# Cards for Dheidt

## Geography 1AC

### Advantage {X}: Drone Failure

**Drone strikes are causing instability and terrorist backlash in Pakistan and Yemen- creating a failed state syndrome and killing relations**

Rohde ’12 (David Rohde, American author and investigative journalist for Thomson Reuters. While a reporter for The Christian Science Monitor, he won the Pulitzer Prize for International Reporting in 1996 for his coverage of the Srebrenica massacre. From July 2002 until December 2004, he was co-chief of The New York Times' South Asia bureau, based in New Delhi, India. He shared a second Pulitzer Prize for Times 2008 team coverage of Afghanistan and Pakistan, While in Afghanistan, Rohde was kidnapped by members of the Taliban in November 2008, but managed to escape in June 2009 after seven months in captivity, “How Obama’s drone war is backfiring”, <http://blogs.reuters.com/david-rohde/2012/03/01/how-obamas-drone-war-is-backfiring/>, March/April issue of Foreign Policy, March 1, 2012)

When Barack Obama took the oath of office three years ago, no one associated the phrase “targeted killing” with his optimistic young presidency. In his inaugural address, the 47-year-old former constitutional law professor uttered the word “terror” only once. Instead, he promised to use technology to “harness the sun and the winds and the soil to fuel our cars and run our factories.” Oddly, technology has enabled Obama to become something few expected: a president who has dramatically expanded the executive branch’s ability to wage high-tech clandestine war. With a determination that has surprised many, Obama has embraced the CIA, expanded its powers and approved more targeted killings than any modern president. Over the last three years, the Obama administration has carried out at least 239 covert drone strikes, more than five times the 44 approved under George W. Bush. And after promising to make counterterrorism operations more transparent and rein in executive power, Obama has arguably done the opposite, maintaining secrecy and expanding presidential authority. Just as importantly, the administration’s excessive use of drone attacks undercuts one of its most laudable policies: a promising new post-9/11 approach to the use of lethal American force, one of multilateralism, transparency and narrow focus. Obama’s willingness to deploy lethal force should have come as no surprise. In a 2002 speech, Illinois State Senator Obama opposed Bush’s impending invasion of Iraq, but not all conflicts. “I don’t oppose all wars,” he said. “What I am opposed to is a dumb war.” And as president, in his December 2009 Nobel Peace Prize acceptance speech, Obama warned, “There will be times when nations — acting individually or in concert — will find the use of force not only necessary but morally justified.” Since then, he has not only sent U.S. forces into Afghanistan, Iraq and Libya, but also repeatedly approved commando raids in Pakistan and Somalia and on the high seas, while presiding over a system that unleashed hundreds of drone strikes. In a series of recent interviews, current and former administration officials outlined what could be called an “Obama doctrine” on the use of force. Obama’s embrace of multilateralism, drone strikes and a light U.S. military presence in Libya, Pakistan and Yemen, they contend, has proved more effective than Bush’s go-heavy approach in Iraq and Afghanistan. “We will use force unilaterally if necessary against direct threats to the United States,” Ben Rhodes, the administration’s deputy national security advisor for strategic communications, told me. “And we’ll use force in a very precise way.” Crises the administration deems indirect threats to the United States — such as the uprisings in Libya and Syria — are “threats to global security,” Rhodes argued, and will be responded to multilaterally and not necessarily by force. The drawdown of U.S. troops in Iraq and Afghanistan, as well as the creation of a smaller, more agile U.S. military spread across Asia, the Pacific and the Middle East, are also part of the doctrine. So is the discreet backing of protesters in Egypt, Iran and Syria. The emerging strategy — which Rhodes touted as “a far more focused approach to our adversaries” — is a welcome shift from the martial policies and bellicose rhetoric of both the Bush administration and today’s Republican presidential candidates. But Obama has granted the CIA far too much leeway in carrying out drone strikes in Pakistan and Yemen. In both countries, the strikes often **appear to be backfiring**. Obama and other administration officials insist the drones are used rarely and kill few civilians. In a rare public comment on the program, the president defended the strikes in late January. “I want to make sure the people understand, actually, drones have not caused a huge number of civilian casualties,” Obama said. “For the most part, they have been very precise precision strikes against al Qaeda and their affiliates. And we are very careful in terms of how it’s been applied.” But from Pakistan to Yemen to post-American Iraq, **drones** often **spark deep resentment** where they operate. When they do attack, they kill as brutally as any weapon of war. The administration’s practice of classifying the **strikes as secret** only **exacerbates** local **anger and suspicion**. Under Obama, drone strikes have become too frequent, too unilateral, and too much associated with the heavy-handed use of American power. In 2008, I saw this firsthand. Two Afghan colleagues and I were kidnapped by the Taliban and held captive in the tribal areas of Pakistan for seven months. From the ground, drones are terrifying weapons that can be heard circling overhead for hours at a time. They are a potent, unnerving symbol of unchecked American power. At the same time, they were clearly effective, killing foreign bomb-makers and preventing Taliban fighters from gathering in large groups. The experience left me convinced that drone strikes should be carried out — but very selectively. In the January interview, Obama insisted drone strikes were used only surgically. “It is important for everybody to understand,” he said, “that this thing is kept on a very tight leash.” Drones, though, are in no way surgical. In interviews, current and former Obama administration officials told me the president and his senior aides had been eager from the outset to differentiate their approach in Pakistan and Afghanistan from Bush’s. Unlike in Iraq, where Democrats thought the Bush administration had been too aggressive, they thought the Bush White House had not been assertive enough with Afghan and Pakistani leaders. So the new administration adopted a unilateral, get-tough approach in South Asia that would eventually spread elsewhere. As candidate Obama vowed in a 2007 speech, referring to Pakistan’s president at the time, “If we have actionable intelligence about high-value terrorist targets and President Musharraf won’t act, we will.” In his first year in office, Obama approved two large troop surges in Afghanistan and a vast expansion of the number of CIA operatives in Pakistan. The CIA was also given more leeway in carrying out drone strikes in the country’s ungoverned tribal areas, where foreign and local militants plot attacks for Afghanistan, Pakistan and beyond. The decision reflected both Obama’s belief in the need to move aggressively in Pakistan and the influence of the CIA in the new administration. To a far greater extent than the Bush White House, Obama and his top aides relied on the CIA for its analysis of Pakistan, according to current and former senior administration officials. As a result, preserving the agency’s ability to carry out counterterrorism, or “CT,” operations in Pakistan became of paramount importance. “The most important thing when it came to Pakistan was to be able to carry out drone strikes and nothing else,” said a former official who spoke on condition of anonymity. “The so-called strategic focus of the bilateral relationship was there solely to serve the CT approach.” Initially, the CIA was right. Increased drone strikes in the tribal areas eliminated senior al Qaeda operatives in 2009. Then, in July 2010, Pakistanis working for the CIA pulled up behind a white Suzuki navigating the bustling streets of Peshawar. The car’s driver was later tracked to a large compound in the city of Abbottabad. On May 2, 2011, U.S. commandos killed Osama bin Laden there. The U.S. intelligence presence, though, extended far beyond the hunt for bin Laden, according to former administration officials. At one point, the CIA tried to deploy hundreds of operatives across Pakistan but backed off after suspicious Pakistani officials declined to issue them visas. At the same time, the agency aggressively used the freer hand Obama had given it to launch more drone strikes than ever before. Established by the Bush administration and Musharraf in 2004, the covert CIA drone program initially carried out only “personality” strikes against a preapproved list of senior al Qaeda members. Pakistani officials were notified before many, but not all, attacks. Between 2004 and 2007, nine such attacks were carried out in Pakistan, according to the New America Foundation. In 2008, the Bush administration authorized less-restrictive **“signature” strikes** in the tribal areas. Instead of basing attacks on intelligence regarding a specific person, CIA drone operators could carry out strikes based on the behavior of people on the ground. Operators could launch a drone strike if they saw a group, for example, crossing back and forth over the Afghanistan-Pakistan border. In 2008, the Bush administration carried out 33 strikes. Under Obama, the drone campaign has escalated rapidly. The number of strikes rose steeply to 53 in 2009 and then more than doubled to 118 in 2010. Former administration officials said **the looser rules resulted in the killing of more civilians**. Current administration officials insisted that Obama, in fact, tightened the rules on the use of drone strikes after taking office. They said strikes rose under Obama because improved technology and intelligence gathering created more opportunities for attacks than existed under Bush. But as Pakistani public anger over the spiraling strikes grew, other diplomats expressed concern as well. The U.S. ambassador in Pakistan at the time, Anne Patterson, opposed several attacks, but the CIA ignored her objections. When Cameron Munter replaced Patterson in October 2010, he objected even more vigorously. On at least two occasions, CIA Director Leon Panetta dismissed Munter’s protests and launched strikes, the Wall Street Journal later reported. One strike occurred only hours after Sen. John Kerry, head of the Senate Foreign Relations Committee, had completed a visit to Islamabad. A March 2011 strike brought the debate to the White House. A day after Pakistani officials agreed to release CIA contractor Raymond Davis, the agency — again over Munter’s objections — carried out a signature drone strike that the Pakistanis say killed four Taliban fighters and 38 civilians. Already angry about the Davis case, Pakistan’s Army chief, Gen. Ashfaq Parvez Kayani, issued an unusual public statement, saying a group of tribal elders had been “carelessly and callously targeted with complete disregard to human life.” U.S. intelligence officials dismissed the Pakistani complaints and insisted 20 militants had perished. “There’s every indication that this was a group of terrorists, not a charity car wash in the Pakistani hinterlands,” one official told the Associated Press. Surprised by the vehemence of the official Pakistani reaction, National Security Adviser Tom Donilon questioned whether signature strikes were worthwhile. Critics inside and outside the U.S. government contended that a program that began as a carefully focused effort to kill senior al Qaeda leaders had morphed into a bombing campaign against low-level Taliban fighters. Some outside analysts even argued that the administration had adopted a de facto “kill not capture” policy, given its inability to close Bush’s Guantánamo Bay prison and create a new detention system. In April 2011, the director of Pakistan’s intelligence service, Lt. Gen. Ahmed Shuja Pasha, visited Washington in an effort to repair the relationship, according to news accounts and former administration officials. Just after his visit, two more drone strikes occurred in the tribal areas, which Pasha took as a personal affront. In a rare concession, Panetta agreed to notify Pakistan’s intelligence service before the United States carried out any strike that could kill more than 20 people. In May, after the bin Laden raid sparked further anger among Pakistani officials, Donilon launched an internal review of how drone strikes were approved, according to a former administration official. But the strikes continued. At the end of May, State Department officials were angered when three missile strikes followed Secretary of State Hillary Clinton’s visit to Pakistan. As Donilon’s review progressed, an intense debate erupted inside the administration over the signature strikes, according to the Wall Street Journal. Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, said the strikes should be more selective. Robert Gates, then the defense secretary, warned that angry Pakistani officials could cut off supplies to U.S. troops in Afghanistan. Clinton warned that too many **civilian casualties** could **strengthen opposition to Pakistan’s weak**, pro-American **president**, Asif Ali Zardari. The CIA countered that Taliban fighters were legitimate targets because they carried out cross-border attacks on U.S. forces, according to the former official. In June, Obama sided with the CIA. Panetta conceded that no drone strike would be carried out when Pakistani officials visited Washington and that Clinton and Munter could object to proposed strikes. But Obama allowed the CIA director to retain final say. Last November, the worst-case scenario that Mullen, Gates and Clinton had warned of came to pass. After NATO airstrikes mistakenly killed 24 Pakistani soldiers on the Afghanistan-Pakistan border, Kayani [army chief general] demanded an end to all U.S. drone strikes and blocked supplies to U.S. troops in Afghanistan. At the same time, popular opposition to Zardari soared. After a nearly two-month lull that allowed militants to regroup, drone strikes resumed in the tribal areas this past January. But signature strikes are no longer allowed — for the time being, according to the former senior official. Among average Pakistanis, the strikes played out disastrously. In a 2011 Pew Research Center poll, 97 percent of Pakistani respondents who knew about the attacks said American drone strikes were a “bad thing.” Seventy-three percent of Pakistanis had an unfavorable view of the United States, a 10-percentage-point rise from 2008. Administration officials say the strikes are popular with Pakistanis who live in the tribal areas and have tired of brutal jihadi rule. And they contend that Pakistani government officials — while publicly criticizing the attacks — agree in private that they help combat militancy. Making the strikes more transparent could reduce public anger in other parts of Pakistan, U.S. officials concede. But they say some elements of the Pakistani government continue to request that the strikes remain covert. For me, the bottom line is that both governments’ approaches are failing. Pakistan’s economy is dismal. Its military continues to shelter Taliban fighters it sees as proxies to thwart Indian encroachment in Afghanistan. And the percentage of Pakistanis supporting the use of the Pakistani Army to fight extremists in the tribal areas — the key to eradicating militancy — dropped from a 53 percent majority in 2009 to 37 percent last year. **Pakistan is more unstable today than it was when Obama took office**. A similar dynamic is creating even worse results on the southern tip of the Arabian Peninsula. Long ignored by the United States, Yemen drew sudden attention after a suicide attack on the USS Cole killed 17 American sailors in the port of Aden in 2000. In 2002, the Bush administration carried out a single drone strike in Yemen that killed Abu Ali al-Harithi, an al Qaeda operative who was a key figure in orchestrating the Cole attack. In the years that followed, the administration shifted its attentions to Iraq, and militants began to regroup. A failed December 2009 attempt by a militant trained in Yemen to detonate a bomb on a Detroit-bound airliner focused Obama’s attention on the country. Over the next two years, the United States carried out an estimated 20 airstrikes in Yemen, most in 2011. In addition to killing al Qaeda-linked militants, the strikes killed dozens of civilians, according to Yemenis. Instead of decimating the organization, the Obama strikes have increased the ranks of al Qaeda in the Arabian Peninsula from 300 fighters in 2009 to more than 1,000 today, according to Gregory Johnsen, a leading Yemen expert at Princeton University. In January, the group briefly seized control of Radda, a town only 100 miles from the capital, Sanaa. “I don’t believe that the U.S. has a Yemen policy,” Johnsen told me. “What the U.S. has is a counterterrorism strategy that it applies to Yemen.” The deaths of bin Laden and many of his lieutenants are a step forward, but Pakistan and Yemen are increasingly unstable. Pakistan is a nuclear-armed country of 180 million with resilient militant networks; Yemen, an impoverished, failing state that is fast becoming a new al Qaeda stronghold. “They think they’ve won because of this approach,” the former administration official said, referring to the administration’s drone-heavy strategy. “A lot of us think there is going to be a lot bigger problems in the future.” The backlash from drone strikes in the countries where they are happening is not the only worry. In the United States, civil liberties and human rights groups are increasingly concerned with the breadth of powers Obama has claimed for the executive branch as he wages a new kind of war. In the Libya conflict, the administration invoked the drones to create a new legal precedent. Under the War Powers Resolution, the president must receive congressional authorization for military operations within 60 days. When the deadline approached in May, the administration announced that because NATO strikes and drones were carrying out the bulk of the missions, no serious threat of U.S. casualties existed and no congressional authorization was needed. “It’s changed the way politicians talk about what should be the most important thing that a nation engages in,” said Peter W. Singer, a Brookings Institution researcher. “It’s changed the way we in the public deliberate war.” Last fall, a series of drone strikes in Yemen set **another dangerous precedent**, according to civil liberties and human rights groups. Without any public legal proceeding, the U.S. government executed three of its own citizens. On Sept. 30, a drone strike killed Anwar al-Awlaki, a charismatic American-born cleric of Yemeni descent credited with inspiring terrorist attacks around the world. Samir Khan, a Pakistani-American jihadist traveling with him, was killed as well. Several weeks later, another strike killed Awlaki’s 16-year-old son, Abdulrahman al-Awlaki, also a U.S. citizen. Administration officials insisted a Justice Department review had authorized the killings but declined to release the full document. “The administration has claimed the power to carry out extrajudicial executions of Americans on the basis of evidence that is secret and is never seen by anyone,” said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. “It’s hard to understand how that is consistent with the Constitution.” After criticizing the Bush administration for keeping the details of its surveillance, interrogation and detention practices secret, Obama is doing the same thing. His administration has declined to reveal the details of how it places people on kill lists, carries out eavesdropping in the United States or decides whom to detain overseas. The administration is also prosecuting six former government officials on charges of leaking classified information to the media — more cases than all other administrations combined. Administration officials deny being secretive and insist they have disclosed more information about their counterterrorism practices than the Bush administration, which fiercely resisted releasing details of its “war on terror” and established the covert drone program in Pakistan. Obama administration officials say they have established a more transparent and flexible approach outside Pakistan that involves military raids, drone strikes and other efforts. They told me that every attack in Yemen was approved by Yemeni officials. Eventually, they hope to make drone strikes joint efforts carried out openly with local governments. For now, keeping them covert prevents American courts from reviewing their constitutionality, according to Jaffer. He pointed out that if a Republican president followed such policies, the outcry on the left would be deafening. “You have to remember that this authority is going to be used by the next administration and the next administration after that,” Jaffer said. “You need to make sure there are clear limits on what is really unparalleled power.” To their credit, Obama and his senior officials have successfully reframed Bush’s global battle as a more narrowly focused struggle against al Qaeda. They stopped using the term “war on terror” and instead described a campaign against a single, clearly identifiable group. Senior administration officials cite the toppling of Muammar al-Qaddafi as the prime example of the success of their more focused, multilateral approach to the use of force. At a cost of zero American lives and $1 billion in U.S. funding, the Libya intervention removed an autocrat from power in five months. The occupation of Iraq claimed 4,484 American lives, cost at least $700 billion, and lasted nearly nine years. “The light U.S. footprint had benefits beyond less U.S. lives and resources,” Rhodes told me. “We believe the Libyan revolution is viewed as more legitimate. The U.S. is more welcome. And there is less potential for an insurgency because there aren’t foreign forces present.” In its most ambitious proposal, the administration is also trying to restructure the U.S. military, implement steep spending cuts and “right-size” U.S. forces around the world. Under Obama’s plan, the Army would be trimmed by 80,000 soldiers, some U.S. units would be shifted from the Middle East to the Pacific, and more small, covert bases would be opened. Special Forces units that have been vastly expanded in Iraq and Afghanistan would train indigenous forces and carry out counterterrorism raids. Declaring al Qaeda nearly defeated, administration officials say it is time for a new focus. “Where does the U.S. have a greater interest in 2020?” Rhodes asked. “Is it Asia-Pacific or Yemen? Obviously, the Asia-Pacific region is clearly going to be more important.” Rhodes has a point, but Pakistan and its nuclear weapons — as well as Yemen and its proximity to vital oil reserves and sea lanes — are likely to haunt the United States for years. Retired military officials warn that drones and commando raids are no substitute for the difficult process of helping local leaders marginalize militants. Missile strikes that kill members of al Qaeda and its affiliates in Pakistan and Yemen do not strengthen economies, curb corruption or improve government services. David Barno, a retired lieutenant general who commanded U.S. forces in Afghanistan from 2003 to 2005, believes hunting down senior terrorists over and over again is not a long-term solution. “How do you get beyond this attrition warfare?” he asked me. “I don’t think we’ve answered that question yet.”

**Pakistan collapse causes nuclear war**

Pitt ‘9 (William, a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn't Want You to Know" and "The Greatest Sedition Is Silence.", “Unstable Pakistan Threatens the World,” <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183>, May 8, 2009)

But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world. The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and use d artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely serious about addressing the situation. So should we all.

