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#### RESTRICTIONS

#### A. Restrictions are prohibitions on action --- excludes conditions

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### B. Voting Issue---Precision—restrictions must be a distinct term for debate to occur

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(Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

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#### EXECUTIVE COUNTERPLAN

#### The Executive branch of the United States should issue an executive order mandating the following:

#### -an accompanying Fact Sheet explaining the administration’s rationale includes abiding by international law and the law of armed conflict

#### -make enforcement of the order subject to judicial review

#### -disclose targeting criteria as per their Entous evidence

#### Executive orders avoid politics, have the force of law, and are rarely overturned

Cooper-prof public administration Portland State- 2 [Phillip, By Order of the President: The Use and Abuse of Executive Direct Action” p.59

Executive orders are often used because they are quick, convenient, and relatively easy mechanisms for moving significant policy initiatives. Though itis certainly true that executive orders are employed for symbolic purposes, enough has been said by now to demonstrate that they are also used for serious policymaking or to lay the basis for important actions to be taken by executive branch agencies under the authority of the orders. Unfortunately, as is true of legislation, it is not always possible to know from the title of orders which are significant and which are not, particularly since presidents will often use an existing order as a base for action and then change it in ways that make it far more significant than its predecessors.¶ The relative ease of the use of an order does not merely arise from the fact that presidents may employ one to avoid the cumbersome and time consuming legislative process. They may also use this device to avoid some times equally time-consuming administrative procedures, particularly the rulemaking processes required by the Administrative Procedure Act.84 Because those procedural requirements do not apply to the president, it is tempting for executive branch agencies to seek assistance from the White House to enact by executive order that which might be difficult for the agency itself to move through the process. Moreover, there is the added plus from the agency's perspective that it can be considerably more difficult for potential adversaries to obtain standing to launch a legal challenge to the president's order than it is to move an agency rule to judicial review. There is nothing new about the practice of generating executive orders outside the White House. President Kennedy's executive order on that process specifically pro­vides for orders generated elsewhere.

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#### T AUTHORITY

#### War powers authority is enumerated in prior statutes---doesn’t include CIC power because it’s not a congressionally authorized source of Presidential power

Curtis Bradley 10, Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School, Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty\_scholarship

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### Vote Negative-the framers of the constitution explicitly distinguished between “war powers” and “commander in chief powers”— their interpretation is imprecise and explodes limits

Stephen Heidt 13, A Memorandum on the Topic Area, Georgia State University, http://www.cedadebate.org/forum/index.php?topic=4846.0

First, the topic committee and voters need to understand that Presidential War Power is not Commander in Chief Power. The topic paper, following a trend in legal “scholarship” and news media, blurs the distinction between the categories by alluding to presidential war power as commander in chief power (p9 at note 13). But war power is categorically distinct from commander in chief power. This categorical distinction derives directly from the powers ¶ 2 ¶ enumerated in the Constitution. Those powers can be summarized as Congress declares war, Presidents execute wars. ¶ Constitutional evidence: ¶ Article 1, Section 8: “The Congress shall have the power: To declare war…to raise armies and support armies…to provide and maintain a Navy, to make rules for the Government and Regulation of the land and naval Forces, to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; to provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States…” ¶ Article 1, Section 9: “The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it.” ¶ Article 1, Section 10 which reads: “No State shall, without the Consent of Congress…engage in War, unless actually invaded, or in such imminent Danger as will not admit delay.” ¶ Article II, Section 2: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states…He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur…” ¶ To summarize: War powers are enumerated in Article 1 of the Constitution. Commander in Chief power is enumerated in Article 2. The framers of the Constitution kept the two entirely distinct, on purpose, as a means for resolving the tension between the danger that a strong president would risk dictatorship and the need for unfettered power of the executive to conduct and win war.

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#### TPA DA

#### TPA is top of the agenda and Obama is making a full court press-Now is the make or break time for spending political capital on trade-TPA failure collapses global trade, the economy and US leadership.

McLarty-former chief of staff to Clinton during the NAFTA ratification fight-2/2/14

Huffington Post 2/2/14

http://www.huffingtonpost.com/thomas-f-mclarty/a-critical-test-of-leader\_b\_4705623.html

A Critical Test of Leadership

In his State of the Union address last week, President Obama took a good first step in asking Congress to provide the tools he needs to close two of the most ambitious trade deals in U.S. history. But he faces an immediate challenge from within his party that could imperil negotiations, with huge stakes for the U.S. globally and for our economy at home. At issue is Trade Promotion Authority (TPA), which allows the president to send a trade agreement to Congress for an up-or-down vote, without amendments. Many Republicans reflexively oppose granting any request from the administration. But the biggest opposition is coming from Democrats skeptical of the value of free trade. The day after the president's address, Senate Majority Leader Harry Reid said he opposed "fast track" authority. His remarks revealed the depth of a gulf among Democrats over trade, and sparked new criticism from Republicans as a sign that the president's party couldn't be lined up behind a major administration initiative. For President Obama, this is a critical test of his leadership. Can he muster enough support for his trade agenda within his own party, and then assemble a bipartisan majority in both houses of Congress? Failure would be a great setback for U.S. prestige internationally, and a dismal signal for the president's remaining three years in office. We've seen this movie before -- and it didn't end well. The last Democratic president to seek fast track authority on trade was Bill Clinton in 1997. The effort collapsed when then House Speaker Newt Gingrich was unable to marshal his Republican majority. It was an opportunity lost, ending a period of bipartisan cooperation on trade and stalling momentum created a few years earlier by the North American Free Trade Agreement. Repeating this history would be a mistake, especially as our economy struggles to create good jobs at high wages. But the president faces an uphill battle. Now is the moment for Democrats to pause and take full measure of the stakes involved in opposing fast track. It's time for Republican supporters of trade to rally. And it is essential that the president and his cabinet exert persistent, focused leadership to persuade the skeptics. President Obama deserves much credit for advancing the most far-reaching trade agenda in a generation. The administration is nearing the finish line in negotiations of the Trans Pacific Partnership, an agreement with 11 Pacific Rim nations, including Japan and perhaps South Korea and others. Simultaneous talks are underway between the United States and the European Union over the Transatlantic Trade and Investment Partnership -- creating an economic NATO and the largest liberalized trade zone in the world. Together, the agreements would lower barriers in markets accounting for more than 60 percent of the global economy. Neither negotiation would survive a failure to renew Trade Promotion Authority, which expired in 2007. TPA reassures our negotiating partners that they will not agree to difficult concessions only to see Congress later force unilateral changes. Under TPA, Congress establishes negotiating goals and must be regularly consulted by the president. In exchange, Congress promises an up-or-down vote without amendment. No major trade legislation has passed Congress in decades without it. President Clinton knew that because trade was so hard, its support had to be bipartisan. To push for NAFTA, he assembled a high-profile war room in the White House, led by a prominent Democrat, Bill Daley, and former Republican Congressman Bill Frenzel. The president worked members tirelessly. The bill eventually passed with 102 Democratic and 132 Republican votes, and a similarly bipartisan total in the Senate. By contrast, the 1997 effort to renew fast-track authority lacked that high-profile White House push -- helping seal its doom. Over the last decades, global trade has proven essential to building employment and reducing inequality at home. One of every five jobs in the United States is tied to exports. More significantly for the long run, 95 percent of the world's customers live outside our borders. While many Americans have concerns about free trade, they say the benefits of U.S. involvement in the global economy outweigh the risks (by a 2-1 margin in a poll last month by the Pew Research Center). Even so, last fall 151 House Democrats signed a letter expressing their opposition to granting President Obama Trade Promotion Authority. Almost three dozen House Republicans followed suit. When the bill to renew TPA was introduced earlier this month, a number of Democratic Senators announced their opposition. They have now been joined by Sen. Reid. The warning signs are clear, but so is the path forward. Now is the time for a full-court press from the White House. President Obama should be clear about the imperative of TPA and make the strong case for trade as a catalyst for job growth. Then he must press his cabinet to the task. Ambassador Froman is a skilled negotiator and advocate. His cabinet colleagues include many effective proponents of free trade and international engagement, including Secretary of State John Kerry, Treasury Secretary Jack Lew, and Commerce Secretary Penny Pritzker. Without a concerted effort, TPA may well fail, embarrassing us abroad, casting a shadow on the president's second term and hurting our economy in the long run. Why not instead show America and the world that the president and Congress, including leaders of his own party, can work together?

#### The plan expends capital on a separate war powers issue–it’s immediate and forces a trade-off

O’Neil-prof law Fordham-7 (David – Adjunct Associate Professor of Law, Fordham Law School, “The Political Safeguards of –Executive Privilege”, 2007, 60 Vand. L. Rev. 1079, lexis)

a. Conscious Pursuit of Institutional Prerogatives The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced: The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182 Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner-New York Institute of Finance-8

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

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#### ICJ COUNTERPLAN

#### Text

#### The United States Federal Government should file a declaration with the International Court of Justice submitting –the use of remote controlled aerial vehicle targeted killings outside of geographic locations housing active American combat troops, for binding adjudication by the International Court of Justice. The United States federal government will ask that the case take priority.

#### Observation One: Theory. The CP is legitimate. It test an increase in restrictions by making them contingent on an ICJ ruling. Net benefits check abuse and provide a germane policymaking warrant for voting negative.

#### Observation Two: Net Benefits

#### ICJ credibility-Submitting US use of force decisions to ICJ jurisdiction is uniquely important for the credibility of the institution-strong ICJ is vital to global stability

Meyer-American Society for International Law-3 http://hnn.us/articles/1465.html

George W. Bush drew fire from law and order advocates when in 2002 he "unsigned" (that is withdrew America from) the Treaty of Rome of 1998 that created an international criminal court. American scholars and humanists had led for many years in advocating establishment of such a court. That Court has only recently begun to function. It can try and punish persons allegedly guilty of crimes of international concern that their own nation has failed to prosecute. This self-made exemption from the Rule of Law will seem especially hypocritical as U.S. officialdom plans an international criminal tribunal to place former Iraqi leaders on trial. This recent isolation of America from global criminal law has received considerable attention. Not so the persistent American refusal to accept the compulsory jurisdiction of the International Court of Justice (ICJ), created largely by American efforts. The ICJ, also based at The Hague, has always been known semi-officially and in popular parlance as the "World Court." The new criminal court can only deal with crimes allegedly perpetrated by individuals. The role of the ICJ is confined to disputes between or among nation-states and such legal questions as may be raised by international organizations. The location of the two quite separate courts at The Hague and superficial similarity of their roles have resulted in persistent confusion as to their identity. That confusion has been compounded by the ignorance (or laziness) of headline writers who for the sake of its brevity called the criminal tribunal the "World Court" even before it began to work. When even minor disputes between nations are settled at the ICJ, there is a gain in the removal of potential irritants that can worsen relations. Some cases present issues so important that the Court's potential role as arbiter can be a significant factor in preserving peace. The protest at U.S. exemption of individuals from criminal jurisdiction has been widely reported. The continued refusal of the United States to subject its own actions, especially the use of force against others, to judgment by the ICJ has been treated as a non-event. The president who turned America's back on judgment under international law was Ronald Reagan. His action resulted from fear (especially after prominent condemnation by Senators Barry Goldwater and Daniel Patrick Moynihan) of an adverse Court ruling in Nicaragua's case against the U.S. Reagan withdrew American acceptance of mandatory jurisdiction that had been filed forty years earlier by President Truman, with unanimous support of the Senate. Republican representative Jim Leach of Iowa led opposition to President Reagan's action terminating consent to World Court jurisdiction. He said of the action of the president (put into office by his party) that "it lowers the United States to the level of international scofflaw…it symbolizes a retreat from support for the concept of international adjudication that dates back to the last century." (Hearing, House Subcomm. International Affairs Oct 30, 1985) Others agreed. Paul Simon, then senator from Illinois, in an Op-Ed in the New York Times, decried the self-inflicted wound to U S prestige. When the U.S. vetoed an otherwise unanimous Security Council call for U S compliance with the Court's ruling in the Nicaragua case, the L A Times editor's headline was "World Scofflaw" The Gorbachev regime reversed in 1998 a history of eight decades of Soviet boycott of the Court and its predecessor. The U.S. Congress acted in response. In the 1990 Foreign Relations Authorization Act there was included a call for "efforts to broaden, where appropriate the compulsory jurisdiction and enhance the effectiveness of the ICJ." There was no action taken to implement this by President G.W.H. Bush, father of the incumbent. Fifteen years earlier as U S ambassador to the U N, the earlier President Bush had officially declared in response to a U.N. survey: The United States firmly believes that a strong and active international Court is a central and indispensable element of an international legal order. Prevention of the use or threat of force to settle international disputes is essential to the maintenance of international security and is most effectively assured by the development of an international legal order and resort to a strong and respected Court. In July 1993, a congressionally created U.S. Commission on Improving the Effectiveness of the United Nations gave attention to the ICJ. It endorsed compulsory jurisdiction and recommended "to set a standard of leadership, the U.S. consider reaccepting the compulsory jurisdiction of the Court. No response from President Clinton. During a wide-ranging policy overview conducted in 1994 by the Senate Committee on Foreign Affairs, Senator Christopher Dodd raised "the issue of the World Court" and said: "I think it is sad indeed … that we have withdrawn ourselves from the jurisdiction of that Court. The Cold War is over. I think it important that we re-engage." Secretary of State Warren Christopher responded that he agreed. By his silence, President Clinton did not. That was about the last time public reference was made to U.S. refusal to accept compulsory jurisdiction. The individuals and groups previously concerned seemed to have abandoned the cause. Some had given up. Others were engaged in a new issue that had begun to seem urgent by the nineties of the 20th Century: They were distracted by the impact of the savage cruelties during the hostilities that marked the years following the break-up of the former Yugoslavia. They were appalled by the scale of the genocide in Rwanda. Demands to "do something" impacted national leaders and they turned to the Security Council of the United Nations for action. The Council responded by improvising temporary international criminal courts to try and punish criminal violation of human rights in Rwanda and the former Yugoslavia. This was not a new idea. Most well known early proposal was the call to "Hang the Kaiser," that was heard after the First World War. Intermittently discussed thereafter among publicists and in law reviews, the notion of criminal trials for war guilt was put into effect in temporary tribunals that sat in Nuremberg and Tokyo after World War II. To achieve such a result on a temporary basis seemed enough and nothing was done at the San Francisco conference that created the United Nations and the ICJ. In the last years of the twentieth century, the idea of an international criminal court became something of a cause. There came into being an "NGO Coalition for an International Criminal Court" that attracted many who had been supporters of a return to the ICJ's compulsory jurisdiction. The fruit of their efforts, joined by statesmen from several nations, was the Rome Conference of 1998 and the Treaty for a criminal tribunal of general international jurisdiction. This was the Court-to-be that was spurned by the Bush Administration. Not only that! So abhorrent was the thought of such a Court that Secretary Powell's State Department launched an international drive directed against vulnerable nations, seeking to have them abstain from joining and withdraw if they had; moreover some were persuaded to agree even to refuse extradition of alleged criminals. That the Bush administration thus has not only refused to submit to the criminal tribunal, but is actively seeking to torpedo it, has been considered reprehensible. This has sorely disappointed those who believe that crimes against humanity should not go unpunished. But President Bush cannot be fairly faulted for failing to return the United States to support an International legal system, such as was advocated by his father; one presided over, as the first president Bush urged, by a court to adjudge among the nations. He was not asked to do so and, not having been reminded, probably never gave it any thought. Postscript On May 11, 2003 Theodore Sorenson, President Kennedy's chief speechwriter, delivered the commencement address at American University in Washington, DC. In his speech he called the decision to withdraw from the World Court in 1986 a "mistake," adding: The World Court, established after World War I, to move disputes between nations from the battlefield to the courtroom, merits our full support. We must avoid a world in which any nation can decide on its own whether it has grounds to attack its neighbor, or seize its neighbor's resources. This country has both a history and an obligation of leadership in international jurisprudence. In today's unpromising, unpredictable, unruly world, stronger institutions of international justice would make the United States a safer place.

## Norms

### Offense

#### Targets will escape if Pakistan is involved

Hanly 2012

Ken, Pakistan and U.S. unable to reach deal on drone attacks http://www.digitaljournal.com/article/328567?utm\_source=@digitaljournal&utm\_medium=twitter#ixzz2s0gtSI2A

The drone attacks are quite unpopular in Pakistan over 90 per cent oppose them. In the past the government has criticized the attacks in public while tacitly agreeing to them behind the scenes. Senior military officials concede privately that the attacks have tactical advantages. Since the U.S. is adamant that the attacks continue a deal seems unlikely. However it is possible that if Pakistan is given more control over targeting and attacks are launched only with Pakistani agreement a deal could be reached. However the U.S. is not likely to cede that much power to Pakistan. Pakistani intelligence and government officials no doubt are happy enough when U.S. drones kill people such as Batullah Mehsud leader of the Pakistani Talliban since they mount attacks in Pakistan. However when the drones target leaders such s Jalaluddin Haqqani who is alleged to have connections with Pakistani intelligence this angers them. Giving Pakistan more say in the targeting process and other aspects of the drone attacks might help soothe Pakistani pride and counter the idea that Pakistan is simply a compliant client state of the US. However, the U.S. worries that if Pakistan were involved leaks would occur and the targets would escape before an attack. The resolution of the conflict between Pakistan and the U.S. concerning drones could vastly improve relations between the two countries. However given U.S. insistence that attacks continue and only on U.S. terms the issue will probably remain unresolved.

