimes collapse in ways that ensure that rights and safety of the local populations are maintained," he says.

President Obama's appointment in June 2013 of two top officials who have been outspoken in the past on humanitarian intervention--Susan Rice as national security adviser and Samantha Power as UN ambassador--prompted discussions about whether he might be signaling willingness to intervene in humanitarian crises. But a number of analysts have cautioned against taking too simplistic a view about the roles Rice and Power will play. "Both **Rice and Power have moderated their views on U.S. military intervention abroad over the years**, in large part because of the backlash from the wars in Iraq and Afghanistan, preferring to resort to diplomatic pressure, 'moral suasion,' and other tools," writes the National Journal's Michael Hirsh.

At present, the world community has limited options for responding to humanitarian crises. UN General Assembly Resolution 46/182 formed guiding principles for states' response to humanitarian disasters and was central to the establishment of the office of the UN emergency relief coordinator and the development of the Inter-Agency Standing Committee.

## 2nc discourse link

Correlation vs. causation – Obama and Bush may be similar, but they construe “terrorist” and “values” far differently – Obama has made a large effort to removing the perception of whole countries as rogue terrorist actors, that’s Long

Gut check – it’s 2013, we’re getting out of Afghanistan, we’re out of Iraq, their evidence is still in the context of the surge which was the result of operational factors, not a desire to be masculine.

Chandrasekaran ‘12 (Rajiv, senior correspondent and associate editor at the Washington Post, “The Afghan Surge Is Over,” September 25, 2012, http://www.foreignpolicy.com/articles/2012/09/25/the\_afghan\_surge\_is\_over)

The U.S. troop surge in Afghanistan ended last week. You'd be forgiven if you didn't notice. There was no proclamation of success from the White House, no fanfare at the Pentagon, no public expression of gratitude from Afghan President Hamid Karzai. It fell to Defense Secretary Leon Panetta, who was traveling in New Zealand, to announce that the last of the 33,000 surge troops, dispatched by President Obama in late 2009 at the behest of his military commanders, had left Afghanistan.In stating that U.S. troop levels had dropped to 68,000, Panetta told reporters traveling with him that "this is an opportunity to recognize that the surge did accomplish its objectives." A few days earlier, the chairman of the Joint Chiefs of Staff, Gen. Martin Dempsey, stated that the surge was "an effort that was worth the cost." Are they right? In my new book, Little America: The War Within the War for Afghanistan, I explore what really happened over there -- and in Washington -- after Obama decided to surge. The real story of the surge cannot be reduced down to a soundbite. It exacted a significant cost on the United States -- in lives, limbs, and dollars. Sure, the surge did have some positive impacts: The Taliban were pushed out of large stretches of southern Afghanistan, the influx of U.S. resources accelerated the development of the Afghan security forces, and the billions that were poured into the country in the name of reconstruction did provide short-term employment to thousands of young men. But did the surge really achieve its objectives? And were the gains worth the cost? The now-retired commanders who pressed Obama to surge in 2009 -- Gen. Stanley McChrystal, Gen. David Petraeus, and Adm. Mike Mullen -- all insisted at the time that more troops, coupled with a protect-the-population counterinsurgency strategy, would have a good chance of turning around a failing war. They believed a surge had saved Iraq, despite strong evidence that the reasons for the improvements in security there were far more complex. In Afghanistan, they argued, the additional troops would allow the military to protect key parts of the south from Taliban advances; once that mission was completed, they would swing east to pacify areas around Kabul. The surge force also would provide a valuable opportunity to expand the Afghan army, disburse reconstruction assistance and create -- in conjunction with the State Department -- local governments in places were there had been very little government influence, reasoning that generating Afghan-led security and an indigenous civil administration would convince people to stop supporting the insurgency.

Literally no one thinks Obama is a masculine force of power

Telegraph 9/17 ("Barack Obama's Faustian pact with Vladimir Putin over Syrian chemical weapons brings despair to allies," www.telegraph.co.uk/news/worldnews/middleeast/syria/10309943/Barack-Obamas-Faustian-pact-with-Vladimir-Putin-over-Syrian-chemical-weapons-brings-despair-to-allies.html)

Just how crucial, however, only became clear just after 7pm when Mr Obama's presidential motorcade – unannounced and unscheduled – came howling out of the gates of the White House to make the three-mile journey up Massachusetts Avenue, past the Lutyens-designed British Embassy, to his deputy's house.

It was an extraordinary breach of protocol that, in hindsight, heralded an even greater loss of face for Mr Obama on the world stage.

White House officials tried to brush off the dash across town by saying that Mr Obama had just "dropped by" Mr Biden's place, but no-one was fooled: American presidents just don't "drop by" to see US senators at zero notice. For all the spinning, it was clear that the White House sensed the real possibility of defeat in the Democrat-controlled Senate.

Not for the first time in the Syria crisis, Mr Obama had telegraphed **he was playing a weak hand.**

It was against this dismal background that Mr Obama awoke on Monday morning, mulling a potential defeat in Congress that, as one commentator put it, would have left him the most emasculated US president since Jimmy Carter went fishing in Georgia and was attacked by a "killer rabbit".

In London John Kerry, the US secretary of state, was still beating the drums for an intervention that Mr Obama and his aides knew they could not sell.

Stentorian as always, Mr Kerry warned of the damage that would follow if Bashar al-Assad "was free to rub out countless numbers of his own citizens with impunity".

So was there anything that Assad could do to avoid the threatened attack, he was asked? "Sure," he responded, "He can turn over every single bit of his chemical weapons to the international community in the next week." To make clear that he wasn't serious he added:

"But he isn't about to do it, and it can't be done, obviously."

## 2nc masculanized intervention

Impact exaggerated – throws out the baby with the bath water – lots of neutral interventions that have no impact

Forsythe '13 (David P., Emeritus University Professor and Charles J. Mach Distinguished Professor in Political Science at the University of Nebraska-Lincoln, "On Contested Concepts: Humanitarianism, Human Rights, and the Notion of Neutrality," Journal of Human RightsVolume 12, Issue 1, 2013)

None of the above should be taken as a suggestion that the ICRC or anyone else has been able to explain RC neutral humanitarianism in definitive terms. RC neutral humanitarianism remains a contested concept. There are at least three explanatory points worth noting. First, the ICRC is supposed to be neutral in motivation, expressing no preference on “political” or racial or religious controversies. In particular, it expresses no judgment about aggression or self-defense or other matters pertaining to the causes of war and other forms of violence in specific contexts. While generally in favor of peace, it takes no position on jus ad bellum (law regarding the commencement of war) but limits its action to jus in bello (law regarding the process of war) and similar process issues. It has sometimes called for unspecified decisive action by others to deal with the root causes of human misery in places like Darfur or Somalia. Presumably this call included the possibility of military intervention. So the ICRC is on record as favoring an unspecified political approach to the root causes of humanitarian problems but claims to remain nonpolitical itself.

Second, the ICRC tries to be neutral in impact, and its desired situation is to be active on both sides of a conflict, carrying out the same duties so that reciprocity and proportionality prevail. In World War II, it visited US prisoners of war (POWs) held by the Germans, and German POWs held by the United States; and often when it contemplated some rare public statement about the defects on one side under the 1929 Geneva Convention on Prisoners of War, it tried to find some defect on the other side so that a balanced statement would result. In other situations lacking this reciprocity, the ICRC has on occasion withdrawn from a situation, particularly in conflicts falling short of international armed conflict, because the humanitarian progress made is not matched by the benefits that a fighting party derives from the ICRC's presence. For example, the ICRC withdrew from (or was asked to leave) Ethiopia in the 1980s because the ICRC would not agree to participate in a citizen relocation program. To so participate would have contributed in significant ways to the government's attempt to deprive the guerrilla/rebel fighters of civilian cover. The ICRC would have been seen particularly by the rebel side as tilting significantly in favor of the government.

## roe

The alt fails and destroys minority rights – sectarian violence causes re-securitization

**Roe**, Assistant Professor, International Relations and European Studies – Central European University, **‘4**

(Paul, “Securitization and Minority Rights: Conditions of Desecuritization,” *Security Dialogue*, Vol. 35, No. 3, September)