**And Pakistan nukes are not secure**

Gregory ’11 (Shaun, Director of the Pakistan Security Research Unit at the University of Bradford, UK, a professor who published widely on nuclear and security issues in Pakistan and advises many governments, their agencies, and international organizations, “Terrorist Tactics in Pakistan Threaten Nuclear Weapons Safety,” CTC Sentinel, Vol. 4.6, <http://kms1.isn.ethz.ch/serviceengine/Files/ISN/131002/ichaptersection_singledocument/aa282522-4971-4513-a7ca-ec3afcd259be/en/Art+2.pdf>, accessed 10-26-11, June 2011)

Two high-profile attacks by terrorists on highly secure military bases in Pakistan, the first on the General Headquarters of the Pakistan Army in Rawalpindi in October 2009 and the second on the naval aviation base at PNS Mehran near Karachi in May 2011, have renewed international anxiety about the safety and security of Pakistan’s nuclear arsenal. This article addresses several worrying trends in Pakistan that are coming together to suggest that the safety and security of nuclear weapons materials in Pakistan may very well be compromised at some point in the future. The Growing Challenge of Securing Pakistan’s Nuclear Arsenal In recent months, a variety of media sources have reported a significant escalation of nuclear weapons production by Pakistan. According to some of these sources, Pakistan has been building between 12 and 15 nuclear weapons a year, effectively doubling the size of its nuclear arsenal during the past three to four years to around 100 nuclear weapons.1 More disconcerting, Pakistan is engaged in a rapid expansion of its fissile material production through two new reactors, the Khushab II, thought to be operating in some form since 2009, and Khushab III, which has been under construction since 2005-2006 and is likely to come on-stream around 2013- 2014. There is further evidence from the respected Washington-based Institute for Science and International Security that a fourth Khushab reactor may also be under early phase construction.2 Intended primarily to offset rival India’s conventional military advantage, the open-ended escalation of Pakistan’s nuclear weapons production explains why Pakistan has led the opposition to the international Fissile Material Cut-Off Treaty (FMCT), a treaty which would cap fissile material stockpiles. Aside from the intricate politics of international arms control, the steady rise in the size of Pakistan’s nuclear arsenal presents the rather more prosaic, though arguably more serious, challenge of ensuring the physical security of an ever increasing number of nuclear assets. This is not a simple matter. Safeguarding 100 weapons is a significantly greater challenge than safeguarding 50 weapons because strategic and operational realities require that those weapons are dispersed and that dispersal locations are adapted to the complex requirements of safely and securely storing nuclear weapons in various degrees of operational readiness.3 As Pakistan’s nuclear arsenal grows in the years ahead, these challenges will multiply. As many as 70,000 people in Pakistan reportedly have access to, or knowledge of, some element of the Pakistani nuclear weapons production, storage, maintenance, and deployment cycle, from those involved in the manufacture of fissile material, through those engaging in nuclear weapons design, assembly and maintenance, to those who transport and safeguard the weapons in storage and would deploy the weapons in crises.4 That number will also rise steadily as the size of the nuclear arsenal grows. This figure is important because of the complex and highly polarized debates about nuclear weapons safety and security in Pakistan. All sides of that debate agree that Pakistan has, with considerable U.S. assistance, put in place a range of robust measures to seek to assure the safety and security of its nuclear weapons. The consensus breaks down, however, on the issue of whether these measures provide adequate safety and security for Pakistan’s nuclear arsenal. The Pakistan Army, which has overall control of the weapons, and Pakistan’s government argue forcefully that they do, although even they have recently moderated their statements of reassurance.5 Critics point to a number of vulnerabilities that place these reassurances in some doubt. These vulnerabilities boil down to three core concerns: a) that the physical security of nuclear weapons—across the weapons cycle—may not be robust enough to withstand determined terrorist assault; b) that among the estimated 70,000 people with access to the nuclear weapons cycle, some may be willing to collude in various ways with terrorists;6 c) that the threat extends beyond terrorists gaining access to complete and viable nuclear weapons, and include the immense political and security implications of terrorists gaining access to fissile material, nuclear weapons components, or penetrating nuclear weapons facilities. A July 2009 article in the CTC Sentinel explained in detail the robust measures Pakistan has established to assure the safety and security of its nuclear weapons. It argued that terrorists have shown themselves able to carry out violent attacks at facilities that were reliably identified as having a nuclear weapons role. These facilities include the military complex at Wah, suspected to be involved in the manufacture of nuclear weapons parts; Kamra, suspected to be the designated base for the dispersal of nuclear assets in a crisis; and Sargodha, suspected to be a storage facility for nuclear delivery systems.7 In none of these cases, however, were the terrorist attacks themselves aimed at penetrating the bases or at seizing nuclear assets; rather, they were mass casualty bomb attacks that took advantage of the fact that Pakistani security personnel were concentrated and relatively static at base entry points as they waited to go through security barriers.8 Some analysts criticized the article, arguing that: a) terrorists in Pakistan had never shown themselves capable of penetrating high security bases; b) that the secrecy of Pakistan’s nuclear weapons sites would ensure that terrorists could not know the locations of the weapons. Within a few months, the validity of both these counterarguments would be seriously undermined when Pakistani militants penetrated the Pakistan Army’s General Headquarters (GHQ) in Rawalpindi. The Attack on Pakistan’s Army Headquarters On October 10, 2009, Tehrik-i-Taliban Pakistan (TTP) and Lashkar-i-Jhangvi militants staged an audacious attack on the Pakistan Army’s GHQ in Rawalpindi, arguably one of the most secure military complexes in Pakistan, housing within its sprawling campus not only the chief of army staff, but also many of Pakistan’s most senior military commanders, including the director-general of the Strategic Plans Division (SPD) and the director-general of Strategic Forces Command (SFC)— Pakistan’s two most senior operational nuclear commanders. The modalities of this attack add up to a virtual blueprint for a successful attack on a nuclear weapons facility: - the penetration of layers of security checkpoints, barriers, and obstacles on the approach to the sensitive military site; - the terrorist use of army uniforms and—according to some reports—a military vehicle with appropriate license plates, and forged ID cards, to deceive checkpoint personnel; - the use of a safe house relatively close to the target site for several weeks before the operation to allow the buildup of a detailed intelligence picture; - the use of a “sensitive” map (or maps) of the GHQ to allow detailed operational planning. The use of this map (or maps) point to one of two main possibilities: either that the attack had inside help, or that this kind of sensitive information is poorly controlled by the Pakistan Army/ISI; - use of the kind of weaponry—smallarms, grenades and suicide vests— which allow final tier barrier defenses to be penetrated; - use of tactics that allow final tier barriers to be penetrated: grenades and/ or suicide detonations at entry points which then allow penetration by followup commando-style groups; - use of diversionary tactics: attacking one gate first to draw off and weaken the defenses at a secondary entry point, perhaps closer to the main objective.9 In all, at least 10 terrorists were involved in the operation, with four attacking the first gate, and a further six attacking the second gate. The terrorists gained entry to the complex where they took at least 40 people hostage. It took the Pakistan Army’s elite commandos, the Special Service Group (SSG), more than 20 hours to kill or capture all of the militants and free most of the hostages. Two civilians, seven Pakistani soldiers and five SSG commandos were killed in the raid. In the months that followed the assault, several other disturbing aspects about the attack emerged. Among these was the assertion that intelligence about the attacks had been known to Pakistan’s Punjab government well before October 10 and that this intelligence had even been published in two Pakistani newspapers, The News International and The Daily Jhang, four days before the attack, but had been ignored by the Pakistan Army and ISI.10 It also emerged that the terrorists had, ironically, almost certainly learned their tactics from the SSG, which had trained earlier generations of Pakistani/Kashmiri militants in similar tactics for operations against India. In addition, there was a concerted effort by the Pakistan Army and ISI to manipulate the media reporting of the attacks, forcing several private TV channels temporarily off the air, contradicting or retracting certain details, and seeking to play down the significance of the assault.11 The second set of features of the attack relate to secrecy, and they weaken the argument that Pakistan can ultimately rely on concealment to protect its nuclear assets. The use of “sensitive” maps in the attack, the time and proximity to conduct intelligence gathering, the level of knowledge of details such as uniforms, military plates, and possibly ID cards, point to a high level of terrorist knowledge of sensitive military information and protocols, whether through insider help or not. Furthermore, detailed knowledge of Pakistan’s security force movements and modus operandi has been a consistent feature of terrorist actions in Pakistan for many years, from the repeated assassination attempts against former President Pervez Musharraf, at least one of which included the insider involvement of Pakistani military officers,12 through the targeting of the ISI headquarters and vehicles,13 to the murders of senior military figures.14 Pakistan’s Nuclear Security at Risk In this context, given that nuclear weapons and delivery systems demand construction and other visible physical necessities (such as road widening, unusual levels of security, and bunker construction), and given that the growth of the Pakistani nuclear arsenal will significantly expand the construction of nuclear weapons infrastructure and the number of individuals with nuclearrelated roles, it is simply not possible that the location of all of Pakistan’s nuclear weapons can remain unknown to terrorists in perpetuity.15 As evidence of this, on August 28, 2009, the U.S. Federation of American Scientists published the first open source satellite imagery of a suspected Pakistani nuclear weapons storage facility near Masroor airbase outside Karachi.16 Within its perimeter walls, the satellite image shows three potential storage bunkers linked by looping roads.17 The fact that this image is available online, and that the unusual configuration of the base is clear, argues strongly that knowledge of the location of at least some nuclear weapons storage and other related facilities has reached terrorists in Pakistan. As the number of nuclear weapons facilities grows, and the number of those with access to nuclear weapons or related components rises, the complex challenge of assuring the security of nuclear weapons and nuclear weapons components will become ever more difficult. Terrorist groups have now shown themselves capable of penetrating even the most securely defended of Pakistan’s military bases and of holding space within those bases for many hours even against the elite SSG, more than enough time with the right equipment and sufficient numbers to carry out terrorist acts with enormous political or destructive pay-off, from video broadcasts with the attention of the world’s media, through potentially destroying by explosions nuclear weapons or materials and the creation of a radiological hazard, to the possibility of the theft of nuclear weapons components or materials for subsequent terrorist use. Indeed, on May 22-23, 2011, only about 15 miles from the suspected nuclear weapons storage facility near Masroor, a major terrorist attack targeted the naval aviation base at PNS Mehran in Karachi. Early reports suggest that between six and ten terrorists stormed the high security base from several entry points, that they had knowledge of the location of intruder detection cameras that they were able to bypass, and that they penetrated deep inside the base before using rocket-propelled grenades, explosives and small-arms to destroy several aircraft and take hostages. It took the base security and additional Pakistan Army rangers and commandos more than 18 hours to end the siege. At least 13 people were killed. A frontal assault of this kind on nuclear weapons storage facilities, which are the most robustly defended elements of Pakistan’s nuclear weapons cycle, is no longer an implausible event. The successful location and penetration of such a site by terrorists, even if they were ultimately unsuccessful in accessing nuclear assets, would itself be a transformative event both in terms of the U.S.-Pakistani nuclear relationship and in terms of international anxiety about the security of Pakistan’s nuclear weapons. Such an assault would also critically undermine Pakistan’s reassurances about the security of nuclear weapons elsewhere in the weapons cycle, particularly in transit. As the number of Pakistani nuclear weapons inexorably continues to rise, and as the nuclear weapons security challenges thereby steadily multiply, the odds that Pakistan’s nuclear weapons security will eventually be compromised continue to rise.

**Instability in Yemen collapses global trade lanes**

Yuriditsky ’11 (Associate of the Institute for Gulf Affairs (Lev, “Yemen's Chaos - August 2011,” <http://yuriditsky.blogspot.com/2011/09/yemens-chaos-august-2011.html>, August 28, 2011)

Towards the end of July, the leader of AQAP, Nasir al Wuhayshi, pledged allegiance to Bin Laden’s successor, Ayman al Zawahiri. Wuhayshi vowed to fight until Sharia law is imposed across the globe and that he and the AQAP fighters under his order will “fight the enemies without leniency or surrender until Islam rules.” Wuhayshi’s pledge of allegiance came just a month after Al Shabaab, the Al Qaeda-linked organization in Somalia gave the same oath. The two groups, separated by the strategic Gulf of Aden and the Bab al-Mandab straight, through which millions of barrels of oil and other goods are shipped daily between Asia, Europe and the Americas, make instability in Yemen a tremendous risk to global trade. The groups have cooperated with each other in the past and together can prove to be one of the most deadly terrorist organizations in history. With Al Shabaab’s strong presence in Somalia, all it takes is Al Qaeda strengthening just slightly and the groups will control the horn of Africa, the southwestern peninsula, and the strategic Gulf of Aden. The alliance between Al Shabaab and Al Qaeda is of special significance to the U.S. Al Shabaab has a proven ability to recruit from the U.S. Somali-American population. During a hearing on Muslim radicalization, chair of the House Homeland Security Committee, Peter King discussed Al Shabaab’s “large cadre of American Jihadis” and the groups growing threat in the U.S. He went on to say that AQAP’s resources, such as arms and training (Yemen is the most heavily armed country in the world) with Al Shabaab’s reach can make for a particularly challenging situation.

**Collapse of trade causes war**

Panzner ‘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”, Revised and Updated Edition, p. 136-138, googlebooks)

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, maylook 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.

**The plan is key to a new successful Counterterrorism strategy-**

**1) Host Country-**

**Ending drones key to host country cooperation**

Streeter ’13 (Devin C. Streeter, Helms School Of Government, Liberty University “Boko Haram, Drone Policy, And Port Security: Issues For Congress”, [http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure](http://www.academia.edu/3523639/U.S._Drone_Policy_Tactical_Success_and_Strategic_Failure)shaw), April 19, 2013)

A new set of drone operating procedures would help to **repair international relations** and decrease civilian casualties. Furthermore, nations like Yemen, Somalia, and others, will not feel threatened and will **readily accept U.S. assistance in counterterrorism efforts**.¶ 78¶ Cooperation with affected nations will ensure that their sovereignty is not violated¶ 79¶ and the use of human intelligence programs will reduce civilian casualties, thus resulting in a sanitary, **more effective drone operation**.¶ 80¶ While the U.S. drone program has many noteworthy tactical successes, it simultaneously has suffered various strategic failures. Collateral damage has directly strained our relations with Pakistan, and indirectly stressed our relations with Europe, Asia, and South America. However, by increasing joint cooperation and decreasing civilian casualties, the **harms** inflicted on international relations **can be reconciled**. If this new system is implemented, not only will United States policy makers see the radical decrease of innocent deaths, but they will also see a decrease in terrorism and the terrorist recruiting pool.¶ 81¶ Confronting this issue and establishing a new set of standard operating procedures should be on the forefront of every elected official’s agenda, for the purpose of improving foreign policy and repairing international relations.

**Host country cooperation key**

Cordesman ’13 (Anthony Cordesman, Arleigh A. Burke Chair in Strategy at CSIS, “The Common Lessons of Benghazi, Algeria, Mali, Tunisia, Egypt, Syria, Iraq, Yemen, Afghanistan, Pakistan, and the Arab Spring”, <http://csis.org/publication/common-lessons-benghazi-algeria-mali-tunisia-egypt-syria-iraq-yemen-afghanistan-pakistan>, January 28, 2013)

Working with Regional and Host Country Partners The third lesson is that in most cases the United States will find that **the key partner will** not be a European ally but either a regional partner or **the host country itself**. The internal dynamics of the host country that will determine what real world opportunities exist at what mix of costs and benefits. If the host country lacks the willingness and absorption capability to use U.S. and allied aid, the default setting should be containment not intervention. It is a grim reality that regardless of the humanitarian cost, there is little point in trying to help countries that cannot help themselves and creating a culture of dependence that shifts that responsibility to the United States or some outside power. More broadly, the United States should learn that it needs to work through local governments on their terms and rely on local allies that share a common religion and value system with the host or target country. This is particularly true because much of the reason for the rebirth of religious values throughout the Islamic world has come from the failure of secular governance. U.S. strengths consist of helping nations and nonstate actors deal with secular problems and needs, but the United States will always face major obstacles when it comes to dealing with Islam and different cultural values. This is why allies like the southern Gulf states, Arab states, Turkey and other states with largely Islamic populations will be key partners at both the regional and national level. They can act in ways the United States and other outside powers cannot. They do not bring the burden of western secularism, ties to Israel, or the history of European colonialism to a given problem. They also do not bring the baggage of intervention in Iraq and Afghanistan or the war on terrorism. Moreover, **such partnerships are necessary** because the United States must also work with its regional allies to help them to maintain or achieve their own internal stability and to limit the risk of the political upheavals that are underway in so many states. Patient diplomatic and advisory **efforts** to help allied and friendly countries **make their own reforms in** areas like **economics and governance will be key sources of stability** and evolutionary change. So will assistance in creating effective counterterrorism forces and internal security efforts, as will support to regional security structures like the Gulf Cooperation Council.

**2) The plan shifts the CIA to focus to intel – solves better**

Anderson ’13 (Kenneth Anderson, Professor of law at Washington College of Law, American University; a visiting fellow of the Hoover Institution and member of its Task Force on National Security and Law; and a non-resident senior fellow of the Brookings Institution. He writes on international law, the laws of war, and national security, and his most recent book is "Living with the UN: American Responsibilities and International Order.", “Taking the CIA Out of Drone Strikes? The Obama Administration’s Yemen Experience”, <http://www.lawfareblog.com/2013/05/taking-the-cia-out-of-drone-strikes-the-obama-administrations-yemen-experience/>, May 28, 2013)

Washington Post national security reporter Greg Miller has an excellent story in Sunday’s paper on the operational role of the CIA in drone warfare. Back at the time of the Brennan confirmation hearings, and even before, there had been discussion that the CIA would be pulled – even if only gradually – out of drone warfare and this form of using lethal force would be turned over the military. The CIA would re-focus itself on intelligence gathering and analysis, which many commentators inside and outside government said had taken a backseat to operational roles. Brennan himself urged this re-configuring of CIA priorities – including a shift away from counterterrorism to re-emphasize other intelligence missions; and the administration has said similar things in recent weeks. Focusing on drone warfare in Yemen, however, Miller’s report suggests this is easier said than done – whether in Yemen (or, it might be added, in Pakistan). A fundamental reason seems to be something noted many times here at Lawfare – the firing of a missile from a drone is the last kinetic step in a long chain of intelligence-gathering that includes surveillance over time from drones, signals intelligence and, crucially, on-ground human intelligence networks that give the US reason to be focusing on certain people as possible targets. Whether in Pakistan or Yemen, the effectiveness of drone warfare has been a function of the quality of the front-end intelligence that finally might lead to a strike. The drone’s contribution to the intelligence is far from being entirely tactical, of course – the drone’s surveillance has far more utility than just the preparation of a strike and that surveillance is crucial for reducing collateral harm from the strike itself. But drones are not quite so useful if one has no prior idea who one is searching for or where he might be or even why him – and much of this intelligence is gathered at the front end of the process in reliance on human intelligence networks. Although in principle the functions of intelligence gathering at the front end might be separated out from the intelligence involved in the preparation of a strike and from the actual strike itself, with the CIA engaged in the intelligence side and the military serving as the trigger pullers, the experience in Yemen raises some cautions about how easy it is to create this division of labor.

**3) Over-reliance on drones causes failed policy**

Schwartz ’13 (Bernard L. Schwartz, Senior Fellow New America Foundation, Professor of Law, Georgetown University Law Center, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights”, April 23, 2013)

3. The true costs of current US drone policy When we come to rely excessively on drone strikes as a counterterrorism tool, this has potential costs of its own. Drones strikes enable a "short-term fix" approach to counterterrorism, one that relies excessively on eliminating specific individuals deemed to be a threat, without much discussion of whether this strategy is likely to produce long-term security gains. Most counter-terrorism experts agree that in the long-term, terrorist organizations are rarely defeated militarily. Instead, terrorist groups fade away when they lose the support of the populations within which they work. They die out when their ideological underpinnings come undone – when new recruits stop appearing—when the communities in which they work stop providing active or passive forms of assistance—when local leaders speak out against them and residents report their activities and identities to the authorities. A comprehensive counterterrorist strategy recognizes this, and therefore relies heavily on activities intended to undermine terrorist credibility within populations, as well as on activities designed to disrupt terrorist communications and financing. Much of the time, these are the traditional tools of intelligence and law enforcement. Kinetic force undeniably has a role to play in counterterrorism in certain circumstances, but it is rarely a magic bullet. In addition, overreliance on kinetic tools at the expense of other approaches can be dangerous. Drone strikes -- lawful or not, justifiable or not – can have the unintended consequence of increasing both regional instability and anti-American sentiment. Drone strikes sow fear among the "guilty" and the innocent alike, 24 and the use of drones in Pakistan and Yemen has increasingly been met with both popular and diplomatic protests. Indeed, drone strikes are increasingly causing dismay and concern within the US population. As the Obama administration increases its reliance on drone strikes as the counterterrorism tool of choice, it is hard not to wonder whether we have begun to trade tactical gains for strategic losses. What impact will US drone strikes ultimately have on the stability of Pakistan, Yemen, or Somalia? 25 To what degree -- especially as we reach further and further down the terrorist food chain, killing small fish who may be motivated less by ideology than economic desperation -- are we actually creating new grievances within the local population – or even within diaspora populations here in the United States? 26 As Defense Secretary Donald Rumsfeld asked during the Iraq war, are we creating terrorists faster than we kill them? 27 At the moment, there is little evidence that US drone policy – or individual drone strikes—result from a comprehensive assessment of strategic costs and benefits, as opposed to a shortsighted determination to strike targets of opportunity, regardless of long-term impact. As a military acquaintance of mine memorably put it, drone strikes remain “a tactic in search of a strategy.”