#### Flips the case

**Weitz, Hudson Institute senior fellow, 2011**

(Richard, “Why Uavs Have Become The Anti-Terror Weapon Of Choice In The Afghan-Pak Border”, 1-2, <http://www.sldinfo.com/why-uavs-have-become-the-anti-terror-weapon-of-choice-in-the-afghan-pak-border/>, ldg)

Perhaps the most important argument in favor of using UAV strikes in northwest Pakistan and other terrorist havens is that alternative options are typically worse. The Pakistani military has made clear that it is neither willing nor capable of repressing the terrorists in the tribal regions. Although the controversial ceasefire accords Islamabad earlier negotiated with tribal leaders have formally collapsed, the Pakistani Army has repeatedly postponed announced plans to occupy North Waziristan, which is where the Afghan insurgents and the foreign fighters supporting them and al-Qaeda are concentrated. Such a move that would meet fierce resistance from the region’s population, which has traditionally enjoyed extensive autonomy. The recent massive floods have also forced the military to divert its assets to humanitarian purposes, especially helping the more than ten million displaced people driven from their homes. But the main reason for their not attacking the Afghan Taliban or its foreign allies based in Pakistan’s tribal areas is that doing so would result in their joining the Pakistani Taliban in its vicious fight with the Islamabad government. Yet, sending in U.S. combat troops on recurring raids or a protracted occupation of Pakistani territory would provoke widespread outrage in Pakistan and perhaps in other countries as well since the UN Security Council mandate for the NATO-led International Security Assistance Force (ISAF) in Afghanistan only authorizes military operations in Pakistan. On the one known occasion when U.S. Special Forces actually conducted a ground assault in the tribal areas in 2008, the Pakistanis reacted furiously. On September 3, 2008, a U.S. Special Forces team attacked a suspected terrorist base in Pakistan’s South Waziristan region, killing over a dozen people. These actions evoked strong Pakistani protests. Army Chief of Staff Gen. Ashfaq Kayani, who before November 2007 had led Pakistan’s Inter-Services Intelligence (ISI), issued a written statement denying that “any agreement or understanding [existed] with the coalition forces” [in Afghanistan] allowing them to strike inside Pakistan.” The general pledged to defend Pakistan’s sovereignty and territorial integrity “at all cost.” Prime Minister Yousaf Raza Gilani and President Asif Ali Zardari also criticized the U.S. ground operation on Pakistani territory. On September 16, 2008, the Pakistani army announced it would shoot any U.S. forces attempting to cross the Afghan-Pakistan border. On several occasions since then, Pakistani troops and militia have fired at what they believed to be American helicopters flying from Afghanistan to deploy Special Forces on their territory, though there is no conclusive evidence that the U.S. military has ever attempted another large-scale commando raid in Pakistan after the September 2008 incident. Further large-scale U.S. military operations into Pakistan could easily rally popular support behind the Taliban and al-Qaeda. It might even precipitate the collapse of the Islambad government and its replacement by a regime in nuclear-armed Pakistan that is less friendly to Washington. Given these alternatives, continuing the drone strikes appears to be the best of the limited options available to deal with a core problem, giving sanctuary to terrorists striking US and coalition forces in Afghanistan and beyond.

### Offense 2

Restricting drones just makes the impact to prolif worse---the status quo solves better

Herman and Yoo 13 (Mr. Herman, a Pulitzer Prize finalist and former visiting scholar at the American Enterprise Institute, is the author, most recently, of The Cave and the Light: Plato Versus Aristotle, and the Struggle for the Soul of Western Civilization. Mr. Yoo is the Emanuel S. Heller Professor of Law at the University of California at Berkeley and a scholar at the American Enterprise Institute, “The Drone Wars,” National Review https://www.nationalreview.com/nrd/articles/364966/drone-wars/page/0/1)

Efforts to restrain the advance of military technology have sometimes disadvantaged democracies, which tend to observe treaties more faithfully than authoritarian nations do. After World War I, the great powers entered into the Washington Naval Treaty of 1922 to forestall competition in building up naval fleets. The treaty sought to freeze the sizes of the fleets of Great Britain, the United States, France, Germany, and Japan and to prevent the development of larger ships and better armaments. While the democracies obeyed the agreement, Germany and Japan cheated by secretly developing new and larger battleships. The treaty restrictions also encouraged Japan to develop aircraft carriers and naval aviation, which were not covered by the agreement, while Britain and the U.S. slept.

When restraint in arms build-ups has occurred, it has come primarily from deterrence. Chemical weapons were another of World War I’s horrifying innovations. They inflicted a level of suffering and terror that could not be strategically justified. But during the interwar years, the great powers failed to reach any agreement to limit their use in combat—the Chemical Weapons Convention would not come into existence until the 1990s. Nevertheless, the Axis and Allied powers did not resort to chemical weapons in a war of ideologies that caused more death and destruction than had the preceding world war. Why? Historical research has shown that Hitler’s Germany never deployed its chemical-weapons arsenal because it knew that the Allies would respond in kind. The same went for the superpowers’ nuclear arsenals during the Cold War. Treaties did not stop the development of fission and then fusion weapons, strategic bombers, and intercontinental ballistic missiles. only the competition of the U.S. and the USSr to match each other’s stockpiles prevented a nuclear exchange.

While the politicians, lawyers, and bureaucrats debate and dither, the rate of technological advance increases. The record of deterrence and counter-technologies in limiting the destructive potential of new technologies is strong. Rather than try to stop development with parchment barriers that hinder us more than our enemies, we should recognize that UAv technology itself may help us achieve the fundamental goal of the laws of war: to spare civilians and to reduce death and destruction on the battlefield.

#### Rogue states multiply and cause extinction

**Johnson, Forbes contributor and Presidential Medal of Freedom winner, 2013**

(Paul, “A Lesson For Rogue States”, 5-8, <http://www.forbes.com/sites/currentevents/2013/05/08/a-lesson-for-rogue-states/>, ldg)

Although we live in a violent world, where an internal conflict such as the Syrian civil war can cost 70,000 lives over a two-year period, there hasn’t been a major war between the great powers in 68 years. Today’s three superpowers–the U.S., Russia and China–have no conflicts of interest that can’t be resolved through compromise. All have hair-trigger nuclear alert systems, but the sheer scale of their armories has forced them to take nuclear conflict seriously. Thus, in a real sense, nuclear weapons have succeeded in abolishing the concept of a winnable war. The same cannot be said, however, for certain paranoid rogue states, namely North Korea and Iran. If these two nations appear to be prospering–that is, if their nuclear threats are winning them attention and respect, financial bribes in the form of aid and all the other goodies by which petty dictators count success–other prospective rogues will join them. One such state is Venezuela. Currently its oil wealth is largely wasted, but it is great enough to buy entree to a junior nuclear club. Another possibility is Pakistan, which already has a small nuclear capability and is teetering on the brink of chaos. Other potential rogues are one or two of the components that made up the former Soviet Union. All the more reason to ensure that North Korea and Iran are dramatically punished for traveling the nuclear path. But how? It’s of little use imposing further sanctions, as they chiefly fall on the long-suffering populations. Recent disclosures about life in North Korea reveal how effectively the ruling elite is protected from the physical consequences of its nuclear quest, enjoying high standards of living while the masses starve. Things aren’t much better in Iran. Both regimes are beyond the reach of civilized reasoning, one locked into a totalitarian vise of such comprehensiveness as to rule out revolt, the other victim of a religious despotism from which there currently seems no escape. Either country might take a fatal step of its own volition. Were North Korea to attack the South, it would draw down a retribution in conventional firepower from the heavily armed South and a possible nuclear response from the U.S., which would effectively terminate the regime. Iran has frequently threatened to destroy Israel and exterminate its people. Were it to attempt to carry out such a plan, the Israeli response would be so devastating that it would put an end to the theocracy forthwith. The balance of probabilities is that neither nation will embark on a deliberate war but instead will carry on blustering. This, however, doesn’t rule out war by accident–a small-scale nuclear conflict precipitated by the blunders of a totalitarian elite. Preventing Disaster The most effective, yet cold-blooded, way to teach these states the consequences of continuing their nuclear efforts would be to make an example of one by destroying its ruling class. The obvious candidate would be North Korea. Were we able to contrive circumstances in which this occurred, it’s probable that Iran, as well as any other prospective rogues, would abandon its nuclear aims. But how to do this? At the least there would need to be general agreement on such a course among Russia, China and the U.S. But China would view the replacement of its communist ally with a neutral, unified Korea as a serious loss. Compensation would be required. Still, it’s worth exploring. What we must avoid is a jittery world in which proliferating rogue states perpetually seek to become nuclear ones. The risk of an accidental conflict breaking out that would then drag in the major powers is too great. This is precisely how the 1914 Sarajevo assassination broadened into World War I. It is fortunate the major powers appear to have understood the dangers of nuclear conflict without having had to experience them. Now they must turn their minds, responsibly, to solving the menace of rogue states. At present all we have are the bellicose bellowing of the rogues and the well-meaning drift of the Great Powers–a formula for an eventual and monumental disaster that could be the end of us all.

### No Prolif

#### Tech isn’t the key---no one has the human capital or intel to conduct wide scale drone operations

Boyle 12 (Ashley, is an Adjunct Junior Fellow at the American Security Project, “The US and its UAVs: Addressing Legality and Overblown Scenarios,” http://americansecurityproject.org/blog/2012/the-us-and-its-uavs-addressing-legality-and-overblown-scenarios/)

While there is no question that the US has used drones, it is hardly alone in wielding the technology. Approximately fifty nations possess and use drones. However, Wikipedia informs us that of these nations, only twelve have lethal drones of which only three nations – China, Iran, and Russia – may be of concern. Possessing the technology is only one part of the picture. Nations must also have the capabilities to maintain and operate these aircraft, as well as an intelligence network that informs their surveillance or strike activities. The supporting systems required to operate drones is greatly underestimated, and it is difficult to see China, Iran, or Russia having the resources or desire to launch expansive drone programs in the short- to mid-term. While the long-term picture always requires discussion, alarmist messages about impending drone wars are just that: alarming and unfounded.

#### Diplomatic and political costs constrain their use---deterrence still applies

Singh 12 (Joseph Singh is a researcher at the Center for a New American Security. “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/)

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones. As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings. Indeed, critics seem overly-focused on the domestic implications of drone use. In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.” Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey. Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory. States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement. This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active. What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy. In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region. Non-state actors, on the other hand, have even more reasons to steer clear of drones: – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue. – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose. – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face. – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts. In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology. Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team. Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones. What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use. Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best. Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations. Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

### No Modeling

#### U.S. drone use doesn’t set a precedent, restraint doesn’t solve it, and norms don’t apply to drones at all in the first place

Amitai Etzioni 13, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

### Iran

#### No Israel-Iran conflict

**Kaye, RAND senior political scientist, 2010**

(Dalia, “Dangerous But Not Omnipotent”, <http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG781.pdf>, ldg)

To accurately gauge the strategic challenges from Iran over a ten- to fifteen-year horizon, this study sought to assess the motivations of the Islamic Republic, not just its capabilities. This approach, although difficult given the complexities of the Iranian system, is critical in identifying potential sources of caution and pragmatism in Iran’s policy formulation. Our exploration of Iranian strategic thinking revealed that ideology and bravado frequently mask a preference for opportunism and realpolitik—the qualities that define “normal” state behavior. Similarly, when we canvassed Iran’s power projection options, we identified not only the extent of the threats posed by each but also their limitations and liabilities. In each case, we found significant barriers and buffers to Iran’s strategic reach rooted in both the regional geopolitics it is trying to influence and in its limited conventional military capacity, diplomatic isolation, and past strategic missteps. Similarly, tensions between the regime and Iranian society—segments of which have grown disenchanted with the Republic’s revolutionary ideals—can also act as a constraint on Iranian external behavior. ¶ This leads to our conclusion that analogies to the Cold War are mistaken: The Islamic Republic does not seek territorial aggrandizement or even, despite its rhetoric, the forcible imposition of its revolutionary ideology onto neighboring states. Instead, it feeds off existing grievances with the status quo, particularly in the Arab world. Traditional containment options may actually create further opportunities for Tehran to exploit, thereby amplifying the very influence the United States is trying to mitigate. A more useful strategy, therefore, is one that exploits existing checks on Iran’s power and influence. These include the gap between its aspiration for asymmetric warfare capabilities and the reality of its rather limited conventional forces, disagreements between Iran and its militant “proxies,” and the potential for sharp criticism from Arab public opinion, which it has long sought to exploit. In addition, we recommend a new U.S. approach to Iran that integrates elements of engagement and containment while de-escalating unilateral U.S. pressure on Tehran and applying increased multilateral pressure against its nuclear ambitions. The analyses that informed these conclusions also yielded the following insights for U.S. planners and strategists concerning Iran’s strategic culture, conventional military, ties to Islamist groups, and ability to influence Arab public opinion.

### China

#### No US-China conflict

**Wu, China Foundation for International Studies Center for American Studies executive director, 2013**

(Zurong, “China and America’s Innate Goal: Avoiding War Forever”, 7-30, <http://watchingamerica.com/News/217271/china-and-americas-innate-goal-avoiding-war-forever/>, ldg)

China and the U.S. are currently constructing a new kind of relationship between major powers, with several aims. One intrinsic aim is especially worthy of attention, namely that China and the U.S. will not go to war today, nor in the future, and will forever maintain a peaceful association. The Chinese and American governments and people are striving toward this goal unceasingly because it is in the best interests of the people of China, America and the whole world. To avoid conflict, to keep from fighting, to be mutually respectful and to embark upon a path of mutual cooperation — acting in these ways would benefit everyone. First of all, the globalization of the economy, information and other essential factors have created a global village, and the U.S. and China live and work together within this community; their interests are intertwined and neither can break the inseparable bond each has with the other. The global financial crisis of 2007 once again made clear the great extent to which the Chinese and American economies are linked and mixed, for when one sinks into a recession or depression, it is almost impossible for the other to recover and flourish alone. When it comes to international security, climate change, energy, counterterrorism, oceans and all sorts of other unprecedented areas, China and the U.S. share more common interests every day, and cooperative negotiations are unceasingly strengthened. Within this sort of atmosphere, discussing whether the U.S. and China want to go to war seems a little bit untimely and excessive. Second, the current period is fundamentally different than the era of the Cold War, for the development of peace is the theme of the present. People from countries around the world are all concentrating their energy on revitalizing the economy and improving quality of life. After the end of the Cold War, America launched several localized wars in smaller countries under the banner of the fight against terrorism, in the process bringing upon itself a heavy financial and economic burden. Perhaps it was upon consideration of the fact that large-scale conflicts could yield a level of suffering and destruction that would be difficult to endure that America has not launched any wars against the great powers that are in possession of nuclear arms. Even in the Cold War, during the Cuban missile crisis of 1962, America and the Soviet Union did not go to war. The experience of history tells us that the inherent goal of this new form of Sino-U.S. relations will have the support of the strength of the entire ranks of the world’s great powers; thus as long as both China and the U.S. have unflagging perseverance, it can be achieved. Third, for over 40 years, China and the U.S. have promoted a strategy of mutual trust, of the expansion of cooperation, of controlling differences of opinion. These lessons from experience are the U.S. and China’s most valuable treasure. Since Nixon visited the Chinese, Sino-American relations have gone through wind and rain but have always developed onward; moreover, the speed, breadth and depth of the development have far exceeded everyone’s expectations. Indeed, Sino-U.S. relations enjoy a great vitality. And since the foundations were laid fairly recently, Sino-U.S. relations continually make significant progress. The highest leaders communicate freely and military leaders exchange visits often. The two militaries are in the process of issuing plans for Chinese troops to participate in the 2014 Pacific Rim joint military exercises. Both sides have decided to actively investigate significant military activities, report mechanisms to each other and continue to research matters of security and issues regarding standards of conduct, which are relevant to the Chinese and American navies and air forces. These collaborations will give rise to a significant and far-reaching influence on world peace and international security and will vigorously promote the actualization of the inherent goal of the new form of Sino-U.S. great power relations.