Aradau’s (valuable) contentions aside, what I want to emphasize here is the particular understanding of securitization in terms of deconstructing identities – where the label ‘migrant’ is subordinated to other, individual identity markers. In this next section, however, what I want to show is how the deconstructivist strategy might be considered a ‘logical impossibility’ when set against the different context of protecting minority rights – that is, where, as an identity marker, the collective (the ethnic and/or the national) is necessarily considered primary. Minority Rights, Societal Security and (the Impossibility of) Desecuritization Taking a lead from Wæver, Kymlicka has also expressed a preference for desecuritization. Speaking of **minority rights**, Kymlicka notes that while in the West the claims of minorities are assessed in terms of justice, in much of Central and Eastern Europe (CEE) they **are assessed in terms of security.** Moreover, the discourses of justice and security ‘pull in different directions’: security discourse effectively closes the space for minority rights to be framed in terms of justice (Kymlicka, 2001a: 1–2). Kymlicka’s claim with regard to the distinction between justice (in Western Europe) and security (in Eastern Europe) may, in itself, be contentious,4 but this is not necessarily my concern. Rather, what I would like to concentrate on is more the point that minority rights are often subject to the language of security and – this being the case – Kymlicka’s argument that the most effective strategy for enhancing minority rights in this situation is ‘to desecuritize the discourse . . . to get people to think of minority claims in terms of justice/fairness rather than loyalty/security’ (2001a: 2). I will come back to Kymlicka’s own suggested strategy for descuritization at the end of this section. But, first of all, I want to set a Huysmans-like deconstructivist approach in this very context. My starting point in thinking about this lies in Gaetano Pentassuglia’s (2003: 29) assertion that although the notion of minority rights has often been less than clearly defined, ‘the “right to identity”, going beyond the “minimalist”, physical discrimination and antidiscrimination entitlements, stands out as the overarching guarantee informing the whole notion of minority rights’. In other words, over and above all other principles, it is **the maintenance of group identity** that **underpins the provision of minority rights.** The same is also made clear in the interpretation of minority rights promoted by the OSCE’s High Commissioner for National Minorities: ‘First of all, a minority is a group with linguistic, ethnic or cultural characteristics which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give a stronger expression to that identity’ (Kemp, 2001: 30). Or, in the language of the Copenhagen School, being a minority, and thus pursuing minority rights, is a matter of ‘societal security’. In the 1993 book Identity, Migration and the New Security Agenda in Europe (Wæver et al., 1993), Barry Buzan’s (1991) previous five-dimensional approach to international security is reconceptualized. In addition to the five sectors of state security (military, political, economic, societal and environmental), a duality of state and societal security is also conceived: societal security is retained as a sector of state security, but it is also a referent object of security in its own right (Wæver, 1993: 25). In this new formulation, whereas, according to Wæver, state security is concerned with threats to the state’s sovereignty – if a state loses its sovereignty it will not survive as a state – societal security is all about threats to collective identity – if a society loses its identity it will not survive as a society (Wæver, 1993: 25–26). In simple terms, the Copenhagen School defines societies as politically significant ethnic, national or religious groups – collectivities that can act alongside, indeed even challenge, states in the international system. Thus, societal security concerns whatever threats bring the identity of such units into question. For Buzan, threats to societal identity can occur through the ‘sustained application of repressive measures against the expression of identity’, which can include ‘forbidding the use of language, names and dress, through closure of places of worship, to the deportation or killing of members of the community’ (Buzan, 1993: 43). In terms of defending societal identity, the Copenhagen School recognizes that ‘for threatened societies, one obvious response is to strengthen societal identity. This can be done by using cultural means to reinforce social cohesion and distinctiveness and to ensure that society reproduces itself effectively’ (Wæver et al., 1993: 191). Wæver captures the dynamic neatly, commenting that culture can be defended ‘with culture’, adding that ‘if one’s identity seems threatened . . . the answer is a strengthening of existing identities. In this sense, consequently, culture becomes security policy’ (Wæver, 1995: 68; my emphasis). Therefore, the likely response to such threats is either to safeguard the maintenance of, or to seek the restoration of, the means and practices that ensure the expression and continuity of group identity. When societal security concerns are considered within the subsequent securitization concept, the defence (maintenance/restoration) of societal identity is conceived as a discourse that is potentially available to a securitizing actor. Societal security speech acts will thus display the language of **existential threat** presented in identity terms on behalf of a collectivity (society). Securitizing actors may speak of ‘security’ itself, or instead describe threats to the identity of the group through synonyms – for example, ‘die’, ‘perish’, ‘wither’, ‘weaken’, ‘waste’, ‘decline’, and so forth. Williams notes how ‘within the specific terms of security as a speech act . . . it is precisely under the condition of attempted securitizations that a reified, monolithic form of identity is declared’ and, if this is successful, ‘[the identity’s] negotiability and flexibility are challenged, denied, or suppressed’ (Williams, 2003: 519). He continues: ‘A successful securitization of identity involves precisely the capacity to decide on the limits of a given identity, to oppose it to what it is not, to cast this as a relationship of threat or even enmity, and to have this decision or declaration accepted by the relevant group’ (Williams, 2003: 520). Securitizing within the societal sector is therefore concerned with the defining of us and them, maintaining our identity as opposed to theirs. Thus, **the language of societal security is the language of minority rights.** As such, to desecuritize in the societal sector entails that the language of maintaining collective identity be effectively **taken out of the discourse.** In Huysmans’s deconstructivist strategy, the language of the collectivity, ‘migrants’, is replaced with the language of the individual, ‘migrant’. Thus, the potential fluidity of the individual migrant’s identity provides a possible escape route from the constraints of the us–them dichotomy. In the context of minority rights, however, the necessity on the part of the minority (and indeed also the majority) for group distinctiveness necessarily **blocks this** same **way out:** the language of the individual is subordinated to the language of the collective. In other words, how is it possible to desecuritize through identity deconstruction when both minorities and majorities often strive for the reification of distinct collectivities? **To remove the language of security from the issue of minority rights**, to shift from a position of societal security to one of societal asecurity, is in essence to stop talking about group distinctiveness. In this way, it **signals the death of the** collectivity, of the **distinct minority.** This point is similar to that made by so-called post-structural security studies (e.g., Campbell, 1992; Klein, 1994; Shapiro, 1997), where, in terms of the state, security is not so much a function of the unit as an assertion of itself: it is ‘discourses of danger’ (Campbell, 1992) on the part of the state that are constitutive of the latter’s own identity. Commenting on David Campbell’s work, Steve Smith notes how, in this way, this identity is never fixed, and never final; it is always in the process of becoming and ‘should the state project of security be successful in terms in which it is articulated, the state would cease to exist.. . . Ironically, then, the inability of the state project of security to succeed is the guarantor of the state’s continued success’ (Smith, 2000: 95). Equally, minority rights is ‘the process of becoming’; it is an ongoing project that enables the minority to reproduce its group distinctiveness. Should its project of societal security be successful, in the sense that collective identity is no longer something that needs to be maintained, then, again, the minority will cease to exist. To restate: the **desecuritization of minority rights may** thus **be logically impossible.** This, I acknowledge, is a very strong claim to make. And although it is a claim that I wish to stick to, I do so in the knowledge of a number of important contentions. A first is that I have chosen a particular understanding of minority rights, one that ignores a more complex rendering of the situation in which political and economic insecurities are also of importance. This I accept, together with its corollary that there may be no logical impossibility at all of desecuritizing in other such situations. My approach is clearly very much contextual, and although thus relatively limited in empirical terms (to Central and Eastern Europe perhaps?), it nonetheless serves a more than useful purpose in terms of thinking conceptually about the desecuritization process. A second is that I have utilized a particular understanding of desecuritization – a Huysmans-type strategy predicated on the deconstruction of identity. Again, this is true, which is why I now want to return to Kymlicka and to what may be described as a more objectivist desecuritizing approach. Although Kymlicka is relatively unsure as to how to proceed in terms of desecuritization, he does suggest that a first step must be to grapple with the issue of territorial (political) autonomy and (possible) secession. He notes how political autonomy for minority groups might be decoupled from secession: ‘to persuade [CEE] states to put [political autonomy] on the agenda, while agreeing . . . that secession cannot be a legitimate topic of public debate or political mobilization’ (Kymlicka, 2001b: 46). But, as Kymlicka also points out, even with certain guarantees in place, CEE states have nonetheless been more than reluctant to consider claims for political autonomy, this stemming from the fear that political autonomy will naturally lead to stronger calls for secession. Kymlicka’s suggestion, though, is ‘just the opposite. I believe that democratic federalism reduces the likelihood of secession’ (Kymlicka, 2001b: 49). And here it is worthwhile quoting Kymlicka at length: We need to challenge the assumption that eliminating secession from the political agenda should be the first goal of the state. We should try to show that secession is not necessarily a crime against humanity, and that the goal of the democratic political system shouldn’t be to make it unthinkable. States and state borders are not sacred. The first goal of a state should be to promote democracy, human rights, justice and the wellbeing of citizens, not to somehow insist that every citizen views herself as bound to the existing state in ‘perpetuity’ – a goal that can only be achieved through undemocratic and unjust means in a multinational state. A state can only enjoy the benefits of democracy and federalism if it is willing to live with the risks of secession (Kymlicka, 2001b: 50). To desecuritize minority rights, then, is to accept the previously unacceptable: to open up, through democratic federalism, the **possibility of** political autonomy and **secession**; to make minority rights part of normal politics. Kymlicka’s approach here in some way seems to resemble an objectivist strategy of desecuritization. In the West, the acceptance of secession, he notes, is ‘tied to the fact that secession would not threaten the survival of the minority nation. Secession may involve the painful loss of territory, but it is not seen as a threat to the very survival of the majority nation or state’ (Kymlicka, 2001b: 50). In the East (or Central and Eastern Europe), however, the tendency is to believe that secession ‘forebodes national death’ (Bibo, in Kymlicka, 2001b: 50). The question, therefore, is how to make the case that the minority does not really represent a threat. From a Huysmans-type point of view, **this** kind of **strategy** clearly **reproduces the us–them dichotomy**: ‘we’ should accept, as part of being normal, that ‘they’ might not want to live with ‘us’ anymore! And this runs the risk that the minority, as with the migrant, will remain as the ‘unified cultural alien’ (Huysmans, 1995: 66). However, in order for group distinctiveness to be successfully reproduced, such a dichotomy must arguably be maintained. But, this being the case, the further risk perhaps is that the very possibility of political autonomy and secession will not only serve to reproduce the dichotomy between us and them, but will also potentially **transform this dichotomy into** one of **friend–enemy**. In other words, **it threatens to (re)securitize the situation**, not ‘normalize’ it. Conclusion: Towards the ‘Managing’ of Minority Rights? The assumption that more security is not always better has found a great deal of its expression in the context of migration. To frame the issue of migration in security terms is, as Huysmans describes, to see it as a ‘drama’, one ‘in which selves and others are constituted in a dialectic of inclusion and exclusion and in which this dialectic appears as a struggle for survival’ (Huysmans, 1995: 63). As a security drama, there is always the risk of violence between the natives and the aliens, and ‘there are good arguments for saying that in the present western European context that risk is relatively high’ (Huysmans, 1995: 63). The concept of desecuritization, where migration is moved from emergency politics to normal politics, where the migrant is taken out of the security drama, has thus far centred very much on the deconstruction of collective identities, where the label ‘migrant’ is subordinated to a plurality of other, more ‘everyday’ identity markers. In Central and Eastern Europe, the security drama has often been played out more in terms of minorities than in terms of migrants. But taking the minority out of the drama cannot always follow the same escape route as the migrant. Where minority rights are predicated on the maintenance of a distinct collectivity, other, everyday identity markers will remain subordinate to the ethnic/national. In these cases, therefore, a Huysmans-type deconstructivist strategy may well, as I have argued, be a logical impossibility. My conclusion in this respect thus points to the consideration of alternative ways of dealing with securitized issues: if minority rights cannot always be ‘transformed’, then perhaps they can be sometimes ‘managed’ instead. Thinking in these terms certainly reflects Wæver’s concerns with the strong self-reinforcing character of securitization in the societal sector, but does not necessarily lead to a Wæver-type conclusion that strategies should thereby be designed to ‘forestall’ emergency politics. **Management** in this sense **is about ‘moderate’** (**not excessive**) **securitization**, about ‘sensible’ (not irrational) securitization. Where societal security dilemmas occur, management is about ‘mitigating’ or ‘ameliorating’ them, not transcending them. As I alluded earlier in the article, managing the securitization of minority rights will not return the issue to normal politics in the Copenhagen School sense of it – that is to say, the situation will still be marked by the language of (societal) security. What **management can** do, however, is to ‘**normalize’ minority rights** in terms of seeking to regulate minority–majority relations **through** more **liberal democratic forms.** For such a strategy, there is the clear acceptance that both sides have genuine security concerns. As such, the strategy is to move the situation from a condition of insecurity (insufficient defence) to one of security (sufficient defence), and not from a condition of security to asecurity. The minority can feel secure when certain provisions/ legislations/mechanisms are put in place that will guarantee its existence (in identity terms), while similarly the majority can also feel secure in the knowledge that the minority will thus work (politically, economically and also societally) within the existing framework of the state. Thus, and returning to Kymlicka, the institutionalizing of a federal state structure is desirable not because it makes the possibility of political autonomy and secession something normal, but because it provides the mechanisms through which **the justification for emergency politics on both sides is reduced.**