**4) International and Alliance Blowback**

Streeter ‘13 (Devin C, Director of Activities, Public Relations, and Recruitment at Liberty University Strategic Intelligence Society, “US Drone Policy: Tactical Success and Strategic Failure,” [http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure, April 19](http://www.academia.edu/3523639/U.S._Drone_Policy_Tactical_Success_and_Strategic_Failure,%20April%2019), 2013)

The first category of nations, while not targeted by drone strikes, is intimidated by their capabilities. India, Iran, Pakistan, Russia, Japan, South Korea, and over 40 other nations have announced intentions to acquire drones. 27 The main producers of unmanned aerial vehicles are the United States, Israel, and China. 28 The United States, while the leader in drone use and production 29 , must deal with “American export controls.” 30 Israel, however, has fewer restrictions, considering China’s acquisition of drone technology by buying an “anti-radar attack drone” 31 from the small nation. China in turn has offered to sell lower grade drones to the international community. 32 It is unlikely that drone technology will go unshared for long. 33 In essence, the United States has sparked a miniature arms race and has intimidated nations with the threat of a new, superior technology. Governments that have begun pursuing their own UAV programs have shown a notable bitterness to the United States for its unchecked use of drones. 34 Nations such as China, Japan, Russia, and Brazil all disapprove of United States drone policies by over 30 percentage points. 35 To them, the United States seems heavy handed and brutish; holding back technology while indiscriminately using it against our enemies. The lack of consideration and cooperation is a negative influence on world leaders. At the same time, other nations feel that drones violate their airspace and are used without approval from the international community. 36 The majority of these nations fall within the boundaries of the European Union, and while their disapproval is not as notable as the first group, it often reaches the double digits rate. 37 Germany, Great Britain, Poland, and other European Union members do not understand the ‘fire from the hip’ mentality of drone strikes. 38 The European Council on Foreign Relations noted “it [United States] seems to interpret the concept of imminence in a rather more permissive way than most Europeans would be comfortable with.” 39 The European Union fully supports drones in combat support and reconnaissance roles, but has issues with the concept of targeted killings, which often result in collateral damage. 40 European leaders desire an international consensus on how drones should be operated, before more civilians become casualties. 41 The European Council on Foreign Relations further notes: The Obama administration has so far chosen to operate by analogy with inter-state war, but in an era marked by the individualization of conflict, this seems like an outdated approach. 42 Europe does not share the mentality of drone strikes with "acceptable" collateral damage and apolicy that is not accountable to the international community. As a result, relations with Europe have reached a critical point. 43 European nations, alienated by the Obama administration’s progressive dialogue but aggressive drone policy, 44 are ready to try and take the lead in international relations. 45 Germany in particular will be a key nation as it increases in prominence among European states. 46 Hans Kundnani, a well-known journalist and political pundit, notes, “Obama is extremely popular in Germany, but Berlin’s deeply-held views on the use of military force… have the potential to create a Europe-America split.” 47 Kundnani also states, “A ‘special relationship’ is developing between China and Germany.” 48 Because of anti-drone sentiment, long-time U.S. allies grow increasingly distant, to the point of forming new relationships with China. This is a direct threat to the United States’ place in international relations and a direct challenge to its hegemony. If the relations with Europe are to be fixed, a change in drone protocol is needed.

### Advantage {Y}: Sovereignty Violations

**Unrestrained executive drone policy violates sovereignty claims and undermines rule of law- sends a global signal**

Schwartz ’13 (Bernard L. Schwartz, Senior Fellow New America Foundation, Professor of Law, Georgetown University Law Center, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights”, April 23, 2013)

Once you take targeted killings outside hot battlefields, it’s a different story . The Obama Administration is currently using drones to strike terror suspects in Pakistan, Somalia, Yemen, and – perhaps — Mali and the Philippines as well. Defenders of the administration's increasing reliance on drone strikes in such places assert that the US is in an armed conflict with “al Qaeda and its associates,” and on that basis, they assert that the law of war is applicable -- in any place and at any time -- with regard to any person the administration deems a combatant. The trouble is, no one outside a very small group within the US executive branch has any ability to evaluate who is and who isn’t a combatant. The war against al Qaeda and its associates is not like World War II, or Libya, or even Afghanistan: it is an open - ended conflict with an inchoate, un defined adversary (who exactly are al Qaeda’s “associates ” ?). What is more, targeting decisions in this nebulous “ war” are based largely on classified intelligence reporting. As a result, Administration assertions about who is a combatant and what constitutes a threat are entirely non - falsifiable, because they're based wholly on undisclosed evidence. Add to this still another problem: most of these strikes are considered covert action, so although the US sometimes takes public credit for the deaths of alleg ed terrorist leaders, most of the time, the US will not even officially acknowledge targeted killings. This leaves all the key rule - of - law questions related to the ongoing war again st al Qaeda and its "associates " unanswered. 36 Based on what criteria might someone be considered a combatant or directly participating in hostilities? What constitutes “ hostil ities” in the context of an armed conflict against a non - state actor, and what does it mean to participate in them? And just where is the war? Does the war (and thus the law of war) somehow "travel" with combatants? Does the US have a “right” to target enemy combatants anywhere on earth, or does it depend on the consent of the state at issue? Who in the United States government is authorized to make such determinations, and what is the precise chain of command for such decisions? I think the rule of law problem here is obvious: when “armed conflict” becomes a term flexible enough to be applied both to World War II and to the relations between the United States and “associates” of al Qaeda such as Somalia’s al Shabaab, the concept of armed conflict is not very useful anymore. And when we lack clarity and consensus on how to re cognize “armed conflict,” we no longer have a clear or principled basis for deciding how to categorize targeted killings. Are they, as the US government argues, legal under the laws of war? Or are they , as some human rights groups have argued, unlawful murder?

**A hard signal is key- exceptions break the norm- each strike goes loud**

**Kels ‘12** [Maj. Charles G. Kels is an attorney for the Department of Homeland Security and an individual mobilization augmentee with the U.S. Air Force Office of the Judge Advocate General, “Mixed messages on drone strikes,” July 16, <https://wiki.nps.edu/display/CRUSER/2012/07/16/Mixed+messages+on+drone+strikes>]

Finally, the administration emphasizes its "rigorous standards and process of review ... when considering and authorizing strikes" outside of "hot" war zones. The State Department's Koh has insinuated that this robust vetting process is integral to validating our legitimate self-defense claim in each and every targeted killing operation. This is a somewhat disconcerting line of argument, because it is seemingly at odds with the government's overall assertion that we are in an armed conflict with al-Qaida. Self-defense is a jus ad bellum principle; once we are at war, the appropriate legal standards for applying force are guided by jus in bello. Applying a self-defense analysis to each individual drone strike - as opposed to the time-honored LOAC principles of war fighters - sends mixed signals about whether we really believe we are in an armed conflict.¶ Given that the lawful imperative of U.S. self-defense in World War II was the unconditional surrender of the Axis powers, we would seem to be on firm ground today by strictly maintaining that our right of self-defense, as triggered by the terrorist attacks of 9/11, is geared toward the much narrower goal of degrading or eliminating al-Qaida's capability to launch another deadly attack against the U.S. homeland. Within that framework, we are guided by LOAC in the conduct of hostilities. Indeed, the U.S. government clearly believes that drone warfare is particularly suited to the task of waging an armed conflict with limited goals, because the new technology enables to us to synergize the campaign's means and ends as never before.¶ At least in the context of an American citizen such as al-Awlaki, the attorney general has stated that on top of traditional LOAC principles, the elaborate "kill list" procedure considers the imminence of the threat posed by the individual, as well as the feasibility of capture in lieu of deadly force. Such robust executive deliberation, Holder argues, satisfies the Fifth Amendment's accordance of due process of law; this provides the context in which he famously said that "the Constitution guarantees due process, not judicial process." The attorney general has taken considerable heat for this statement, in large part because an ultra-secretive executive war-making function is an odd tool with which to safeguard constitutional rights. From an armed conflict perspective, however, law professor Jack Goldsmith is surely correct in his estimation that the current U.S. system, as described in the administration's speeches, "goes far beyond any process given to any target in any war in American history."¶ Does It Hold Water?¶ Taken individually, each of these arguments is reasonable, accurate and perhaps even persuasive. Viewed as a whole, however, the U.S. position suffers from a degree of cognitive dissonance which results from our trying to please everyone at once instead of holding firm to basic, time-tested principles. In the end, this scattershot approach risks undermining our legal authority and - ironically - pleasing no one. The problem emanates from attempting to superimpose legal doctrines on top of one another rather than insisting on their own internal logic. The net effect is to make us appear hesitant about the wisdom and legality of our own actions, which merely emboldens those critics whom we can never hope to satisfy anyway - at least not without compromising our own security.¶ To see why it's so crucial for us to speak boldly and plainly, it's important to understand what entities such as the U.N. Human Rights Council and the Red Cross are really trying to do. At base, these noble organizations - reflective of the international human rights law community as a whole, with a decidedly continental European outlook - believe that "sporadic, low-intensity attacks" from nonstate actors "do not rise to the level of armed attack" that would enable us to invoke the right of self-defense as a basis for resorting to force. As the aforementioned U.N. report approvingly remarks, "the legality of a defensive response must be judged in light of each armed attack, rather than by considering occasional, although perhaps successive, armed attacks in the aggregate."¶ In other words, the human rights community rejects our jus ad bellum argument that we are at war with al-Qaida wherever they may be. Moreover, these institutions deny that we are in an armed conflict at all - at least outside of "hot" war zones - both because al-Qaida is not cohesive enough and because the intensity and duration of the havoc it wreaks is insufficiently destructive. Thus, the applicable standard for applying force in each instance is not LOAC; jus in bello is out the window because there is no war. Rather, the peacetime model of human rights law prevails. This clearly is not a position that the U.S. can abide: first, because it eradicates any realistic deterrent for states to rein in terrorist attacks emanating from their territory; and second, because it effectively neuters our considerable national security apparatus as a counterterrorism asset. Simply put, it is an attempt to hem us in by wedding us to a police paradigm rather than a military one.¶ What To Do¶ This context illustrates precisely why the government has to stop straddling the fence and sending mixed messages about what we are doing. We must emphatically state that any complex vetting process undertaken by the president before targeting an individual terrorist is simply a matter of discretionary policy and grand strategy, not legal obligation. The bizarre "bureaucratic ritual" of White House "Terror Tuesday" meetings attended by high-level political advisers - as reported in a recent, much-publicized New York Times article - bears an unsettling resemblance to President Lyndon Johnson's well-documented "Tuesday lunches" reviewing target lists for Vietnam. Although the conflicts and eras clearly differ, the U.S. must not repeat the mistakes of the Rolling Thunder campaign by allowing overly restrictive and centralized targeting rules to degrade the efficient and lawful application of our military might.

**Drones outside battlefield specifically causes aggressive arms race based off of US modeling**

Bergen and Rowland ’12 [Peter Bergen, director of the National Security Studies Program at the New America Foundation, a research fellow at New York University's Center on Law and Security and CNN's national security analyst, former adjunct lecturer at the Kennedy School of Government at Harvard University and an Adjunct Professor at the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University, CNN National Security analyst, and Jennifer Rowland, research associate at the New America Foundation, “A dangerous new world of drones,” <http://www.cnn.com/2012/10/01/opinion/bergen-world-of-drones/index.html>]

A decade ago, the United States had a virtual monopoly on drones. Not anymore. According to data compiled by the New America Foundation, more than 70 countries now own some type of drone, though just a small number of those nations possess armed drone aircraft. The explosion in drone technology promises to change the way nations conduct war and threatens to begin a new arms race as governments scramble to counterbalance their adversaries. Late last month, China announced that it would use surveillance drones to monitor a group of uninhabited islands in the South China Sea that are controlled by Japan but claimed by China and Taiwan. In August 2010, Iran unveiled what it claimed was its first armed drone. And on Tuesday, the country's military chief, Gen. Amir Ali Hajizadeh, disclosed details of a new long-range drone that he said can fly 2,000 kilometers (1,250 miles), which puts Tel Aviv easily in range. Israel looks to Lebanon after drone shot down But without an international framework governing the use of drone attacks, the United States is setting a dangerous precedent for other nations with its aggressive and secretive drone programs in Pakistan and Yemen, which are aimed at suspected members of al Qaeda and their allies. Just as the U.S. government justifies its drone strikes with the argument that it is at war with al Qaeda and its affiliates, one could imagine that India in the not too distant future might launch such attacks against suspected terrorists in Kashmir, or China might strike Uighur separatists in western China, or Iran might attack Baluchi nationalists along its border with Pakistan. This moment may almost be here. China took the United States by surprise in November 2010 at the Zhuhai Air Show, where it unveiled 25 drone models, some of which were outfitted with the capability to fire missiles. It remains unclear just how many of China's drones are operational and how many of them are still in development, but China is intent on catching up with the United States' rapidly expanding drone arsenal. When President George W. Bush declared a "War on Terror" 11 years ago, the Pentagon had fewer than 50 drones. Now, it has around 7,500. As Bush embarked on that war, the United States had never used armed drones in combat. The first U.S. armed drone attack, which appears to be the first such strike ever, took place in mid-November 2001 and killed the military commander of al Qaeda, Mohammed Atef, in Afghanistan. Since then, the CIA has used drones equipped with bombs and missiles hundreds of times to target suspected militants in Pakistan and Yemen. Only the United States, United Kingdom and Israel are known to have launched drone strikes against their adversaries, although other members of the International Security Assistance Force in Afghanistan, such as Australia, have "borrowed" drones from Israel for use in the war there. Drone technology is proliferating rapidly. A 2011 study estimated that there were around 680 active drone development programs run by governments, companies and research institutes around the world, compared with just 195 in 2005. In 2010, U.S.-based General Atomics received export licenses to sell unarmed versions of the Predator drone to Saudi Arabia, Egypt, Morocco and the United Arab Emirates. And in March, the U.S. government agreed to arm Italy's six Reaper drones but rejected a request from Turkey to purchase armed Predator drones. An official in Turkey's Defense Ministry said in July that Turkey planned to arm its own domestically produced drone, the Anka. Israel is the world's largest exporter of drones and drone technology, and the state-owned Israeli Aerospace Industries has sold to countries as varied as Nigeria, Russia and Mexico. Building drones, particularly armed drones, takes sophisticated technology and specific weaponry, but governments are increasingly willing to invest the necessary time and money to either buy or develop them, as armed drones are increasingly seen as an integral part of modern warfare. Sweden, Greece, Switzerland, Spain, Italy and France are working on a joint project through state-owned aeronautical companies and are in the final stages of developing an advanced armed drone prototype called the Dassault nEURon, from which the France plans to derive armed drones for its air force. And Pakistani authorities have long tried to persuade the United States to give them armed Predator drones, while India owns an armed Israeli drone designed to detect and destroy enemy radar, though it does not yet have drones capable of striking other targets. The Teal Group, a defense consulting firm in Virginia, estimated in June that the global market for the research, development and procurement of armed drones will just about double in the next decade, from $6.6 billion to $11.4 billion. States are not alone in their quest for drones. Insurgent groups, too, are moving to acquire this technology. Last year, Libyan opposition forces trying to overthrow the dictator Moammar Gadhafi bought a sophisticated surveillance drone from a Canadian company for which they paid in the low six figures. You can even buy your own tiny drone on Amazon for $250. (And for an extra $3.99, you can get next-day shipping.) As drone technology becomes more widely accessible, it is only a matter of time before well-financed drug cartels acquire them. And you can imagine a day in the not too distant future where armed drones are used to settle personal vendettas. Given the relatively low costs of drones -- already far cheaper than the costs of a fighter jet and of training a fighter jet pilot -- armed drones will play a key role in future conflicts. While the drone industry thrives and more companies, research institutes and nations jump on board the drone bandwagon, the United States is setting a powerful international norm about the use of armed drones, which it uses for pre-emptive attacks against presumed terrorists in Pakistan and Yemen. It is these kinds of drone strikes that are controversial; the use of drones in a conventional war is not much different than a manned aircraft that drops bombs or fires missiles. According to figures compiled by the New America Foundation, drone attacks aimed at suspected militants are estimated to have killed between 1,900 and 3,200 people in Pakistan over the past eight years. While there has been considerable discussion of the legality of such strikes in a number of U.S. law schools, there has been almost no substantive public discussion about drone attacks among policymakers at the international level. The time has come for some kind of international convention on the legal framework surrounding the uses of such weapons, which promise to shape the warfare of the future as much as tanks and bombers did during the 20th century.

**This “world as a battlefield” precedent risk accidental miscalc that escalates**

Dowd ’13 (Alan Dowd, Writes on national defense, foreign policy, and international security. His writing has appeared in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland. He holds a B.A. with high honors from Butler University and an M.A. from Indiana University, “Drone Wars: Risks and Warnings”, <http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring_2013/1_Article_Dowd.pdf>, Winter/Spring 2013)

First, if the battlespace is the entire earth, the enemy would seem to have the right to wage war on those places where UCAV operators are based. That’s a sobering thought, one few policymakers have contemplated. Second, power-projecting nations are following America’s lead and developing their own drones to target their distant enemies by remote. An estimated 75 countries have drone programs underway.45 Many of these nations are less discriminating in employing military force than the United States—and less skillful. Indeed, drones may usher in a new age of accidental wars. If the best drones deployed by the best military crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland or Georgia; China and any number of its wary neighbors. China has at least one dozen drones on the drawing board or in pro- duction, and has announced plans to dot its coastline with 11 drone bases in the next two years.46 The Pentagon’s recent reports on Chinese mili- tary power detail “acquisition and development of longer-range UAVs and UCAVs . . . for long-range reconnaissance and strike”; development of UCAVs to enable “a greater capacity for military preemption”; and interest in “converting retired fighter aircraft into unmanned combat aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US aircraft carrier near Taiwan and relaying targeting information.48 Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ranks of power-projecting nations. Drones are a cheap alternative to long-range, long-endurance warplanes. Yet despite their low cost, drones can pack a punch. And owing to their size and range, they can conceal their home address far more effectively than the typical, nonstealthy manned warplane. Recall that the possibility of surprise attack by drones was cited to justify the war against Saddam Hussein’s Iraq.49 Of course, cutting-edge UCAVs have not fallen into undeterrable hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the United States in a direct way, it is unlikely that opposing swarms of semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes simply failing to respond to their remote-control pilots will do much to promote a liberal global order. It would be ironic if the promise ofrisk-free warpresented by drones spawned a new era of danger for the United States and its allies.