## Sharif

### Sharif Fails

#### Sharif can’t solve and his economic reforms fail

**Nazar, Citigroup’s equity investments unit, 2013**

(Yousuf, “Can Nawaz Sharif fix the economy?”, 10-28, <http://www.dawn.com/news/1052293/can-nawaz-sharif-fix-the-economy>, ldg)

On the other hand, within five months into his term, he seems to have lost both the opportunity and the momentum to launch some desperately needed economic reforms. Foreign exchange reserves continue to fall and are down to $4.1 billion; just enough to cover five weeks of imports. Getting the $6.5 billion loan from the International Monetary Fund was hardly an achievement. The IMF didn’t have a choice with letting Pakistan default being the only other option. Some believe the elimination of $4.8 billion in circular debt (it’s accumulating again and touched the one billion dollar mark this month), raising electricity tariffs and thereby reducing subsidies, hiking sales tax, and announcing the privatisation of 31 state enterprises are measures in the right direction. This is a simplistic and superficial view. Pakistan has been down this path many times before and back to square one. Is this time any different? It is not an industrialised country like Britain, where major issues could be addressed by just privatisation. The Asian Development Bank recently warned that the IMF’s new programme is at risk, as “most of the required reforms have political and governance dimensions which posed formidable barriers in the past”. The greatest barrier is the unwillingness of the ruling elite to tax the rich and powerful, that is, themselves. The second is the patronage-based personalised style of governance. These barriers, not the IMF, are principally responsible for persistent fiscal deficits, inflation, misallocation/abuse of resources, and under-investment in physical, social, and administrative infrastructure. If the PML-N believes it can produce a miracle by attracting huge foreign investment through privatisation and by launching mega projects while doing just enough to get the next few tranches from the IMF, it is wishful thinking, not a plan. Pakistan is unlikely to attract large-scale private sector foreign investment now or in the foreseeable future, given its precarious security situation and a weak state with dysfunctional institutions that are often at odds with each other. Pakistan’s chronic economic issues are affecting the viability of state structures, and can no longer be addressed by prescriptions offered by conventional thinking (of both local and foreign experts), because it mostly focuses on the symptoms, while the rot turns into a gangrenous mess. Take, for example, the energy crisis. The core problem revolves around the energy mix and the generous terms given to the independent power producers. Subsidy in that context is a misnomer, because it’s a consequence of a structurally flawed energy policy and not a simple case of providing goods below a price determined by the free market. Re taxes: it would not take more than a few months to raise the rate of collections from direct taxes, but no government wants to do it, as one World Bank official once told me. The security situation needs a revolutionary approach to strengthen the capacity of an out-of-date state apparatus to control terrorism. For instance, why do we need 20-22 infantry army divisions, given the tectonic changes in the nature of both external and internal threats? Shouldn’t we at least think about redeploying resources away from 4-5 of these divisions to form a well-trained, well-equipped and technologically sophisticated modern counter-terrorism force? The very act of convening the all parties’ conference to initiate talks with the un-named militants signified the government’s lack of will to do what’s really needed: take the bull by the horns. Instead, it chose to pass the buck. Sharif does not want to assume responsibility for making tough decisions and take any risks. He would have to take risks — unless he just wants to survive in the office like his predecessor — to address issues of the state’s credibility and investor confidence. These intangibles are of far greater importance than some traditional economists might believe, and are directly linked to Pakistan’s acute crisis of governance. If the state is widely perceived as weak and ineffective, rest of the issues become rather secondary. Mr Sharif’s style of personalised governance hasn’t changed much since the 1990s, although Pakistan has become too big and complex — with its society violently fractured and institutions dangerously weak — to be governed by a kitchen cabinet of loyalists and relatives. It must restructure its predatory institutions — particularly the police, lower judiciary, and bureaucracy — through radical reforms to institutionalise governance. Unfortunately, the federal government is in a limbo for many practical purposes after the devolution of significant powers to the provinces, because while it has taken place on paper, the provinces’ governing capacity is quite limited, as they have long suffered from under-investment and been undermined by a meddling security establishment. What does it all mean for businesses and investors? I had stated in an interview given to a foreign news agency, published May 15, 2008: “Pakistan’s economic performance in the next few years will be weak, with an average GDP growth of not more than around 3.5 per cent, high inflation, weak currency, dwindling foreign exchange reserves, a large current account deficit and low investment levels.” The outlook is even more clouded now, given the worsened situation and because the government has demonstrated neither the will nor the capacity to meet the extraordinary challenges Pakistan faces. Mr Sharif’s own conduct has done little to inspire much confidence. One hoped that his clear majority would enable him to start a new era of an assertive civilian leadership, but he apparently wants to please every ‘stakeholder’ and rule with ‘consensus’. Mr Sharif may draw on Machiavelli, who wrote in his classic political treatise The Prince, “any man who tries to be good all the time is bound to come to ruin among the great number who are not good”. Pakistan is in urgent need of a bold and courageous leadership style at this point and not a dithering one which hopes to somehow muddle through whilst wishing the problems would just go away when they are actually getting worse.

#### Sharif doesn’t solve and can’t foster trust with neighboring countries

**Boggs , Near East South Asia Center for Strategic Studies South Asia studies professor and diplomat for 32 years in South Asia, 2013**

(Robert, “Nawaz Sharif’s Baggage: Impediments to Change”, 9-2, <http://thediplomat.com/2013/09/nawaz-sharifs-baggage-impediments-to-change/?allpages=yes>, ldg)

Wishful thinking apart, what are the prospects that Sharif’s third term as prime minister will reverse Pakistan’s alarming decline in recent years toward economic and political failure? This writer witnessed, as Pakistan Desk Officer in the State Department, how high hopes in Washington for Sharif’s first term (1990-93) were disappointed and finally dashed by his authoritarianism, mismanagement, provincial favoritism, Islamism, and corruption. His second term as prime minister suffered from many of the same failings, but was weakened and finally undone by ill-advised confrontations with the judiciary and military establishment. It is possible, of course, that 14 years of exile have made him the “kinder, gentler statesman” that some commentators aver. Others point out that Pakistan has changed since Sharif was pushed from power by the military in 1999. They argue that an activist judiciary, invigorated parliament, and robust media serve as counterbalances to executive power and forces for greater accountability. On the other hand, Pakistan’s feudal power structure remains fundamentally intact, and the deterioration of Pakistan’s economy and domestic security poses enormous challenges to leadership. If Sharif has learned any lesson from his previous two stints as prime minister, it should be that his chances for serving a full five-year term in office will depend on his establishing a modus vivendi with Pakistan’s powerful military establishment. His prospects for establishing civilian control over the military and intelligence agencies, however desirable in theory, will probably prove as dismal in this third term as they were in his first and second. The military, on the other hand, apparently have learned from the presidency of Gen. Pervez Musharraf (2001- 2008) the risks (Musharraf is now in detention, awaiting trial) of assuming direct control of the state rather than defending their corporate interests and calling the shots on major national security issues from behind a screen of civilian leadership. What this means for Sharif is that he can expect the military to afford him considerable latitude in politics and civilian governance provided that he accepts the military’s control—including veto power—over such critical areas of security policy as Pakistan’s relations with India, Afghanistan and the U.S. In 1999, Sharif had not learned these lessons. That year he led a historic push for détente with India by meeting with his Indian counterpart and signing with him a joint communiqué known as the Lahore Declaration. This reaffirmed the commitment of the two neighbors to resolve their dispute over Jammu and Kashmir peacefully. Unfortunately, the military establishment remained firm in its belief that opposition to India’s control of most of Kashmir and to India’s heavy-handed suppression of rebellion among Kashmiri Muslims was a core national cause and a rationale for the resources commanded by the Pakistani armed forces. Within months of the Lahore Declaration, Pakistani troops had crossed the Line of Control (LOC) at Kargil in northern Kashmir and were fighting Indian troops, thereby igniting a short but bloody conflict that reversed whatever positive momentum had been achieved in bilateral relations. There is credible evidence that the prime minister had no clear understanding of his army’s intent to launch the unprovoked cross-border offensive. A subsequent power struggle between Sharif and Chief of Army Staff Musharraf, an architect of the ill-fated Kargil campaign, led to Sharif’s ouster by the general. This year Sharif has expressed repeatedly his interest in turning a “fresh page” in relations with India. Since his election he has talked amicably with Prime Minister Manmohan Singh by telephone, invited him to visit Pakistan, and agreed to meet with him in September on the margins of the UN General Assembly. “Instead of spending so much on arms,” he told the press, “[Pakistan and India] should focus on investing in the social infrastructure for the benefit of our people.” Yet on August 8 Indian authorities charged that Pakistani “specialist troops” had ambushed an Indian patrol on the Indian side of the LOC in Kashmir, killing five soldiers. This was arguably the worst violation of the ceasefire agreement between the two neighbors since it was signed in 2003. Both the Pakistan government and the Taliban denied involvement in the attack. Sharif was quick to call for the resumption of the ceasefire and renewed bilateral dialogue, but diplomatic damage had been done. With parliamentary elections due next year in India and the Singh government on the defensive, increased violence along the LOC provides political ammunition for Singh’s political rivals and reduces his latitude for flexibility in bilateral diplomacy. Clearly, elements within Pakistan—including within the government—who oppose Indo-Pakistan rapprochement have easy opportunities to sabotage it. Afghan-Pakistan relations suffer from the same vulnerabilities. As new prime minister, Sharif has pronounced his commitment to supporting a free and prosperous Afghanistan and to facilitating a peace process that is “Afghan-led and Afghan-controlled.” In fact, Islamabad has acceded to Afghan requests that it release specific Taliban militants from prison and assisted with the travel of Taliban spokesmen to Qatar to begin exploratory talks with representatives of the Karzai government. Afghans continue to suspect, however, that the real intent of Pakistan’s security agencies is to ensure that any political settlement in Afghanistan solidifies the influence in Kabul of Pashtun groups patronized by Pakistan and therefore attentive to Pakistani security interests, such as containing the activities in Afghanistan of Indians. Afghan suspicions appeared to be confirmed on August 3, when a team of militants, including three suicide bombers, attacked the Indian consulate in Jalalabad, in eastern Afghanistan. Afghan and Indian security agencies, working together, succeeded in blunting the attack although nine Afghan civilians were killed and more than a score were injured. Spokesmen for the two governments subsequently announced that their combined intelligence pointed to the Lashkar-e-Taiba (LET) as the perpetrator. The LET, declared a terrorist organization by the U.S. government and banned by the U.K., India, Russia, EU and Pakistan, is believed to have been responsible for the 2001 attack on the Indian Parliament and the 2008 attack on Mumbai. There is also persuasive evidence that the premier Pakistani intelligence agency, ISI, has protected the LET for decades, seeing it as a valuable instrument of deniable force projection into India and Afghanistan. In his Eid-ul-Fitr address on August 9, Sharif called on the Pakistani nation to “stand united against extremism and terrorism.” Since then, Sharif’s interior ministry has unveiled a draft of Pakistan’s first-ever national counterterrorism policy. However welcome these public gestures, it is not clear that he can mobilize either the military capacity or the political will to take strong measures against extremist organizations operating in and from Pakistan. The prime minister’s foreign affairs advisor has explained publicly that, because of overstretched military resources, the new administration would pursue dialogue with militants before resorting to military force. “And if that does not work,” he explained, “then we will see under what conditions and by what time frame we will do the alternative actions.” This strategy ignores the fact that multiple peace accords with Taliban elements by past governments have failed, after being exploited by the militants to regroup and strengthen their forces. An even more fundamental question is whether the devout Sharif sees Islamist extremists as enemies or friends. Sharif’s PML-N party historically has been the “natural ally” of religious parties, some of which nurture extremists. The Jamaat-e-Islami (JI), for example, is one of the oldest and most influential proponents of Islamic revolution in South Asia and a supporter of the Taliban. The JI was the strongest partner of the PML-N in the Islami Jamhoori Ittehad, an alliance of nine conservative parties whose support made Sharif’s electoral victory in 1990 possible. Sharif repaid the IJI for its support by expanding the controversial Islamization policies of his political mentor, the former military dictator General Zia ul Haq. Another long-term ally of the PML-N, the Ahle Sunnat Wal Jamaat, operates freely in Punjab, a province controlled by the PML-N, despite being banned in 2012 for sectarian violence. During the recent electoral campaign Sharif never criticized the Taliban by name, and the PML-N was conspicuously excluded from the parties whose candidates were attacked by the Taliban. Hafiz Muhammed Saeed, a founder of the LET and leader of the LET affiliate Jaamat-ud-Dawa, lives and preaches with impunity in Punjab despite a $10 million bounty on him by the U.S. and an extradition warrant by India. LET’s headquarters in Muridke near Lahore, a sprawling 200-acre complex, includes a mujahideen colony. Saeed reportedly has enjoyed the patronage of the Sharif family for decades and is said to receive funding still from the Punjab Government, which is governed by Sharif’s brother Shabaz. Even if Nawaz Sharif were willing to abandon his party’s well-established connections with hardline Islamist groups, he is likely to be deterred by economic and political self-interest from cracking down on their violent activities. Sharif owes some of his personal fortune, much of his political success and possibly even his life to the patronage of the Saudi royal family, which sees him as a reliable defender of Saudi influence and a bulwark against leftists, secularists, and Shias in Pakistan. In 1991, Sharif ensured that Pakistani armed forces participated actively in the First Gulf War, and rushed Pakistani special forces to Saudi Arabia to provide security to the royal family. King Fahd in turn intervened personally with General Musharraf in 1999 to save Sharif, then in jail and under trial for capital crimes, by negotiating a deal that released Sharif to live in Saudi Arabia for ten years. Sharif was flown to exile in Jeddha on Saudi Arabian Airlines, given a comfortable government-owned house, and loaned enough money to establish there an iron and steel mill that today is worth millions of dollars. In 2007, the Saudis rejected Musharraf’s plea that they prevent Sharif from returning to Pakistan. They reportedly argued that if the Pakistan government could permit a secular female leader, Benazir Bhutto, to return to Pakistani politics, it should be willing to permit a conservative Muslim male to return as well. Well-informed Pakistanis have complained since then about the generous levels of Saudi funding to the PML-N, presumably to prevent the PPP, the PML-N’s principal competitor, from being re-elected. What does such foreign patronage mean for the third Sharif administration? It means, for one thing, that the prime minister will be even less inclined than otherwise to take decisive action against Pakistan-based terrorist organizations if they receive Saudi support. The Kingdom of Saudi Arabia (KSA) was one of only two countries, along with the UAE, to join Pakistan in recognizing the 1996-2001 Taliban regime in Afghanistan as a legitimate government—and a strategic victory in a campaign to spread Wahabism throughout the region. Pakistani experts say that the KSA still plays an important role in funding and arming extremist groups such as Ahle Hadith, LET, and Ittehad Islamic Afghanistan, among others, and in building mosques and madrassas that serve as bases for ideological indoctrination and militant recruitment. Unless these organizations can be curbed, significant reconciliation with Pakistan’s neighbors will be difficult, and could become even more difficult. Media sources claim that the KSA also funds the Laskar-e-Jangvi (LeJ), a vicious terrorist organization that targets Shias, both Pakistani and Iranian. The LeJ is reported to have killed or wounded some 3,000 civilians from the Hazara community alone in the past 15 years. It killed more than 400 Pakistani civilians in 2012 and is becoming stronger and increasingly lethal, especially in Balochistan. According to knowledgeable Pakistanis, including clerics, The LEJ is seen by the Saudis and other Sunni donors as a frontline force in a proxy war in Pakistan between Arabs and Iranians, who have been competing for influence in Asia and the Middle East since the 1979 Iranian revolution. Despite the LEJ’s efforts to stoke intense Sunni-Shia violence as a step toward establishing a Sunni theocracy in Pakistan, the leader of the organization reportedly has been acquitted numerous times of charges of culpable homicide and terrorism. On August 18, Sharif ordered an immediate stay of the executions of hundreds of convicted prisoners, including two LEJ killers scheduled to be hanged later in the month. Although moratoria on capital punishment was imposed by earlier leaders, Sharif’s action is seen widely in Pakistan as the continuation of a policy of leniency toward religious radicals. None of this proves, of course, that a politically resurrected Nawaz Sharif will not provide the wise and courageous leadership for change that Pakistan so desperately needs. The strong forces of restraint surrounding him, however, will make reform much more difficult and will require strong countervailing support to overcome.

#### Sharif will circumvent restrictions by the Pakistani government

Keck 2013

Zachary, assistant editor of The Diplomat, Pakistan Should Accept Blame for US Drones http://thediplomat.com/2013/10/pakistan-should-accept-blame-for-us-drones/

Sharif’s public diplomacy effort has continued this week during his visit to Washington. Sharif reportedly raised the issue of drones with President Obama during a White House meeting on Wednesday, and also returned to theme during a speech at a local think tank. Speaking at the DC-based U.S. Institute for Peace, Sharif said that the drone strikes “have deeply disturbed and agitated our people. This issue has become a major irritant in our bilateral relationship as well. I will, therefore, stress the need for an end to drone attacks.” The fact that these new articles detailing Pakistan’s role in the drone campaign were published during Sharif’s visit to DC is almost certainly not a coincidence. While it’s obvious that the Obama administration has a clear motive for leaking this information during Sharif’s visit, both articles, as noted above, rely partially on the accounts of Pakistani leaders as well as Pakistani documents. It therefore seems that some parts of the Pakistani government, likely acting with the U.S. government, are seeking to embarrass Sharif and undermine his campaign to end U.S. drone strikes. It’s worth pointing out that The National Journal article says that Pakistani military and intelligence officials have tried to persuade the U.S. to keep the Pakistani civilian government in the dark about the drone campaign and the nature of Pakistani involvement in it. U.S. officials, according to both reports, have refused to acquiesce to this demand, however, and have insisted on briefing Pakistani civilian leaders. Perhaps more interesting is that the reports, particularly the Wapo one, further highlight just how extensively some parts of the Pakistani government have been involved in directing the drone campaign. The conventional narrative on the issue usually states Islamabad has given tacit approval to the U.S. to carry out drone strikes in the country. But the Wapo report is further evidence that this grossly understates the nature of Pakistan’s involvement in the program. As the article notes in passing, the CIA documents mention that certain drone strikes were carried out at the behest of the Pakistani government. In other words, the Pakistani government chose the targets of the strikes while the U.S. government simply implemented their orders. This is not the first time this information has been reported, though it continues to get overlooked in most accounts (especially criticisms) of U.S. drone strikes. For example, after reviewing internal U.S. intelligence documents on drone strikes in Pakistan, McClatchy Newspapers published a lengthy article in April of this year detailing how Pakistan’s ISI ordered some of the strikes.