Solves best – management of threat construction moderates the security dilemma – maintains minority rights

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(Paul, “Reconstructing Identities or Managing Minorities? Desecuritizing Minority Rights: A Response to Jutila,” *Security Dialogue*, Vol. 37, No. 3)

As Kymlicka (2002: 3–4) points out, although, as in Central and Eastern Europe, Western democracies have tried in the past to suppress substate nationalisms, since the 1970s in particular ‘there has been a dramatic reversal in the way Western countries deal with substate nationalisms’. The principle that national identities must be accommodated has been fully accepted, and this ‘accommodation has typically taken the form of . . . “multination federalism”; that is, creating a federal or quasi-federal subunit in which the minority group forms a local majority, and so can exercise meaningful forms of self-government’. Indeed, Kymlicka (2002: 10–11) goes on to list five ways in which multination federalism has been successful: One, issues concerning competing national identities are handled with an ‘almost **complete absence of violence** . . . by either the state or the minority’. Two, ethnic politics operates under **normal democratic procedures**; in other words, a matter of ‘ballots not bullets’. Three, there has developed a firm respect for ‘individual civil and political rights’. Four, the adoption of multination federalism has in many cases also brought with it economic prosperity. And, five, multination federalism has ‘promoted equality between majority and minority groups’. What is important here, however, is how exactly this was done. Was it through a reconstructive desecuritizing strategy? Or was it through the normalization of minority rights according to management strategies? My argument here is that **management is the necessary precursor to any reconstruction of identities** and must therefore be considered the **primary desecuritizing strategy.** Manage First, Reconstruct Later! The desecuritization of minority rights is not logically impossible. But desecuritization depends on a strategy whereby the group nonetheless survives as a distinct entity. Thus, on the one hand, the deconstructivist strategy is inapplicable. On the other hand, though, the reconstructivist strategy is indeed potentially applicable. Still, set against this, what Jutila leaves unexplored are the conditions under which a reconstructivist strategy can be applied: ‘To change the story and obtain support for that new narrative can be hard – even practically impossible in the foreseeable future’ (Jutila, 2006: 181). Hard, yes, particularly in the context of Central and Eastern Europe, where the provision of minority rights is often framed as a matter of security. Practically impossible, in some cases perhaps, especially where there is a strong homogenizing project on the part of the state (majority group). But only even thinkable after the managing of minority rights. In my 2004 piece, I describe management as being about the ‘**moderate’** and ‘sensible’ **securitization** of minority rights; that is to say, minority rights is still seen by both parties, majority and minority, as a question of (societal) security, but measures are put in place that reduce, or even effectively **rule out, the recourse to emergency politics.** When the majority feels secure that the minority will work within the existing state framework, and when the existence of the minority is thereby also guaranteed, then ‘normal’ – or, as I alluded to earlier, ‘special’ (management) – politics will be the modus operandi. Thus, what I mean by the management of minority rights is, in effect, the application of multination federalism. The accommodation of minority identities has been accepted, and provisions/legislations/mechanisms have been put in place to **institutionalize** this **accommodation.** In part, then, Jutila and I are advocating the self-same thing: cultural and/or political autonomy as part of a federal structure. But, while Jutila is more concerned about the concomitant reconstruction of identities, my argument is rather that the reconstruction of group identities **can only take place** **after** a period within which such special politics have operated successfully. While it is not impossible that, in a situation of securitized minority rights (a condition of insecurity), majority and minority alike may choose to respond by reconstructing their identities in a mutually non-threatening way (asecurity), it is, however, improbable. What is possible, even probable, however, is a response according to which a condition of ‘security’ is manifest instead – in other words, majority and minority identities continue to constitute an ‘us’/‘them’ dichotomy, but relations are managed in such a way that an **escalation to ‘friend’/‘enemy’ is made unlikely.** As such, it is not difficult to imagine that over time such a condition of security can create the **necessary political space** within which group identities are able to transform in the way that Jutila envisages. So, management first, reconstruction later. Even so, while not so difficult to imagine, practice has shown that reconstructing identities has been difficult to realize: multination federalism has its own problems. Again, Kymlicka (2002: 11) notes how, in most multinational federations, relations between majority and minority are ‘hardly a model of robust or constructive intercultural exchange’, as many members of the majority group are at best ‘ignorant of, and indifferent to, the internal life of the minority groups, and vice versa’. Indeed, Steven Vertovec & Susanna Wessendorf (2005: 10–11) pointedly remark as to how ‘almost all discourses of multiculturalism entail a kind of “ethnisation”’, inasmuch as ‘multicultural policies may have the effect of putting ethnic minority populations into . . . cultural conservation areas’. In the end, therefore, multinational (multicultural) societies tend to reflect a ‘pool of bounded uni-cultures, forever divided into we’s and they’s’; they are ‘parallel societies’, or ‘two solitudes’ (Kymlicka, 2002: 13). And this brings me back to the very dangers I mentioned in my 2004 piece: that, in keeping with Huysmans’s warnings, any desecuritizing strategy that maintains the ‘us’/‘them’ dichotomy, although institutionalizing moderate and sensible securitization, still runs the risk of leading to a possible excessive and irrational resecuritization of the situation. As Kymlicka (2002: 11) notes, relations between majority and minority groups can often be characterized by ‘feelings of resentment and annoyance’. In Belgium, for example, although tensions between the Flemish and the Walloon communities have, up until now, gone no further than various forms of civil disobedience,6 the danger of escalation nonetheless remains. These are not propitious conditions for the reconstruction of group identities, despite multination federalism and despite the (successful) managing of minority rights. The successes and failures of multination federalism do not make the securitization of minority rights impossible according to a Jutila-type reconstructivist strategy. What they do show, however, is: first, that **successful management** of the situation **is crucial** in terms of creating those very conditions within which group identities may, after some time, be subject to the process of transformation – or, put slightly differently, handle a problem well enough for long enough and it may cease to be a problem at all; and, second, that desecuritizing strategies that necessarily leave in place the distinction between ‘us’ and ‘them’ may well prove to be all too ineffective an approach. Jutila’s reconstructivist strategy certainly invites further thinking about the desecuritization of minority rights. But Jutila himself does not take this far enough. He, like me, brings with him a conception of group identity based predominantly on a distinct culture. And culture, in the minds of Vertovec & Wessendorf (2005: 11), is itself a problematic basis for the constitution of majority–minority relations: the understanding of ‘culture’ assumed and prescribed by many multicultural . . . policies and discourses is one that may distance . . . minorities as much or more than it actually seems to include them. ‘Culture’, in the sense entailed in many such measures, is presumed to be something forever distinguishing and separating . . . ethnic minorities from the rest of the society. So, what of the way forward? To dispense with a culture-based approach, but in doing so to also dispense with the fundamental premise of minority rights? Or, to maintain a concentration on ethnic and national identity, but to thereby also maintain a concentration on an alienating and potentially dangerous notion of ‘us’ and ‘them’? In the words of Vertovec & Wessendorf (2005: 11), it is indeed a ‘conundrum: basing participation [and] representation . . . on “culture” can stigmatise people, thereby maintaining or exacerbating conditions of exclusion; yet, ignoring “culture” . . . can (a) neglect legitimate special needs (based on particular values and practices), and (b) perpetuate patterns of discrimination and equality’. In the next section, I turn my attention briefly to those reactions to multiculturalism in a bid to find a route to a further, possible desecuritizing strategy. Against Diversity? Those opposed to multination federalism see the promotion of group identities based on the maintenance of distinct culture and identity as contra to the notion of political community. For these ‘communitarians’,7 community entails unity via a common identity. And because multination federalism institutionalizes the very divisions that communitarians seek to do away with, naturally they are very much opposed to it. Its proponents argue that cultural division ‘disrupts national identity, breaks down a society’s sense of cohesion, [and] dissipates common values’. As such, communitarians talk about the need for **integration** ‘by way of emphasizing a core set of national values over recognizing minority specificities (Vertovec & Wessendorf, 2005: 13). In essence, **such a strategy is one of assimilation.** And besides the fact that many may reject such a project on ethical grounds, the more specific point here, as with a Huysmans-type deconstructivist strategy, is that group identity is fragmented, if not **shattered**, thus **removing any cause for** the provision of **minority rights**. So, whether Jutila’s reconstructivist strategy or my own management approach is adopted, the problem still remains. Our commitment to the preservation of a distinct identity on the part of the minority gives rise to cultural- autonomy/political-autonomy projects that solidify identity divisions. But, communitarians promote cultural unity in such a way that identity divisions are eradicated, thus **necessarily leading to the death of the minority.** Quite a problem indeed, although an answer may be found in the work of writers such as Bhikhu Parekh. In putting forward what he describes as ‘intercultural dialogue’, Parekh (2000) seeks to avoid the failures of existing multicultural approaches. Parekh proceeds on the basis that the celebration of diversity may encourage difference, and with it **segregation** and possibly **conflict.** Thus, what he advocates is a type of multiculturalism in which everyone adheres to the laws and values of the nation-state, but where distinct forms of culture are nonetheless maintained. Such ‘interculturalism’ seems to manifest itself as a kind of mutual borrowing between culturally defined groups: I take something of yours, you take something of mine. In the end, we create something new for both us, but we both still retain enough of what makes us distinct. Such a process might also be referred to as ‘acculturation’ – a more benign form of assimilation, where members of one community adapt to (and are not forced to adopt) the culture of another. Parekh’s notion of interculturalism is also not without its problems. For example, as Dilek Cinar (2001) points out, within such an intercultural dialogue ‘all parties have to recognize each other as equal participants, while a successful outcome is also **dependent** on them having similar amounts of . . . economic and political power’. This is rarely the case: invariably, the weaker, minority group will find itself having to borrow heavily from the stronger, majority group. And, all said and done, how far different to assimilation is this? Nevertheless, what of its potential for an alternative desecuritizing strategy? That the different parties agree to a common set of values points towards the dissipation of those divisions that concern opponents of multiculturalism, while a mutual exchange of culture seems to indicate that important self-defining values nonetheless remain in place. Thus, and to echo Jutila at this point, the logical impossibility of desecuritization? No. The practical impossibility of it? Maybe. **Management first, intercultural dialogue later!** Concluding Thoughts Am I ‘“writing security” into minority rights’, as Jutila (2006: 183) seems to think? I do argue, and will continue to argue, despite Jutila’s contentions, that a conception of minority rights predicated on the maintenance of a distinct culture and identity is necessarily a matter of societal security. But, I do not argue that all matters of societal security are, or will be, inevitably securitized. As I mentioned earlier, my approach in this respect lies in some as yet |seemingly unexplored space between the Copenhagen School’s objectivist and constructivist formulations of societal security. Within this space, to desecuritize is not to return to normal politics but simply to undo the emergency politics of (societal) insecurity. Here, securitization is a special type of politics: a ‘managing securitization’, not a ‘panicking securitization’ – theoretically a strange place to be, but one, nevertheless, **that is supported empirically.** Politicians, leaders, representatives of majorities and minorities alike, frequently approach minority rights as a societal security issue. However, they also frequently **fall short** of advocating emergency politics – ‘silence’, ‘secrecy’ and ‘suppression’ – as a way of dealing with the situation. **Instead**, as reflected in multination federalism, minority rights are framed as a politics that is ‘discussion’, ‘debate’ and ‘deliberation’, **while at the same time also marked by notions of threat** and defence. Although, yes, minority rights creates propitious conditions for (panicking, not managing) securitization, no, it does not determine it.