**Breaks down deterrence**

**Boyle ‘13** [Michael J. Boyle, PhD, is an Assistant Professor of Political Science at La Salle University in Philadelphia. He was previously a Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St. Andrews. He is also an alumnus of the Political Science Department at La Salle, research interests are on terrorism and political violence, with particular reference to the strategic use of violence in insurgencies and civil wars, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, 2013]

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147

**Independently- Executive uncertainty of US Drone policy cause accident and escalatory wars**

**Dean ‘13** [Adriana, degree from the University of Southern California in Philosophy, Politics and Law, Chapter Officer of Young Americans for Liberty, an organization with over 125,000 members nationwide, “Targeted Killings Behind the Veil of Ignorance,” <http://www.academia.edu/3832442/Targeted_Killings_Behind_the_Veil_of_Ignorance>]

While there are some justifiable points for the targeted killing program that individuals behind the veil of ignorance may find appealing, there is something to be said for the intuition that the possibility of a superpower state running rogue with a lethal program that has little to no oversight and a high probability for civilian casualties would be unnerving to anyone behind the veil of ignorance. Behind the veil, individual states cannot definitively determine if they would be on the sending or receiving end of a Hellfire missile. This uncertainty alone would pose truly terrifying implications for every state involved. It can be just as reasonably argued behind the veil of ignorance that al-Qaeda could have the drones and the whole of the United States would be under attack. This reality would place the entire American populace at risk. Al-Qaeda has definitively identified the United States as the single greatest threat to Islam. Unlike the United States, which has said repeatedly that it is not at war with Islam or with Muslims in general; al-Qaeda would not discriminate between leaders, military members, and civilians. While flawed, there is still a general attempt by the United States to minimize civilian casualties. Al-Qaeda would not be so kind. Perhaps even more chilling than simply the role reversal of the United States and al-Qaeda, the use of drones by the United States has had a consequence that no one could have predicted. Drones seem to have effectively erased the conventional understanding of “battlefields.” While the United States operates in¶ Pakistan with some semblance of approval from the government, it is generally understood that Pakistan is not approving every single strike that is carried out on its soil. If the President only signs off on a third of ¶ personality ¶ strikes in Pakistan, how many strikes can we reasonably assume that the Pakistani government is informed of? And what of signature strikes? The incessant pursuit of terrorists by the United States has opened up the entire world to the realm of drone strikes. Indeed, although not covered in this paper, the United States has also expanded its use of drones to both Yemen and Somalia, and these three states only constitute the states in which that the international community¶ knows¶ drone strikes are taking place. If the United States is capable of riding roughshod over the world and the general principles of engagement, it has set a dangerous precedent for the future use of drones by other states. The global implications of modern drone warfare would be fully realized if the conditions of the veil of ignorance were simply equalized, meaning that every state, and perhaps even all terrorist organizations, had access to drones. While it can be easily argued that terrorist organizations¶ would never abide by legal rules of “drone engagement,” just as¶ they do not follow military rules of engagement now, the United States has certainly done itself no favors by not regulating itself with respect to drone usage. If states such as Iran, who are openly hostile to the United States, had access to drones (a possibility that is not entirely far-¶ fetched given Iran’s current possession of a downed US drone) it could pose a threat even more terrifying than nuclear proliferation. Drones are silent, precision weapons. In a world where numerous states had obtained drones, they could be utilized covertly without much risk of discovery. It is easy to envision scenarios in which political figures could be assassinated, military instillations targeted, and major civilian population centers attacked without any indication as to who the perpetrator might be. The lack of oversight and accountability championed by the¶ United States in today’s targeted killing program only lends to this horrifying scenario of ¶ globalized drone usage. If the United States cannot regulate itself in its own usage of drones, it cannot reasonably expect that any other state would listen to international cries for oversight once it obtained drones of its own. The view of targeted killings from behind the veil of ignorance should disturb any state or group. In the first place, the equal likelihood that a state could be the exactor or victim of drone strikes should be enough to deter states from any inclination to utilize drone strikes in which there is no definitive oversight program and the possibility to use signature strikes. Secondly, the knowledge that the loose standards for using targeted killings within ones own country could lead to unfettered global drone warfare among a host of different states should be an even greater incentive for states to adopt more egalitarian means by which to utilize drones. This is not to say that the use of drones is outright unjustifiable. More to the point, it can simply be said that certain components and the resulting implications of the program are categorically unfair. The¶ unfairness inherent in the United States’ lack of oversight and accountability,¶ the use of signature strikes, and the hypothetical role reversal between the United States and al-Qaeda, or the expansion of drone strikes to a global model, behind the veil of ignorance indicates¶ a need for profound change within the United States’ targeted killing¶ program. While there seems to be little to object to with regard to the use of strikes against clearly identified senior-level al-Qaeda targets, the targeted killing program has expanded far beyond the bounds of permissibility behind the veil of ignorance. To this end, the United States must recognize that somewhere along its path of pursuing terrorist is has lost the fundamental principles that defined its claim to self-defense. Senseless collateral loss of civilian life, as well as questionable targeting practices by the executive branch, aid only in¶ undermining the United States’ goal of national security. The drone program must be either¶ drastically reformed in order to return it to a state of justifiability, or else it must be ended entirely. It is clear that the program has departed entirely from the realm of fairness, and every day that the United States continues to utilize the current program is one step further down the path of a precedent that will one day come back to haunt not only the executive, but the United States as a whole.

**Two scenarios**

**First- Armenian and Caucasus conflicts- draws in Israel/Iran/Russia**

Clayton ’12 (Nicholas Clayton, “Drone violence along Armenian-Azerbaijani border could lead to war”, <http://www.globalpost.com/dispatch/news/regions/europe/121022/drone-violence-along-armenian-azerbaijani-border-could-lead-war>, October 23, 2012)

Armenia and Azerbaijan could soon be at war if drone proliferation on both sides of the border continues. YEREVAN, Armenia — In a region where a fragile peace holds over three frozen conflicts, the nations of the South Caucasus are buzzing with drones they use to probe one another’s defenses and spy on disputed territories. The region is also host to strategic oil and gas pipelines and a tangled web of alliances and precious resources that observers say threaten to quickly escalate the border skirmishes and airspace violations to a wider regional conflict triggered by Armenia and Azerbaijan that could potentially pull in Israel, Russia and Iran. To some extent, these countries are already being pulled towards conflict. Last September, Armenia shot down an Israeli-made Azerbaijani drone over Nagorno-Karabakh and the government claims that drones have been spotted ahead of recent incursions by Azerbaijani troops into Armenian-held territory. Richard Giragosian, director of the Regional Studies Center in Yerevan, said in a briefing that attacks this summer showed that Azerbaijan is eager to “play with its new toys” and its forces showed “impressive tactical and operational improvement.” The International Crisis Group warned that as the tit-for-tat incidents become more deadly, “there is a growing risk that the increasing frontline tensions could lead to an accidental war.” “Everyone is now saying that the war is coming. We know that it could start at any moment.” ~Grush Agbaryan, mayor of Voskepar With this in mind, the UN and the Organization for Security and Co-operation in Europe (OSCE) have long imposed a non-binding arms embargo on both countries, and both are under a de facto arms ban from the United States. But, according to the Stockholm International Peace Research Institute (SIPRI), this has not stopped Israel and Russia from selling to them. After fighting a bloody war in the early 1990s over the disputed territory of Nagorno-Karabakh, Armenia and Azerbaijan have been locked in a stalemate with an oft-violated ceasefire holding a tenuous peace between them. And drones are the latest addition to the battlefield. In March, Azerbaijan signed a $1.6 billion arms deal with Israel, which consisted largely of advanced drones and an air defense system. Through this and other deals, Azerbaijan is currently amassing a squadron of over 100 drones from all three of Israel’s top defense manufacturers. Armenia, meanwhile, employs only a small number of domestically produced models. Intelligence gathering is just one use for drones, which are also used to spot targets for artillery, and, if armed, strike targets themselves. Armenian and Azerbaijani forces routinely snipe and engage one another along the front, each typically blaming the other for violating the ceasefire. At least 60 people have been killed in ceasefire violations in the last two years, and the Brussels-based International Crisis Group claimed in a report published in February 2011 that the sporadic violence has claimed hundreds of lives. “Each (Armenia and Azerbaijan) is apparently using the clashes and the threat of a new war to pressure its opponent at the negotiations table, while also preparing for the possibility of a full-scale conflict in the event of a complete breakdown in the peace talks,” the report said. Alexander Iskandaryan, director of the Caucasus Institute in the Armenian capital, Yerevan, said that the arms buildup on both sides makes the situation more dangerous but also said that the clashes are calculated actions, with higher death tolls becoming a negotiating tactic. “This isn’t Somalia or Afghanistan. These aren’t independent units. The Armenian, Azerbaijani and Karabakh armed forces have a rigid chain of command so it’s not a question of a sergeant or a lieutenant randomly giving the order to open fire. These are absolutely synchronized political attacks,” Iskandaryan said. The deadliest recent uptick in violence along the Armenian-Azerbaijani border and the line of contact around Karabakh came in early June as US Secretary of State Hillary Clinton was on a visit to the region. While death tolls varied, at least two dozen soldiers were killed or wounded in a series of shootouts along the front. The year before, at least four Armenian soldiers were killed in an alleged border incursion by Azerbaijani troops one day after a peace summit between the Armenian, Azerbaijani and Russian presidents in St. Petersburg, Russia. “No one slept for two or three days [during the June skirmishes],” said Grush Agbaryan, the mayor of the border village of Voskepar for a total of 27 years off and on over the past three decades. Azerbaijan refused to issue accreditation to GlobalPost’s correspondent to enter the country to report on the shootings and Azerbaijan’s military modernization. Flush with cash from energy exports, Azerbaijan has increased its annual defense budget from an estimated $160 million in 2003 to $3.6 billion in 2012. SIPRI said in a report that largely as a result of its blockbuster drone deal with Israel, Azerbaijan’s defense budget jumped 88 percent this year — the biggest military spending increase in the world. Israel has long used arms deals to gain strategic leverage over its rivals in the region. Although difficult to confirm, many security analysts believe Israel’s deals with Russia have played heavily into Moscow’s suspension of a series of contracts with Iran and Syria that would have provided them with more advanced air defense systems and fighter jets. Stephen Blank, a research professor at the United States Army War College, said that preventing arms supplies to Syria and Iran — particularly Russian S-300 air defense systems — has been among Israel’s top goals with the deals. “There’s always a quid pro quo,” Blank said. “Nobody sells arms just for cash.” In Azerbaijan in particular, Israel has traded its highly demanded drone technology for intelligence arrangements and covert footholds against Iran. In a January 2009 US diplomatic cable released by WikiLeaks, a US diplomat reported that in a closed-door conversation, Azerbaijani President Ilham Aliyev compared his country’s relationship with Israel to an iceberg — nine-tenths of it is below the surface. More from GlobalPost: Are Iran's drones coordinating attacks in Syria? Although the Jewish state and Azerbaijan, a conservative Muslim country, may seem like an odd couple, the cable asserts, “Each country finds it easy to identify with the other’s geopolitical difficulties, and both rank Iran as an existential security threat.” Quarrels between Azerbaijan and Iran run the gamut of territorial, religious and geo-political disputes and Tehran has repeatedly threatened to “destroy” the country over its support for secular governance and NATO integration. In the end, “Israel’s main goal is to preserve Azerbaijan as an ally against Iran, a platform for reconnaissance of that country and as a market for military hardware,” the diplomatic cable reads. But, while these ties had indeed remained below the surface for most of the past decade, a series of leaks this year exposed the extent of their cooperation as Israel ramped up its covert war with the Islamic Republic. In February, the Times of London quoted a source the publication said was an active Mossad agent in Azerbaijan as saying the country was “ground zero for intelligence work.” This came amid accusations from Tehran that Azerbaijan had aided Israeli agents in assassinating an Iranian nuclear scientist in January. Then, just as Baku had begun to cool tensions with the Islamic Republic, Foreign Policy magazine published an article citing Washington intelligence officials who claimed that Israel had signed agreements to use Azerbaijani airfields as a part of a potential bombing campaign against Iran’s nuclear sites. Baku strongly denied the claims, but in September, Azerbaijani officials and military sources told Reuters that the country would figure in Israel’s contingencies for a potential attack against Iran. "Israel has a problem in that if it is going to bomb Iran, its nuclear sites, it lacks refueling," Rasim Musabayov, a member of the Azerbiajani parliamentary foreign relations committee told Reuters. “I think their plan includes some use of Azerbaijan access. We have (bases) fully equipped with modern navigation, anti-aircraft defenses and personnel trained by Americans and if necessary they can be used without any preparations." He went on to say that the drones Israel sold to Azerbaijan allow it to “indirectly watch what's happening in Iran.” More from GlobalPost: Despite modern facade, Azerbaijan guilty of rights abuses According to SIPRI, Azerbaijan had acquired about 30 drones from Israeli firms Aeronautics Ltd. and Elbit Systems by the end of 2011, including at least 25 medium-sized Hermes-450 and Aerostar drones. In October 2011, Azerbaijan signed a deal to license and domestically produce an additional 60 Aerostar and Orbiter 2M drones. Its most recent purchase from Israel Aeronautics Industries (IAI) in March reportedly included 10 high altitude Heron-TP drones — the most advanced Israeli drone in service — according to Oxford Analytica. Collectively, these purchases have netted Azerbaijan 50 or more drones that are similar in class, size and capabilities to American Predator and Reaper-type drones, which are the workhorses of the United States’ campaign of drone strikes in Pakistan and Yemen. Although Israel may have sold the drones to Azerbaijan with Iran in mind, Baku has said publicly that it intends to use its new hardware to retake territory it lost to Armenia. So far, Azerbaijan’s drone fleet is not armed, but industry experts say the models it employs could carry munitions and be programmed to strike targets. Drones are a tempting tool to use in frozen conflicts, because, while their presence raises tensions, international law remains vague at best on the legality of using them. In 2008, several Georgian drones were shot down over its rebel region of Abkhazia. A UN investigation found that at least one of the drones was downed by a fighter jet from Russia, which maintained a peacekeeping presence in the territory. While it was ruled that Russia violated the terms of the ceasefire by entering aircraft into the conflict zone, Georgia also violated the ceasefire for sending the drone on a “military operation” into the conflict zone. The incident spiked tensions between Russia and Georgia, both of which saw it as evidence the other was preparing to attack. Three months later, they fought a brief, but destructive war that killed hundreds. The legality of drones in Nagorno-Karabakh is even less clear because the conflict was stopped in 1994 by a simple ceasefire that halted hostilities but did not stipulate a withdrawal of military forces from the area. Furthermore, analysts believe that all-out war between Armenia and Azerbaijan would be longer and more difficult to contain than the five-day Russian-Georgian conflict. While Russia was able to quickly rout the Georgian army with a much superior force, analysts say that Armenia and Azerbaijan are much more evenly matched and therefore the conflict would be prolonged and costly in lives and resources. Blank said that renewed war would be “a very catastrophic event” with “a recipe for a very quick escalation to the international level.” Armenia is militarily allied with Russia and hosts a base of 5,000 Russian troops on its territory. After the summer’s border clashes, Russia announced it was stepping up its patrols of Armenian airspace by 20 percent. Iran also supports Armenia and has important business ties in the country, which analysts say Tehran uses as a “proxy” to circumvent international sanctions. Blank said Israel has made a risky move by supplying Azerbaijan with drones and other high tech equipment, given the tenuous balance of power between the heavily fortified Armenian positions and the more numerous and technologically superior Azerbaijani forces. If ignited, he said, “[an Armenian-Azerbaijani war] will not be small. That’s the one thing I’m sure of.”

**Israel-Iran conflict escalates**

Russell ‘9 (James, Senior lecturer in the Department of National Security Affairs at NPS, Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East. Proliferation Papers, 2009)

America’s disapproval of Israeli pre-emption may reflect a reduced national appetite for military action in general, and for unilateral strategic action. However, the intensity of U.S.-Israeli bilateral relations places the United States in an extremely awkward position: on the one hand, a cherished ally could openly be calling for the fulfillment of security commitments77 for its protection and security in response to an external threat; on the other hand, U.S. security commitment to its allies include deterrence and defense, but are widely regarded as excluding preventative actions. To summarize, systemic weaknesses in the coercive bargaining framework induce the prospect of strategic instability in which escalation could unfold in a number of scenarios leading to the use of nuclear weapons by either the United States, Israel, or Iran. For purposes of this paper, escalation means an expansion of the intensity and scope of the conflict.78 The common denominator for the proposed scenarios is that nuclear use occurs in the context of conflict escalation – a conflict that could be initiated by a variety of different parties and in a variety of different circumstances.79 It is extremely unlikely that either the United States or Israel would initiate the use of nuclear weapons as part of a pre-emptive attack on Iran’s nuclear sites.80 However, there are escalation scenarios involving state and non-state actors in the coercive bargaining framework that could conceivably lead to nuclear weapons use by Israel and/or the United States. Iran’s response to what would initially start as a sustained stand-off bombardment (Desert Fox Heavy) could take a number of different forms that might lead to escalation by the United States and Israel, surrounding states, and non-state actors. Once the strikes commenced, it is difficult to imagine Iran remaining in a Saddam-like quiescent mode and hunkering down to wait out the attacks. Iranian leaders have unequivocally stated that any attack on its nuclear sites will result in a wider war 81 – a war that could involve regional states on both sides as well as non-state actors like Hamas and Hezbollah. While a wider regional war need not lead to escalation and nuclear use by either Israel or the United States, wartime circumstances and domestic political pressures could combine to shape decision-making in ways that present nuclear use as an option to achieve military and political objectives. For both the United States and Israel, Iranian or proxy use of chemical, biological or radiological weapons represent the most serious potential escalation triggers. For Israel, a sustained conventional bombardment of its urban centers by Hezbollah rockets in Southern Lebanon could also trigger an escalation spiral.

**Caucus wars go nuclear**

Blank ‘99 (Stephen, Director of Strategic Studies Institute at US Army War College, “Every Shark East of Suez: Great Power Interests, Policies and Tactics in the Transcaspian Energy Wars”, Central Asian Survey (18; 2),)

Past experience suggests Moscow will even threaten a Third World War if there is Turkish intervention in the Transcaucasus and the 1997 Russo-Armenian Treaty of Friendship, Cooperation, and Mutual Assistance and the 1994 Turkish-Azerbaijani Treaty of Friendship and Cooperation suggest just such a possibility. Conceivably, the two larger states could then be dragged in to rescue their allies from defeat. The Russo-Armenian treaty is a virtual bilateral military alliance against Baku, in that it reaffirms Russia’s lasting military presence in Armenia, commits Armenia not to join NATO, and could justify further fighting in Nagorno-Karabakh or further military pressure against Azerbaijan that will impede energy exploration and marketing. It also reconfirms Russia’s determination to resist an expanded U.S. presence and remain the exclusive regional hegemon. Thus, many structural conditions for conventional war or protracted ethnic conflict where third parties intervene now exist in the Transcaucasus. Many Third World conflicts generated by local structural factors have great potential for unintended escalation. Big powers often feel obliged to rescue their proxies and protégés. One or another big power may fail to grasp the stakes for the other side since interests here are not as clear as in Europe. Hence, commitments involving the use of nuclear weapons or perhaps even conventional war to prevent defeat of a client are not well established or clear as in Europe. For instance, in 1993 Turkish noises about intervening in the Karabakh War on behalf of Azerbaijan induced Russian leaders to threaten a nuclear war in such a case. This confirms the observations of Jim Hoagland, the international correspondent of the Washington Post, that “future wars involving Europe and America as allies will be fought either over resources in chaotic Third World locations or in ethnic upheavals on the southern fringe of Europe and Russia.” Unfortunately, many such causes for conflict prevail across the Transcaspian. Precisely because Turkey is a NATO ally but probably could not prevail in a long war against Russia, or if it could conceivably trigger a potential nuclear blow (not a small possibility given the erratic nature of Russia’s declared nuclear strategies), the danger of major war is higher here than almost anywhere else in the CIS or the so-called arc of crisis from the Balkans to China.