#### Sharif doesn’t solve energy –

Nazar 2013

Yousuf, runs an international consultancy firm and is a former head of Citigroup’s equity investments unit, Can Nawaz Sharif fix the economy? http://www.dawn.com/news/1052293/can-nawaz-sharif-fix-the-economy

Take, for example, the energy crisis. The core problem revolves around the energy mix and the generous terms given to the independent power producers. Subsidy in that context is a misnomer, because it’s a consequence of a structurally flawed energy policy and not a simple case of providing goods below a price determined by the free market. Re taxes: it would not take more than a few months to raise the rate of collections from direct taxes, but no government wants to do it, as one World Bank official once told me. The security situation needs a revolutionary approach to strengthen the capacity of an out-of-date state apparatus to control terrorism. For instance, why do we need 20-22 infantry army divisions, given the tectonic changes in the nature of both external and internal threats? Shouldn’t we at least think about redeploying resources away from 4-5 of these divisions to form a well-trained, well-equipped and technologically sophisticated modern counter-terrorism force? The very act of convening the all parties’ conference to initiate talks with the un-named militants signified the government’s lack of will to do what’s really needed: take the bull by the horns. Instead, it chose to pass the buck. Sharif does not want to assume responsibility for making tough decisions and take any risks. He would have to take risks — unless he just wants to survive in the office like his predecessor — to address issues of the state’s credibility and investor confidence. These intangibles are of far greater importance than some traditional economists might believe, and are directly linked to Pakistan’s acute crisis of governance. If the state is widely perceived as weak and ineffective, rest of the issues become rather secondary. Mr Sharif’s style of personalised governance hasn’t changed much since the 1990s, although Pakistan has become too big and complex — with its society violently fractured and institutions dangerously weak — to be governed by a kitchen cabinet of loyalists and relatives. It must restructure its predatory institutions — particularly the police, lower judiciary, and bureaucracy — through radical reforms to institutionalise governance. Unfortunately, the federal government is in a limbo for many practical purposes after the devolution of significant powers to the provinces, because while it has taken place on paper, the provinces’ governing capacity is quite limited, as they have long suffered from under-investment and been undermined by a meddling security establishment. What does it all mean for businesses and investors? I had stated in an interview given to a foreign news agency, published May 15, 2008: “Pakistan’s economic performance in the next few years will be weak, with an average GDP growth of not more than around 3.5 per cent, high inflation, weak currency, dwindling foreign exchange reserves, a large current account deficit and low investment levels.” The outlook is even more clouded now, given the worsened situation and because the government has demonstrated neither the will nor the capacity to meet the extraordinary challenges Pakistan faces. Mr Sharif’s own conduct has done little to inspire much confidence. One hoped that his clear majority would enable him to start a new era of an assertive civilian leadership, but he apparently wants to please every ‘stakeholder’ and rule with ‘consensus’. Mr Sharif may draw on Machiavelli, who wrote in his classic political treatise The Prince, “any man who tries to be good all the time is bound to come to ruin among the great number who are not good”. Pakistan is in urgent need of a bold and courageous leadership style at this point and not a dithering one which hopes to somehow muddle through whilst wishing the problems would just go away when they are actually getting worse.

### Impact Defense – Central Asia

#### No Central Asian energy conflict—Russia China coop is high and durable

**Huasheng, Fudan University Center for Russia and Central Asia Studies, 11-22-13**

(Zhao, “China-Russia Relations in Central Asia”, <http://www.theasanforum.org/china-russia-relations-in-central-asia/>, ldg)

China-Russia relations in Central Asia are attracting increasing attention from scholars and policymakers. Most analysis thus far, however, has employed the competition framework in examining this relationship. In contrast to these studies, this article argues that since the independence of Central Asia, the relationship between the two great powers in the region has been predominantly that of cooperation. When the two nations did engage in competition, it was limited, and did not evolve into direct confrontation. This article proceeds in explaining the bases for China-Russia ongoing cooperation in Central Asia, followed by clarifying the nature of the bilateral competition, as well as explaining China’s key policies towards Russia, and finally, outlining the future prospects for China-Russia relations in the region. The Bases for Bilateral Cooperation in Central Asia Central Asia is an important region for China-Russia relations. Geographically positioned between the two countries, it helps maintain some distance between the two great powers, but also facilitates closer bilateral ties. Both China and Russia have special geographic, historical, and humanitarian ties with Central Asia, and maintain close political, economic, and security relations with the region. From a traditional geopolitical perspective, competition should dominate China-Russia engagement there. Ever since the independence of Central Asia, Russia has been carefully watching over the region to ensure that no other country encroaches on its interests there. At the same time, China has been eager to develop deeper ties with its Central Asian neighbors. Therefore, it is easy to imagine how conflicts could arise between China and Russia in managing their Central Asia objectives. The discussion below, however, shows that there are substantial bases for cooperation, facilitated by a strong foundation in bilateral relations, the institutional framework of the Shanghai Cooperation Organisation (SCO), and their shared interests in the region. Solid Foundation One could argue that China-Russia collaboration in Central Asia is a product of a strong bilateral relationship, without which collaboration would be either unstable or non-existent. Ever since the mid-1990s, China-Russia relations have been evolving at a fast pace, in part due to the deteriorating ties between the United States and the two countries respectively. In the 1990s, China-US relations remained in the “cooling off phase,” while Russia-US relations slipped from strategic partnership to “cold peace.” The relations with the United States were further tested by a series of crises. The 1999 US bombing of the Chinese embassy in the former Yugoslavia sparked a serious crisis in China-US relations. The 2001 Hainan Island incident further deepened the bilateral drift. As for US-Russia relations, by ignoring Russia’s strong opposition to intervention in Yugoslavia and launching an offensive there, the United States caused a stalemate in bilateral ties. Moreover, it withdrew from the 1972 Anti-Ballistic Missile (ABM) Treaty, which meant disintegration of cooperation on disarmament issues. Given this international context, the strategic bases for collaboration between China and Russia deepened. They announced their strategic partnership on April 25, 1996, at the outset of the first Shanghai-5 summit. This partnership and the Shanghai-5 formed almost simultaneously. This leads us to the next factor facilitating regional cooperation: the institutional framework of the SCO. The Shanghai Cooperation Organization Prior to the establishment of the Shanghai-5 in 1996, which included China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan, the China-Russia relationship in the region was limited to resolving border issues. Following this initial gathering, the leaders of these countries convened every year, and in 2001, established the SCO, which has served as an important platform for China-Russia cooperation in Central Asia and has had significant influence on their interactions in the region. Without the SCO framework, they would have had to resort to separate channels for engaging in Central Asia, and had fewer opportunities for interacting, let alone forming a partnership. The lack of institutional framework for cooperation would inevitably have exacerbated suspicions on both sides, sharply increasing the risk of confrontation. While some sceptics contend that Russia entered the SCO with the sole purpose of “watching over” China,1 I argue that even if Russia was guided by this reasoning, “watching over” still requires some interactions and can facilitate positive outcomes. The SCO has greatly increased opportunities for China-Russia interactions on many levels. It has gradually enlarged its framework for cooperation, as demonstrated by annual heads of state meetings, prime ministers’ meetings, as well as recurrent meetings among government officials in diplomacy, national defense, security, law enforcement, trade, transportation, science and technology, education, and cultural spheres, among others. The cooperation also includes interactions among non-governmental and civil organisations from the participant countries. While it remains challenging to measure the exact influence these ongoing meetings have had on spurring closer ties between China and Russia, there is undoubtedly a positive correlation between the two. Other than facilitating direct interactions between China and Russia, the SCO created new common interests for collaboration. They include working on anti-terrorism, regional security and stability, disease prevention, as well as development of regional transport and energy cooperation, and good neighborly relations. The SCO also internationalized China-Russia cooperation and allowed for wider publicity of its key initiatives and results. In addition, it institutionalized interactions between the two great powers by establishing some “rules of the game.” The international meetings produced numerous declarations, conventions, as well as explicit and tacit agreements. These evolved into important principles for mutual engagement, which helped institutionalize China-Russia relations in the region. Finally, the SCO created a “buffer” for China-Russia relations by establishing a mechanism for orderly resolution of conflicts, allowing each side to present its stance and to make mutual adjustments. Mutual Strategic Interests Mutual interests in Central Asia further solidify China-Russia cooperation in the region. Alexander Lukin, argues that there are three, key, common interests uniting them there: upholding political stability, safeguarding secular regimes, and promoting economic development in the region.2 In my view, the mutual regional interests extend beyond these three areas. They include upholding stability in the border regions, as well as providing for wider regional security and stability. As for border security, I refer here mainly to protecting the border region between China and Central Asia (China and Russia only share a border of about 50km. in Central Asia). This collaboration is demonstrated by Russia’s signing onto the 1996 agreement/treaty “concerning strengthening trust in the military domain in the border regions,” and the 1997 agreement “concerning mutual reduction of military forces in the border regions.” Moreover, Russia was the key representative on the side of Russia-Kazakhstan-Kyrgyzstan-Tajikistan in border negotiations with China. Therefore, China and Russia share a common responsibility and a long-term interest in upholding the border security treaties. Another important area of common interest for the two countries with regard to Central Asia is that of upholding regional security, which mainly refers to fighting terrorism, separatism, and extremism. Xinjiang and Central Asia have countless linkages due to historic, ethnic, cultural, linguistic and religious factors. Central Asia also presents a key gateway for Xinjiang into Southwest and South Asia, as well as to Arab and Middle East countries, which facilitates the international development of the East Turkestan independence movement. Chinese authorities, therefore, regard Central Asia as of high strategic importance in combatting this movement. Russia’s concern for security in Central Asia is connected to its security objectives in the Caucuses and in its Southern regions. From Russia’s perspective, Central Asia is not only a source of danger, but also a transmitter of it. In the words of Oleg Chernov, the former vice-secretary at the Russian Security Council: “Central Asia not only produces security threats and challenges to regional stability, but it is also an intermediary actor, an importer of external threats.”3 Given the fragility of the Central Asian region, it has struggled with casting off these threats. The two countries perceive Central Asia’s security risks as threatening to their domestic interests, and therefore, are willing to collaborate in helping to mitigate these challenges, which are unlikely to be eliminated in the near future, thereby requiring long-term cooperative efforts from China and Russia. Closely linked to the security objective, the two nations also hold a mutual interest in upholding regional stability. China and Russia both believe that stability in Central Asia, to a large extent, translates into wider regional stability, and is, therefore, in the strategic interest of both nations. Upholding regional stability includes maintaining political and societal stability, as well as peaceful inter-regional relations. There are important reasons for China and Russia to set regional stability as a priority. Geographically, Central Asia is on the periphery for both, perceived as a strategic “backyard.” Stability is conducive for maintaining peace in their periphery, upholding the existing framework for bilateral cooperation in the region, and facilitating peaceful relations among the two countries and the Central Asian states, as well as for developing trade and economic ties with them. From the perspective of China and Russia, a serious political, economic, or security upheaval in the region would be extremely detrimental not only for the region, but also for their strategic interests there. China and Russia’s interest in maintaining stability in the region, therefore, makes them in favor of the political status quo there, as stability and status quo are connected. Neither has openly declared maintaining the political status quo as its policy objective, but their concern for regional stability has led them both to be apprehensive about sharp structural political change. Finally, China and Russia also hold negative views on the US and NATO’s military activities in the region. Both are concerned about the long-term US military presence there, which similarly impacts their regional standing. After 9/11, the US posted military forces there, to which China and Russia did not object. However, they perceive the long-term military presence of the United States as a potential geostrategic challenge. Following the 2005 “color revolutions,” China and Russia further strengthened their cooperation in preventing political unrest in Central Asia. Both resist US political transformation in the region, believing that it likely leads to regional instability.

#### Can't solve Pakistan relations

Haqqani, Boston IR professor, 2013

(Husain, “Breaking Up Is Not Hard to Do”, Foreign Affairs, March/April, ebsco, ldg)

Washington has not had an easy time managing the U.S.-Pakistani relationship, to put it mildly. For decades, the United States has sought to change Pakistan's strategic focus from competing with India and seeking more influence in Afghanistan to protecting its own internal stability and economic development. But even though Pakistan has continued to depend on U.S. military and economic support, it has not changed its behavior much. Each country accuses the other of being a terrible ally -- and perhaps both are right. Pakistanis tend to think of the United States as a bully. In their view, Washington provides desperately needed aid intermittently, yanking it away whenever U.S. officials want to force policy changes. Pakistanis believe that Washington has never been grateful for the sacrifice of the thousands of Pakistani military and security officials who have died fighting terrorists in recent decades, nor mourned the tens of thousands of Pakistani civilians whom those terrorists have killed. Many in the country, including President Asif Ali Zardari and General Ashfaq Kayani, the army chief, recognize that Pakistan has at times gone off the American script, but they argue that the country would be a better ally if only the United States showed more sensitivity to Islamabad's regional concerns. On the other side, Americans see Pakistan as the ungrateful recipient of almost $40 billion in economic and military assistance since 1947, $23 billion of it for fighting terrorism over the last decade alone. In their view, Pakistan has taken American dollars with a smile, even as it covertly developed nuclear weapons in the 1980s, passed nuclear secrets to others in the 1990s, and supported Islamist militant groups more recently. No matter what Washington does, according to a growing cadre of U.S. senators, members of Congress, and editorial writers, it can't count on Pakistan as a reliable ally. Meanwhile, large amounts of U.S. aid have simply failed to invigorate Pakistan's economy. The May 2011 U.S. covert operation in Abbottabad that killed Osama bin Laden brought the relationship to an unusually low point, making it harder than ever to maintain the illusion of friendship. At this point, instead of continuing to fight so constantly for so little benefit -- money for Pakistan, limited intelligence cooperation for the United States, and a few tactical military gains for both sides -- the two countries should acknowledge that their interests simply do not converge enough to make them strong partners. By coming to terms with this reality, Washington would be freer to explore new ways of pressuring Pakistan and achieving its own goals in the region. Islamabad, meanwhile, could finally pursue its regional ambitions, which would either succeed once and for all or, more likely, teach Pakistani officials the limitations of their country's power.

#### No Central Asian spillover

**Kazemi, Afghanistan Analysts Network, 12-12-12**

(S. Reza, “A Potential Afghan Spill-Over: How Real Are Central Asian Fears?”, <http://aan-afghanistan.com/index.asp?id=3152>, ldg)

A spill-over of the Afghan conflict or aspects of it like the drug trade into Central Asia is realistic, but it need not be as threatening and disastrous as the region’s governmental officials depict it. It also may differ for particular Central Asian countries. Tajikistan and Uzbekistan – of Afghanistan’s three direct Central Asian neighbours (with the third being Turkmenistan) – are likely to continue to be most affected. A spill-over of Islamist terrorism from Afghanistan seems unlikely, however, at least for the time being. The leadership of the IMU, regarded as the most serious militant threat against the region, has been largely dismantled. Although a 2011 AAN report identified some IMU presence in Afghanistan’s Balkh, Faryab and Kunduz provinces bordering Central Asia, the bulk of the IMU fighters are based in Pakistan’s Waziristan, far away from any shared Afghanistan-Central Asia frontier. It is unclear, therefore, if the movement can re-group to organise and carry out attacks in Central Asian territory, apart from causing localised instability and violence on Afghan soil.(9) And even if so, terrorist and extremist threats facing Central Asia (and particularly Tajikistan and Uzbekistan) are more home-grown than what would originate from Afghanistan, as, for example, Christian Bleuer argues (read, for example, here), although others like Ahmed Rashid have, both in the past and recently, talked about larger regional networks of militants. If there is any actual spill-over of the Afghan conflict into Central Asia, it is more likely to continue to be drug trafficking. Afghanistan is by far the largest global producer of poppy and hashish and increasingly of derivates produced from them. As the recent fighting in Tajikistan’s Gorno-Badakhshan Autonomous Oblast (GBAO) has shown, there are cross-border networks functioning and corrupt government officials both in Afghanistan and Central Asia can hugely benefit from their trafficking (for a UN report on drug trafficking from Afghanistan through Central Asia and onwards, see here). In a reverse way, Uzbekistan has engaged to influence Afghanistan’s socio-political developments more seriously than any other Central Asian government. It has supported the Uzbek commander-turned-politician Abdul Rashid Dostum and his party Jombesh-e Melli-ye Islami-ye Afghanistan (Afghanistan’s National Islamic Movement) (for latest developments in the party, read a recent AAN paper). Tajikistan and Uzbekistan also have large numbers of co-ethnics inside Afghanistan, but Afghan Tajiks and Uzbeks are very different from their ethnic kin in Tajikistan and Uzbekistan, mainly because of Central Asia’s Sovietisation, despite speaking almost similar languages (see, for example, here).(10) It also needs to be recalled that conflicts in Afghanistan and Tajikistan have had mutual spill-over effects. During the 1992-97 Tajik civil war, parts of the Tajik opposition fled to Afghanistan, were supported by Afghan mujahedin and used Afghanistan as a safe haven and base to carry out attacks in Tajikistan. During the conflict between the Northern Alliance and the Taleban, Tajikistan had provided, among other things, an airbase to the Northern Alliance in Kulyab in southern Tajikistan for them to use to mobilise and organise the resistance against the Taleban’s advance towards northern Afghanistan (read, for example, here). In addition, the civil war in Tajikistan drove tens of thousands of people out of Tajikistan to the northern Afghan provinces of Balkh, Kunduz and Takhar (read here). Judging by recent contemporary precedents, an American Central Asia researcher, who requested not to be named, wrote to AAN that ‘the previous experience in the mid- to late 1990s of having a civil war in northern Afghanistan and a Taleban government controlling much of the north was not particularly traumatic’. Whatever the speculations about the Afghan conflict going northwards may be, Central Asia plus Afghanistan is one of the world’s least integrated regions. To subsume the five former Central Asian Soviet republics under one term – ‘the -stans’ – reflects an un-informed and superficial look at this region. Considering the growing number of bilateral and intra-regional conflicts and competing attempts to achieve regional leadership, this perception is everything but justified.