## pos peace

War turns structural violence

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But the idea that poverty and peace are directly related presupposes that wealth inequalities are – in and of themselves – unjust, and that the solution to the problem of war is to alleviate the injustice that inspires conflict, namely poverty. However, it also suggests that poverty is a legitimate inspiration for violence, otherwise there would be no reason to alleviate it in the interests of peace. It has become such a commonplace to suggest that poverty and conflict are linked that it rarely suffers any examination. To suggest that war causes poverty is to utter an obvious truth, but to suggest the opposite is – on reflection – quite hard to believe. War is an expensive business in the twenty-first century, even asymmetrically. And just to examine Bangladesh for a moment is enough at least to raise the question concerning the actual connection between peace and poverty. The government of Bangladesh is a threat only to itself, and despite 30 years of the Grameen Bank, Bangladesh remains in a state of incipient civil strife. So although Muhammad Yunus should be applauded for his work in demonstrating the efficacy of micro-credit strategies in a context of development, it is not at all clear that this has anything to do with resolving the social and political crisis in Bangladesh, nor is it clear that this has anything to do with resolving the problem of peace and war in our times. It does speak to the Western liberal mindset – as Geir Lundestad acknowledges – but then perhaps this exposes the extent to which the Peace Prize itself has simply become an award that reflects a degree of Western liberal wish-fulfilment. It is perhaps comforting to believe that poverty causes violence, as it serves to endorse a particular kind of concern for the developing world that in turn regards all problems as fundamentally economic rather than deeply – and potentially radically – political.

Their conception of violence is reductive and can’t be solved

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Twelve Friendly Quarrels with Johan Galtung

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Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science.

He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

# adv 2

## 2nc solvency

the plan doesn’t have any structural solvency – Gilligan explains how outspoken criticism does not resolve the question of how TO respond – by just closing off the justification, they do not stop similar action with more opaque justifications

Even then, Obama will ignore the plan anyway as is proved by Libya – “justification” would be extremely difficult to enforce

Hildebrandt et al. ’13 (Timothy Hildebrandt, Assistant Professor in Social Policy and Developoment in the Department of Social Policy at The London School of Economics, Courtney Hillebrecht, Ph.d., Assistant Professor in IR @ the University of Nebraska Lincoln, and Jon Pevehouse, “Opinion: In U.S., humanitarian intervention is just 'politics as usual,'” <http://www.ibsys.com/content-development/content-portfolio/Opinion-In-U-S-humanitarian-intervention-is-just-politics-as-usual/-/8622374/20140962/-/s6jhd2z/-/index.html>)

Those who push for more humanitarian missions can increase support for such missions by raising public outcry for action.

But the bad news is that humanitarian crises, like in Syria, which should rise above politics as usual, are often **mired in that very spot**.

Although public opinion appears to have an influence on legislative behavior, **traditional factors** such as partisanship have the strongest influence **on how legislators cast their votes**.

Humanitarian intervention is most likely when the U.S. president enjoys a majority in Congress. In the case of the 1990s, humanitarian interventions failed to get off the ground when President Clinton lost majorities in Congress.

If American politics is becoming increasingly partisan, future administrations should have an even harder time galvanizing the domestic support they need to address any humanitarian crises.

This does not mean, however, that humanitarian intervention will only occur when a president enjoys a majority in Congress. As the recently launched humanitarian missions suggest, **politicians are learning the lessons of the 1990s and circumventing Congress.**

This helps explain why President Obama's decision to contribute the U.S. military to NATO operations in Libya proceeded without Congressional authorization; the president was surely aware that such a vote would go down to defeat in a Republican-controlled House and deeply partisan Senate.

Congress was similarly bypassed in October 2011 when the administration deployed military advisers to Uganda.

Congress was similarly bypassed in 2011 and 2013 when the administration deployed military advisers to Uganda and Jordan, respectively.

Other countries are an alt cause – IHL is framed around humanitarian values

Forsythe '13 (David P., Emeritus University Professor and Charles J. Mach Distinguished Professor in Political Science at the University of Nebraska-Lincoln, "On Contested Concepts: Humanitarianism, Human Rights, and the Notion of Neutrality," Journal of Human Rights Volume 12, Issue 1, 2013)

In terms of process, what one sees in the nineteenth and twentieth centuries is the use of international law to prioritize certain ideas and values, to try to take them out of the realm of political controversy, and to use the political (legislative) process to depoliticize them. States have used their assumed constitutive sovereignty to reduce the scope of their subsequent operational sovereignty (by ratifying treaties curtailing full state independence). And states have engaged in the political (legislative) process to presumably depoliticize certain values. Certainly in terms of core standards, there has been an attempt to take the subjects of torture, and cruel treatment, and flight from persecution, inter alia, out of the realm of policy debate—viz., to make these norms, legally speaking, automatically controlling, and not subject to calculations of power and competing values. This is at least the legal theory.

Of course at the same time, international law has also reiterated the ideas of state sovereignty and state security and the political independence and territorial integrity of states. So we find that many times in international relations there is an evident tension between, on the one hand, the liberal norms pertaining to such subjects as human rights, humanitarian affairs, and refugees and, on the other hand, the **norms pertaining to state prerogatives**—which are not evidently or automatically liberal (viz., not necessarily in the human interest as compared to the interests of the governing elite). There are far too many governing elites who rule for their own interests rather than in the interests of “their” peoples. Much of international relations since the 1940s can be seen in macroterms as concerned with the synthesis from this dialectic: how to arrive at a situation that is as liberal and humane as possible, given government perceptions of state security and desired power.

Until 1945, and in reality until the end of the Cold War, the deck of decision making was stacked in favor of state prerogatives and against individual rights as internationally recognized. One reason for this was because state officials were completely in charge of managing the dialectical tension between state prerogatives and individual rights. State officials made the decision about whether the norms of state security trumped the norms of individual rights. Not surprisingly claims to state security often prevailed, however misperceived and distorted, because state officials saw themselves as primarily advancing their view of legitimate state interests, often at the expense of individual rights. The Cold War, featuring much state insecurity, although waged under the banners of “freedom” and “liberation,” contributed to the de-emphasis of human rights.

# t

## 2nc interp

This distinction applies to all armed interventions, not just those authorized by the UNSC

Forster ’00 (Jacques, Vice President of the International Committee of the Red Cross, presented at the Ninth Annual Seminar on International Humanitarian Law for Diplomats accredited to the United Nations, “’Humanitarian Intervention’ and International Humanitarian Law,” March 8-9, 2000, http://www.icrc.org/eng/resources/documents/statement/57jqjk.htm)

In time of armed conflict, international humanitarian law must be respected by all the parties to the conflict, which means by those who may have violated general international law as much as by those acting within its framework. In other words, humanitarian law disregards whether the cause being defended by each of the parties to the conflict is just and whether the use of armed force is lawful.

Therefore the old concept of " just war " cannot be invoked today to exempt intervention forces from the scope of application of international humanitarian law under the pretext of legitimacy of the cause that they are def ending. The legitimacy of armed intervention has no effect on the obligations resulting from humanitarian law. This is true of any kind of armed intervention, be it those authorised by the Security Council or those undertaken without a United Nations mandate [2 ] .

It seems only natural that those who claim to intervene in the name of the international community with the aim of upholding respect for international humanitarian law must themselves be bound by it.

Indeed, if one agrees to the basic contention that the effectiveness of international humanitarian law relies principally on its capacity to be applied by all parties to the conflict. A refusal or even hesitation on the part of intervention forces to respect international humanitarian law may well lead to new violations of this law. Such a situation would first, certainly weaken the moral and operational status of troops implementing the intervention in the field. It would also thoroughly discredit the very cause invoked to justify armed intervention, which would ultimately undermine efforts of the international community to keep or restore peace.

R2P has no legal basis – means they must rely on IHL

ARC ’11 (Australian Red Cross, “International Humanitarian Law and the Responsibility to Protect: A handbook,” 2011, http://www.redcross.org.au/files/ihl\_\_r2p\_responsibility-to-protect.pdf)

The origin of the R2P principle is in the report prepared by the International Commission on Intervention and State Sovereignty (ICISS) in 2001 entitled ‘A Responsibility to Protect’. This report aimed to address difficult issues regarding gross violations of human rights on the one hand, and the principles of noninterference and sovereignty on the other. The Commission focused on the responsibility of States to protect their own populations, but recognised that when a State was failing, or unwilling to protect its own people, then the international community had a responsibility to do so. In the years since the Commission’s report, R2P has gained prominence and is widely accepted. At the UN World Summit in 2005, the largest gathering of Heads of State and Government in history, the General Assembly unanimously adopted the responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

## at: justification is authority

Not true in the context of your aff – the US may assert a justification, but it is authorized by the UN

The Constitution Project ’05 (Peter Raven-Hansen, committee member and reporter, and Senior Associate Dean for Academic Affairs and Glen Earl Weston Research Professor of Law at George Washington University Law School, “DECIDING TO U SE FORCE ABROAD: WAR POWER S in a System of CHECKS AND BAL ANCES,” 2005)

Just as the threats were now often “internationalized” — that is, directed at international, not just national, security — so, too, was the President’s claim of authority. In Korea, an American President responded for the first time in our history with massive and sustained armed force to a threat posed by a foreign state without seeking a declaration of war or specific authorization from Congress. Instead, some proponents of the use of force in Korea cited authorization from the United Nations Security Council. In 1990, some proponents of Operation Desert Storm cited similar authorization for the President to send almost 500,000 U.S. troops to oust Iraq from Kuwait before be obtained congressional authorizations. In 1999, President Clinton ordered U.S. airplanes to join “in coalition with our NATO allies” in launching air strikes on the Federal Republic of Yugoslavia without prior congressional authorization after they had been ordered by the NATO Secretary General. 6 In these cases, an asserted justification of the use of force abroad was that it was authorized by an international organization or by international law to enforce international peace and security.

## 2nc precision

Even if they win that the intervention could be topical – authority is ultimately decided by the UNSC not US law – legal consensus

Forster ’00 (Jacques, Vice President of the International Committee of the Red Cross, presented at the Ninth Annual Seminar on International Humanitarian Law for Diplomats accredited to the United Nations, “’Humanitarian Intervention’ and International Humanitarian Law,” March 8-9, 2000, http://www.icrc.org/eng/resources/documents/statement/57jqjk.htm)

Today, important actors - governments, international organisations - support the view that grave and large-scale violations of international humanitarian law or of human rights in situations of armed conflict can represent a threat to international peace and security and may, therefore, trigger coercive action on the part of the United Nations or regional organisations.