**Second- China and Asian drone wars**

Brimley et al 9/17 (Shawn Brimley, Ben Fitzgerald, Ely Ratner, Shawn Brimley, Ben FitzGerald, and Ely Ratner are, respectively, vice president, director of the Technology and National Security Program, and deputy director of the Asia Program at the Center for a New American Security, Foreign Policy, “The Drone War Comes to Asia”, <http://www.foreignpolicy.com/articles/2013/09/17/the_drone_war_comes_to_asia>, September 17, 2013)

How China sparked a dangerous unmanned arms race. It's now been a year since Japan's previously ruling liberal government purchased three of the Senkaku Islands to prevent a nationalist and provocative Tokyo mayor from doing so himself. The move was designed to dodge a potential crisis with China, which claims "indisputable sovereignty" over the islands it calls the Diaoyus. Disregarding the Japanese government's intent, Beijing has reacted to the "nationalization" of the islands by flooding the surrounding waters and airspace with Chinese vessels in an effort to undermine Japan's de facto administration, which has persisted since the reversion of Okinawa from American control in 1971. Chinese incursions have become so frequent that the Japanese Air Self-Defense Forces (JASDF) are now scrambling jet fighters on a near-daily basis in response. In the midst of this heightened tension, you could be forgiven for overlooking the news early in September that Japanese F-15s had again taken flight after Beijing graciously commemorated the one-year anniversary of Tokyo's purchase by sending an unmanned aerial vehicle (UAV) toward the islands. But this wasn't just another day at the office in the contested East China Sea: this was the first known case of a Chinese drone approaching the Senkakus. Without a doubt, China's drone adventure 100-miles north of the Senkakus was significant because it aggravated already abysmal relations between Tokyo and Beijing. Japanese officials responded to the incident by suggesting that Japan might have to place government personnel on the islands, a red line for Beijing that would have been unthinkable prior to the past few years of Chinese assertiveness. But there's a much bigger and more pernicious cycle in motion. The introduction of indigenous drones into Asia's strategic environment -- now made official by China's maiden unmanned provocation -- will bring with it additional sources of instability and escalation to the fiercely contested South and East China Seas. Even though no government in the region wants to participate in major power war, there is widespread and growing concern that military conflict could result from a minor incident that spirals out of control. Unmanned systems could be just this trigger. They are less costly to produce and operate than their manned counterparts, meaning that we're likely to see more crowded skies and seas in the years ahead. UAVs also tend to encourage greater risk-taking, given that a pilot's life is not at risk. But being unmanned has its dangers: any number of software or communications failures could lead a mission awry. Combine all that with inexperienced operators and you have a perfect recipe for a mistake or miscalculation in an already tense strategic environment. The underlying problem is not just the drones themselves. Asia is in the midst of transitioning to a new warfighting regime with serious escalatory potential. China's military modernization is designed to deny adversaries freedom of maneuver over, on, and under the East and South China Seas. Although China argues that its strategy is primarily defensive, the capabilities it is choosing to acquire to create a "defensive" perimeter -- long-range ballistic and cruise missiles, aircraft carriers, submarines -- are acutely offensive in nature. During a serious crisis when tensions are high, China would have powerful incentives to use these capabilities, particularly missiles, before they were targeted by the United States or another adversary. The problem is that U.S. military plans and posture have the potential to be equally escalatory, as they would reportedly aim to "blind" an adversary -- disrupting or destroying command and control nodes at the beginning of a conflict. At the same time, the increasingly unstable balance of military power in the Pacific is exacerbated by the (re)emergence of other regional actors with their own advanced military capabilities. Countries that have the ability and resources to embark on rapid modernization campaigns (e.g., Japan, South Korea, Indonesia) are well on the way. This means that in addition to two great powers vying for military advantage, the region features an increasingly complex set of overlapping military-technical competitions that are accelerating tensions, adding to uncertainty and undermining stability. This dangerous military dynamic will only get worse as more disruptive military technologies appear, including the rapid diffusion of unmanned and increasingly autonomous aerial and submersible vehicles coupled with increasingly effective offensive cyberspace capabilities. Of particular concern is not only the novelty of these new technologies, but the lack of well-established norms for their use in conflict. Thankfully, the first interaction between a Chinese UAV and manned Japanese fighters passed without major incident. But it did raise serious questions that neither nation has likely considered in detail. What will constrain China's UAV incursions from becoming increasingly assertive and provocative? How will either nation respond in a scenario where an adversary downs a UAV? And what happens politically when a drone invariably falls out of the sky or "drifts off course" with both sides pointing fingers at one another? Of most concern, how would these matters be addressed during a crisis, with no precedents, in the context of a regional military regime in which actors have powerful incentives to strike first? These are not just theoretical questions: Japan's Defense Ministry is reportedly looking into options for shooting down any unmanned drones that enter its territorial airspace. Resolving these issues in a fraught strategic environment between two potential adversaries is difficult enough; the United States and China remain at loggerheads about U.S. Sensitive Reconnaissance Operations along China's periphery. But the problem is multiplying rapidly. The Chinese are running one of the most significant UAV programs in the world, a program that includes Reaper- style UAVs and Unmanned Combat Aerial Vehicles (UCAVs); Japan is seeking to acquire Global Hawks; the Republic of Korea is acquiring Global Hawks while also building their own indigenous UAV capabilities; Taiwan is choosing to develop indigenous UAVs instead of importing from abroad; Indonesia is seeking to build a UAV squadron; and Vietnam is planning to build an entire UAV factory. One could take solace in Asia's ability to manage these gnarly sources of insecurity if the region had demonstrated similar competencies elsewhere. But nothing could be further from the case. It has now been more than a decade since the Association of Southeast Asian Nations (ASEAN) and China signed a declaration "to promote a peaceful, friendly and harmonious environment in the South China Sea," which was meant to be a precursor to a code of conduct for managing potential incidents, accidents, and crises at sea. But the parties are as far apart as ever, and that's on well-trodden issues of maritime security with decades of legal and operational precedent to build upon. It's hard to be optimistic that the region will do better in an unmanned domain in which governments and militaries have little experience and where there remains a dearth of international norms, rules, and institutions from which to draw. The rapid diffusion of advanced military technology is not a future trend. These capabilities are being fielded -- right now -- in perhaps the most geopolitically dangerous area in the world, over (and soon under) the contested seas of East and Southeast Asia. These risks will only increase with time as more disruptive capabilities emerge. In the absence of political leadership, these technologies could very well lead the region into war.

**That goes nuclear**

Lowther ‘13 (William Lowther, Staff Rreporter in Washington, “Taiwan could spark nuclear war: report”, <http://www.taipeitimes.com/News/taiwan/archives/2013/03/16/2003557211>, March 16, 2013)

Taiwan is the most likely potential crisis that could trigger a nuclear war between China and the US, a new academic report concludes. “Taiwan remains the single most plausible and dangerous source of tension and conflict between the US and China,” says the 42-page report by the Washington-based Center for Strategic and International Studies (CSIS). Prepared by the CSIS’ Project on Nuclear Issues and resulting from a year-long study, the report emphasizes that Beijing continues to be set on a policy to prevent Taiwan’s independence, while at the same time the US maintains the capability to come to Taiwan’s defense. “Although tensions across the Taiwan Strait have subsided since both Taipei and Beijing embraced a policy of engagement in 2008, the situation remains combustible, complicated by rapidly diverging cross-strait military capabilities and persistent political disagreements,” the report says. In a footnote, it quotes senior fellow at the US Council on Foreign Relations Richard Betts describing Taiwan as “the main potential flashpoint for the US in East Asia.” The report also quotes Betts as saying that neither Beijing nor Washington can fully control developments that might ignite a Taiwan crisis. “This is a classic recipe for surprise, miscalculation and uncontrolled escalation,” Betts wrote in a separate study of his own. The CSIS study says: “For the foreseeable future Taiwan is the contingency in which nuclear weapons would most likely become a major factor, because the fate of the island is intertwined both with the legitimacy of the Chinese Communist Party and the reliability of US defense commitments in the Asia-Pacific region.” Titled Nuclear Weapons and US-China Relations, the study says disputes in the East and South China seas appear unlikely to lead to major conflict between China and the US, but they do “provide kindling” for potential conflict between the two nations because the disputes implicate a number of important regional interests, including the interests of treaty allies of the US. The danger posed by flashpoints such as Taiwan, the Korean Peninsula and maritime demarcation disputes is magnified by the potential for mistakes, the study says. “Although Beijing and Washington have agreed to a range of crisis management mechanisms, such as the Military Maritime Consultative Agreement and the establishment of a direct hotline between the Pentagon and the Ministry of Defense, the bases for miscommunication and misunderstanding remain and draw on deep historical reservoirs of suspicion,” the report says. For example, it says, it is unclear whether either side understands what kinds of actions would result in a military or even nuclear response by the other party. To make things worse, “neither side seems to believe the other’s declared policies and intentions, suggesting that escalation management, already a very uncertain endeavor, could be especially difficult in any conflict,” it says.

### Contention {Z}: Solvency

**Congress should restrict the use of remote controlled aerial vehicle targeted killings outside of geographic locations housing active American combat troops.**

**That solves- the executive branch being the arbiter is the problem**

Brooks ‘13 (Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department, 2013, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights April 23, 2013”, <http://www.lawfareblog.com/wp-content/uploads/2013/05/Brooks_05-16-13.pdf-> see the Appendix)

Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the U.S. currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.79 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter, 80 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.81 If the U.S. is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the U.S. executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an illdefined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

**Legislative restrictions prevent circumvention**

Barron ‘8 (Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center (David J. Barron, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis)

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, it is tempting to think that Commanders in Chief would always have claimed a unilateral and unregulable authority to determine the conduct of military operations. And yet, as we show, for most of our history, the presidential **practice was otherwise**. Several of our most esteemed Presidents - Washington, Lincoln, and both Roosevelts, among others - never invoked the sort of preclusive claims of authority that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, even when they confronted problematic restrictions, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed. Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, rather than denying the authority of Congress to act in this area, some **modern Presidents**, like their predecessors, have **acknowledged** the **constitutionality of legislative regulation**. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, there has been much less executive assertion of an inviolate power over the conduct of military campaigns than one might think. And, perhaps **most importantly,** until recently there has been almost **no** actual **defiance** of statutory limitations predicated on such a constitutional theory. This repeated, though not unbroken, deferential executive branch stance is not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between the branches over war. In particular, this well-developed executive branch practice appears to be premised on the assumption that the constitutional plan requires the nation's chief commander **to guard his supervisory powers** over the military chain of command **jealously**, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - **but** that otherwise, the Constitution compels the Commander in Chief to comply with legislative restrictions. In this way, the founding legal charter itself exhorts the President to justify controversial military judgments to a sympathetic but sometimes skeptical or demanding legislature and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 What emerges from our analysis is how much pull it seemed to [\*950] have on the executive branch itself for most of our history of war powers development.

**Congress key --- self-restraint HURTS Obama’s credibility- seen as continuing to circumvent Congress**

Goldsmith ’13 (Jack Goldsmith, Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003-2004, and Special Counsel to the Department of Defense from 2002-2003, “How Obama Undermined the War on Terror The President promised not to undercut the rule of law for expedience's sake. He did. Now we face the consequences”, <http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism>, May 1, 2013)

Questions grew when the administration **continued to withhold legal memos from Congress**, and when John Brennan danced around the issue during his confirmation hearings to be director of the CIA. Senator Rand Paul then cleverly asked Brennan whether the president could order a drone to kill a terrorist suspect inside the United States. When Brennan and Attorney General Eric Holder seemed to prevaricate, Paul conducted his now-famous filibuster. "I cannot sit at my desk quietly and let the president say that he will kill Americans on American soil who are not actively attacking the country," Paul proclaimed. The president never said, or suggested, any such thing. But with trust in Obama falling fast, Paul was remarkably successful in painting the secret wars abroad as a Constitution-defying threat to American citizens at home. Paul's filibuster attracted attention to the issue of drone attacks on Americans in the homeland. A more serious challenge to the president comes from growing concerns, including within his own party, about the legal integrity of his secret wars abroad. Anne-Marie Slaughter, a former senior official in Obama's State Department, recently gainsaid "the idea that this president would leave office having dramatically expanded the use of drones—including [against] American citizens—without any public standards and no checks and balances." Many in Congress want to increase the transparency of the processes and legal standards for placing a suspect (especially an American) on a targeting list, to tighten those legal standards (perhaps by recourse to a "drone court"), and to establish a more open accounting of the consequences (including civilian casualties) from the strikes. "This is now out in the public arena, and now it has to be addressed," Senator Dianne Feinstein, a Democrat, recently said. Others in Congress worry about the obsolescence of the legal foundation for the way of the knife: the congressional authorization, in 2001, of force against Al Qaeda. "I don't believe many, if any, of us believed when we voted for [the authorization] that we were voting for the longest war in the history of the United States and putting a stamp of approval on a war policy against terrorism that, 10 years plus later, we're still using," said Senator Richard Durbin, also a Democrat, in a Wall Street Journal interview. "What are the checks and balances of the system?" he asked. Senator John McCain, who led bipartisan efforts against what he saw as Bush-era legal excesses, is now focusing similar attention on Obama. "I believe that we need to revisit this whole issue of the use of drones, who uses them, whether the CIA should become their own air force, what the oversight is, [and] what the legal and political foundations [are] for this kind of conflict," he said last month. These are unhappy developments for the president who in his first inaugural address pledged with supercilious confidence that, unlike his predecessor, he would not expend the "rule of law" for "expedience's sake." Obama reportedly bristles at the legal and political **questions about his secret war**, and the lack of presidential trust that they imply. "This is not Dick Cheney we're talking about here," he recently pleaded to Democratic senators who complained about his administration's excessive secrecy on drones, according to Politico. And yet the president has ended up in this position because he committed the same sins that led Cheney and the administration in which he served to a similar place. **The first sin is an** extraordinary **institutional secrecy that Obama has long promised to reduce but has failed to**. In part this results from any White House's inevitable tendency to seek maximum protection for its institutional privileges and prerogatives. The administration's disappointing resistance to sharing secret legal opinions about the secret war with even a small subset of Congress falls into this category. But the point goes deeper, for secrecy is the essence of the type of war that Obama has chosen to fight. The intelligence-gathering in foreign countries needed for successful drone strikes there cannot be conducted openly. Nor can lethal operations in foreign countries easily be acknowledged. Foreign leaders usually insist on non-acknowledgment as a condition of allowing American operations in their territories. And in any event, an official American confirmation of the operations might spark controversies in those countries that would render the operations infeasible. The impossible-to-deny bin Laden raid was a necessary exception to these principles, and the United States is still living with the fallout in Pakistan. For official secrecy abroad to work, the secrets must be kept at home as well. In speeches, interviews, and leaks, Obama's team has tried to explain why its operations abroad are lawful and prudent. But to comply with rules of classified information and covert action, the explanations are conveyed in limited, abstract, and often awkward terms. They usually raise more questions than they answer—and secrecy rules often preclude the administration from responding to follow-up questions, criticisms, and charges. As a result, **much of what the administration says** about its secret war—about civilian casualties, or the validity of its legal analysis, or the quality of its internal deliberations—seems **incomplete, self-serving, and ultimately non-credible.** These **trust-destroying tendencies** are **exacerbated** by its **persistent resistance to transparency demands from Congress**, from the press, and from organizations such as the aclu that have sought to know more about the way of the knife through Freedom of Information Act requests. A related sin is the Obama administration's surprising failure to secure formal congressional support. Nearly every element of Obama's secret war rests on laws—especially the congressional authorization of force (2001) and the covert action statute (1991)—designed for different tasks. The administration could have worked with Congress to update these laws, thereby forcing members of Congress to accept responsibility and take a stand, and putting the secret war on a firmer political and legal foundation. But doing so would have required extended political efforts, public argument, and the possibility that Congress might not give the president precisely what he wants. The administration that embraced the way of the knife in order to lower the political costs of counterterrorism abroad found it easier to avoid political costs at home as well. But this choice deprived it of the many benefits of public argumentation and congressional support. What Donald Rumsfeld said self-critically of Bush-era unilateralism applies to Obama's unilateralism as well: it fails to "take fully into account the broader picture—the complete set of strategic considerations of a president fighting a protracted, unprecedented and unfamiliar war for which he would need sustained domestic and international support." Instead of seeking contemporary congressional support, the administration has **relied mostly on government lawyers' secret interpretive** extensions of the old laws to authorize new operations against new enemies in more and more countries. The administration has great self-confidence in the quality of its stealth legal judgments. But as the Bush administration learned, secret legal interpretations are invariably more persuasive within the dark circle of executive branch secrecy than when exposed to public sunlight. On issues ranging from proper targeting standards, to the legality of killing American citizens, to what counts as an "imminent" attack warranting self-defensive measures, these secret legal interpretations—so reminiscent of the Bushian sin of unilateral legalism—have been **less convincing** in public, further contributing to presidential mistrust. Feeling the heat from these developments, President Obama promised in his recent State of the Union address "to engage with Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world." So far, this promise, like similar previous ones, remains unfulfilled. The administration has floated the idea of "[shifting] the CIA's lethal targeting program to the Defense Department," as The Daily Beast reported last month. Among other potential virtues, this move might allow greater public transparency about the way of the knife to the extent that it would eliminate the covert action bar to public discussion. But JSOC's non-covert targeted killing program is no less secretive than the CIA's, and its congressional oversight is, if anything, less robust. A bigger problem with this proposed fix is that it contemplates executive branch reorganization followed, in a best-case scenario, by more executive branch speeches and testimony about what it is doing in its stealth war. The proposal fails to grapple altogether with the growing mistrust of the administration's oblique representations about secret war. The president cannot establish trust in the way of the knife through internal moves and more words. Rather, he must take advantage of the separation of powers. Military detention, military commissions, and warrantless surveillance became more legitimate and less controversial during the Bush era because adversarial branches of government assessed the president's policies before altering and then approving them. President Obama should ask Congress to do the same with the way of the knife, even if it means that secret war abroad is harder to conduct. Administration officials resist this route because they worry about the outcome of the public debate, and because the president is, as The Washington Post recently reported, "seen as reluctant to have the legislative expansion of another [war] added to his legacy." But the administration can influence the outcome of the debate only by engaging it. And as Mazzetti makes plain, the president's legacy already includes the dramatic and unprecedented unilateral expansion of secret war. What the president should be worried about for legacy purposes is that this form of warfare, for which he alone is today responsible, is increasingly viewed as illegitimate.

## Cards

### Save Haven DA

#### They fail- hydra effect

Blum and Heymann ‘10 (Gabriella Blum\* and Philip Heymann\*\*, \*Assistant Professor of Law, Harvard Law School, \*\* James Barr Ames Professor of Law, Harvard Law School, “ Law and Policy of Targeted killing” ebsco, 2010)

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.

#### Intel gathering

Blum and Heymann ‘10 (Gabriella Blum\* and Philip Heymann\*\*, \*Assistant Professor of Law, Harvard Law School, \*\* James Barr Ames Professor of Law, Harvard Law School, “ Law and Policy of Targeted killing” ebsco, 2010)

Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.

#### Pilot shortage thumps

RT ’13 (RT Network, “US drone pilot demand outstrips supply”, <http://rt.com/usa/us-running-out-drone-pilots-765/>, August 21, 2013)

The US Air Force is now facing a shortage in the number of pilots able to operate the military’s quickly expanding drone fleet, according to a new report published by a top Washington, DC, think tank. According to Air Force Colonel Bradley Hoagland, who contributed to a recent report on the Air Force’s drone program prepared by the Brookings Institution, it is quickly hitting a wall in the number of operators for its 159 Predators, 96 Reapers and 23 Global Hawks. Although the US military aimed to train 1,120 ‘traditional’ pilots along with 150 specialized drone pilots in 2012, it proved unable to meet the latter, owing to a lack of RPA (or remotely piloted aircraft) volunteers. A recent report by AFP placed the Air Force’s current drone pilot wing at 1,300, about 8.5 percent of the air corps’ pilots. Still, an increasing number of uses for America’s drone fleet, including recently-revealed plans by the Defense Advanced Research Projects Agency (DARPA) for drones able to operate from naval vessels, have quickly exceeded the Air Force’s ability to train personnel to train and pilot unmanned aerial vehicles (UAVs).

#### No nuke terror- can’t use, steal, or transfer bombs

**Clarke 4-17**-13 [Michael, PhD, Senior Research Fellow at Griffith Asia Institute with a special focus in terrorism, Griffith University, Bachelor of Arts (Honors) in Asian and International Studies, “Pakistan and Nuclear Terrorism: How Real is the Threat?” Comparative Strategy, 32:2, 98-114, online]

Although the acquisition of an intact nuclear weapon would be “the most difﬁcult¶ challenge for any terrorist organization,” there remain a number of scenarios that involve¶ a terrorist organization acquiring an intact nuclear weapon,5¶ such as the deliberate transfer¶ of a warhead by a national government, “insider” collusion from senior ofﬁcials, seizure or¶ theft without collusion, and political instability or state failure/collapse. The direct transfer¶ scenario is difﬁcult to imagine as it is almost impossible to conceive of any national¶ government voluntarily gifting their “crown jewels” to a terrorist group due to the likely¶ reprisals they would incur if the weapon were used and the probability that the weapon¶ would be traced back to the state of origin.6¶ The scenario of “insider” collusion in the¶ diversion or transfer of nuclear materials has also been perceived as a major threat. To¶ cope with this threat, most advanced nuclear weapons states such as the United States,¶ France, the United Kingdom, the Russian Federation, and the People’s Republic of China¶ have instituted Personnel Reliability Programs (PRP), which establishes a centralized set of¶ procedures designed to ensure that individuals developing, managing, and guarding nuclear¶ weapons and related facilities are trustworthy.7¶ It has been asserted that theft of “weapons-usable materials” is “a proven and recurring¶ fact.”8¶ However, such a claim tends to refer to instances when small quantities of nuclear¶ material have been stolen. For example. Zimmerman and Lewis noted in 2006 that they¶ were aware of “only one particularly disturbing instance in which smugglers obtained a¶ signiﬁcant quality of highly enriched uranium: a 1994 case in Prague . . . involving Czech,¶ Slovak and Russian nationals.”9¶ In addition, in June 2011, authorities also interdicted¶ a smuggling gang in Moldova attempting to smuggle a small quantity of non–weapons¶ usable uranium-238 (U-238).10¶ The collapse or failure of a state with a nuclear arsenal would raise the potential¶ for nuclear weapons and materials to be diverted or stolen. However, even if a terrorist¶ organization did manage to acquire an intact weapon through one of these scenarios, there¶ would remain a variety of obstacles to be overcome in order to be able to detonate it. In¶ particular, there are a variety of safety and security measures/procedures that protect nuclear¶ weapons against accidents or unauthorized use, such as environmental sensing devices¶ (ESD) that block arming systems until a prescribed environment is achieved (e.g., missile¶ launch acceleration); insensitive high explosives (IHE) that make the weapon resistant to being detonated by mechanical shock; and permissive action links (PALs), which is an¶ electronic device that prevents arming of the weapon unless correct codes are inserted.11¶ To produce an IND, terrorists would need to acquire signiﬁcant quantities of ﬁssile¶ material, either HEU or plutonium.12 Two types of INDs are considered to be theoretically¶ possible for a terrorist organisation to construct—the gun-type weapon and the implosiontype weapon.13The former consists of a gun barrel in which a projectile of subcritical HEU¶ is ﬁred into a stationary piece of subcritical HEU, producing a supercritical mass leading to a¶ nuclear explosion. Bunn and Wier note that the gun type is “simple and robust” and “allows¶ the builder high conﬁdence that it will perform properly without the trouble, expense and¶ exposure of a test explosion.”14 However, as only a small amount of the HEU ﬁssions in a¶ gun-type weapon, a signiﬁcant quantity—between 50 and 60 kilograms (kg)—of HEU is¶ required.15¶ An implosion device, in contrast, “uses a set of shaped explosives arranged around a¶ less-than-critical mass of HEU or plutonium to crush the atoms of material closer together”¶ to produce a nuclear explosion.16Weapons-grade plutonium (plutonium that contains more¶ than 90% of plutonium isotope 239) is the desired type of plutonium for production of¶ such a device as it is most readily detonated, although, reactor-grade plutonium (containing¶ between 50 to 70% plutonium 239) could also produce a nuclear explosion.17 A much¶ smaller amount of plutonium—between 6 and 8 kg—is also required for an implosion device¶ compared to the HEU required for a gun-type device. Unlike uranium, however, plutonium is¶ not a naturally occurring element and is produced when U-238 absorbs neutrons in a nuclear¶ reactor where it is intimately mixed with the U-238. The plutonium must then be separated¶ or “reprocessed” from the U-238 before it can be used for either weapons applications¶ or for reactor fuel.18 Plutonium separation is technically easier than uranium enrichment¶ as it is affected by chemical means rather than isotopic mass in the case of uranium¶ enrichment. The production of plutonium, however, “is made greatly more difﬁcult by the¶ intense radiation emanating from the commingled ﬁssion products.”19 The complexity of an implosion device also poses additional challenges in terms of manufacture/acquisition¶ and testing of components, which could also increase the likelihood of detection.20¶ The acquisition of the required quantity of ﬁssile material remains the major obstacle¶ to terrorists fabricating a nuclear device. Acquisition of ﬁssile material could be achieved in¶ two ways: through terrorists undertaking the process of enrichment or through purchase or¶ theft of weapons grade HEU or plutonium. A terrorist organization is unlikely to attempt the¶ enrichment of natural uranium as this is a technically demanding process, the technologies¶ for which are tightly controlled.21 The theft of a sufﬁcient quantity and quality of HEU is¶ the more likely option due not only to technical requirements but also to the amount of¶ HEU stockpiled around the world. According to the International Panel on Fissile Materials (IPFM), there exists approximately 1,700 metric tons of HEU worldwide in various¶ locations, and 99% is estimated to be in possession of the nuclear weapons states.22 The¶ bulk of this HEU is accounted for by acknowledged military uses, although it is estimated¶ that between 50 and 100 metric tons is in the civilian sector, where it is primarily used in¶ research reactors, the production of medical isotopes, and to fuel Russian icebreakers.23