### Impact Defense – NATO

#### NATO is useless

**Kapila, Allahabad University strategic studies PhD, 2012**

(Subhash, “Strategic Relevance Of NATO In The 21st Century – Analysis”, 3-5, <http://www.eurasiareview.com/05032012-strategic-relevance-of-nato-in-the-21st-century-analysis/>, DOA: 2-13-13, ldg)

The 21st Century strategic landscape and global security environment when surveyed from the angle of threats to European security does not suggest any potent threat justifying continued existence of NATO as a military alliance or forging partnerships across the globe. Here two perspectives come into play when its strategic relevance is to be assessed. These pertain to NATO’s relevance to European security and relevance of NATO to United States security. The persistent conclusion that is emerging in the course of this Paper is that in terms of European security no credible threats exist justifying the exorbitant expenditures in the sheer maintenance of the bloated bureaucracy of NATO Headquarters in Brussels, leaving aside the costs of its expeditionary missions outside NATO peripheries. As for catering for any asymmetric threats arising within Europe the European Union offers an alternative organization in which security capabilities can be woven into at a fraction of current NATO expenditures. The United States as the major partner of NATO does find NATO as an asset and a strategic and political tool in the furtherance of its global strategies and global power-play to sustain its global predominance and global military superiority. A military alliance like NATO provides significant ballast to United States global strategic stature and image. Some excerpts which reflect the current realities of questioning the strategic relevance of NATO are appended below: “Trying to keep NATO relevant by artificially forcing all these issues’ (referring to NATOs new agenda of energy security, cyber warfare etc. other than defence of Europe) into its agenda is counter-productive, for the Alliance will not be able to solve them, it only risks being discredited without hope of achieving success.”………. Danish Institute of International Studies DISS Paper. “The new NATO is a ‘transactional alliance’. And frequently some allies sit out a particular mission. Both Afghanistan and Libya have been fought on transactional terms”…… Yale Global Online 12 May 2011 “But NATOs repeated demonstration of resilience should not blind us to the fact that it no longer provides a healthy basis for trans-Atlantic security partnership. As long as NATOs ‘raison d’etre’was to keep the Russians out and the United States in NATO’s internal dynamics of American leadership and European obeisance was both inevitable and appropriate”……Nick Witney, The Guardian, 8 December 2011. NATO itself is conscious that its new approaches for the 21st Century may be beyond its capabilities. One document reads: “In Afghanistan, in Bosnia and Kosovo, Allies have found that military power is no longer enough to secure any tangible victory. During the Cold War years, Allied security had entailed the defence of the North Atlantic Allies; now the definition of “security “ has radically expanded to include the individual’s freedom from violent extremism bred by instability and nation-state failure. Successful peacekeeping has come to entail not merely providing a baseline of security but assisting in the construction of modernity itself. This task is beyond NATO and the Allies know it.” The biggest challenge confronting NATO today is more financial than divergences in strategic perspectives. This finds reflection in the frustrations in American strategic discourse where questions are being raised as to why the United Sates should continue to bear nearly 75% of NATO expenditure when European members of NATO are not inclined to increase their defence budgets. The former US Defense Secretary, Robert Gates in many of his statements and observations had been cautioning and advising NATO members on this controversial issue. One such observation merits citing as it looks into the future and even hints at the possible demise of NATO, and he said: “ Future United States leaders –those for whom the Cold War was not the formative experience that it was for me—may not consider the return on American investment in NATO worth the cost”

## 2nc

## XO

### Fact sheet

#### Executive Orders can effectively encourage judicial incorporation of international law

Nachbar-prof law Virginia-11

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1967217>

Executive Order 13567: Executive Branch Policy Meets International Law in the Evolution of the Domestic Law of Detention

In the short term, neither the Order nor the President’s statement of adherence to Article 75 (which amounts to opinio juris under international law) are likely to affect most detention operations conducted by the U.S. Armed Forces. The Order applies to a very small number of detainees—only those held at Guantanamo Bay—all of whom have already undergone similar reviews pursuant to Executive Order 13492. Moreover, many of the procedures outlined in the Order have direct antecedents in previous executive branch detention determination procedures, such as Combatant Status Review Tribunals (CSRTs) and Administrative Review Boards (ARBs). However, the Order is of a piece with the Obama administration’s longstanding policies on detainee procedures, and the Fact Sheet suggests an increased role for international law in the current conflict. The first-order effects of recognizing Article 75 as having legal force (and even ratifying AP II) are likely to be mild for a variety of reasons, but both Article 75 and AP II are closely tied to international human rights law, especially the International Covenant on Civil and Political Rights. At the same time, the international law applicable to armed conflict has become a major point of litigation in U.S. civilian courts. Adopting substantive positions that implicate the ICCPR and international human rights law generally is likely to provide greater opportunity for courts to read human rights restrictions into the U.S. domestic law of armed conflict. Moreover, the Obama administration’s willingness to embrace international law will likely be reflected in the litigation position it takes in cases related to the law of armed conflict in U.S. courts. Conversely, the increased embrace of international law may increase the legitimacy of certain legal positions the U.S. has taken with regard to international law, both in litigation in U.S. courts and in international legal circles.

### AT: P cp

#### It’s a severance permutation

#### A. It severs congressional action

Kershner-JD Candidate, Cardoza-10 (Joshua, Articles Editor, Cardozo Law Review. J.D. Candidate (June 2011), Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615)

n17 The phrase "statutory restrictions" is used hereinafter to mean statutory language that restricts the President's powers of nomination and appointment to those individuals meeting specific criteria. Examples include gender, state of residence, and most importantly political party. n18 Since 1980, more than one hundred Presidential signing statements have specifically mentioned the Appointments Clause. See The Public Papers of the Presidents, AM. PRESIDENCY PROJECT, http://www.presidency.ucsb.edu/ws (search for "Appointments Clause"). n19 These signing statements typically invoke the authority of the Appointments Clause to argue that statutory restrictions on appointment or removal of Officers of the United States are merely advisory. For numerous examples, see id. See also infra note 175. n20 The phrase "hyper-partisan atmosphere" has been frequently used by the news media and commentators to describe the political gridlock in Washington during the first years of the Obama administration. See, e.g., Eric Moskowitz, Hundreds Brave Cold to Hear From Scott Brown, THE BOSTON GLOBE, Jan. 29, 2010, http://www.boston.com/news/local/breaking\_news/2010/01/scores\_wait\_for.html (reporting on then Senator-Elect Scott Brown explaining that "he felt the hyper-partisan atmosphere in Washington was already changing as a result of his election" ten days earlier); Editorial, Bayh Bailout No Cause to Mourn Moderation, ORANGE COUNTY REG., Feb. 17, 2010, at H, available at http://www.ocregister.com/opinion/bayh-234673-sen-one.html (describing Senator Bayh's verbal attacks on the operation of the Senate after announcing his decision not to run for reelection as "using the occasion to decry the hyperpartisan atmosphere in Washington"). n21 As political battles over delays in approving Presidential nominations continue to be the norm, it is progressively more likely that Presidents will seek to bypass the Senate in the nomination process. This could include recess appointments bypassing both the "advice and consent" of the Senate, as well as any statutory restrictions. See, e.g., Scott Wilson, Obama Considers Recess Appointments, WASH. POST, Feb. 9, 2010 ("President Obama is considering recess appointments to fill some or all of the nominations held up in the Senate. President Bush used a recess appointment to make John Bolton the U.S. ambassador to the United Nations bypassing Democrats."). n22 Statutory restrictions date back to the first Congress and continue today. See infra notes 116, 118, 122. n23 See discussion infra Part I.D and note 128. n24 The phrase "political party restrictions" is used hereinafter to mean statutory restrictions on the President's powers of nomination and appointment by political party.

### JR

judicial review is an effective mechanism for clarifying authority and deterring executive circumvention

Jaffer, Director-ACLU Center for Democracy, 13 (Jameel Jaffer, Director of the ACLU's Center for Democracy, “Judicial Review of Targeted Killings,” 126 Harv. L. Rev. F. 185 (2013), http://www.harvardlawreview.org/issues/126/april13/forum\_1002.php)

The argument for some form of judicial review is compelling, not least because such review would clarify the scope of the government’s authority to use lethal force. The targeted killing program is predicated on sweeping constructions of the 2001 Authorization for Use of Military Force (AUMF) and the President’s authority to use military force in national self-defense. The government contends, for example, that the AUMF authorizes it to use lethal force against groups that had nothing to do with the 9/11 attacks and that did not even exist when those attacks were carried out. It contends that the AUMF gives it authority to use lethal force against individuals located far from conventional battlefields. As the Justice Department’s recently leaked white paper makes clear, the government also contends that the President has authority to use lethal force against those deemed to present “continuing” rather than truly imminent threats.These claims are controversial. They have been rejected or questioned by human rights groups, legal scholars, federal judges, and U.N. special rapporteurs. Even enthusiasts of the drone program have become anxious about its legal soundness. (“People in Washington need to wake up and realize the legal foundations are crumbling by the day,” Professor Bobby Chesney, a supporter of the program, recently said.) Judicial review could clarify the limits on the government’s legal authority and supply a degree of legitimacy to actions taken within those limits. It could also encourage executive officials to observe these limits. Executive officials would be less likely to exceed or abuse their authority if they were required to defend their conduct to federal judges. Even Jeh Johnson, the Defense Department’s former general counsel and a vocal defender of the targeted killing program, acknowledged in a recent speech that judicial review could add “rigor” to the executive’s decisionmaking process. In explaining the function of the Foreign Intelligence Surveillance Court, which oversees government surveillance in certain national security investigations, executive officials have often said that even the mere prospect of judicial review deters error and abuse.

### Secrets

#### Solves program legitimacy and doesn’t link to warfighting

Murphy and Radsan 13 (Richard W. Murphy Texas Tech University School of Law Afsheen John Radsan William Mitchell College of Law “Notice and an Opportunity to Be Heard Before the President Kills You,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2293686)

Publishing the kill list might improve accuracy both by increasing the level of care that the administration uses when selecting targets and by eliciting exculpatory information from those named. The potential improvements depend in large part on how well the current system operates under mostly secret procedures. Given the moral, political, and legal sensitivities implicated by the drone campaign, as well as the high-level White House involvement, we think it highly unlikely that the administration is targeting many members of QTA without reasonable grounds. In other words, we suppose that there are very few “false positives” on the White House-approved kill lists. Separate from our suppositions, though, publishing a list would help bring any errors to light. And, in some calculations, there is no limit to the value of human life. Without our suggested reforms, it is possible than somebody other than al-Awlaki is on the kill list but does not belong there. It is also possible that this person has no idea that a classified interagency-process has designated him to be killed. In addition, publishing the list would enhance the legitimacy of the drone campaign. Many complaints against this campaign are rooted in a reasonable fear that the United States is exercising uncontrolled, unaccountable power to determine whom to kill outside the context of a traditional armed conflict where combatants are well-defined by uniforms or other insignia. In response, the United States can identify persons (the fighters without uniforms) who satisfy its targeting criteria and can explain its selections

for the list to the degree that security reasonably permits. These advantages in accuracy and legitimacy must be weighed against risks to security. To repeat a recurring theme of this Article, this weighing is fraught with uncertainty over facts and with discretionary calls over how to evaluate the facts. All the same, we submit that the advantages of publication dominate the disadvantages given that the latter should be slight and controllable. Publishing terrorist lists is not novel for the United States. Pursuant to the 1996 Antiterrorism and Effective Death Penalty Act, the Secretary of State publishes a list of “Foreign Terrorist Organizations,” or “FTOs.”196 It is a crime to provide material support to a designated FTO.197 The State Department also maintains a “Terrorist Exclusion List” with designees subject to exclusion or deportation from the United States.198 Of particular note, the Office of Foreign Assets Control within the Department of Treasury maintains a lengthy list of “specially designated nationals” (“SDNs”), which includes, among other categories, “specially designated global terrorists” (“SDGTs”).199 SDGTs are subject to a variety of financial sanctions, including freezing of assets.200 It should come as little surprise that al Qaeda, its associated groups, and their members appear on one or more of these lists. Designated FTOs include, among others, al Qaeda, al-Shabab, and al Qaeda in the Arabian Peninsula (AQAP).201 The United States has identified many members of these organizations as SGDTs, including al-Awlaki himself.202 In one sense, publishing a kill list would amount to a relatively small change in existing practices. This list would identify the small number of people who satisfy the legal and policy prerequisites that United States officials have identified for targeted killing. It is likely that most of these targets are already on various terrorist lists the United States publishes.

### AT: Links to Politics

#### Executive action avoids politics and are fast

Sovacool-Research Fellow Public Policy, University of Singapore-9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

#### Our link is about losses and capital not popularity---critical distinction

Warshaw-prof poli sci, Gettysburg-06

(Shirley Anne, Prof of Pol. Science @ Gettysburg College, “Administrative Strategies of President George W. Bush” Extensions Journal, Spring 2006, <http://www.ou.edu/special/albertctr/extensions/spring2006/Warshaw.pdf>)

However, in recent administrations, particularly **since the Reagan administration**, **presidents have often bypassed Congress using administrative actions. They have opted for a strategy through administrative actions that is less time-consuming and clearly** less demanding of their political capital**.** Using an array of both formal and informal executive powers, **presidents have effectively directed the executive departments to implement policy without any requisite congressional authorization**. In effect, presidents have been able to govern without Congress. **The arsenal** of administrative actions available to presidents **includes the power of appointment, perhaps the most important of the arsenal, executive orders**, executive agreements, proclamations, signing statements, and a host of national security directives.1 More than any past president, George W. Bush has utilized administrative actions as his primary tool for governance.

#### Legislation is the link—has to pass too many hurdles—the president has nothing to do with it

Paul Light, Founder of the Brookings Institution Center for Public Service, 1999 (The President’s Agenda, p53-4)

Congressional Limits. Presidents face several structural limits on agenda size, but the congressional calendar involves the greatest institutional restrictions. Though Congress can act quickly during a crisis, most legislation must pass through a series of decision points en route to enactment. According to John Kennedy, the process contains a number of hurdles: It is very easy to defeat a bill in the Congress. It is much more difficult to pass one. To go through a subcommittee… and get a majority vote, the full committee and get a majority vote, go to the Rules Committee and get a rule, go to the Floor of the House and get a majority, start all over in the Senate, subcommittee and full committee, and in the Senate there is unlimited debate, so you can never bring a matter to a vote if there is enough determination on the part of the opponents, even if they are a minority, to go through the Senate with the bill. And then unanimously get a conference between the House and Senate to adjust the bill, or if one member objects, to have it go back through the Rules Committee, back through the Congress, and have this done on a controversial piece of legislation where powerful groups are opposing it, that is an extremely difficult task (transcript of television interview, in *Public Papers of The Presidents, 1963*, pp 892, 894) Kennedy’s complaint came long before the rise of subcommittee government and the increased complexity within the legislative process. Past Presidents and their staffs generally have been sensitive to the demands of the congressional process. “The liaison office always walks a tight line,” one Nixon officer suggested. “If you press too hard, you’re likely to anger the committees. They have a heavy work load and won’t take too much White House pressure. But if you don’t press hard enough , the Congress will put your agenda on the back burner.”

## Case

### Modeling

#### No Modeling – they’re ruinously expensive

Mahadevan 10 (Prem, senior researcher with the Global Security Team at the Center for Security Studies (CSS), “THE MILITARY UTILITY OF DRONES” <http://e-collection.library.ethz.ch/eserv/eth:2252/eth-2252-01.pdf>)

At present, only the United States and Israel have demonstrated the capacity to manufacture attack drones. However, with more than 50 countries purchasing drones or building them indigenously, this is cer - tain to change. More doubtful is whether drone technology will be able to remain inexpensive while becoming more sophisticated. The experience of manned military aviation, where acquisition costs have risen with technological improvements, does not suggest that future drones will be cheap. Furthermore, in contexts other than coun - terinsurgency and counterterrorism, the effectiveness of drones is largely dependent on the operating environment. If air defence technology improves at a faster pace than drone technology, depend - ence on unmanned aircraft could prove ruinously expensive for most countries. Despite this, the US military is currently investing heavily in operational drones. At the moment, most of its drones are tactical ones, which are cheap and easily replaceable. Drones are likely to be most useful when carrying out vital missions deemed too dangerous for manned aircraft, such as electronic warfare over hostile terri - tory. Even their use on border policing has proven controversial, with one study finding that the results produced do not justify the costs involved. From a long- term perspective, improvements in drone technology are occurring too slowly and incrementally to justify labeling it a transformative phenomenon. Rather than re - placing manned aircraft in the future, drones are likely to only complement them.