The principal instruments of international humanitarian law - the Geneva Conventions of 1949 and Additional Protocol I of 1977 - create the obligation of States Parties not only to respect those treaties but also to ensure respect for them [1 ] . This provision is generally considered to be the expression of a collective responsibility to make sure that international humanitarian law is complied with in all circumstances. **How this obligation is to be implemented is not however clearly defined.**

The question raised in connection with armed intervention is the following: does the obligation to ensure respect for international humanitarian law allow the use of force solely on the basis of that provision? This question can without hesitation be answered in the negative. Article 89 of Additional Protocol I of 1977 **removes any doubt on this matter** by specifying (I quote): " In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter " .

In other words, even though serious violations of international humanitarian law may trigger coercive action on the part of the United Nations, in particular because they represent a threat to international security, international humanitarian law cannot be used as a basis for taking action outside the framework of the United Nations Charter. Therefore legal justification for armed intervention lies beyond the frontiers of humanitarian law and should be sought elsewhere, notably in Chapters VII and VIII of the Charter.

In short, the law of the right to wage war (which is also known as jus ad bellum and embedded in the United Nations Charter) and the law of the way of waging war (also known as jus in bello or international humanitarian law) should always be kept clearly distinct. I believe it was essential to clarify this first point concerning the irrelevance of international humanitarian law as a basis to justify armed intervention.

Precision matters – political conflation of terminology harms IHL and its real world applications

Forster ’00 (Jacques, Vice President of the International Committee of the Red Cross, presented at the Ninth Annual Seminar on International Humanitarian Law for Diplomats accredited to the United Nations, “’Humanitarian Intervention’ and International Humanitarian Law,” March 8-9, 2000, http://www.icrc.org/eng/resources/documents/statement/57jqjk.htm)

Basically, this development raises three issues. First, such expressions implicitly suggest that international humanitarian law can be invoked to justify armed intervention. Second, they suggest a possibility of **exemption from full compliance** with international humanitarian law simply because the aim of armed intervention is to solve a humanitarian crisis. Third, such expressions imply that humanitarian action can be imposed by force and successfully implemented by actor’s pursuing political and military objectives.

These suggestions **are in contradiction** with the fundamental principles and the very nature of humanitarian law and humanitarian action. The concern of the ICRC is however not purely formalistic. In the highly politicised settings of armed conflicts, the irresponsible and widespread use of the term " humanitarian " does have an **adverse impact on the action of organisations**, such as the ICRC, **providing protection and assistance for the victims of armed conflict in the field**.

# 1nr

## military intervention good

Humanitarian interventions are good - they massively de-escalate violence in countries and prevent inevitable catastrophes like genocide - the kelly ev says interventions can take dictators down when they're weakest - prevents future repression

Intervention solves war

Goldstein 11

Joshua S. Goldstein is professor emeritus of international relations at American University and author of Winning the War on War: The Decline of Armed Conflict Worldwide, Foreign Policy, September/October 2011, "Think Again: War", http://www.foreignpolicy.com/articles/2011/08/15/think\_again\_war?page=full

"Peacekeeping Doesn't Work."

It does now. The early 1990s were boom years for the blue helmets, with 15 new U.N. peacekeeping missions launched from 1991 to 1993 -- as many as in the U.N.'s entire history up to that point. The period was also host to peacekeeping's most spectacular failures. In Somalia, the U.N. arrived on a mission to alleviate starvation only to become embroiled in a civil war, and it quickly pulled out after 18 American soldiers died in a 1993 raid. In Rwanda in 1994, a weak U.N. force with no support from the Security Council completely failed to stop a genocide that killed more than half a million people. In Bosnia, the U.N. declared "safe areas" for civilians, but then stood by when Serbian forces overran one such area, Srebrenica, and executed more than 7,000 men and boys. (There were peacekeeping successes, too, such as in Namibia and Mozambique, but people tend to forget about them.)

In response, the United Nations commissioned a report in 2000, overseen by veteran diplomat Lakhdar Brahimi, examining how the organization's efforts had gone wrong. By then the U.N. had scaled back peacekeeping personnel by 80 percent worldwide, but as it expanded again the U.N. adapted to lessons learned. It strengthened planning and logistics capabilities and began deploying more heavily armed forces able to wade into battle if necessary. As a result, the 15 missions and 100,000 U.N. peacekeepers deployed worldwide today are meeting with far greater success than their predecessors.

Overall, the presence of peacekeepers has been shown to significantly reduce the likelihood of a war's reigniting after a cease-fire agreement. In the 1990s, about half of all cease-fires broke down, but in the past decade the figure has dropped to 12 percent. And though the U.N.'s status as a perennial punching bag in American politics suggests otherwise, these efforts are quite popular: In a 2007 survey, 79 percent of Americans favored strengthening the U.N. That's not to say there isn't room for improvement -- there's plenty. But the U.N. has done a lot of good around the world in containing war.

"Some Conflicts Will Never End."

Never say never. In 2005, researchers at the U.S. Institute of Peace characterized 14 wars, from Northern Ireland to Kashmir, as "intractable," in that they "resist any kind of settlement or resolution." Six years later, however, a funny thing has happened: All but a few of these wars (Israel-Palestine, Somalia, and Sudan) have either ended or made substantial progress toward doing so. In Sri Lanka, military victory ended the war, though only after a brutal endgame in which both sides are widely believed to have committed war crimes. Kashmir has a fairly stable cease-fire. In Colombia, the war sputters on, financed by drug revenue, but with little fighting left. In the Balkans and Northern Ireland, shaky peace arrangements have become less shaky; it's hard to imagine either sliding back into full-scale hostilities. In most of the African cases -- Burundi, Rwanda, Sierra Leone, Uganda, the Democratic Republic of the Congo, and Ivory Coast (notwithstanding the violent flare-up after elections there in late 2010, now resolved) -- U.N. missions have brought stability and made a return to war less likely (or, in the case of Congo and Uganda, have at least limited the area of fighting).

Could we do even better? The late peace researcher Randall Forsberg in 1997 foresaw "a world largely without war," one in which "the vanishing risk of great-power war has opened the door to a previously unimaginable future -- a future in which war is no longer socially-sanctioned and is rare, brief, and small in scale." Clearly, we are not there yet. But over the decades -- and indeed, even since Forsberg wrote those words -- norms about wars, and especially about the protection of civilians caught up in them, have evolved rapidly, far more so than anyone would have guessed even half a century ago. Similarly rapid shifts in norms preceded the ends of slavery and colonialism, two other scourges that were once also considered permanent features of civilization. So don't be surprised if the end of war, too, becomes downright thinkable.

Best data

Hultman et al 13

Lisa Hultman is Assistant Professor of Peace and Conflict Research, Uppsala University, Jacob Kathman is Assistant Professor of Political Science, University at Buffalo, Megan Shannon is Assistant Professor of Political Science, Florida State University, American Journal of Political Science,Vol. 00, No. 0, 2013, "UNITED NATIONS PEACEKEEPING AND CIVILIAN PROTECTION IN CIVIL WAR", http://meganlshannon.weebly.com/uploads/1/6/6/9/16697614/ajps12036.pdf

Discussion and Conclusion

We provide evidence that UN peacekeepers prevent civilian killings when they are appropriately tasked and deployed in large numbers. UN military troops achieve this by dividing combatants and negating the battlefield as an arena for civilian targeting. By separating factions, the threat of one side advancing militarily on the other is reduced, and windows of opportunity open for ceasefires, peace negotiations, and demobilization (Fortna 2008). The security dilemma between the belligerents becomes less debilitating, as the buffer of peacekeepers removes each faction’s threat of subjugation by the other (Walter 2002; Walter and Snyder 1999). By quieting the guns on the battlefield, the destabilizing violence that results from fighting is muted. The UN has the ability to reduce civilian killings by increasing the number of military troops to a mission.

We also find that an increasing number of UN police is associated with fewer civilian deaths. Even if violence on the battlefield is reduced by PKO troops, the sides still have reason to shape civilian loyalties through violence behind the front. Violence can be used to forcibly recruit new combatants, extract more resources, and improve a faction’s relative power in preparation for renewed conflict. However, the costs to predatory factions for targeting civilians increase when UN police forces patrol civilian communities behind the frontlines. Police forces thus play an instrumental role in reducing the belligerents’ opportunities to commit atrocities. Increasing UN police by just a few hundred can make a substantial difference in protecting civilian lives.

Our findings indicate that military observers are not adequate for civilian protection, as they are associated with an increased level of civilian casualties. This can be interpreted as a version of the moral-hazard problem of humanitarian interventions identified by Kuperman (2005). Observers may in fact create incentives for civilian targeting, without having the ability to offer protection. However, all in all, our findings show there is reason for optimism regarding peacekeeping as a tool for civilian protection. If adequately composed of military troops and police, PKOs are effective at stifling anti-civilian violence and saving innocent lives.

Not only are properly constituted missions effective at preventing civilian deaths, but PKOs are also a costeffective form of intervention (Collier and Hoeffler 2006). For instance, the 8,000 troops needed to substantially reduce civilian killings in a given conflict month cost slightly more than $8 million, according to the flat monthly reimbursement rate for troop-contributing countries.11 To pay an additional 100,000 troops to serve would cost the UN approximately $1.2 billion. This would be a radical troop increase, more than doubling the number of UN military troops serving worldwide in 2011. But the cost of this increase is less than 1% of global military spending, which was $1.6 trillion in 2010 (Stockholm Peace Research Institute 2001).

The cost of peacekeeping is also likely to be lower relative to other military intervention options. Consider the spending on UN peacekeeping troops worldwide in 2008 compared to the spending on U.S. troops in Iraq in 2008. The UN allocated $6.7 billion to peacekeeping for fiscal year 2007–2008 and deployed 91,172 personnel worldwide. The United States was responsible for 26% of the UN peacekeeping budget in 2008, accounting for $1.74 billion, or about $19,000 per blue helmet. Comparatively, the United States deployed approximately 145,100 troops to Iraq in fiscal year 2007–2008, and the Congressional Research Service estimates that the United States spent $127.2 billion on military operations in the country for a total of approximately $877,000 per troop (Belasco 2011).12 Considering the extreme human cost and the negative externalities caused by civilian atrocities, UN military troops and police units can be regarded as fairly economical options for the UN to enhance human security. Further research should investigate the effectiveness of UN peacekeeping relative to other instruments available to the international community, including coercive measures like sanctions and other approaches like diplomacy and economic aid.