### Jus ad Bellum

#### Imminence causes backlash- jus ad bellum

ACLU et al. ’13 (American Civil Liberties Union Amnesty, International Center for Human Rights & Global Justice, NYU School of Law\* Center for Civilians in Conflict Center for Constitutional Rights Global Justice Clinic, NYU School of Law\* Human Rights First Human Rights Institute, Columbia Law School, Human Rights Watch, Open Society Foundations, “Joint Letter to President Obama on US Drone Strikes and Targeted Killings”, April 11, 2013

Senior officials have claimed that the administration applies international humanitarian law to its targeted killing program.[14] However, unlike international human rights law, the circumstances under which international humanitarian law applies are narrow and exceptional. There must be an armed conflict: hostilities must be between the United Statesanda group that is sufficiently organized and must reach a level of intensity that is distinct from sporadic acts of violence.[15] Outside of an armed conflict, where international human rights law applies, the United States can only target an individual if he poses an imminent threat to life and lethal force is the last resort.[16] A key preliminary issue is thus whether or not the United States is using lethal force as part of hostilities in an armed conflict. Even when the United States uses force as part of hostilities in an armed conflict, there are important legal constraints on its targeting operations. The administration’s statements have raised fundamental concerns about whether it recognizes these constraints and complies with international law. We describe three of these concerns below, although they are not exhaustive. The first two involve concerns pertaining to how the U.S. chooses particular targets; the third involves concerns pertaining to the legality of U.S. use of force in other states. A. The administration’s criteria for determining that it can lawfully engage in lethal targeting of a particular individual or groups of individuals. The administration should ensure that its standards and criteria for determining that it can directly target a particular individual using lethal force are consistent with international law. It should also disclose those standards so that Congress, the public, and other nations can assess them. Because of the impact that U.S. policy will have on global standard setting on the use of drones in targeted killings, it is critically important that U.S. legal standards be fully disclosed. There are troubling indications that the U.S. regards an individual’s affiliation with a group as making him or her lawfully subject to direct attack.[17] This raises serious questions about whether the U.S. is operating in accordance with international law. Under international humanitarian law, applicable in the narrow and exceptional circumstance of armed conflict, the U.S. can directly target only members of the armed forces of an enemy, military objectives, or civilians directly participating in hostilities.[18] U.S. standards should reflect a presumption that unidentified individuals are civilians with protection from direct attack, unless and for such time as they take a direct part in hostilities.[19] Outside of an armed conflict, where international human rights law applies, any use of force must be both necessary and proportionate. Intentional lethal force may only be used where strictly necessary to prevent an imminent threat to life.[20] To assess “imminence” under human rights law and in the context of determining how force can be used outside an armed conflict, the U.S. should look only to human rights law sources. Some administration statements imply that the U.S. government may be attempting to borrow interpretations of “imminence” from the law regarding resort to the use of force (jus ad bellum), which involves a wholly separate inquiry into whether a state can lawfully use force in violation of another state’s sovereignty, to defend itself against an imminent threat (see Section V.C infra). B. The administration’s criteria for determining that a group is an “associated force” of Al Qaeda, and the implications of that determination. The administration has stated that it is in an armed conflict with Al Qaeda and “associated forces,” which it defines as organized armed groups that have “entered the fight alongside al Qaeda” and are “co-belligerent[s] with al Qaeda in hostilities against the United States or its coalition partners.”[21] The administration’s failure to define what specific organizational features or conduct would lead a group to be classified as an associated force raises concerns that this results in an aggressive and indefinitely expansive scope of targeting authority. The administration should disclose the groups it believes to currently constitute associated forces and the criteria for determining whether a group is an associated force. It should set forth the legal basis for considering the United States to be at war with “associated forces” of Al Qaeda that did not participate in the September 11, 2001 terrorist attacks. Moreover, it should clarify who it believes is lawfully targetable with lethal force within such “associated forces.” C. The administration’s concept of imminence, in justifying its resort to the use of force in self-defense. Some of the undersigned groups are concerned that the administration’s statements appear improperly to conflate the question of sovereignty with the question of whether use of force against a particular individual is lawful.[22] International law prohibits the use of force in the territory of other states, except in narrow circumstances, including self-defense and consent. The use of force may be a lawful act of self-defense in response to an armed attack or imminent threat of armed attack. Some scholars believe a state may use force in these circumstances even without a host state’s consent, for so long as the host state is unwilling or unable to take appropriate action. The resort to the use of force in self-defense (jus ad bellum) relates to issues of state sovereignty; any U.S. operations would still need to satisfy the applicable requirements of humanitarian law (jus in bello) and human rights law. Moreover, John Brennan has implied that the “imminent threat” threshold “should be broadened in light of the modern-day capabilities, techniques, and technological innovations of terrorist organizations.”[23] This and other statements by administration officials, and a leaked Department of Justice white paper regarding the legality of targeting a U.S. citizen,[24] imply that the broadening of the term “imminent threat” could expand the situations in which lethal force would be justified based on a perceived danger that may be realized at an undefined point in the future; or based on a group’s generalized intent to use force against the United States, even if the U.S. government is not aware of that group’s planning toward a specific attack against the United States.[25] These interpretations of imminence would be inconsistent with international law

regarding resort to the use of force. \*\*\*\*\* As senior administration officials have recognized, U.S. targeted killing policies and practices will set a precedent for other nations, particularly as weaponized drone technology becomes more widely available. Lowering the threshold for the use of force outside armed conflicts could be in breach of international law, set a dangerous precedent, and weaken the U.S. government’s ability to argue for constraints on lethal targeting operations of other states.

#### Expanded *jus ad bellum* collapses global firebreak on use-of-force- US signal

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 9-19-13, mss]

144 This approach also would inevitably lead to dangerous “slippery slopes.” Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of “imminence,”145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF “does not authorize military force against anyone the Executive labels a ‘terrorist,’”146 relying solely on the international law of self defense would likely lead to precisely such a result. The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos.”148

#### go nuclear

Obayemi, 6 -- East Bay Law School professor

[Olumide, admitted to the Bars of Federal Republic of Nigeria and the State of California, Golden Gate University School of Law, "Article: Legal Standards Governing Pre-Emptive Strikes and Forcible Measures of Anticipatory Self-Defense Under the U.N. Charter and General International Law," 12 Ann. Surv. Int'l & Comp. L. 19, l/n, accessed 9-19-13, mss]

The United States must abide by the rigorous standards set out above that are meant to govern the use of preemptive strikes, because today's international system is characterized by a relative infrequency of interstate war. It has been noted that developing doctrines that lower the threshold for preemptive action could put that accomplishment at risk, and exacerbate regional crises already on the brink of open conflict. n100 This is important as O'Hanlon, Rice, and Steinberg have rightly noted: ...countries already on the brink of war, and leaning strongly towards war, might use the doctrine to justify an action they already wished to take, and the effect of the U.S. posture may make it harder for the international community in general, and the U.S. in particular, to counsel delay and diplomacy. Potential **examples abound**, ranging from Ethiopia and Eritrea, to China and Taiwan, to the Middle East. But perhaps the clearest case is the India-Pakistan crisis. n101 The world must be a safe place to live in. We cannot be ruled by bandits and rogue states. There must be law and order not only in the books but in enforcement as well. No nation is better suited to enforce international law than the United States. The Bush Doctrine will stand the test [\*42] of time and survive. Again, we submit that nothing more would protect the world and its citizens from **nuclear weapons**, terrorists and rogue states than an able and willing nation like the United States, acting as a policeman of the world within all legal boundaries. This is the essence of the preamble to the United Nations Charter.

#### Turns drone prolif- broader legal principle of war triggers the impact

Odle, 13 -- Emory International Law Review managing editor

(John, J.D. Candidate, Emory University School of Law (2013); M.A., George Washington University (2007); B.A., Johns Hopkins University (2003), “Targeted Killings in Yemen and Somalia,” http://www.law.emory.edu/fileadmin/journals/eilr/27/27.1/Odle.pdf)

The legal theory the United States uses to justify using drones to target individuals in foreign countries is important for the future of counterterrorism and the law of nations. UAVs are cheaper alternatives to expensive fighter jets; other countries such as China, Russia, and Israel are starting to build their own drones.400 The United States’ justification for using drones against terrorists in countries such as Somalia and Yemen are not made in vacuum and other countries might also use similar justifications to use drones abroad.401

## THEIR CARDS

### Their ! D cards

No escalation—great powers

Collins, prof poli sci – Notre Dame, and Wohlforth, prof govt – Dartmouth, ‘4

(Kathleen and William, <http://www.dartmouth.edu/~govt/docs/15-Central%20Asia-press.pdf>)

While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the major powers are in a better position to serve as a stabilizing force than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region’s response to the profoundly destabilizing shock of coordinated terror attacks was increased cooperation between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers.

Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security interests become more entwined, there are sound reasons to conclude that “great game” politics will not shape Central Asia’s future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers’ relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

No war or escalation – all powers want stability

Rogers 13 (Samuel, Advisor for the GPRA Group, The GPRA Group provides micro political and trade risk services to multinationals, insurance companies and financial institutions operating in emerging markets., 3/4/2013, "Central Asia: What's Next?", www.gpra-group.com/2/post/2013/03/central-asia-whats-next.html)

In recent years, Russia and to a lesser extent China, have been making inroads into consolidating their power within the region. The former set up the Customs Union to incorporate Kazakhstan into a free trade area; mediated between Kyrgyz and Uzbek leaders during and following the 2010 ethnic clashes; and secured natural resource transit route rights from the region to Europe. For its part, China extended its Western borders by incorporating 1% of Tajikistan into Chinese territory; sees Central Asia as vital as a source of natural gas; views the area as a buffer zone to Russian and US expansionism; and has acted as an influential actor in offsetting Uyghur separatist intentions. Additionally, China has continued to increase investment in Afghanistan’s fledgling mineral sector and has agreed to train Afghan police, ahead of the planned US troop withdrawal in 2014.¶ Political and economic stability are of paramount importance to Russia and China. Putin may look to expand the Customs Union in order to be in a position to rival the influence of the EU (increased Kazakh-Kyrgyz economic cooperation has recently been discussed). China is concerned with extinguishing discontent in its Muslim-dominated Western regions and increasing economic cooperation. Premier Wen Jiabao visited Bishkek in December 2012 in an official state visit, which aimed to consolidate Sino-Kyrgyz relations against the backdrop of signing four official documents on economic cooperation, geology and financial investment for transport infrastructure, which reveal China’s desire for a more hands-on approach to diplomatic relations between the two states, which only began in 1992. The US, for the immediate future, will be primarily concerned with maintaining its ability to station military personnel in Central Asia and diversify supply routes to avoid over-reliance on Pakistan for operations in Afghanistan as the 2014 deadline will now likely be surpassed.¶ All three powers desire to preserve the political status quo and keep the current, long-standing incumbents in office. It is therefore likely that in the event of internal political struggles, ranging from ethnic, religious or labour-related in nature, a swift return to the status quo will ensue. In 2010, for example, following widespread civil unrest in Kyrgyzstan, and the ousting of President Bakiyev, the 2011 elections saw the not dissimilar incumbent Atambayev elected amid strong international support.¶ With newly-elected Chinese General Secretary Xi Jinping and the recent re-elections of Presidents Putin and Obama, 2013 will provide observers and investors a clearer picture of official policy towards the region. Central Asian states are likely to remain politically stable and will present development opportunities as diverse as mining, dam construction and telecommunications, all of which are enjoying FDI from Russia and China. The Russian Direct Investment Fund (RDIF) and the Chinese Investment Corporation (CIC), both official government-sponsored investment bodies, have jointly invested $2bn in Central Asian projects, a figure which is planned to rise to $4bn.¶ The Next Five Years¶ Whilst it is unlikely there will be a ‘hot’ war between any of these major powers, there is potential for conflict by proxy within the region. Areas of concern are the Afghan-Tajik border region, and internal deterioration in US-Pakistan relations, engineered by external forces. Civil unrest also has potential to re-emerge within states and also may have a ‘spill-over effect’, with the potential to permeate borders as seen in 2010 in Kyrgyzstan and Uzbekistan. Sudden price drops or price hikes in natural resources would also have the capacity to adversely affect trade and transit agreements between the countries.¶ With the US set to channel funding more directly into East Asia in order to ‘face’ China’s increased regional dominance over the coming years, US military spending in Central Asia will decline, leaving a potential vacuum into which China and Russia will seek to enter through soft power; a policy, which Russia has recently openly stated it intends to pursue, and China has a long-standing policy of.¶ Observers of the region will note the rise in bilateral agreements between China and the Central Asian states - actions which make a break from traditional Chinese policy; the growing economic strength of the Customs Union; and the potential for conflict in Iran. These factors amongst others will determine the geopolitical situation of the former Soviet states over the next five years, and beyond.¶ Further afield, India, Japan, South Korea and Turkey are all observing the situation in Central Asia. India, the dominant force in South Asia, will look to expand its horizons and consolidate a greater role in global affairs by becoming more proactive in Central Asia, though it is unlikely to surpass others’ presence due to its lack of strategy. Japan, from as early as the 1990s, has sought to engage the US in a joint policy towards the region in an effort to curb Chinese presence and diversify energy imports. South Korea, which is an increasing economic power, desires a stronger presence in Central Asia in order to forge closer ties with Russia, whilst consolidating its links with China, Japan and the US. Turkey, the first country to recognise the independence of the Central Asian Republics, has donated 25% of all foreign aid to the region since 1992 ($1bn) and combined Turkish business projects’ value in Central Asia has now reached $50bn. Furthermore, the strength of cultural ties continues to increase through institutions such as the Turkic Council and student exchange programmes. ¶ Each of the aforementioned states are likely to actively seek to deepen and compound their presence in the region. For China, Russia and the US however, the geopolitics of Central Asia is of greater importance. There is too much to lose for any of the powers to afford conflict, economic neglect or widespread social unrest in the region, detrimental to their key strategic aims.

b) Best Middle East methodology

Luttwak, senior associate – CSIS, professor – Georgetown and Berkeley, 5/26/’7

(Edward, “The middle of nowhere,” Prospect Magazine)

Why are middle east experts so unfailingly wrong? The lesson of history is that men never learn from history, but middle east experts, like the rest of us, should at least learn from their past mistakes. Instead, they just keep repeating them.

The first mistake is “five minutes to midnight” catastrophism. The late King Hussein of Jordan was the undisputed master of this genre. Wearing his gravest aspect, he would warn us that with patience finally exhausted the Arab-Israeli conflict was about to explode, that all past conflicts would be dwarfed by what was about to happen unless, unless… And then came the remedy—usually something rather tame when compared with the immense catastrophe predicted, such as resuming this or that stalled negotiation, or getting an American envoy to the scene to make the usual promises to the Palestinians and apply the usual pressures on Israel. We read versions of the standard King Hussein speech in countless newspaper columns, hear identical invocations in the grindingly repetitive radio and television appearances of the usual middle east experts, and are now faced with Hussein’s son Abdullah periodically repeating his father’s speech almost verbatim.

What actually happens at each of these “moments of truth”—and we may be approaching another one—is nothing much; only the same old cyclical conflict which always restarts when peace is about to break out, and always dampens down when the violence becomes intense enough. The ease of filming and reporting out of safe and comfortable Israeli hotels inflates the media coverage of every minor affray. But humanitarians should note that the dead from Jewish-Palestinian fighting since 1921 amount to fewer than 100,000—about as many as are killed in a season of conflict in Darfur.

c) Err neg – even the most extreme wars didn’t escalate

Simon, senior fellow, Mid East Studies – CFR, ‘7

(Steven, <http://www.cato.org/pubs/policy_report/v29n4/cpr29n4-4.html>)

Another fear is regional chaos. This is something that National Security Advisor Steve Hadley has spelled out in a number of places, most recently in the Washington Post. The idea is that, if the United States withdraws from Baghdad, it will be the end of the world as we know it. If you look historically at the experience of the Middle East, though, civil wars do not turn into regional wars. If you look at Algeria, Yemen—even Lebanon, where the Israeli and Syrian piece of it was very carefully controlled by both governments—you did not get a regional war from a civil war.

Regional cooperation solves

Hadar, foreign policy studies – Cato, 7/1/’11

(Leon, <http://www.cato.org/pub_display.php?pub_id=13259>)

To some extent, the recognition that the United States has lost some of its ability to determine strategic outcomes in the Middle East has already encouraged regional powers to reassess the wisdom of free riding on American power. Saudi Arabia, together with its partners in the Gulf Cooperation Council (GCC), has deployed troops to Bahrain to provide support to the regime and is heading the efforts to stabilize Yemen. Meanwhile, France, a major Mediterranean power, and Britain have played a leading role in the military operation in Libya to protect their interests in the region. Turkey has been asserting more forcefully its role as a regional power in multiple ways.

Indeed, contrary to the warning proponents of U.S. military intervention typically express, the withdrawal of American troops from Iraq and Afghanistan would not necessarily lead to more chaos and bloodshed in those countries. Russia, India and Iran — which supported the Northern Alliance that helped Washintgon topple the Taliban — and Pakistan (which once backed the Taliban) all have close ties to various ethnic and tribal groups in that country and now have a common interest in stabilizing Afghanistan and containing the rivalries.

A similar arrangement could be applied to Iraq where Turkey, Saudi Arabia and Iran share an interest in assisting their local allies and in restraining potential rivals — Shiites, Sunnis, Kurds and Turkmen — by preventing the sectarian tensions in Iraq from spilling into the rest of the region.

Hence, Turkey has already been quite successful in stabilizing and developing economic ties with the autonomous Kurdish area of Iraq while containing irredentist Kurdish pressures in northern Iraq and southern Turkey and protecting the Turkmen minority. And Turkey, together with Saudi Arabia and Iran, has played a critical role toward forming a government in Baghdad that recognizes the interests of Shiites, Sunnis, and Kurds.