## 1nr

### 1NR Impact OV

#### Trade expansion makes nuclear war, conventional war and and escalation less likely---defer negative because the DA structurally controls the case impacts

**Hillebrand, Kentucky diplomacy professor, 2010**

(Evan, “Deglobalization Scenarios: Who Wins? Who Loses?”, Global Economy Journal, Volume 10, Issue 2, ebsco, ldg)

A long line of writers from Cruce (1623) to Kant (1797) to Angell (1907) to Gartzke (2003) have theorized that economic interdependence can lower the likelihood of war. Cruce thought that free trade enriched a society in general and so made people more peaceable; Kant thought that trade shifted political power away from the more warlike aristocracy, and Angell thought that economic interdependence shifted cost/benefit calculations in a peace-promoting direction. Gartzke contends that trade relations enhance transparency among nations and thus help avoid bargaining miscalculations. There has also been a tremendous amount of empirical research that mostly supports the idea of an inverse relationship between trade and war. Jack Levy said that, “While there are extensive debates over the proper research designs for investigating this question, and while some empirical studies find that trade is associated with international conflict, most studies conclude that trade is associated with peace, both at the dyadic and systemic levels” (Levy, 2003, p. 127). There is another important line of theoretical and empirical work called Power Transition Theory that focuses on the relative power of states and warns that when rising powers approach the power level of their regional or global leader the chances of war increase (Tammen, Lemke, et al, 2000). Jacek Kugler (2006) warns that the rising power of China relative to the United States greatly increases the chances of great power war some time in the next few decades. The IFs model combines the theoretical and empirical work of the peac ethrough trade tradition with the work of the power transition scholars in an attempt to forecast the probability of interstate war. Hughes (2004) explains how he, after consulting with scholars in both camps, particularly Edward Mansfield and Douglas Lemke, estimated the starting probabilities for each dyad based on the historical record, and then forecast future probabilities for dyadic militarized interstate disputes (MIDs) and wars based on the calibrated relationships he derived from the empirical literature. The probability of a MID, much less a war, between any random dyad in any given year is very low, if not zero. Paraguay and Tanzania, for example, have never fought and are very unlikely to do so. But there have been thousands of MIDs in the past and hundreds of wars and many of the 16,653 dyads have nonzero probabilities. In 2005 the mean probability of a country being involved in at least one war was estimated to be 0.8%, with 104 countries having a probability of at least 1 war approaching zero. A dozen countries12, however, have initial probabilities over 3%. The globalization scenario projects that the probability for war will gradually decrease through 2035 for every country—but not every dyad--that had a significant (greater than 0.5% chance of war) in 2005 (Table 6). The decline in prospects for war stems from the scenario’s projections of rising levels of democracy, rising incomes, and rising trade interdependence—all of these factors figure in the algorithm that calculates the probabilities. Not all dyadic war probabilities decrease, however, because of the power transition mechanism that is also included in the IFs model. The probability for war between China and the US, for example rises as China’s power13 rises gradually toward the US level but in these calculations the probability of a China/US war never gets very high.14 Deglobalization raises the risks of war substantially. In a world with much lower average incomes, less democracy, and less trade interdependence, the average probability of a country having at least one war in 2035 rises from 0.6% in the globalization scenario to 3.7% in the deglobalization scenario. Among the top-20 war-prone countries, the average probability rises from 3.9% in the globalization scenario to 7.1% in the deglobalization scenario. The model estimates that in the deglobalization scenario there will be about 10 wars in 2035, vs. only 2 in the globalization scenario15. Over the whole period, 2005-2035, the model predicts four great power wars in the deglobalization scenario vs. 2 in the globalization scenario.16 Deglobalization in the form of reduced trade interdependence, reduced capital flows, and reduced migration has few positive effects, based on this analysis with the International Futures Model. Economic growth is cut in all but a handful of countries, and is cut more in the non-OECD countries than in the OECD countries. Deglobalization has a mixed impact on equality. In many non-OECD countries, the cut in imports from the rest of the world increases the share of manufacturing and in 61 countries raises the share of income going to the poor. But since average productivity goes down in almost all countries, this gain in equality comes at the expense of reduced incomes and increased poverty in almost all countries. The only winners are a small number of countries that were small and poor and not well integrated in the global economy to begin with—and the gains from deglobalization even for them are very small. Politically, deglobalization makes for less stable domestic politics and a greater likelihood of war. The likelihood of state failure through internal war, projected to diminish through 2035 with increasing globalization, rises in the deglobalization scenario particularly among the non-OECD democracies. Similarly, deglobalization makes for more fractious relations among states and the probability for interstate war rises.

#### Trade turns norms

Blatt, Book Reviewer for Futurecast, ‘2 (Dan, Book Review of Joseph S. Nye’s “The Paradox of American Power”, http://www.futurecasts.com/book%20review%204-02.htm )

Coalitions against particular U.S. international interests have occurred and are made more likely by unilateralist, arrogant, and parochial U.S. conduct. Protectionism is undoubtedly the most dangerous and divisive form of such conduct. "The United States must resist protectionism at home and support international economic institutions" that facilitate international commerce. Trade disputes must not be permitted to explode into disastrous trade wars (such as the trade war during the 1920s and 1930s that played a major role in the Great Depression). U.S. economic and cultural supremacy may indeed erode as Asian and European markets prosper and grow. They may ultimately "loom larger than the American market." In several particular areas - such as international trade, antitrust regulation, the establishment of technical standards, and protection of intellectual property - Europe already shares predominance with the U.S. Defining our national interest broadly to include global interests will be crucial to the longevity of our power and whether others see hegemony as benign or not. The various aspects of soft power must be a part of any effective foreign policy - and multilateralism is essential for the development and maintenance of the attributes of soft power.

#### Trade turns Central Asia

Patrick 2009

Stewart, senior fellow and director of the Program on International Institutions and Global Governance at the Council on Foreign Relations, Protecting free trade, March 13th 2009, The National Interest, http://nationalinterest.org/article/protecting-free-trade-3060?page=show

Beyond generating great power antagonism, misguided protectionism could also exacerbate political upheaval in the developing world. As Director of National Intelligence Dennis Blair recently testified, the downturn has already aggravated political instability in a quarter of the world's nations. In many emerging countries, including important players like South Africa, Ukraine and Mexico, political stability rests on a precarious balance. Protectionist policies could well push developing economies and emerging market exporters over the edge. In Pakistan, a protracted economic crisis could precipitate the collapse of the regime and fragmentation of the state. No surprise, then, that President Obama is the first U.S. president to receive a daily economic intelligence briefing, distilling the security implications of the global crisis.

#### Trade turns Iran-Israel war

Brooks and Wohlforth 2008

Stephen G. Brooks, associate professor of government at Dartmouth and William C. Wohlforth, professor of government at Dartmouth, World Out of Balance, 138-139)

Economic globalization can also influence the decisions made by states that seek to develop WMD. The most prominent example in this regard is Libya: Mu'ammar Gadhafi decided to give up his WMD programs in large part to end US and UN sanctions that reduced Libya's access to needed oil extraction technology from Western, and especially American, firms." This does not mean that the desire to participate in economic globalization is so powerful that other WMD-seeking states, most notably North Korea and Iran, will follow in Libya's footsteps. Economic globalization is clearly only one factor among the many that influence the security policies of all countries. That being said, the lure of increased access to the global economy is one of the few sources of leverage the United States and its allies have in negotiations over the Iranian and North Korean WMD programs. The more general point is that to the extent that economic globalization influences the preferences of Iran and North Korea at all, it will be to reduce, not increase, their motivation to challenge the United States. It should also not be forgotten that economic globalization now enhances the ability of the United States to counter the WMD threat. This basic point is often overlooked by analysts and policymakers alike: only the WMD downsides associated with economic globalization are highlighted, not the up sides. Yet many of the tools for dealing with the WMD threat are partly the products of globalization. Regarding WMD proliferation, the reality is that economic globalization is a double-edged sword for the United States.92

#### Trade turns China war

Weede 2010

Erich, Professor of Sociology University of Bonn, The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence International Interactions. Apr-Jun2010, Vol. 36 Issue 2, p206-213

Historically, the rise and fall of great powers has been related to great wars. Both world wars of the twentieth century would not have been possible without the previous industrialization and rise of Germany. World War II, which in Asia was a war between the Japanese on the one hand and the Western powers and China on the other hand, would not have been conceivable without the previous rise of Japan. The early phase of the Vietnam War has to be understood against the background of a declining France. If the rise and fall of great powers indicate great dangers, then one should question whether the world can peacefully accommodate a rising China. Here it is argued that the capitalist peace offers the best way to manage the coming power transition between China and the West. 1 China is rising. In the thirty years after Deng Xiaoping began economic reforms the Chinese economy grew nearly by a factor of ten. Recently, the West suffered from negative growth rates whereas China grows by about 8 percent a year. The difference in growth rates between China and the West has been about 10 percent. A power transition of such speed is without historical precedent. Given its size China is a “natural” great power— unlike Britain, France, or Germany. Even the combined population of the United States and the European Union does not approach the population size of China. If China outgrows poverty, then it must become a world power. Although war in the nuclear age threatens to be much worse than any previous world war, fear of nuclear war itself might exert some pacifying impact. Such fear, however, need not be our only protection against future wars. Economic interdependence itself makes war less likely. One finding of quantitative research is that military conflict becomes less likely if a pair of nations—say China and the United States, or China and India, or China and Japan—trade a lot with each other (Hegre 2009; Oneal and Russett 2005; Russett and Oneal 2001). Fortunately, all of them do. One may label this effect “peace by free trade”. Foreign investment has some beneficial impact, too (Souva and Prins 2006). Moreover, economic freedom reduces nvolvement in military conflict, and financial market openness reduces the risk of war, too (Gartzke 2005, 2007, 2009). Quantitative research has demonstrated that there is something like a capitalist peace. Until a few years ago it looked as if the democratic peace were solid and robust whereas the capitalist peace between free traders was less so. Now, however, the democratic peace looks more conditional: It is not only restricted to relations between democracies, but might also be restricted to developed or market democracies (Mousseau 2005, 2009). It has been doubted whether it applies to the poorest democracies. Moreover, the less mature or perfect the democracies are, the weaker the democratic peace is. By contrast, peace by free trade or economic freedom looks more robust. Pacifying effects are not restricted to relationships between free traders on both sides of a dispute (Russett 2009:19). Moreover, the trade to GDP ratio is no longer the only or even the best way to document the pacifying effects of economic freedom or the invisible hand. By applying innovative measures of free markets, such as avoidance of too much public property ownership and protectionism, one may argue in favor of much more robustly pacifying effects of economic freedom than of political freedom (McDonald 2009). The occurrence of World War I is the standard argument against peace by trade or economic interdependence because there was substantial economic interdependence between the Western powers and the Central European powers. Certainly, World War I serves as a useful reminder that commerce makes war less likely without making it impossible. But World War I is not as much of a problem for capitalist peace theory as frequently assumed. Moreover, there was no democratic contribution to pacification because the Central European powers were, at best, imperfect democracies. By contemporary standards, even the democratic character of the United Kingdom was not beyond suspicion because of franchise limitations. As far as trade linkages were concerned they were strongest where least needed— between Britain and France, between Britain and the United States, between Germany and Austria-Hungary. These pairs ended up on the same side in the war. Whereas strong trade links between Germany on the one hand and Britain or Russia on the other hand did not prevent them from fighting each other, Germany and France exemplify weak trade ties where strong ties were needed most in order to avoid hostilities (Russett and Oneal 2001:175). Skeptics rightly observe that increasing trade did not prevent World War I, but they overlook that trade volumes rose not because of free trade policies, but in spite of mounting protectionism. Trade increased because of falling transportation costs, but in spite of protectionist policies. Finally, capitalist or commercial peace theory is an admittedly incomplete theory. It says only how risks of war may be reduced but it says nothing about what generates them in the first place. But commercial peace theory is certainly compatible with World War II, which was even bloodier than the previous world war as well as with the later reconciliation between the former Axis powers and the West. There was little trade between the Western powers and the Axis powers. Since the Axis powers were not democracies, the democratic peace could also not apply between the Axis and the West. The different long-term effects of the settlements of both world wars may be explained by differences in application of a capitalist peace strategy toward the losers of the wars. After World War I France influenced the settlement more than anyone else. It did not even think of a commercial peace strategy. Misery and desperation within Germany contributed to Hitler’s empowerment and indirectly to World War II. After World War II, the United States, however, pursued a capitalist peace strategy toward the vanquished. It promoted global free trade and subsidized even the recovery of the losers of the war. Germany and Japan became prosperous and allies of the United States.

### 1NR A2: Uniqueness

#### Framing Issue-Their uniqueness arguments just prove the importance of political capital on this issue-History proves this is true in the trade context and now is the make or break time for a TPA push

Wall Street Journal 2/4/14–

William Galston: Obama's Moment of Truth on Trade

Bill Clinton bucked his own party to get Nafta. Will this president do the same to get agreements with Europe and Asia?

http://online.wsj.com/news/articles/SB10001424052702303942404579361110464290196?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303942404579361110464290196.html–

That ended the debate—for a while. It started up again not long after he entered the Oval Office, among congressional Democrats and within the White House. In August 1993, President Clinton ended the internal debate by delivering a ringing defense of Nafta and appointing William Daley to spearhead the drive for its ratification. Although House Speaker Tom Foley supported the treaty, he said that in view of divisions within his caucus, the Democratic leadership would take no position. Within two weeks, House Democratic Whip David Bonior had become the floor leader of the Nafta opposition. A few weeks later, House Majority Leader Richard Gephardt announced that he too was opposed, a decision widely regarded as the death knell for the treaty. That was Mr. Clinton's moment of truth, and he did not flinch. After an all-out White House push in which the president participated extensively, the House approved Nafta, voting 234-200. Democrats were deeply divided: While 102 voted in favor, 156 opposed the treaty. With the support of a bare majority of Democrats, Nafta passed easily in the Senate. With Harry Reid's blunt rebuke last week, Barack Obama's moment of truth has arrived. His administration is now negotiating two major regional trade deals—the Trans-Pacific Partnership among 12 Asian nations that account for about 40% of global trade, and the Transatlantic Trade and Investment Partnership with the European Union. Without trade-promotion authority, often called fast-track, granted by Congress to the administration, concluding and ratifying these deals becomes much more difficult. Our negotiating partners will be much less willing to reach agreements without the assurance that the texts of these agreements are final and not subject to change. If the authority is not granted, Congress will be free to amend the draft agreements, upsetting the delicate balance among their provisions and scuttling ratification by other governments. In an interview with the Financial Times after Mr. Reid's announcement, U.S. Trade Representative Michael Froman argued that once the administration reaches deals of "high standards, ambition, and comprehensiveness," it can persuade Congress that the proposed agreements will promote growth, job creation and the well-being of the middle class, and congressional support will increase. It is hard to find anyone outside the administration who gives this strategy much chance of succeeding in the absence of trade-promotion authority. Many observers believe that without fast-track, progress toward the nearly completed Asian trade deal may stall short of the finish line, and the December 2014 target for completing the deal with the EU will be unattainable. According to Mr. Froman, "The president . . . is fully committed to a robust trade agenda and doing what's necessary to execute on that." In the coming months, we'll find out whether he is right. During Mr. Obama's first presidential campaign in 2008, he was hardly a full-throated free trader. He told the Texas Fair Trade Coalition that he "never supported Nafta." He told the Iowa Fair Trade Coalition that he wanted to reopen negotiations on the agreement, so alarming our neighbor to the north that Austan Goolsbee, his senior economic adviser, thought it necessary to offer Canadian diplomats back-channel reassurances. And Mr. Obama told the Wisconsin Fair Trade coalition that he would "replace fast-track with a process that includes criteria determining appropriate negotiating partners that includes an analysis of labor and environmental standards as well as the state of civil society in those countries." If Mr. Obama is serious about his trade agenda, he will—at a minimum—address the nation on the advantages of ratifying new regional trade agreements, make it clear that he intends to fight for trade-promotion authority, appoint a high-profile point-person to lead that fight in Congress, and personally lobby wavering lawmakers. In all probability, he will not be able to rally the support of a majority of Democrats in either the House or the Senate, which means that to get trade-promotion authority, he must be willing to accept truly bipartisan majorities tilted toward Republicans in both chambers.