Military interventions are highly effective

Western and Goldstein 11

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http://www.foreignaffairs.com/articles/136502/jon-western-and-joshua-s-goldstein/humanitarian-intervention-comes-of-age?page=show

To some extent, widespread skepticism is understandable: past failures have been more newsworthy than successes, and foreign interventions inevitably face steep challenges. Yet such skepticism is unwarranted. Despite the early setbacks in Libya, NATO’s success in protecting civilians and helping rebel forces remove a corrupt leader there has become more the rule of humanitarian intervention than the exception. As Libya and the international community prepare for the post-Qaddafi transition, it is important to examine the big picture of humanitarian intervention -- and the big picture is decidedly positive. Over the last 20 years, the international community has grown increasingly adept at using military force to stop or prevent mass atrocities. Humanitarian intervention has also benefited from the evolution of international norms about violence, especially the emergence of “the responsibility to protect,” which holds that the international community has a special set of responsibilities to protect civilians -- by force, if necessary -- from war crimes, crimes against humanity, ethnic cleansing, and genocide when national governments fail to do so. The doctrine has become integrated into a growing tool kit of conflict management strategies that includes today’s more robust peacekeeping operations and increasingly effective international criminal justice mechanisms. Collectively, these strategies have helped foster an era of declining armed conflict, with wars occurring less frequently and producing far fewer civilian casualties than in previous periods. A TURBULENT DECADE Two decades of media exposure to genocide have altered global attitudes about intervention. Modern humanitarian intervention was first conceived in the years following the end of the Cold War. The triumph of liberal democracy over communism made Western leaders optimistic that they could solve the world’s problems as never before. Military force that had long been held in check by superpower rivalry could now be unleashed to protect poor countries from aggression, repression, and hunger. At the same time, the shifting global landscape created new problems that cried out for action. Nationalist and ethnic conflicts in former communist countries surged, and recurrent famines and instability hit much of Africa. A new and unsettled world order took shape, one seemingly distinguished by the frequency and brutality of wars and the deliberate targeting of civilians. The emotional impact of these crises was heightened by new communications technologies that transmitted graphic images of human suffering across the world. For the first time in decades, terms such as “genocide” and “ethnic cleansing” appeared regularly in public discussions. Western political elites struggled to respond to these new realities. When U.S. marines arrived in Somalia in December 1992 to secure famine assistance that had been jeopardized by civil war, there were few norms or rules of engagement to govern such an intervention and no serious plans for the kinds of forces and tactics that would be needed to establish long-term stability. Indeed, the marines’ very arrival highlighted the gap between military theory and practice: the heavily armed troops stormed ashore on a beach occupied by only dozens of camera-wielding journalists. Although the Somalia mission did succeed in saving civilians, the intervention was less successful in coping with the political and strategic realities of Somali society and addressing the underlying sources of conflict. U.S. forces were drawn into a shooting war with one militia group, and in the October 1993 “Black Hawk down” incident, 18 U.S. soldiers were killed, and one of their bodies was dragged through the streets of Mogadishu while television cameras rolled. Facing domestic pressures and lacking a strategic objective, President Bill Clinton quickly withdrew U.S. troops. The UN soon followed, and Somalia was left to suffer in a civil war that continues to this day. Meanwhile, two days after the “Black Hawk down” fiasco, the UN Security Council authorized a peacekeeping mission for Rwanda, where a peace agreement held the promise of ending a civil war. The international force was notable for its small size and paltry resources. Hutu extremists there drew lessons from the faint-hearted international response in Somalia, and when the conflict reignited in April 1994, they killed ten Belgian peacekeepers to induce the Belgian-led UN force to pull out. Sure enough, most of the peacekeepers withdrew, and as more than half a million civilians were killed in a matter of months, the international community failed to act. Around the same time, a vicious war erupted throughout the former Yugoslavia, drawing a confused and ineffective response from the West. At first, in 1992, U.S. Secretary of State James Baker declared that the United States did not “have a dog in that fight.” Even after the world learned of tens of thousands of civilian deaths, in May 1993, Clinton’s secretary of state, Warren Christopher, described the so-called ancient hatreds of ethnic groups there as a presumably unsolvable “problem from hell.” Unwilling to risk their soldiers’ lives or to use the word “genocide,” with all of its political, legal, and moral ramifications, the United States and European powers opted against a full-scale intervention and instead supported a UN peacekeeping force that found little peace to keep. At times, the UN force actually made things worse, promising protection that it could not provide or giving fuel and money to aggressors in exchange for the right to send humanitarian supplies to besieged victims. The UN and Western powers were humiliated in Somalia, Rwanda, and the former Yugoslavia. War criminals elsewhere appeared to conclude that the international community could be intimidated by a few casualties. And in the United States, a number of prominent critics came to feel that humanitarian intervention was an ill-conceived enterprise. The political scientist Samuel Huntington claimed that it was “morally unjustifiable and politically indefensible” to put U.S. soldiers at risk in intrastate conflicts, and he argued at another point that it was “human to hate.” Henry Kissinger saw danger in the United States becoming bogged down in what he later called “the bottomless pit of Balkan passions,” and he warned against intervening when there were not vital strategic interests at stake. Other critics concluded that applying military force to protect people often prolonged civil wars and intensified the violence, killing more civilians than otherwise might have been the case. And still others argued that intervention fundamentally altered intrastate political contests, creating long-term instability or protracted dependence on the international community. Nonetheless, international actors did not abandon intervention or their efforts to protect civilians. Rather, amid the violence, major intervening powers and the UN undertook systematic reviews of their earlier failures, updated their intervention strategies, and helped foster a new set of norms for civilian protection. A key turning point came in 1995, when Bosnian Serb forces executed more than 7,000 prisoners in the UN-designated safe area of Srebrenica. The Clinton administration quickly abandoned its hesitancy and led a forceful diplomatic and military effort to end the war. The persistent diplomacy of Anthony Lake, the U.S. national security adviser, persuaded the reluctant Europeans and UN peacekeeping commanders to support Operation Deliberate Force, NATO’s aggressive air campaign targeting the Bosnian Serb army. That effort brought Serbia to the negotiating table, where U.S. Assistant Secretary of State Richard Holbrooke crafted the Dayton agreement, which ended the war. In place of the hapless UN force, NATO sent 60,000 heavily armed troops into the “zone of separation” between the warring parties, staving off renewed fighting. The “problem from hell” stopped immediately, and the ensuing decade of U.S.-led peacekeeping saw not a single U.S. combat-related casualty in Bosnia. Unlike previous interventions, the post-Dayton international peacekeeping presence was unified, vigorous, and sustained, and it has kept a lid on ethnic violence for more than 15 years. A related innovation was the International Criminal Tribunal for the Former Yugoslavia (ICTY), a court that has indicted 161 war criminals, including all the principal Serbian wartime leaders. Despite extensive criticism for ostensibly putting justice ahead of peace, the tribunal has produced dramatic results. Every suspected war criminal, once indicted, quickly lost political influence in postwar Bosnia, and not one of the 161 indictees remains at large today. More important than an exit strategy is a comprehensive transition strategy. Buoyed by these successes, NATO responded to an imminent Serbian attack on Kosovo in 1999 by launching a major air war. Despite initial setbacks (the operation failed to stop a Serbian ground attack that created more than a million Kosovar Albanian refugees), the international community signaled that it would not back down. Under U.S. leadership, NATO escalated the air campaign, and the ICTY indicted Serbian President Slobodan Milosevic for crimes against humanity. Within three months, the combined military and diplomatic pressure compelled Serbia to withdraw its forces from Kosovo. And even though many observers, including several senior Clinton administration officials, feared that the ICTY’s indictment of Milosevic in the middle of the military campaign would make it even less likely that he would capitulate in Kosovo or ever relinquish power, he was removed from office 18 months later by nonviolent civil protest and turned over to The Hague. Outside the Balkans, the international community continued to adapt its approach to conflicts with similar success. In 1999, after a referendum on East Timor’s secession from Indonesia led to Indonesian atrocities against Timorese civilians, the UN quickly authorized an 11,000-strong Australian-led military force to end the violence. The intervention eventually produced an independent East Timor at peace with Indonesia. Later missions in Sierra Leone, Liberia, and Côte d’Ivoire used a similar model of deploying a regional military force in coordination with the UN and, on occasion, European powers. CORRECTING THE RECORD Despite the international community’s impressive record of recent humanitarian missions, many of the criticisms formulated in response to the botched campaigns of 1992–95 still guide the conversation about intervention today. The charges are outdated. Contrary to the claims that interventions prolong civil wars and lead to greater humanitarian suffering and civilian casualties, the most violent and protracted cases in recent history -- Somalia, Rwanda, the Democratic Republic of the Congo, Bosnia before Srebrenica, and Darfur -- have been cases in which the international community was unwilling either to intervene or to sustain a commitment with credible force. Conversely, a comprehensive study conducted by the political scientist Taylor Seybolt has found that aggressive operations legitimized by firm UN Security Council resolutions, as in Bosnia in 1995 and East Timor in 1999, were the most successful at ending conflicts. Even when civil wars do not stop right away, external interventions often mitigate violence against civilians. This is because, as the political scientist Matthew Krain and others have found, interventions aimed at preventing mass atrocities often force would-be killers to divert resources away from slaughtering civilians and toward defending themselves. This phenomenon, witnessed in the recent Libya campaign, means that even when interventions fail to end civil wars or resolve factional differences immediately, they can still protect civilians. Another critique of humanitarian interventions is that they create perverse incentives for rebel groups to deliberately provoke states to commit violence against civilians in order to generate an international response. By this logic, the prospect of military intervention would generate more rebel provocations and thus more mass atrocities. Yet the statistical record shows exactly the opposite. Since the modern era of humanitarian intervention began, both the frequency and the intensity of attacks on civilians have declined. During the Arab Spring protests this year, there was no evidence that opposition figures in Tunisia, Egypt, Syria, or Yemen sought to trigger outside intervention. In fact, the protesters clearly stated that they would oppose such action. Even the Libyan rebels, who faced long odds against Qaddafi’s forces, refused what would have been the most effective outside help: foreign boots on the ground. Recent efforts to perfect humanitarian intervention have been fueled by deep changes in public norms about violence against civilians and advances in conflict management. Two decades of media exposure to mass atrocities, ethnic cleansing, and genocide have altered global -- not simply Western -- attitudes about intervention. The previously sacrosanct concept of state sovereignty has been made conditional on a state’s responsible behavior, and in 2005, the UN General Assembly unanimously endorsed the doctrine of the responsibility to protect at the UN’s World Summit. NATO’s intervention in Libya reflects how the world has become more committed to the protection of civilians. Both UN Security Council resolutions on Libya this year passed with unprecedented speed and without a single dissenting vote. In the wake of conflicts as well, the international community has shown that it can and will play a role in maintaining order and restoring justice. Peacekeeping missions now enjoy widespread legitimacy and have been remarkably successful in preventing the recurrence of violence once deployed. And because of successful postconflict tribunals and the International Criminal Court, individuals, including national leaders, can now be held liable for egregious crimes against civilians. Collectively, these new conflict management and civilian protection tools have contributed to a marked decline in violence resulting from civil war. According to the most recent Human Security Report, between 1992 and 2003 the number of conflicts worldwide declined by more than 40 percent, and between 1988 and 2008 the number of conflicts that produced 1,000 or more battle deaths per year fell by 78 percent. Most notably, the incidence of lethal attacks against civilians was found to be lower in 2008 than at any point since the collection of such data began in 1989. Still, although international norms now enshrine civilian protection and levels of violence are down, humanitarian interventions remain constrained by political and military realities. The international community’s inaction in the face of attacks on Syrian protesters, as of this writing, demonstrates that neither the UN nor any major power is willing or prepared to intervene when abusive leaders firmly control the state’s territory and the state’s security forces and are backed by influential allies. Furthermore, the concept of civilian protection still competes with deeply held norms of sovereignty, especially in former colonies. Although humanitarian intervention can succeed in many cases, given these constraints, it is not always feasible.