The United States should take part in any negotiations leading to regional agreements on Afghanistan and Iraq, a process that could also become an opportunity to improve the relationship with Iran. Such an approach has the potential to demonstrate that regionalism, as opposed to American hegemonism, could be more beneficial to U.S. interests as well as to the governments and people of the Middle East and Central Asia.

no great power intervention

**Kaye 10**—Senior political scientist, RAND. CFR member and former prof at George Wash. PhD in pol sci from UC Berkeley—AND—Frederic Wehrey—Senior analyst at RAND. Former Georgetown prof. D.Phil. candidate in IR, Oxford. Master’s in near Eastern studies, Princeton—AND—Jeffrey Martini—Middle East research project associate at RAND. Master’s in Arab studies at Georgetown (Dalia Dassa, The Iraq Effect, Report Prepared for the Air Force, http://www.rand.org/pubs/monographs/2010/RAND\_MG892.pdf)

Continue the policy of encouraging responsible stakeholder involve- ment from China and, to the extent possible, Russia; harness these countries’ respective niche interests to promote regional economic growth and stability. In the same vein, the U.S. should avoid alarmist reactions to Chinese or Russian influence in the region, particularly their economic activi- ties, because many of these activities are more likely to complement, rather than supplant, U.S. regional interests. For example, China and the United States have a strong converging interest in creating a stable regional security order conducive to the flow of the region’s oil and gas. U.S. policy should also distinguish among extraregional powers’ pur- suit of their economic interests and more-aggressive attempts to move the regional system toward multipolarity, which is a greater concern in the case of Russia than China.

# Cards for Opensource (copies cards above)

## 2AC

### 2AC- Yemen

#### Alt causes overwhelm Yemen instability and drone turn instability

Longley ’10 (April Longley, Published by the UAE-based THE NATIONAL on Dec. 20, 2009. Dr. April Longley Alley is a former Fulbright Fellow in Yemen, and a research associate at the National Defense University in Washington, “To fight al-Qaeda, cure the cancer at the heart of Yemen”, <http://www.alarabiya.net/views/2010/01/21/97988.html>, January 21, 2010)

Yemen has exploded on to the political scene as a central front in the battle against al-Qaeda. Long a stomping ground for al Qaeda affiliates, the country has witnessed the organization’s revival in the past few years under a new leadership. In response, the Obama administration in Washington appears to be emphatically throwing its weight behind the unpopular Saleh regime in Sana’a. The U.S. president has made it “a priority to strengthen partnership with the Yemeni government”, and the U.S. Central Command chief, General David Petraeus, has announced that security assistance to the country will more than double, from $70 million to $150 million. So for now it seems that Washington and Sana’a have renewed their troubled counter-terrorism cooperation at a time when the Yemeni state is buckling under the weight of multiple, converging socio-economic and political crises. An aggressive counter-terrorism campaign against al-Qaeda in Yemen will certainly answer the U.S. public’s demand for immediate action after the failed Christmas bombing of a plane over Detroit; but it risks further destabilizing the country, providing recruitment propaganda for al-Qaeda, and ultimately undermining U.S. national security interests. In fact, a narrow counter-terrorism approach will fail to address the underlying causes of instability in Yemen that are supporting al-Qaeda in the first place. Al-Qaeda is a symptom, not the cause, of instability in Yemen. The organization finds room to operate in part because of Yemen’s chronic poverty, weak central government and expanding pockets of domestic unrest. While the Saleh regime is a necessary partner in the struggle against al Qaeda, its policies perpetuate the very political and economic conditions that support al Qaeda expansion. Mr. Saleh has repeatedly avoided the political and economic reforms that would address local grievances, salvage the economy and buttress his domestic legitimacy. Endemic corruption, underdevelopment, divide-and-rule politics and the manipulation of regional and sectarian identities for tactical gain are undermining the authority of the central government, both in the northern province of Sa’adaa, where Mr. Saleh has been fighting a domestic insurgency for five years, and in the south where demands for secession are on the rise. Mr. Saleh’s mode of rule has also perpetuated tense relations between the regime and tribal factions, providing room for al-Qaeda to align with disgruntled tribal groups. Though combating al-Qaeda is the U.S. government’s priority, it is not Mr. Saleh’s. He is focused on the narrow target of staying in power, and at the moment that means fighting the Houthi rebellion in the north and the secessionist movement in the south. Some elements of al-Qaeda are perceived as a threat, but not on the level of these rebellions. As such, despite current co-operation, persuading Mr. Saleh to sustain an aggressive campaign against al-Qaeda will be difficult for the United States. Yemen’s political and economic climate provides fertile ground for al-Qaeda. As such, addressing the challenge will require more than hi-tech satellite imagery, drones and missiles. While capture-and-kill operations are necessary in some cases, they are woefully inadequate in the long term. In addition to neglecting root causes, a strategy based primarily on counter-terrorism could play into al-Qaeda’s hands, strengthening its recruitment potential and support base. Already, U.S.-assisted operations against suspected al-Qaeda operatives have drawn the ire of local tribes fiercely opposed to outside interference, and a wide array of citizens who resent the death of innocent civilians. While in some cases the strikes eliminate al-Qaeda leadership, ultimately the cost is at the narrative level, where al-Qaeda seems to be gaining strength. An al-Qaeda safe haven in Yemen poses a grave threat that must be addressed. It is critical, however, for the Obama administration to avoid pursuing an approach dominated by capture-and-kil. This will not address the root causes of the problem and it could actually aggravate the situation, especially if the U.S. is perceived as actively supporting military actions that kill Yemeni civilians.

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#### Unstable Pakistan causes central asia war

[MIRZAYAN](http://translate.googleusercontent.com/translate_c?hl=en&ie=UTF-8&sl=auto&tl=en&u=http://expert.ru/authors/143292/&prev=_t&rurl=translate.google.com&twu=1&usg=ALkJrhhybTGW9zx9H30zrL1QCmxOmA4gQQ) ‘10, Special Foreign Affairs Correspondent – Expert (Russian Magazine) (Gevorg, August 24,”” <http://therearenosunglasses.wordpress.com/2010/08/24/does-usindia-strategic-alliance-leave-pakistan-out-in-the-cold/>)

However, if the partner exchange occurs too quickly, the region can expect to unpredictable consequences.Foremost is the destabilization of Pakistan. Islamabad is now totally dependent on American financial influence – as in the civilian sector (excluding U.S. aid budget will not be cut), and in the military (the U.S. spends billions of dollars on weapons of Pakistan and strengthen the capacity of its armed forces to fight militants). If the White House refuses alliance with Pakistan in favor of India, it will be very difficult to persuade Congress to continue the provision of the multibillion-dollar aid to Islamabad. Without this assistance, Pakistan is likely waiting for the financial collapse and a dramatic increase in the already weak separatist movements, especially in Baluchistan, where the majority of gas fields in the country, as well as in human Pashtun north-western regions. The situation is complicated by the presence in Pakistan of nuclear weapons (as the main rival of the country saw India, the majority of nuclear facilities have been deployed along the border with Afghanistan, is now teeming with Islamists). In the case of disintegration of the country’s nuclear components and documentation that might fall into the hands of the Taliban and then go to the international black market. His role in the destabilization of the play and the Pakistani generals. Guide Pakistani armed forces has long been experiencing complexes because of the superiority of India in the field of conventional weapons and considers the close relationship with the U.S. as a kind of protection against possible Indian intervention. If the shield disappears, Pakistan’s generals may think that the balance of power no longer, and that India wants to solve all our problems in Kashmir and Islamic militants with the help of a local operation against Islamabad. Or, more likely, against the background of irreversible disintegration processes in Pakistan, the Indians might be tempted to undertake jointly with China and the U.S. operation to deprive Pakistan of nuclear weapons. In this situation, Pakistan’s generals may be willing to **take extreme measures**. If the U.S. abandonment of Islamabad and withdraw from Afghanistan, Pakistan has become a classic failed state.However, unlike other similar countries (Sudan, Iraq, Myanmar), Pakistan would have enormous destabilizing effect on the entire region. 170 millionth Islamic country with nuclear weapons – to neutralize this threat will need concerted action of all regional great powers. Otherwise, **Central Asia will become a new Middle East**.

#### Pakistan collapse tanks the global economy

Walayat ‘10(Nadeem, financial analyst, editor of the Market Oracle, over 20 years experience of trading derivatives, portfolio management and analysing the financial markets, The Market Oracle, "Pakistan Collapse Could Trigger Global Great Depression and World War III," www.marketoracle.co.uk/Article16543.html, January 16, 2010)

Pakistan Collapse Could Trigger Global Great Depression and World War III During 2009 the 2600 terrorist attacks resulted in the number of deaths soaring to more than 12,000 casualties in Pakistan, compared to the number killed in Iraq falling to 2,800 from the 2008 total of 5,900. The U.S. War in Afghanistan pushed the Taliban and Al-Qeeda over the border into Pakistan that has sparked an escalating insurgency and Pakistan's own U.S. backed un-popular "War on Terror" which is going just as badly as that in Afghanistan, only without the deep financial pockets to embark up on an never ending war that is increasingly sapping what little strength the Pakistan Economy had out of it and now seriously risks the collapse of the state due to the stress of the conflict on the economy and society. The world appears to be sleep walking towards a mega-crisis during 2010 and beyond resulting from that of continuing and escalating terrorist insurgency fed by U.S. policy, that is spreading like a cancer across Pakistan resulting in the disintegration of the Pakistani economy and by consequence the disintegration of many areas of the state into lawless areas despite the size of the Pakistani Army, this would result in fallout across the whole region and the wider world on a scale of several magnitudes greater than that which followed the collapse of Iraq following the 2003 invasion. Pakistan populated by more than 170 million people could turn into a black hole that could swallow many more trillions of dollars in an escalating but ultimately unwinnable war on terror that would disrupt not only the economies of the west with hundreds of thousands more boots on the ground, but also the economies of the neighbouring states, especially India, Iran and China much as the war in Afghanistan had increasingly impacted on the Pakistani state and economy over the past few years. Not only is Pakistan's vast military industrial complex and arms stock piles at risk, but far more deadly than the IED's or klashnikovs are Pakistan's nuclear and chemical weapons that could greatly increase the risks of a series of dirty bombs emerging from within a failed state even if the nuclear weapons themselves remained secure. Therefore the Pakistan crisis has the potential for becoming a very significant factor when determining the direction of the global economy over the coming years due to both a mega refugee crisis that would emerge from a failed state and the conflagration of conflict across the region, unless action is taken to stabilise the situation in Pakistan towards which the following could form part of: 1. First world military technology such as drone air-craft and satellite surveillance made available to the Pakistan army to enable it to fight a more precise war against the Taliban Leadership without unpopular blanket warfare across regions of the country that only results in the conflict spreading and new recruits for the insurgency. Therefore Pakistan's War Against Terror needs to be greatly de-escalated rather than escalated, basically a strategy of containment of the Taliban in the Pushtoon areas rather invite more Pushtoon's to join the Taliban as a consequence of Pakistani Army actions. This would allow the rest of a more ethnically and culturally diverse Pakistan to stabilise rather than become sucked into an ever widening conflict. 2. To financially support and reform the Pakistan Government and economy into a self sustaining secular growth machine and as a far less corrupt entity than at present, much as the United States succeeded in turning the collapsed economies of Germany and Japan around following the second world war that would seek to pull Pakistan's people out of poverty and illiteracy, especially aimed at the impoverished youth that are increasingly falling pray to the Taliban ideology of holy war. The alternative of remaining on the present path risks the already debt saddled western worlds economies sowing the seeds of a Pakistan Collapse triggered Great Depression, much as many aspects of today's economic and financial crisis have their roots in both Afghanistan and Iraq and with even far worse consequences for the neighbouring states of Iran, India, China and perhaps Russia as the conflict falls out of Pakistan's borders. However at present U.S. and Western focus is primarily focused on bombing the Taliban and Al-Qeeda from the air and enticing the Pakistani army to embark on huge military expeditions against large regions of Pakistan, therefore not learning a single lesson from either Iraq or Afghanistan that the real solution is to win hearts and minds which cannot be done through carpet bombing of towns and cities but rather through building civil society and infrastructure. Unless action is taken now to change course then we may look back at the present in a few years time and say why did we not do something when we had the chance to prevent the Great Hyper-Inflationary Depression and resulting Global War much as the 1930's Great Deflationary Depression ultimately resulted in the Second World War.

### Drone Prolif- China Export/ AT: Barriers

#### China exports the drones

Zhouin 12 (Dillon, graduate of the International Relations Program at the University of Massachusetts Boston, PolicyMic, “China Drones Prompt Fears of a Drone Race With the US”, http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us, ZBurdette)

During China’s twice-a-year show, visitors got to see an impressive and, to some, alarming fleet of drones developed by Chinese companies, including many models resembling U.S. drones with their body shape, flight specs, and their missile and surveillance capabilities. It’s evident that China intends to take full advantage of using unmanned aerial vehicles (UAVs) to achieve its national interests – including their territorial disputes over the Senkaku Islands and South China Sea. The U.S. and the World should, therefore, be concerned with this development given that this may lead to a drone race between the top two producers of drones – the U.S. and China. In a world whose militaries and governments are buzzing about the potential of the drones, it is no surprise that China is working to bring their drone program up to speed to compete with America just as President Obama is executing his "Asia Pivot" through strengthening U.S. military, political and economic presence in Asia. China is rising – as evident in its growing economic and military power – but the U.S. should not treat the Chinese drone program as a cause for panic. If the U.S. works towards countermeasures against drones from rival states – like China – the risk posed by the development of competing drone programs can be minimized allowing the U.S. to implement its "Asia Pivot" with one less impediment. The Rise of the Drones Drones are the strategic tools of the future, especially when it comes to the political contests between the major players in global affairs. The Department of Defense’s Defense Science Board (DSB) released a report on the future of drones as a potent tool of great powers like the U.S. and China. The report notes that drones are fast becoming a “tipping point” in global affairs because: “Armed forces in the United States and around the world have actively embraced unmanned systems. The advantages of these systems in terms of persistence, endurance and generally lower costs and deployment footprint have been highlighted in recent conflicts ... Unmanned systems have become an established part of military operations and will play an increasing role in the modern military machine.” The value of the drone lies in its capacity to radically expand a military’s ability to gather intelligence and expand its ability to project its power beyond limits faced by frontline personnel. It can also carry out the unpleasant business of neutralizing enemies, including Anwar al-Awlaki and Abu Yahya al-Libi, Al Qaeda’s last number two leaders, with some civilian casualties. However, the drone is not as precise or accurate as described by the defense industry – as shown by a joint study published by Stanford Law School and NYU School of Law, which detailed the considerable toll taken on civilians in Pakistan – and causes unintended consequences in its search and kill operations in multiple areas of U.S. intelligence operations. The U.S. remains the leading market for drones, but other powers like China, Russia, Europe and the Middle East are also working to develop their own drone capabilities. Unlike the other powers, China is the most prolific developer of a rival drone program to America's program. The DSB report said “[i]n a worrisome trend, China has ramped up research in recent years faster than any other country.” China’s New “Dragons” in the Sky Like the U.S., China has given its new fleet of UAVs unique code names – which often include the character for “dragon” or "long" – and designed them with comparable capabilities as their U.S. counterparts. Many of its newer models – including the CH-4, the Wing Loong and Xianglong – appears to be copies of the U.S. Reaper, Predator and Global Hawk designs. The drone program has had a profound effect on China’s defense industry. The DSB report notes that “[China] displayed its first unmanned system model at the Zhuhai air show five years ago, and now every major manufacturer for the Chinese military has a research center devoted to unmanned systems.” One unique aspect of the Chinese drone program is that the cost of the drones are significantly cheaper than those made by the U.S. and Israel. For example, according to Wired, "[t]he Wing Loong [the Chinese equivalent of the U.S. Reaper] reportedly comes at a rather incredible bargain price of $1 million (£625,000), compared to the Reaper's varying price tags in the $30 million (£18.7 million) range." For China, their nascent drone program provides a valuable tool for projecting its power in Asia, especially in a time when it’s engaged in territorial disputes with its neighbors. More importantly, China feels a need to meet the threat in perceives in President Obama’s so-called “Asia Pivot.” The drones could act as the ideal surveillance tool in tracking U.S. and its Asian allies' military movements in the event of a crisis or international spat and act as a proxy weapon to deter assertive behavior over the South China Sea and Senkaku Islands. At the same time, the cheaper Chinese drones are a hot export product line for the Chinese defense industry. Many African and Asian states have placed orders for the economic Chinese drones. "We've been contacting many countries, especially from Africa and Asia," Guo Qian, a director at a division of the state-owned China Aerospace Science and Technology Corporation. The geostrategic impact of the advent of these new "dragons" is to stoke fears of a drone race between the U.S. and China, which have already manifested at the Pentagon. Worried About the Dragons’ Reach The U.S. is deeply concerned with the speed of the Chinese drone program and the growing resources being devoted to the program. The main concern, according to the DSB report, is as follows: “The military significance of China’s move into unmanned systems is alarming. [China] has a great deal of technology, seemingly unlimited resources and clearly is leveraging all available information on Western unmanned systems development. China might easily match or outpace U.S. spending on unmanned systems, rapidly close the technology gaps and become a formidable global competitor in unmanned systems.” Basically, the U.S. is afraid that it won't be able to keep up with a China that has invested itself in a intensive government-sponsored effort to compete with the U.S. drone program in terms of technical quality, quantity, and as a export product to clients in the developing world. On a strategic level, the Chinese drones could be the "tipping point" for giving the Chinese the edge in possible future disputes in Asia with the U.S. as it attempts to create regional security as part of its "Asia Pivot." There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program. First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present. Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years. Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation. The U.S. shouldn't be alarmed given these facts. Nor should it be overly critical of the Chinese drone program. Scott Shane of The New York Times observes that the U.S. has set the "international norms" for using drones: "If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them." The U.S. needs to take countermeasures against future risks from Chinese drones, but it needs not be overly alarmed or antsy. Clearly, President Obama and the U.S. has a need to work hard to keep the U.S. ahead of the competition from the "dragons" in order to implement the "Asia Pivot" and pursue U.S. interest in a balance of power in the region.