TPA will pass-State of the Union reset Bipartisanship—old issues won’t derail agenda

The Economist 2/1/14

HEADLINE: Deal or no deal?;

Barack Obama's state-of-the-union speech

American politics may be becoming a bit less dysfunctional IN HIS big annual speech to Congress, Barack Obama made several promises. He pledged to raise the minimum wage for those contracted to the federal government, to create a new tax-free savings bond to encourage Americans to save, to work for the closure of the Guantánamo Bay prison, to push immigration reforms and to veto any sanctions that Congress might pass designed to derail his deal with Iran over its nuclear programme. But for anybody listening from abroad, his most startling promise to America's legislature was to bypass it. "Wherever and whenever I can take steps without legislation to expand opportunity for more American families, that's what I'm going to do," he vowed. This year, he said, will be "a year of action". That in America this pledge was not regarded as the most remarkable element of the speech shows how inured the country has become to dysfunctional government. After years of gridlock, Americans have got used to the idea that the gerrymandering of the electoral system and the polarisation of their two political parties have set the branches of government against each other, and that the checks and balances originally intended to keep the country's polity healthy have condemned it to sclerosis. Government shutdowns, fiscal cliffs and presidents who promise to do their best to ignore the legislature are no longer much of a surprise. Yet Americans may have become too gloomy: Mr Obama's speech could be the latest in a series of small signs that things are getting better. Last year's shutdown was such a public-relations disaster for politicians in general and the Republicans in particular that it is unlikely to happen again. The Tea Party's kamikaze tactics have been discredited; that is why, without much fuss, Congress recently managed to pass a budget. Mr Obama knows that he can do nothing of interest without co-operation: when parsed, the promises of unilateral action in his speech amounted to not much more than a few low-level government workers getting paid a sliver more. No one expects 2014 to be a year of bipartisan chumminess, but several deals are possible. Take inequality, Mr Obama's new theme. Higher minimum wages are a less effective way to help poorer Americans than expanding the earned income tax credit (a negative income tax for workers on low pay). Several Republicans are open to this idea. Senator Marco Rubio, a rising star, recently said so; a fact Mr Obama alluded to in a speech that was uncharacteristically—and encouragingly—short of partisan sniping. On immigration, too, a deal is doable. House Republicans are about to release a list of principles for reforming a system everyone agrees is broken. Mr Obama said he wants to sign a bill this year; if he handles Congress delicately, he may get his wish. The same goes for his request for lawmakers to give him "fast track" authority to negotiate trade deals. This is an essential tool for promoting free trade: if Asians and Europeans think Congress will rewrite trade pacts after the haggling is over, they will not take Mr Obama seriously as a dealmaker. It is still sad that this is the best that can be said of the world's most powerful democracy. It is hard to imagine the citizens of emerging economies looking at these compromises and finding them inspiring. But they are a start—and the political winds may be changing. If Mr Obama is to be remembered for anything at home but the botched roll-out of his health reform, he needs to get some measures through Congress. The Republicans need to be seen as something other than obstructionist if they want to win the White House. For once, they both have something in common: they need government to work.

TPA will pass-Compromise will turn Reid

Economist 2/8/14

When Harry mugged Barry

http://www.economist.com/news/united-states/21595958-harry-reid-threatens-impoverish-world-least-600-billion-year-when-harry

Harry Reid threatens to impoverish the world by at least $600 billion a year

Barely had he left the podium when Mr Reid mugged him. Answering questions from reporters, he reiterated his opposition to fast-track and advised its backers “not [to] push this right now”. Insiders doubt that Mr Reid would kill the bill outright. Haggling in the Senate may yield a new version with enough about labour standards and the environment to satisfy the protectionists. If so, Mr Reid will probably allow a vote, and the bill should pass. The White House remains publicly optimistic.

#### Reid will bring it up for a vote before the midterms and it’ll pass

Inside U.S. Trade 1/17/14

HEADLINE: Reid Says No Commitment To TPA Floor Time, Citing Controversy Among Dems

But National Foreign Trade Council President Bill Reinsch on Jan. 8 downplayed the notion that Reid may hold off on TPA because he is worried it could hurt Democrats in the polls. Senators are unlikely to ask Reid to "save them" from a TPA vote so they can perform better in the midterms since very few of the major races are in states where trade is a campaign issue, he told reporters at a press briefing on this year's trade agenda. Reinsch said that he was not persuaded that TPA was a decisive issue among the broader electorate. "TPA is inside baseball. It's how the Congress organizes itself to deal with trade policy," he said. He added that he believes Congress will pass a TPA bill but that he is worried it could end up being a partisan fight within Congress. He argued that it would be much better to get a "critical mass" of support from both parties.

#### Obama pushing TPA first – also answers their link uniqueness arguments

Carney-White House Press Secretary-2/5/14

CQ Transcriptions

QUESTION: OK. And on the issue of trade, you eloquently spoke about the need for the Trade Promotion Authority and this agreement with Asia. How important is it for the White House for this to happen soon? Can you afford to wait until after the midterm elections, as are some suggesting on that. CARNEY: Well look, I don't have the privilege of scheduling votes. All I know is that the president has... QUESTION: These elections are months and months and months away. I'm just asking your schedule. I'm saying, how important is it for this to get done in, you know, in -- in a short time frame? Are you willing to wait until the end of the year? CARNEY: Again, I -- I don't think I get to decide or that the White House gets to decide. I think that what the president is committed to is making the case about why these trade agreements are good for the economy, good for American workers. Why these trade agreements will protect American workers and the environment. Why, especially when it comes to the TPP in Asia, this is about, you know, this has implications for our economic competitiveness in the 21st century, and you know, we're going to steadily make that case. I can't predict the legislative calendar. What I can say with great clarity is what the president's position is. Understanding that there are -- is a diversity of opinion on this matter in both parties, and that's why it's important to, you know, focus on the facts, look specifically at the agreements, talk to members about, you know, the -- the upside of moving forward, and -- and -- and then continuing that effort. QUESTION: But is the president making the case that this needs to be done soon, or is he saying "Hey, whenever you get around to it. If it's the end of the year, that's fine." I mean, what -- is he making the case that this is an urgent priority, something that needs to be done on a quick timeline, or the timeline doesn't matter? CARNEY: Well, I'd say two things. I've never known Congress to act quickly on almost anything, A. B, so I would hesitate to suggest that we could get Congress to act urgently on almost anything. We have an urgent need for unemployment insurance to be extended. We have an emergency need for -- you know, more than a million families out there. And that has yet to happen. What I can tell you is that what the president can control is the foundation of the arguments for what, you know, he believes is the right thing to do here and he's going to continue to make that case. QUESTION: But it sounds to me like you're saying the White House has no objection for this waiting until after the elections. CARNEY: You can try to put as many words into my mouth as you like. That's not what I'm saying. I'm saying that we're going to work with Congress to make the case, and obviously, the legislative calendar is set by Congress. We're going to press for what we believe is the right priority.

#### Obama is pushing fast Track

The Washington Post 2/6/14

HEADLINE: Obama reaches out to party lawmakers

During the House session, Reps. Marcy Kaptur (D-Ohio) and Alan Grayson (D-Fla.) pressed the president for details of ongoing trade negotiations. Kaptur requested that members be allowed to see final proposed language for the Trans-Pacific Partnership before lawmakers are asked to approve new fast-track trade authority. Obama was polite, Kaptur said, but "he did not say yes." Despite the concerns, several Democrats said they have noticed an improved effort by the White House to keep them informed. "They have been redoubling their efforts to reach out," said Rep. Chris Van Hollen (Md.), a key White House ally on budget issues. "On the issues I work on with the White House, I've always been able to get the person I need right away," he added.

### 1NR A2: Unemployment/Terror Law

#### No thumpers – Obama avoiding controversial fights and loses

Darrell Delamaide, Market Watch, 1/29/14, Obama’s State of the Union: The Audacity of Caution, www.marketwatch.com/story/obama-skirts-controversy-in-timid-election-year-speech-2014-01-29?pagenumber=1

The speech, in short, followed the “first, do no harm” principle. With Democrats facing an uphill battle in midterm elections this year to retain control of the Senate and hold their own in the House, Obama seemed determined to do no further damage to the Democratic brand.

By the same token, he was not whiny or apologetic or resigned. Limited as the scope for action through executive order is, it at least keeps him from appearing as a loser in his battle with Republican lawmakers.

He did call on Congress to restore long-term unemployment insurance that just expired for 1.6 million people and to expand the earned income tax credit. And he promised to veto any bill that sought to impose new sanctions on Iran while the administration is negotiating a way to contain that country’s nuclear program.

It was a cautious, even timid, speech from a politician whose modus operandi — aside from sweeping rhetoric in his presidential campaigns — has been very cautious.

This State of the Union was seen by many as Obama’s last chance to give himself some breathing room in his second term to cement his legacy. With its upbeat and confident tone, its determination to avoid confrontation and skip over controversy, it may have — barely — done that.

#### Unemployment push is timid – he doesn’t want to hurt the party

Delamaide 1-29

Darrell Delamaide, Market Watch, 1/29/14, Obama’s State of the Union: The Audacity of Caution, www.marketwatch.com/story/obama-skirts-controversy-in-timid-election-year-speech-2014-01-29?pagenumber=1

The speech, in short, followed the “first, do no harm” principle. With Democrats facing an uphill battle in midterm elections this year to retain control of the Senate and hold their own in the House, Obama seemed determined to do no further damage to the Democratic brand. By the same token, he was not whiny or apologetic or resigned. Limited as the scope for action through executive order is, it at least keeps him from appearing as a loser in his battle with Republican lawmakers. He did call on Congress to restore long-term unemployment insurance that just expired for 1.6 million people and to expand the earned income tax credit. And he promised to veto any bill that sought to impose new sanctions on Iran while the administration is negotiating a way to contain that country’s nuclear program. It was a cautious, even timid, speech from a politician whose modus operandi — aside from sweeping rhetoric in his presidential campaigns — has been very cautious. This State of the Union was seen by many as Obama’s last chance to give himself some breathing room in his second term to cement his legacy. With its upbeat and confident tone, its determination to avoid confrontation and skip over controversy, it may have — barely — done that.

#### Doesn’t take out the disad – Obama needs to convince democrats on TPA and Republicans on unemployment.

Sanchez 1-29

Humberto Harry Reid Opposes Obama on Trade Authority Roll Call http://blogs.rollcall.com/wgdb/harry-reid-opposes-obama-on-trade-authority/

President Barack Obama pointed to fast track authority in his State of the Union speech last night as an area of potential bipartisan cooperation. Republicans were receptive. “I think I was the first one to stand up in the hall when he talked about that,” Sen. Rob Portman, R-Ohio, said after the speech. “I think it’s important that he talked about it, because Democrats need to know that he’s going to provide them some political cover for that vote, and it’s critical for our country.” “We haven’t had the ability to negotiate agreements now for seven years. That’s put us on the sidelines. He did mention that,” Portman said, pulling his notes from the speech out of his jacket to emphasize that he noted the endorsement of trade promotion authority, or TPA. TPA is an authority given to the president by Congress to negotiate trade deals with foreign governments, which Congress must either approve or reject, with no ability to amend or filibuster the deal. TPA expired in 2007 for future deals. Meanwhile, Reid indicated that Democrats would seek to pass pay equity legislation this year. “It’s really unfair in this modern world that women aren’t paid as much as men,” Reid said. Democratic aides said Democrats also plan to consider college affordability legislation as well as a bill to increase the minimum wage. The measures are expected to be resisted by Republicans, who say Democrats are pushing to use them as ammunition in the November elections. The GOP only needs to win six seats to take back control of the Senate. Reid also said he plans to revisit an extension of unemployment insurance next week with a new offset. The proposal is expected to be a three-month extension offset by “pension smoothing” that would allow companies to reduce deductible pension contributions in the near term, increasing their taxable income and raising federal revenue. Democrats had sought to extend unemployment insurance for 11 months and offset the $17 billion cost by adding another year to automatic spending cuts, known as the sequester, through fiscal 2024. But the proposal failed to gain traction after an agreement could not be reached on what, if any, amendments would be offered.

### 1NR A2: Destroys Trade

#### **No alternative causalities-Trade negotiations are making progress---TPA is the key to clinching the deals**

Business Roundtable 12/11/13 States News Service

HEADLINE: SOLID PROGRESS ON TRANS-PACIFIC PARTNERSHIP

Negotiators have made solid progress toward completing a Trans-Pacific Partnership trade agreement, reinforcing the need for Congress to pass Trade Promotion Authority. From The Hill, "Fast-track authority, currency manipulation remain top trade issues amid TPP delay": Business groups and lawmakers are making a two-pronged push for completion of fast-track authority and the addition of currency manipulation provisions into a delayed Asia-Pacific trade deal. Trade advocates used the announcement on Tuesday that negotiators of the 12-nation Trans-Pacific Partnership (TPP) had failed to reach an agreement in time to make a self-imposed year-end deadline to keep up their pressure on other initiatives. House and Senate leaders are nearing the end of talks on the details of a trade promotion authority (TPA) bill but an agreement remained elusive, so far, this week, and may get pushed until next year, according to a House aide. "Concluding these negotiations, as well as other trade agreements, will require congressional passage of Trade Promotion Authority legislation," said House Ways and Means Committee Chairman Dave Camp (R-Mich.). The House is expected to recess for the year this week, and since negotiators did not nail down a final TPP agreement, a vote on Trade Promotion Authority (TPA) will probably be scheduled for early next year. The TPA legislation enjoys bipartisan support in both chambers of Congress. In any case, better to get this important trade agreement right than to rush it through because of a goal set earlier in the negotiations (involving the United States and 11 other countries Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam). The Hill notes Business Roundtable's call for Trade Promotion Authority as reiterated in our news release, "Americas Business Leaders Commend Significant Progress on Trans-Pacific Partnership" that quotes Business Roundtable President John Engler, who first notes that the 11 other TPP countries comprise the largest market for U.S. goods and services exports in the world. Trade Promotion Authority is an essential partnership between Congress and the Administration to complete trade agreements such as the TPP, TTIP and TISA that benefit the U.S. economy and support American jobs, said Engler. We urge Congress and the Administration to work together to act on updated Trade Promotion Authority legislation as soon as possible Indeed, BRT operates the Trade Benefits America website, which features a fact sheet on the importance of TPA: Since President Franklin D. Roosevelt in the 1930s, every President through 2007 has had authority from Congress to negotiate trade agreements that open new markets for American companies and workers and help ensure a rules-based system for two-way trade. More recently known as Trade Promotion Authority (TPA), or fast track, this type of authority was last enacted in 2002, and it lapsed in 2007. Over the last decade, many new challenges to doing business in the global marketplace have emerged. Updating TPA and its negotiating objectives would help to address strategically such issues across the range of current U.S. trade negotiations, as well as in the future.

TPA is key to confidence building with trade partners-overcomes other obstacles

Cowan-President Third Way-11/26/13

http://www.usnews.com/opinion/blogs/world-report/2013/11/26/why-congress-must-reauthorize-trade-promotion-authority

Don't Waste This Free Trade Opportunity

MSC Fabiola passes the Golden Gate Bridge Wednesday, March 21, 2012, in San Francisco. Within the next 20 years, the Asia Pacific region will need 12,820 new airplanes, valued at $1.9 trillion. Who will build them? With half of the world's air traffic growth revolving around the Asia-Pacific region, there are massive opportunities for American manufacturing and middle-class jobs in this one sector alone. But opportunity is not destiny. In the last decade, America's share of exports to key Asia-Pacific markets fell by 43 percent. Our performance was last among our major trade competitors in the region. We do not have to idle on the runway, however, as other foreign countries fly by. If we can regain our historical share of these export markets – which are set to approach $10 trillion by the end of this decade – it would add $600 billion to our economy and 3 million jobs by 2020 alone. The first step to seizing this growth opportunity rests with Congress and passage of a tool called Trade Promotion Authority. Trade Promotion Authority is the mechanism that allows the president to negotiate international trade deals with congressional input. It gives stakeholders a voice and shows our trading partners that we are serious about expanded trade. And since American exports supported 9.8 million jobs in the United States last year, getting serious about expanded trade is critical. The authority, however, expired in 2007, putting our economic growth at risk. Congress needs to reauthorize the authority this year so we can expand this economic engine and make sure our economy is poised for flight in the 21st Century. Trade Promotion Authority can help ensure trade deals happen in three ways. First, it allows for both the White House and Congress to play a role in accessing foreign markets. While the executive branch negotiates agreements with foreign countries, Trade Promotion Authority allows for Congress to set clear negotiating goals and objectives. For example, in the Trade Act of 2002, Congress laid out nine overall trade negotiating objectives, from market access to environmental standards, as well as more than 50 principal negotiating objectives across 17 categories, ranging from electronic commerce to family farms. Guidance from Congress has yielded new or improved trade provisions on anti-corruption, labor and the environment, and other key emerging issues. Second, important trading partners won't sign a trade deal with the U.S. without Trade Promotion Authority. Of the last 17 U.S. trade agreements, only a deal with Jordan in 2000 was concluded without it. This is because our trading partners need to know the U.S. is negotiating in good faith and will not turn around and alter the agreement at the last minute. Finally, Trade Promotion Authority mandates that the president check in with the public before a deal is struck. Past legislation required the president to consult with Congress throughout negotiations. Although Trade Promotion Authority has not been in place during the Trans-Pacific Partnership negotiations, the U.S. Trade Representative has acted as though the 2002 provisions were still in effect and engaged in more than 1,000 briefings with Congress over the TPP. It also ensures that industry and the public have a critical voice. Within past Trade Promotion Authority legislation, Congress built a system of advisory committees to ensure that trade negotiators were consulting with private sector representatives from the agricultural, labor and environmental communities, among others. Organizations represented on the committees ran the gamut from advocacy groups – including the AFL-CIO, the Environmental Defense Fund, Oceana, Consumers Union and the National Farmers Union – to large U.S. companies like Cargill, General Electric and Kraft Foods. So far, the U.S. Trade Representative has been operating in good faith despite the lack of Trade Promotion Authority. Last September, more than 250 organizations sent representatives to negotiations in Leesburg, Va. But good faith is not enough. Trade Promotion Authority is needed to ensure all voices are heard. The stakes could not be higher. As our country pulls out from the Great Recession and works to achieve lift off in the 21st Century economy, we need to seize opportunities within the new global marketplace. If the U.S. has any hope of tapping into massive export markets of the Asia Pacific – as well as other markets we are exploring such as within the EU – our policymakers need Trade Promotion Authority to get the job done.