Empirics prove

Slaughter 11

ANNE-MARIE SLAUGHTER, Anne-Marie Slaughter is currently the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University, Financial Times, August 24, 2011, "Why Libya sceptics were proved badly wrong", http://www.ft.com/intl/cms/s/0/18cb7f14-ce3c-11e0-99ec-00144feabdc0.html#axzz1W1l269ak

The first is that, against the sceptics, it clearly can be in the US and the west’s strategic interest to help social revolutions fighting for the values we espouse and proclaim. The strategic interest in helping the Libyan opposition came from supporting democracy and human rights, but also being seen to live up to those values by the 60 per cent majority of Middle Eastern populations who are under 30 and increasingly determined to hold their governments to account. This value-based argument was inextricable from the interest-based argument. So enough with the accusations of bleeding heart liberals seeking to intervene for strictly moral reasons.

We also now know how different intervention looks when we help forces who want to be helped. East Timor, Bosnia-Herzegovina, Kosovo, Libya – all cases where force evened out odds between a brutal government and a widespread and legitimate social or national movement. It is difficult to know when a state has failed in its responsibility to protect its people, particularly when secession is involved. This is why international authorisation is both required and difficult to obtain. But the contrast with Iraq and Afghanistan, where external invasion saw the US often labelled as an enemy, is enormous.

Another clear lesson: the depiction of America as “leading from behind” makes no sense. In a multi-power world with problems that are too great for any state to take on alone, effective leadership must come from the centre. Central players mobilise others and create the conditions and coalitions for action – just as President Barack Obama described America’s role in this conflict. In truth, US diplomacy has been adroit in enabling action from other powers in the region, and then knowing when to step out of the way.

## at: won't intervene in real humanitarian problems

They kill humanitarian interventions by all countries - including the UN - that's Heinze - plan's conflation of R2P and humanitarian intervention discredits the current consensus around R2P

Necessary to stop genocide

Williams et al, 12 (Dr. Paul R. Williams is the Rebecca I. Grazier Professor of Law and International Relations at American University, and the co-founder and President of the Public International Law and Policy Group. J. Trevor Ulbrick, Attorney-at-Law, is a Law Fellow with the Public International Law and Policy Group. Jonathan P. Worboys, Barrister, is a Law Fellow with the Public International Law and Policy Group.; "Preventing Atrocity Crimes in Syria: The Responsibility to Protect" on September 10, 2012 from www.acus.org/blogs/new-atlanticist/preventing-atrocity-crimes-in-syria-the-responsibility-to-protect)

We have been here before. During the tragedies of the 1990s in Kosovo and Rwanda, the international community wrestled with the question of when force can legally and legitimately be used to stop atrocity crimes—genocide, war crimes, crimes against humanity, and ethnic cleansing—within a sovereign state. NATO ultimately intervened in Kosovo without Security Council authorization, a campaign many commentators deemed to be illegal but legitimate. In Rwanda, however, the international community failed to act, in part because the atrocity crimes were occurring within the borders of a sovereign state.

In the wake of Kosovo and Rwanda, the international community began to rethink the nature of sovereignty. In 2001, the International Commission on Intervention and State Sovereignty (ICISS) determined that sovereignty requires states to protect their populations from atrocity crimes. The concept, known as the Responsibility to Protect (R2P), was endorsed by the UN General Assembly in 2005 and by Secretary-General Ban Ki-moon in a January 2009 report. TheSecurity Council itself has invoked R2P in its resolutions regarding the Darfur and Libya crises. Even so, the ICISS report anticipated the problem of Security Council paralysis, leaving scope for R2P action without its authorization.

The Syria crisis raises the specter of another Kosovo, Rwanda, or Darfur. With the emergence of R2P, however, the international community now has the right to protect civilians within sovereign states, as well as a legal framework **to use force to stop ongoing atrocity crimes**. Unlike the legal justifications relied upon for intervention in Kosovo, R2P has been developed in a manner which incorporates a number of procedural and operational safeguards to ensure that the use of force is narrowly tailored, and strictly limited to only the force necessary to stop atrocity crimes.

As articulated by the UN Secretary-General’s 2009 report, R2P has three components. First, states have an obligation to protect their populations from atrocity crimes. Second, when there is convincing evidence of ongoing atrocity crimes, and a state is unable—or, as in the case of Syria, unwilling—to stop them, the international community must exhaust peaceful options, such as diplomacy and targeted sanctions. If these measures fail, however, R2P’s third component allows the international community to use military force as a last resort.

To be sure, because the Security Council remains the primary arbiter of the use of force in international relations, intervention without its approval will be controversial. Syria, however, presents a textbook case for R2P. The UN has already concluded that the Assad regime is committing atrocity crimes. Peaceful options, such as the Annan Plan and targeted sanctions by the European Union, have had no effect. Consequently, under R2P, the international community could use force in Syria for the limited purpose of **stopping atrocity crimes** and protecting civilians. This temporary authority would only permit proportionate force that is narrowly tailored to achieving R2P’s humanitarian goal. One option, for instance, would be a no-fly zone along the Turkish border to safeguard Syrian refugees.

What of the Russian and Chinese objection that intervention in Syria violates international law and is a pretext for regime change? Under R2P, the use of force without Security Council approval is to be triggered only when there are ongoing atrocity crimes. These crimes have a special status under international law; their prohibition is jus cogens, or fundamental to the international order.

War crimes and crimes against humanity have definite criteria independently verifiable by the UN and other neutral observers, as they have been in Syria. The requirement that the atrocity crimes are “ongoing” also distinguishes Syria from other recent interventions, like Iraq. (Saddam Hussein’s atrocity crimes against the Kurds were committed well before the US invasion of Iraq in 2003, and were only one among many justifications for that intervention.)

Although the Security Council may be paralyzed, the international community is not. The nature of sovereignty has fundamentally changed since Kosovo and Rwanda. When a regime deliberately bombs civilians trying to buy their daily bread, it has crossed the Rubicon. R2P provides policymakers with a framework for military intervention in Syria while “strictly adhering to the norms of international law.” The international community should seize the moment to **stop any further atrocities** of the Assad regime and thus fulfil its Responsibility to Protect.[[2]](http://www.acus.org/blogs/new-atlanticist/preventing-atrocity-crimes-in-syria-the-responsibility-to-protect" \l "_ftn2" \o ")

Must stop genocide

Harff-Gur 81 (B. Harff-Gur, Northwestern, HUMANITARIAN INTERVENTION AS A REMEDY FOR GENOCIDE, p. 40 , 1981)

One of the most enduring and abhorrent problems of the world is genocide, which is neither particular to a specific race, class, or nation, nor is it rooted in any one, ethnocentric view of the world. Prohibition of genocide and affirmation of its opposite, the value of life, are an eternal ethical verity, one whose practical implications necessarily outweigh possible theoretical objections and as such should lift it above prevailing ideologies or politics. Genocide concerns and potentially effects all people. People make up a legal system, according to Kelsen. Politics is the expression of conflict among competing groups. Those in power give the political system its character, i.e. the state. The state, according to Kelsen, is nothing but the combined will of all its people. This abstract concept of the state may at first glance appear meaningless, because in reality not all people have an equal voice in the formation of the characteristics of the state. But I am not concerned with the characteristics of the state but rather the essence of the state – the people. Without a people there would be no state or legal system. With genocide eventually there will be no people. Genocide is ultimately a threat to the existence of all. True, sometimes only certain groups are targeted, as in Nazi Germany. Sometimes a large part of the total population is eradicated, as in contemporary Cambodia. Sometimes people are eliminated regardless of national origin – the Christians in Roman times. Sometimes whole nations vanish – the Amerindian societies after the Spanish conquest. And sometimes religious groups are persecuted – the Mohammedans by the Crusaders. The culprit changes: sometimes it is a specific state, or those in power in a state; occasionally it is the winners vs. the vanquished in international conflicts; and in its crudest form the stronger against the weaker. Since virtually every social group is a potential victim, genocide is a universal concern.

Patrick ev = Obama has institutionalized mechanisms for

If they're really right - then they don't solve if we can always just rely on other justifications

## at: fails

their critiques are outdated - only talk about Kosovo - doesn't assume improvements in intervention tactics

Western and Goldstein 11

JON WESTERN is Five College Associate Professor of International Relations at Mount Holyoke College. JOSHUA S. GOLDSTEIN is Professor Emeritus of International Relations at American University and the author of Winning the War on War: The Decline of Armed Conflict Worldwide, Foreign Affairs, November/December 2011, "Humanitarian Intervention Comes of Age", http://www.foreignaffairs.com/articles/136502/jon-western-and-joshua-s-goldstein/humanitarian-intervention-comes-of-age?page=show

LESSONS LEARNED Ever since U.S. marines stormed the Somali coast in 1992, the international community has grappled with the recurring challenges of modern humanitarian intervention: establishing legitimacy, sharing burdens across nations, acting with proportionality and discrimination, avoiding “mission creep,” and developing exit strategies. These challenges have not changed, but the ways the international community responds to them have. Today’s successful interventions share a number of elements absent in earlier, failed missions. First, the interventions that respond the most quickly to unfolding events protect the most lives. Ethnic cleansing and mass atrocities often occur in the early phases of conflicts, as in Rwanda and Bosnia. This highlights the necessity of early warning indicators and a capacity for immediate action. The UN still lacks standby capabilities to dispatch peacekeepers instantly to a conflict area, but national or multinational military forces have responded promptly under UN authority, and then after a number of months, they have handed off control to a UN peacekeeping force that may include soldiers from the original mission. This model worked in East Timor, Chad, and the Central African Republic, and it guided the international community’s response to the impending massacre in Benghazi. Second, the international community has learned from Somalia, Rwanda, and Bosnia that it needs access to enough military power and diplomatic muscle to back up a credible commitment to protecting civilians and to prevail even if things go wrong along the way. Lighter deployments may also succeed if members of the international community have additional forces close at hand that can be accessed if needed. When UN peacekeepers ran into trouble in Sierra Leone in 2000, for example, the United Kingdom rushed in with 4,500 troops to save the government and the peacekeeping mission from collapse. Third, intervening governments must be sensitive to inevitable opposition from domestic constituencies and must design interventions that can withstand pressure for early exits. As Libya has demonstrated, protecting civilians from intransigent regimes often requires persistent and sustained action. In all likelihood, seemingly straightforward operations will turn out to be much less so. In past, failed missions, the international community was unwilling to accept coalition casualties and responded by withdrawing. Successful interventions, by contrast, have been designed to limit the threat to the intervening forces, thus allowing them to add resources and broaden the dimensions of the military operations in the face of difficulties.