### 1NR A2: Impact Defense

#### Deglobalization is net worse – domestic politics.

Hillebrand 2010

Evan E., Visiting Professor at the Patterson School of Diplomacy – University of Kentucky (go cats), Deglobalization Scenarios: Who Wins? Who Loses? Global Economy Journal, Vol. 10 [2010], Iss. 2, Art. 3 http://83.143.248.39/students/MCA100/Senior%20Thesis/who%20wins%20who%20loses.pdf

Deglobalization in the form of reduced trade interdependence, reduced capital flows, and reduced migration has few positive effects, based on this analysis with the International Futures Model. Economic growth is cut in all but a handful of countries, and is cut more in the non-OECD countries than in the OECD countries. Deglobalization has a mixed impact on equality. In many non-OECD countries, the cut in imports from the rest of the world increases the share of manufacturing and in 61 countries raises the share of income going to the poor. But since average productivity goes down in almost all countries, this gain in equality comes at the expense of reduced incomes and increased poverty in almost all countries. The only winners are a small number of countries that were small and poor and not well integrated in the global economy to begin with—and the gains from deglobalization even for them are very small. Politically, deglobalization makes for less stable domestic politics and a greater likelihood of war. The likelihood of state failure through internal war, projected to diminish through 2035 with increasing globalization, rises in the deglobalization scenario particularly among the non-OECD democracies. Similarly, deglobalization makes for more fractious relations among states and the probability for interstate war rises. These are dramatic results and have strong implications for policy. For the United States and other OECD countries, deglobalization might economically benefit a small fraction of citizens and companies, but it would cut overall economic growth and reduce average living standards. It would seem far better to deal with the negative aspects of globalization directly by improving trade adjustment assistance, providing more secure access to health care, by upgrading the skills of the workforce, and by refocusing academic research toward areas that will spur productivity growth. For the non-OECD countries, deglobalization has even worse results, suggesting that those countries need to reengage in global trade negotiations and seek compromises that can benefit all participants.

#### TPA solves warming

**Benson 13** - Intern at the Streit Council [Johann Benson (Master’s degree in public policy at the University of Minnesota’s Humphrey School of Public Affairs), “[Toward a Transatlantic Free Trade Agreement: What Impact on World Trade?](http://blog.streitcouncil.org/?p=1448),” Streit Talk, July 26, 2013 pg. http://blog.streitcouncil.org/?tag=ttip

With negotiations now officially underway, the proposed Transatlantic Trade and Investment Partnership (TTIP) is taking its first steps toward becoming reality. Questions remain, however; not only about what form the final agreement may take, but also what effect it could have on international trade.

In its [initial assessment of the TTIP](http://www.oecd.org/trade/TTIP.pdf), the OECD notes that while multilateral arrangements are preferable, bilateral and plurilateral agreements like the proposed TTIP “can be supportive of an effective multilateral trading system.” One of the primary ways in which these agreements can promote trade at the global level is by addressing issues that currently lie outside the scope of WTO regulations. Richard Baldwin, of the Graduate Institute in Geneva and the Centre for Economic Policy Research, has laid out the shortcomings of current WTO regulations and how post-2000 trade agreements are [fundamentally different](http://www.cepr.org/sites/default/files/policy_insights/PolicyInsight56.pdf) from those of the 1990s.

Baldwin argues that the rise of global supply chains has elevated the importance of removing non-tariff barriers, while tariffs (with some notable exceptions) have largely fallen by the wayside. Current WTO regulations (as well as agenda items of the stalled Doha Round) are not adequate for addressing the most pressing issues of international commerce and investment, such as competition (or antitrust) policy, the movement of capital, intellectual property rights (IPR), and investment assurances. These issues can and often have been addressed through recent bilateral trade and investment agreements. Critically, Baldwin also notes that there is a feedback effect from increased trade liberalization that makes future liberalization even more likely. It is for this reason, if no other, that an EU-U.S. free trade agreement is a step in the right direction.

Economic gains from the TTIP would mainly come from the harmonization of regulations and the removal of other non-tariff barriers. While the agreement is expected to lead to trade diversion among EU members (in the case of an ambitious agreement, for example, total trade between the UK and Spain [would decrease by about 45%](http://www.euractiv.com/trade/transatlantic-free-trade-boon-ba-analysis-529218)), it is projected that the TTIP would benefit the struggling economies of southern Europe even more than the EU as a whole. It would also drive trade creation between the EU and the U.S., and between the transatlantic area and third parties. For example, if car safety standards are harmonized in the European and American markets, it lowers costs not only for U.S. and EU automakers, but also for [any other company that exports to both markets](http://www.cfr.org/eu/eu-ustransatlantic-trade-investment-partnership/p30766). In fact, the third parties with the largest expected gains from the TTIP are ASEAN countries, due to their [very high trade to GDP ratios](http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150737.pdf). Unfortunately, the fact that third parties often benefit from the removal of non-tariff barriers can also act as an obstacle to bilateral agreements. For instance, Jagdish Bhagwati has noted that [getting rid of production subsidies](http://werewolf.co.nz/2012/11/tpp-head-first-into-the-spaghetti-bowl/) requires a multilateral agreement because “you cannot – bilaterally – say that if the U.S. reduces or relaxes production subsidies, it will be only for New Zealand. Or only for Brazil.” This may, in some respects, limit the breadth and depth of the TTIP.

One of Bhagwati’s other worries about preferential trade agreements is that they create dispute settlement mechanisms that favor the stronger trading partner and undermine the WTO’s own dispute settlement mechanism. If the TTIP is eventually opened to newcomers on a take-it-or-leave-it basis, any country wishing to join the agreement – for which there would be strong incentives – would be strictly [a rule-taker](http://www.die-gdi.de/CMS-Homepage/openwebcms3_e.nsf/%28ynDK_contentByKey%29/MRUR-99EA5H?Open), with absolutely no say in the drafting of existing regulations. While numerous commentators argue that the primary objective of the TTIP is to ensure that “the United States and Europe remain [standard makers](http://www.cfr.org/trade/getting-yes-transatlantic-trade/p31077), rather than standard takers, in the global economy,” there is a risk that China and other emerging economies will attempt to erect trading blocs amongst themselves and create their own rules.

Completing the Doha Round may still be an uphill battle after the TTIP is concluded. The agreement is not likely to seriously threaten the multilateral trading system for the simple fact that bilateral deals – no matter how large – are themselves unable to address [a longer list](http://www.lowyinstitute.org/publications/saving-multilateralism-g20-wto-and-world-trade-0) of the world’s most pressing trade issues. Resource and food security, exchange rate policy, and efforts to limit carbon emissions all demand multilateral solutions. But the TTIP could provide a launching pad to address these and other issues.

#### Extinction

Don Flournoy 12, Citing Feng Hsu, PhD NASA Scientist @ the Goddard Space Flight Center and Don is a PhD and MA from UT, former Dean of the University College @ Ohio University, former Associate Dean at SUNY and Case Institute of Technology, Former Manager for University/Industry Experiments for the NASA ACTS Satellite, currently Professor of Telecommunications @ Scripps College of Communications, Ohio University, “Solar Power Satellites,” January 2012, Springer Briefs in Space Development, p. 10-11

In the Online Journal of Space Communication , Dr. Feng Hsu, a  NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010 ) . Hsu and his NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of theworld’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances” (Hsu 2010).

### 1NR A2: Doha

#### TPA solves doha

Frenzel-brookings-5/1/13

http://www.brookings.edu/research/opinions/2013/05/01-free-trade-obama-frenzel#

Free Trade Is Not Quite President Obama's Neglected Stepchild, But...

In the first Obama term, trade was not quite a step-child, but neither was it a priority. Mostly, the Obama trade team concentrated on improving enforcement of trade laws. That is useful work, but it’s no fun for trade enthusiasts. They would rather play offense by opening markets instead of looking for ways to slow down trade. The team did manage to complete 3 trade treaties handed to it by its predecessors. Only one of them, Korea, required significant renegotiation. The President’s most important trade action was the initiation of the Trans-Pacific Partnership (TPP) negotiations, effectively managed by U. S. Trade Representative Ron Kirk. Political polarization makes everything difficult, but the Administration faced other daunting trade problems, too. One of its principal constituencies, big labor, opposes most trade treaties. That labor position has been a powerful deterrent to trade expansion policies. Most important treaties passed by other administrations in the post-war period were handled under the “fast track” process, now called Trade Promotion Authority, which guarantees an up or down vote in both houses. President Obama and his trade people have never had that authority. The 2013 State of the Union address was the first sign of change. In it, the President served notice that he has moved trade up the priority ladder in his second term. He cited two major negotiations: the TPP which he hopes to complete this year; and a new initiative, the Trans-Atlantic Trade and Investment Partnership (TTIP). The Trans Pacific Partnership has been moving along through a dozen and a half negotiating sessions. Until a few months ago, it had a less than impressive list of participants. Then Canada decided to join. Japan followed shortly. Those new entrants, and others as yet unannounced, but known to be waiting in the wings, gave a dose of steroids to the TPP. It began to look more muscular, and therefore more attractive to American businesses. Surprisingly, the push for TTIP originated in Europe. There, leaders tired of recession and austerity saw it as an economic booster shot. Apparently, President Obama thought so, too. He accepted the difficult challenge of negotiating a Trans-Atlantic agreement. This long-time dream of American and European trade expansionists will require extended and arduous negotiations with no assurance of completion in the next 3.5 years left in Obama’s term. But, it is a prize worth the effort. Europe amounts to about 20% of total US two-way trade. Taken together, TPP and TTIP form an aggressive effort which, if successful, could be the needed substitute for the moribund WTO Doha Development Round. They could spark a growth spurt in world trade. They also might be the force which causes the WTO multinational Doha Round to arise from its sick-bed. This new Obama trade priority has escalated US trade policy from the minor leagues to the majors. Last week came more good news on the trade front. Stories from the White House indicate that the President intends to nominate Michael Froman as his new US Trade Representative to replace Kirk, who returned to private life after 4 years on the job. Froman, is a White House insider who previously advised the President on international economic policy, and who is held in high regard by many business people. The US has been fortunate to have a succession of great Trade Representatives over the 50 year history of the office. Some of the most effective have been those who enjoyed both the ear, and the confidence, of the President. Those who lacked ready access to the President found the job more difficult. If history is any guide, Froman would seem to possess a critical asset for his new trade job. In the first Obama term, some trade observers were wont to say that the President was wasting the most pro-trade Congress in years. This term will test that assessment of both the President and Congress. Will Congress’ pro-trade proclivities allow it to overcome the polarization that has stalemated the legislative process? Or will the on-going fist-fight under the Capitol dome doom trade legislation that might otherwise claim majority votes? Trade’s higher priority and increased visibility are assured, but its success is not. The Congress has the right inclinations. The President is showing leadership. The omens appear favorable. But, both branches of government have a long way to go before they can bring home the difficult treaty legislation needed to increase US and world trade.

## 2nr

### 2NR Push

Obama is ramping up TPA push-key to overcoming congressional opposition

Inside U.S. Trade 2/7/14

HEADLINE: Obama Tells House Democrats That He Will Keep Pushing On Trade

In a Feb. 4 meeting with the House Democratic Caucus, President Obama reiterated that he will continue to push forward on his trade agenda, which includes securing congressional approval of a bill to renew Trade Promotion Authority (TPA), according to congressional aides briefed on the meeting. He did so in response to a question by Rep. Marcy Kaptur (D-OH), who told Inside U.S. Trade in a Feb. 5 interview that she asked Obama if the terms of the Trans-Pacific Partnership (TPP) would be disclosed before Congress voted on TPA, also known as fast track. Obama reiterated that the U.S. cannot stand on the sidelines as the global economy continues to grow, and stressed that trade is a way to restart the U.S. economy, according to the aides. He added that his administration will continue to push on this issue, they said. "He didn't give an affirmative reply," Kaptur said in the interview. "But he made general remarks about trade, some of which I agreed with, some of which I disagreed with." Following the meeting, pro-trade Democrats from the New Democrat Coalition conveyed the message to White House officials, such as Chief of Staff Denis McDonough, that there is serious opposition to TPA in the Democratic caucus, and that the White House needs to be involved in advocating for TPA in Congress, according to congressional aides.

### 2NR Reid

#### **Reid’s opposition to Fast Track is our internal link-Political capital is key to pressuring a vote**

Chicago Tribune 2/1/14

HEADLINE: Majority Leader 'No';

Harry Reid resists Obama's bid to expand trade

Reid doesn't have to like free trade. He can bluster against it all he wants. But by virtue of his power as majority leader, nothing comes for a vote in the Senate unless he allows it. So it falls on the White House and other Democratic leaders to pressure him to allow a vote. Free-trade agreements eliminate tariffs, red tape and other barriers to doing business across borders. They make the common marketplace bigger and more efficient, which means more moneymaking opportunities. Over time, sales go up, prices go down and the pace of economic activity increases. Free trade is particularly good for Illinois, home to an international headquarters city -- Chicago -- and farmers who grow products for export. The Pacific Rim and EU trade agreements would make a huge positive impact. The White House has said it hopes to finish talks within a few months on the proposed Trans-Pacific Partnership with Japan and 10 other Asia-Pacific nations. Talks with Europe on the planned Transatlantic Trade and Investment Partnership could wrap up as soon as early 2015. But none of that will happen unless the president makes it happen.

### 2NR Midterms

#### Obama must spend political capital to assure quick passage and avoid midterms

The Washington Times 12/23/13

HEADLINE: Congress puts Obama on tough road for fast-track trade deals

The fast-track fight is becoming even more urgent as Mr. Obama has entered into two of the most ambitious free trade accords in years: the Trans-Pacific Partnership with 11 other Pacific Rim countries (and possibly two more) and the Transatlantic Trade and Investment Partnership with 28 members of the European Union. "President Obama must seek to win substantial Republican support" if he hopes to get fast-track authority and win approval of a trans-Pacific trade agreement next year, and he will have to act quickly early in the year, said Scott Miller, an analyst with the Center for Strategic and International Studies. Polls show declining public support for free trade agreements, which can be difficult even for legislators who believe in opening markets. To avoid the pitfalls of election politics, "the president needs to make this issue his own and exert leadership to get the bill enacted before summer 2014, when the election season kicks into high gear," Mr. Miller said. Asian deal in doubt The lack of fast-track authority has undermined the administration's effort to secure the Asian trade deal before the end of this year - a goal once espoused by proponents, Mr. Miller said. Other parties to the treaty among nations around the thriving Pacific region - including Vietnam, Canada and Japan - have been wary about making concessions and sensitive trade-offs when Congress could reject, reopen or pick apart the deal under ordinary legislative procedures, Mr. Miller said. "Given the skepticism of the other parties about the U.S. ability to deliver on its commitments, a final agreement is unlikely" unless Congress first passes Trade Promotion Authority, as the fast-track bill is formally called in Congress, he said. A defeat of fast-track legislation could deal a debilitating blow to the trans-Pacific deal, which is "at the heart of the administration's rebalancing strategy" toward Asia, and would seriously damage Mr. Obama's second-term trade and diplomatic agenda, Mr. Miller said. "Beyond the lost economic opportunities, lack of a TPP agreement would feed perceptions in Asia that the rebalance is mainly about military positioning," he said. "It would also raise questions about the U.S. ability to champion the rules of the road in economic affairs." After giving only tepid support to free trade in his first term, Mr. Obama has embraced fast-track legislation. He hopes to expand trade to support his "pivot to Asia" and to achieve his goals of strengthening the U.S. manufacturing sector and doubling exports. Although exports have been stellar during the economic recovery, growing by 35 percent since the recession and recently exceeding pre-recession levels, they have far from doubled.

### 2NR Dems/GOP

Obama maintaining dem support for the agenda

Wall Street Journal 2/3/14

Fractures Emerge Between Obama, Congressional Democrats

Coming Midterms Complicate White House's Agenda on Trade, Energy, Health Care

http://online.wsj.com/news/articles/SB10001424052702304851104579361340885310508?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702304851104579361340885310508.html

Despite those tensions, Democrats and White House officials say they remain united on major elements of the legislative and political agenda, such as the extension of unemployment benefits that lapsed late last year. "There is far more that Democrats in Congress and the president agree on than there are areas where there might be differences," said Obama pollster Joel Benenson.