Their Patrick card agrees - Obama knows how to do intervention right - Libya proves

Patrick ’11 (Stewart, Senior Fellow and the Director of the Program on International Institutions and Global Governance at the Council on Foreign Relations, “Libya and the Future of Humanitarian Intervention,” August 26, http://www.foreignaffairs.com/articles/68233/stewart-patrick/libya-and-the-future-of-humanitarian-intervention)

Lest one imagine that the Libyan case is a one-off, on August 4 the Obama administration released the Presidential Study Directive on Mass Atrocities (PSD-10). The directive defines the prevention of mass atrocities as both "a core national security interest and a core moral responsibility of the United States." PSD-10 is a groundbreaking document and represents a huge victory for NSS Senior Director Samantha Power, a leading administration hawk on Libya.

**[Texas' card ends here]**

The PSD-10 recognizes a simple truth: the United States will inevitably confront atrocities that cannot be ignored. The directive expands the menu of policy options available in such cases, which should range from complete inaction to sending in the marines. This escalatory ladder is meant to encompass preventive diplomacy, economic and financial sanctions, arms embargoes, and ultimately coercive action.

Realist critics have bemoaned it as a blueprint for interventionism run amok, anticipating meddling in foreign conflicts on a grand Wilsonian scale. But an honest evaluation of the directive should be informed by the United States' previous experience with RtoP; given the country's sorry record in actually confronting mass atrocities -- in the killing fields of Cambodia and the bloody hills of Rwanda, to name just two -- the realist critique seems off base. Indeed, the far greater risk is that the directive will gather dust on a shelf, while the United States and the international community ignore the victims of atrocities.

Ultimately, the fate of the PSD-10, and perhaps of the RtoP norm itself, will depend on the attitudes of future U.S. presidents and the American people. Will they be willing to devote resources, and potentially lives, to address the suffering of strangers? The question is, in part, a moral one: What obligations does the United States have to those living beyond its borders? It is also a strategic one: How does a policymaker weigh the potential benefits of an intervention (in terms of lives saved) against the costs to the United States (including in the lives of its own soldiers).

There is no easy answer to this question. In the late nineteenth century, Bismarck famously remarked that the entirety of the Balkans was not worth the bones of a single "Pomeranian grenadier." A century later, NATO dithered before summoning the will to intervene in Bosnia and Kosovo, and the United States pulled out of Somalia after the deaths of eighteen U.S. Army Rangers.

Now, two decades later, no senior official in the Obama administration nor member of Congress has issued a call for intervention in Somalia to assist the delivery of emergency food aid, as that country faces its worst famine in decades. Al Shabaab, a U.S. designated terrorist organization, controls the vast majority of drought-affected areas and is obstructing the delivery of foreign aid. Without assistance, 3.2 million Somalis will likely die. The United States' silence on Somalia contrasts starkly with its policy on Libya.

The United States will remain selective about humanitarian intervention, because it must balance the goal of preventing suffering with other interests and commitments, and because some conflicts, such as anarchic Somalia, are dauntingly complex and would impose unacceptable burdens on well-meaning intervenors.

As Obama has noted, however, that is no excuse for inaction everywhere. Although rigid criteria for involvement are unrealistic, the U.S policy on armed humanitarian intervention should be guided by several principles, which I first outlined in 2004, when I was on the State Department policy planning staff.

First, the United States should set the bar for intervention high. It should be limited to stopping or preventing egregious atrocities --situations in which governments or insurgents are targeting large numbers of civilians with genocide, systematic rape, mass murder, expulsion, or other crimes against humanity.

There are prudent reasons for this limitation. Sovereignty remains the stabilizing force of the world order -- a barrier to global anarchy. In addition, U.S. capacities are finite. Without discipline, its resources could be quickly exhausted.

Second, armed intervention should be an option of last resort. Given the costs, risks, and the unpredictable consequences, it should be employed only when other measures fail or when the speed and scale of atrocities outpaces slower instruments. And then, the mission should be undertaken using means proportional to the conflict, and should be coupled with a realistic long-term political strategy to address the violence's root cause.

Third, multilateral interventions are vastly preferable to unilateral ones. They offer both increased legitimacy and the promise that others will share the load.

Finally, the United States should undertake armed humanitarian intervention only if its leaders are committed to marshaling and sustaining the domestic support required to stay the course even if the going gets rough. Absent enthusiastic public or congressional sentiment in favor of intervention, the president must be ready to lead on his own.

When it came to authorizing and conducting the Libya intervention, the Obama administration checked all these boxes. It set the bar high; moved to military force after other expedients had failed; designed a military strategy with good prospects of success, using proportional means; and it forged a broad coalition, legitimated by the UN Security Council. Finally, Obama displayed the political courage to do what was right, sticking with the campaign even as U.S. public support flagged from lukewarm 43 percent in late March to a dangerously low 24 percent by July.

Libya has demonstrated the viability of a well-implemented RtoP intervention. Yet just because the doctrine has survived a significant test, one should not assume that the United States and its allies will apply it universally. As atrocities emerge in other contexts, the international community will need to cultivate and weigh other policy options against armed intervention, so it is not faced with stark choice of military action or inaction. The Obama administration's PSD-10 is a step in that direction.

It doesn't incentivize violence - our empirical studies are superior

Western and Goldstein 11

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http://www.foreignaffairs.com/articles/136502/jon-western-and-joshua-s-goldstein/humanitarian-intervention-comes-of-age?page=show

Another critique of humanitarian interventions is that they create perverse incentives for rebel groups to deliberately provoke states to commit violence against civilians in order to generate an international response. By this logic, the prospect of military intervention would generate more rebel provocations and thus more mass atrocities. Yet the statistical record shows exactly the opposite. Since the modern era of humanitarian intervention began, both the frequency and the intensity of attacks on civilians have declined.

During the Arab Spring protests this year, there was no evidence that opposition figures in Tunisia, Egypt, Syria, or Yemen sought to trigger outside intervention. In fact, the protesters clearly stated that they would oppose such action. Even the Libyan rebels, who faced long odds against Qaddafi’s forces, refused what would have been the most effective outside help: foreign boots on the ground.

## more

Bosnia and Kosovo prove

Western 8/27/13

Jon Western is Five College Professor of International Relations at Mount Holyoke College, Duck of Minerva, August 27, 2013, "Not All Interventions are the Same.", http://www.whiteoliphaunt.com/duckofminerva/2013/08/not-all-interventions-are-the-same.html

First, not every intervention is the same — time to dust off that copy of Schelling. The use of force is one of many instruments of statecraft. It’s utility is often linked to the overall strategic objective(s), the degree to which ends and means are tied, and the overall legitimacy of the action. There is a tendency in many of the discussions out there to conflate the impending use of force in Syria with the American-led wars in Iraq or Afghanistan. Since Iraq and Afghanistan have proven to be major disasters, we should stay out of Syria. Maybe.

Iraq clearly demonstrated the limits (and incompetence) of American power. The U.S. plowed its way into Iraq with 300k troops to remove Saddam Hussein (the core objective) without a plan for stabilizing the country once that objective was achieved. It also acted without any clear legitimating or legal authority. And, no surprise, it was a disaster.

But, other, more limited, interventions have been effective in controlling and mitigating violence — even in on-going high intensity conflicts. The American-led intervention in Bosnia in August 1995 stopped the war on a dime even though most security studies scholars, regional experts, and pundits at the time warned against American involvement. Many argued that American involvement would lead to a Vietnam-style quagmire, that the conflict was fueled by age-old ethnic hatreds about which nothing could be done. They were wrong. Eighteen years later, there are plenty of pathologies in Bosnia’s political and economic institutions but we haven’t seen any organized inter-ethnic violence since Dayton.

The use of military force in Bosnia was designed with a narrower objective than what we witnessed in Iraq and Afghanistan. The U.S. and NATO attacks on Serb targets in the summer of 1995 were not designed to defeat the Serbs (regime change), but to change the strategic landscape and compel them to the negotiating table. The punitive strikes on the Serbs were designed to signal to them, without ambiguity, that they could not win. Indeed, the strategic design for the use of force was premised on the recognition that the end-game in Bosnia would have to be a diplomatic, not a military, solution. The strikes were thus taken simultaneous with a major diplomatic initiative to bring coherence and restraint to the Bosniak and Croat forces — both of which were internally fragmented and often fighting each other. Two-weeks after the airstrikes began, the warring factions agreed to a cease-fire and three months later signed the Dayton Accords.

Kosovo was similar in this regard. The use of force was designed to compel a Serb retreat from Kosovo — and to signal to Belgrade that it was not going to win. In Kosovo, there was a general sense that the intervention was legitimate, if not legal, because of the broad U.S. and European consensus that a major Serb attack against Kosovo was imminent. It was that imminence that gave the action international legitimacy even though there was no UN Security Council resolution authorizing the action.

Prevents spillover scenarios

Schneider, 10 (ddress to the World Affairs Council of Oregon by Mark L. Schneider, Senior Vice President, International Crisis Group, “Implementing the Responsibility to Protect in Kenya and Beyond”, Portland State University, Portland, Oregon, 5 March 2010, from www.crisisgroup.org/en/publication-type/speeches/2010/implementing-the-responsibility-to-protect-in-kenya-and-beyond.aspx)

Responsibility to Protect is an international security and human rights norm to address the international community’s past failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity. It is not aimed at every conflict or every breakdown in public order or every instance of organized violence. However, when the violence reaches the level of crimes against humanity then international response is required.  It is required not only because of the violation of universal values but because it also **poses direct threats to national security interests and to international peace**.

R2P also avoided the legalistic claims that nothing could be done unless the violence reached the level of genocide and the convention’s requirement satisfied of “an intent to destroy in whole or in part a national, ethnical, racial or religious group”. Without the proof of “intent” which lawyers can argue about for years, inaction was the rule. The Responsibility to Protect side-stepped that legalistic bar to action by encompassing broader mass atrocity crimes as warranting international response.