### Drone Prolif- Norms Solve

#### Even if prolif is inevitable, the plan sends a signal of norms of restraint that solve war

Roberts ’13 (Kirstin Roberts, News Editor for National Journal and was news editor and deputy bureau chief for Reuters’ Washington bureau, “When the Whole World Has Drones”, <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>, March 23, 2013)

A slim aircraft glided through Israeli airspace, maintaining low altitude and taking a winding path to avoid detection. It flew over sensitive military installations and was beginning its approach to the Dimona nuclear reactor when it was blown from the sky by the Israel Defense Forces. The plane was pilotless, directed by agents elsewhere, and had been attempting to relay images back home. Whether they were successfully transmitted, Israelis won’t say, perhaps because they don’t know. But here’s what’s certain: It wasn’t American. It wasn’t Russian or Chinese. It was an Iranian drone, assembled in Lebanon and flown by Hezbollah. The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines. It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following. America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts. To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things.”—Dennis Blair, former director of national intelligence Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan. This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation. THE WRONG QUESTION The United States is the indisputable leader in drone technology and long-range strike. Remote-piloted aircraft have given Washington an extraordinary ability to wage war with far greater precision, improved effect, and fewer unintended casualties than conventional warfare. The drones allow U.S. forces to establish ever greater control over combat areas, and the Pentagon sees the technology as an efficient and judicious force of the future. And it should, given the billions of dollars that have gone into establishing and maintaining such a capability. That level of superiority leads some national security officials to downplay concerns about other nations’ unmanned systems and to too narrowly define potential threats to the homeland. As proof, they argue that American dominance in drone warfare is due only in part to the aircraft itself, which offers the ability to travel great distances and loiter for long periods, not to mention carry and launch Hellfire missiles. The drone itself, they argue, is just a tool and, yes, one that is being copied aggressively by allies and adversaries alike. The real edge, they say, is in the unparalleled intelligence-collection and data-analysis underpinning the aircraft’s mission. “There is what I think is just an unconstrained focus on a tool as opposed to the subject of the issue, the tool of remotely piloted aircraft that in fact provide for greater degrees of surety before you employ force than anything else we use,” said retired Lt. Gen. David Deptula, the Air Force’s first deputy chief of staff for intelligence, surveillance, and reconnaissance. “I think people don’t realize that for the medium altitude aircraft—the MQ-1 [Predator] and MQ-9 [Reaper] that are generally written about in the press—there are over 200 people involved in just one orbit of those aircraft.… The majority of those people are analysts who are interpreting the information that’s coming off the sensors on the aircraft.” The analysts are part of the global architecture that makes precision strikes, and targeted killing, possible. At the front end, obviously, intelligence—military, CIA, and local—inform target decisions. But in as near-real time as technologically possible, intel analysts in Nevada, Texas, Virginia, and other locations watch the data flood in from the aircraft and make calls on what’s happening on target. They monitor the footage, listen to audio, and analyze signals, giving decision-makers time to adjust an operation if the risks (often counted in potential civilian deaths) outweigh the reward (judged by the value of the threat eliminated). “Is that a shovel or a rifle? Is that a Taliban member or is this a farmer? The way that warfare has advanced is that we are much more exquisite in our ability to discern,” Maj. Gen. Robert Otto, commander of the Air Force Intelligence, Surveillance, and Reconnaissance Agency, told National Journal at Nellis Air Force Base in Nevada. “We’re not overhead for 15 minutes with a fighter that’s about to run out of gas, and we have to make a decision. We can orbit long enough to be pretty sure about our target.” Other countries, groups, and even individuals can and do fly drones. But no state or group has nearly the sophisticated network of intelligence and data analysis that gives the United States its strategic advantage. Although it would be foolish to dismiss the notion that potential U.S. adversaries aspire to attain that type of war-from-afar, pinpoint-strike capability, they have neither the income nor the perceived need to do so. That’s true, at least today. It’s also irrelevant. Others who employ drones are likely to carry a different agenda, one more concerned with employing a relatively inexpensive and ruthlessly efficient tool to dispatch an enemy close at hand. “It would be very difficult for them to create the global-strike architecture we have, to have a control cell in Nevada flying a plane over Afghanistan. The reality is that most nations don’t want or need that,” said Peter Singer, director of the Brookings Institution’s Center for 21st Century Security and Intelligence and one of the foremost experts in advanced military technology. “Turkey’s not looking to conduct strikes into the Philippines.... But Turkey is looking to be able to carry out long-duration surveillance and potentially strike inside and right on its border.” And that’s a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir? “We don’t like other states using lethal force outside their borders. It’s destabilizing. It can lead to a sort of wider escalation of violence between two states,” said Micah Zenko, a security policy and drone expert at the Council on Foreign Relations. “So the proliferation of drones is not just about the protection of the United States. It’s primarily about the likelihood that other states will increasingly use lethal force outside of their borders.” LOWERING THE BAR Governments have covertly killed for ages, whether they maintained an official hit list or not. Before the Obama administration’s “disposition matrix,” Israel was among the best-known examples of a state that engaged, and continues to engage, in strikes to eliminate people identified by its intelligence as plotting attacks against it. But Israel certainly is not alone. Turkey has killed Kurds in Northern Iraq. Some American security experts point to Russia as well, although Moscow disputes this. In the 1960s, the U.S. government was involved to differing levels in plots to assassinate leaders in Congo and the Dominican Republic, and, famously, Fidel Castro in Cuba. The Church Committee’s investigation and subsequent 1975 report on those and other suspected plots led to the standing U.S. ban on assassination. So, from 1976 until the start of President George W. Bush’s “war on terror,” the United States did not conduct targeted killings, because it was considered anathema to American foreign policy. (In fact, until as late as 2001, Washington’s stated policy was to oppose Israel’s targeted killings.) When America adopted targeted killing again—first under the Bush administration after the September 11 attacks and then expanded by President Obama—the tools of the trade had changed. No longer was the CIA sending poison, pistols, and toxic cigars to assets overseas to kill enemy leaders. Now it could target people throughout al-Qaida’s hierarchy with accuracy, deliver lethal ordnance literally around the world, and watch the mission’s completion in real time. The United States is smartly using technology to improve combat efficacy, and to make war-fighting more efficient, both in money and manpower. It has been able to conduct more than 400 lethal strikes, killing more than 3,500 people, in Afghanistan, Pakistan, Yemen, Somalia, and North Africa using drones; reducing risk to U.S. personnel; and giving the Pentagon flexibility to use special-forces units elsewhere. And, no matter what human-rights groups say, it’s clear that drone use has reduced the number of civilians killed in combat relative to earlier conflicts. Washington would be foolish not to exploit unmanned aircraft in its long fight against terrorism. In fact, defense hawks and spendthrifts alike would criticize it if it did not. “If you believe that these folks are legitimate terrorists who are committing acts of aggressive, potential violent acts against the United States or our allies or our citizens overseas, should it matter how we choose to engage in the self-defense of the United States?” asked Rep. Mike Rogers, R-Mich., chairman of the House Intelligence Committee. “Do we have that debate when a special-forces team goes in? Do we have that debate if a tank round does it? Do we have the debate if an aircraft pilot drops a particular bomb?” But defense analysts argue—and military officials concede—there is a qualitative difference between dropping a team of men into Yemen and green-lighting a Predator flight from Nevada. Drones lower the threshold for military action. That’s why, according to the Council on Foreign Relations, unmanned aircraft have conducted 95 percent of all U.S. targeted killings. Almost certainly, if drones were unavailable, the United States would not have pursued an equivalent number of manned strikes in Pakistan. And what’s true for the United States will be true as well for other countries that own and arm remote piloted aircraft. “The drones—the responsiveness, the persistence, and without putting your personnel at risk—is what makes it a different technology,” Zenko said. “When other states have this technology, if they follow U.S. practice, it will lower the threshold for their uses of lethal force outside their borders. So they will be more likely to conduct targeted killings than they have in the past.” The Obama administration appears to be aware of and concerned about setting precedents through its targeted-strike program. When the development of a disposition matrix to catalog both targets and resources marshaled against the United States was first reported in 2012, officials spoke about it in part as an effort to create a standardized process that would live beyond the current administration, underscoring the long duration of the counterterrorism challenge. Indeed, the president’s legal and security advisers have put considerable effort into establishing rules to govern the program. Most members of the House and Senate Intelligence committees say they are confident the defense and intelligence communities have set an adequate evidentiary bar for determining when a member of al-Qaida or an affiliated group may be added to the target list, for example, and say that the rigor of the process gives them comfort in the level of program oversight within the executive branch. “They’re not drawing names out of a hat here,” Rogers said. “It is very specific intel-gathering and other things that would lead somebody to be subject for an engagement by the United States government.” BEHIND CLOSED DOORS The argument against public debate is easy enough to understand: Operational secrecy is necessary, and total opacity is easier. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things,” said Dennis Blair, Obama’s former director of national intelligence. “The reason it’s not been undertaken by the administration is that they just make a cold-blooded calculation that it’s better to hunker down and take the criticism than it is to get into the public debate, which is going to be a hard one to win.” “Consistently, nations have gone down the pathway of first only surveillance and then arming.”—Peter Singer, Brookings Institution But by keeping legal and policy positions secret, only partially sharing information even with congressional oversight committees, and declining to open a public discussion about drone use, the president and his team are asking the world to just trust that America is getting this right. While some will, many people, especially outside the United States, will see that approach as hypocritical, coming from a government that calls for transparency and the rule of law elsewhere. “I know these people, and I know how much they really, really attend to the most important details of the job,” said Barry Pavel, a former defense and security official in the Bush and Obama administrations who is director of the Brent Scowcroft Center on International Security at the Atlantic Council. “If I didn’t have that personal knowledge and because there isn’t that much really in the press, then I would be giving you a different rendering, and much more uncertain rendering.” That’s only part of the problem with the White House’s trust-us approach. The other resides in the vast distance between the criteria and authorization the administration says it uses in the combat drone program and the reality on the ground. For example, according to administration officials, before a person is added to the targeted strike list, specific criteria should be met. The target should be a 1) senior, 2) operational 3) leader of al-Qaida or an affiliated group who presents 4) an imminent threat of violent attack 5) against the United States. But that’s not who is being targeted. Setting aside the administration’s redefining of “imminence” beyond all recognition, the majority of the 3,500-plus people killed by U.S. drones worldwide were not leaders of al-Qaida or the Taliban; they were low- or mid-level foot soldiers. Most were not plotting attacks against the United States. In Yemen and North Africa, the Obama administration is deploying weaponized drones to take out targets who are more of a threat to local governments than to Washington, according to defense and regional security experts who closely track unrest in those areas. In some cases, Washington appears to be in the business of using its drone capabilities mostly to assist other countries, not to deter strikes against the United States (another precedent that might be eagerly seized upon in the future). U.S. defense and intelligence officials reject any suggestion that the targets are not legitimate. One thing they do not contest, however, is that the administration’s reliance on the post-9/11 Authorization for Use of Military Force as legal cover for a drone-strike program that has extended well beyond al-Qaida in Afghanistan or Pakistan is dodgy. The threat that the United States is trying to deal with today has an ever more tenuous connection to Sept. 11. (None of the intelligence officials reached for this article would speak on the record.) But instead of asking Congress to consider extending its authorization, as some officials have mulled, the administration’s legal counsel has chosen instead to rely on Nixon administration adviser John Stevenson’s 1970 justification of the bombing of Cambodia during the Vietnam War, an action new Secretary of State John Kerry criticized during his confirmation hearing this year. Human-rights groups might be loudest in their criticism of both the program and the opaque policy surrounding it, but even the few lawmakers who have access to the intelligence the administration shares have a hard time coping with the dearth of information. “We can’t always assume we’re going to have responsible people with whom we agree and trust in these positions,” said Sen. Angus King, I-Maine, who sits on the Senate Intelligence Committee. “The essence of the Constitution is, it shouldn’t matter who is in charge; they’re still constrained by principles and rules of the Constitution and of the Bill of Rights.” PEER PRESSURE Obama promised in his 2013 State of the Union to increase the drone program’s transparency. “In the months ahead, I will continue to engage Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world,” the president said on Feb. 12. Since then, the administration, under pressure from allies on Senate Intelligence, agreed to release all of the legal memos the Justice Department drafted in support of targeted killing. But, beyond that, it’s not certain Obama will do anything more to shine light on this program. Except in situations where leaks help it tell a politically expedient story of its skill at killing bad guys, the administration has done little to make a case to the public and the world at large for its use of armed drones. Already, what’s become apparent is that the White House is not interested in changing much about the way it communicates strike policy. (It took Sen. Rand Paul’s 13-hour filibuster of CIA Director John Brennan’s nomination to force the administration to concede that it doesn’t have the right to use drones to kill noncombatant Americans on U.S. soil.) And government officials, as well as their surrogates on security issues, are actively trying to squash expectations that the administration would agree to bring the judicial branch into the oversight mix. Indeed, judicial review of any piece of the program is largely off the table now, according to intelligence officials and committee members. Under discussion within the administration and on Capitol Hill is a potential program takeover by the Pentagon, removing the CIA from its post-9/11 role of executing military-like strikes. Ostensibly, that shift could help lift the secret-by-association-with-CIA attribute of the program that some officials say has kept them from more freely talking about the legitimate military use of drones for counterterrorism operations. But such a fix would provide no guarantee of greater transparency for the public, or even Congress. And if the administration is not willing to share with lawmakers who are security-cleared to know, it certainly is not prepared to engage in a sensitive discussion, even among allies, that might begin to set the rules on use for a technology that could upend stability in already fragile and strategically significant places around the globe. Time is running out to do so. “They’re not drawing names out of a hat here.”—Mike Rogers, chairman, House Intelligence Committee “The history of technology development like this is, you never maintain your lead very long. Somebody always gets it,” said David Berteau, director of the International Security Program at the Center for Strategic and International Studies. “They’re going to become cheaper. They’re going to become easier. They’re going to become interoperable,” he said. “The destabilizing effects are very, very serious.” Berteau is not alone. Zenko, of the Council on Foreign Relations, has urged officials to quickly establish norms. Singer, at Brookings, argues that the window of opportunity for the United States to create stability-supporting precedent is quickly closing. The problem is, the administration is not thinking far enough down the line, according to a Senate Intelligence aide. Administration officials “are thinking about the next four years, and we’re thinking about the next 40 years. And those two different angles on this question are why you see them in conflict right now.” That’s in part a symptom of the “technological optimism” that often plagues the U.S. security community when it establishes a lead over its competitors, noted Georgetown University’s Kai-Henrik Barth. After the 1945 bombing of Hiroshima and Nagasaki, the United States was sure it would be decades before the Soviets developed a nuclear-weapon capability. It took four years. With drones, the question is how long before the dozens of states with the aircraft can arm and then operate a weaponized version. “Pretty much every nation has gone down the pathway of, ‘This is science fiction; we don’t want this stuff,’ to, ‘OK, we want them, but we’ll just use them for surveillance,’ to, ‘Hmm, they’re really useful when you see the bad guy and can do something about it, so we’ll arm them,’ ” Singer said. He listed the countries that have gone that route: the United States, Britain, Italy, Germany, China. “Consistently, nations have gone down the pathway of first only surveillance and then arming.” The opportunity to write rules that might at least guide, if not restrain, the world’s view of acceptable drone use remains, not least because this is in essence a conventional arms-control issue. The international Missile Technology Control Regime attempts to restrict exports of unmanned vehicles capable of carrying weapons of mass destruction, but it is voluntary and nonbinding, and it’s under attack by the drone industry as a drag on business. Further, the technology itself, especially when coupled with data and real-time analytics, offers the luxury of time and distance that could allow officials to raise the evidentiary bar for strikes—to be closer to certain that their target is the right one. But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions. A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs. Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists. The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

### 2AC- CP

#### Counterplan gets manipulated

Shah ’13 (Naureen Shah, Advocacy adviser at Amnesty International USA and author of several studies on the impact of US drone strikes, “Obama has not delivered on May's promise of transparency on drones”, <http://www.theguardian.com/commentisfree/2013/aug/17/obama-promise-transparency-drone-killing>, August 17, 2013)

The past two weeks have seen an escalation in drone strikes more dramatic than any since 2009. The media estimate that more than 37 people have died in a series of strikes in Yemen. The US government has refused to officially acknowledge the strikes surge or reports of potentially unlawful deaths – just as it did, for years, refuse to confirm reports of the more than 300 drone strikes in Pakistan. On drones, secrecy is business as usual – and it carries on. Earlier this summer, however, there was hope for a different way forward. In late May, the White House released more information about US drone strikes than it ever had before. Following a major address on national security by President Obama, the government pledged to keep sharing "as much information as possible". In fact, since May, the White House has not officially released any new information on drone strikes (though leaks still abound). While NSA surveillance has taken center-stage, the government's policy of secrecy and obfuscation on drones persists, too. Past critics of the drone program – ranging from Senator Rand Paul (Republican, Kentucky) to Senator Ron Wyden (Democrat, Oregon) – should take notice. It is time to renew and expand the demand for answers about who is being killed. Instead of acknowledging the new strikes and describing a coherent policy and legal approach, the government has again chosen to selectively disclose information that raises more questions than it answers. Thus, an unattributed leak to the New York Times on Monday served up a major policy change in the form of a morsel, with little elaboration, that a recent terrorist threat has "expanded the scope of people we could go after". So, the question of whom the United States believes it can kill in drone strikes remains, as it ever was, full of unknowns. A handful of bullet-points on the government's "policy standards" for using lethal force, which the White House released in May concurrently with the president's national security speech, initially appeared to provide some guidance. But it expressly does not apply in "extraordinary circumstances", and since the embassy closures of earlier this month could be interpreted as providing such justification, the memorandum may not be relevant to the latest spate of strikes in Yemen. The White House could clarify this issue; better yet, it could move beyond conveniently malleable policy standards and describe how the government applies existing international law. Instead, the White House has again chosen to operate secretly and under rules of its own creation, which may permit killing individuals under a concept of "imminence" (of threat) that departs radically from all conventional interpretations of the law. Even more damning is that, in the absence of any commitment to investigating credible allegations of unlawful deaths, the United States appears indifferent to the question of who is actually dying in drone strikes. President Obama admitted in May that four US citizens had been killed, three of whom – including 16-year-old Abdulrahman Aal-Awlaki – he admitted were not intended targets. But the president did not define the identities of the more than 4,000 other people killed, or specifically address reports that a significant number of the dead – in assessments varying between 400 and nearly 1,000, according to the Bureau of Investigative Journalism – were civilians. When the president acknowledges four deaths of US citizens, but not 4,000 deaths of non-Americans, he signals to the world a callous and discriminatory disregard for human life. Perhaps only a fraction of these 4,000 deaths were unlawful. But acknowledging and investigating these deaths is a matter of dignity and justice – for the survivors of strikes, their communities and their countrymen. When deaths are found to be unlawful, victims' families and survivors have a right to reparation. Refusing to investigate deaths is a matter of disrespect both for international law and for the public's right to know the full truth. Many critics, before President Obama's May address, feared that foreign governments would follow the US to lead and conduct secret drone strikes without regard for international law. They should still be concerned about the precedent the US government is setting: refusing to investigate or be held accountable for wrongful deaths. The risk now is not just that the late May reforms on drone strikes were half-measures, but that they were calibrated to merely reassure the public, defuse criticism, and avert longer, harder scrutiny of whether the government's actions are lawful and right. A token dose of transparency may remove the sting of government secrecy, but it does not cure the disease.

#### Restrictions now but not the aff

Dworkin ’13 (Anthony Dworkin 13, senior policy fellow at the European Council on Foreign Relations, “Drones And Targeted Killing: Defining A European Position”, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>, July 2013)

Two further points are worth noting. First, the administration has acknowledged that in the case of American citizens, even when they are involved in the armed conflict, the US Constitution imposes additional requirements of due process that bring the threshold for targeted killing close to that involved in a self-defence analysis. These requirements were listed in a Department of Justice white paper that became public earlier this year.26 Second, the administration has at times suggested that even in the case of non-Americans its policy is to concentrate its efforts against individuals who pose a significant and imminent threat to the US. For example, John Brennan said in his Harvard speech in September 2011 that the administration’s counterterrorism efforts outside Afghanistan and Iraq were “focused on those individuals who are a threat to the United States, whose removal would cause a significant – even if only temporary – disruption of the plans and capabilities of al-Qaeda and its associated forces”.27 However, the details that have emerged about US targeting practices in the past few years raise questions about how closely this approach has been followed in practice. An analysis published by McClatchy Newspapers in April, based on classified intelligence reports, claimed that 265 out of 482 individuals killed in Pakistan in a 12-month period up to September 2011 were not senior al-Qaeda operatives but instead were assessed as Afghan, Pakistani, and unknown extremists.28 It has been widely reported that in both Pakistan and Yemen the US has at times carried out “signature strikes” or “Terrorist Attack Disruption Strikes” in which groups are targeted based not on knowledge of their identity but on a pattern of behaviour that complies with a set of indicators for militant activity. It is widely thought that these attacks have accounted for many of the civilian casualties caused by drone strikes. In both Pakistan and Yemen, there may have been times when some drone strikes – including signature strikes – could perhaps best be understood as counterinsurgency actions in support of government forces in an internal armed conflict or civil war, and in this way lawful under the laws of armed conflict. Some attacks in Pakistan may also have been directly aimed at preventing attacks across the border on US forces in Afghanistan. However, by presenting its drone programme overall as part of a global armed conflict. the Obama administration continues to set an expansive precedent that is damaging to the international rule of law. Obama’s new policy on drones It is against this background that Obama’s recent counterterrorism speech and the policy directive he announced at the same time should be understood. On the subject of remotely piloted aircraft and targeted killing, there were two key aspects to his intervention. First, he suggested that the military element in US counterterrorism may be scaled back further in the coming months, and that he envisages a time in the not-too-distant future when the fight against the al-Qaeda network will no longer qualify as an armed conflict. He said that “the core of al Qaeda in Afghanistan and Pakistan is on the path to defeat” and that while al-Qaeda franchises and other terrorists continued to plot against the US, “the scale of this threat closely resembles the types of attacks we faced before 9/11”.29 Obama promised that he would not sign legislation that expanded the mandate of the AUMF, and proclaimed that the United States’ “systematic effort to dismantle terrorist organizations must continue […] but this war, like all wars, must end”. The tone of Obama’s speech contrasted strongly with that of US military officials who testified before the Senate Committee on Armed Services the week before; Michael Sheehan, the Assistant Secretary of Defence for Special Operations and Low-Intensity Conflict, said then that the end of the armed conflict was “a long way off” and appeared to say that it might continue for 10 to 20 years.30 Second, the day before his speech, Obama set out regulations for drone strikes that appeared to restrict them beyond previous commitments (the guidance remains classified but a summary has been released). The guidance set out standards and procedures for drone strikes “that are either already in place or will be transitioned into place over time”.31 Outside areas of active hostilities, lethal force will only be used “when capture is not feasible and no other reasonable alternatives exist to address the threat effectively”. It will only be used against a target “that poses a continuing, imminent threat to US persons”. And there must be “near certainty that non-combatants will not be injured or killed”. In some respects, these standards remain unclear: the president did not specify how quickly they would be implemented, or how “areas of active hostilities” should be understood. Nevertheless, taken at face value, they seem to represent a meaningful change, at least on a conceptual level. Effectively, they bring the criteria for all targeted strikes into line with the standards that the administration had previously determined to apply to US citizens. Where the administration had previously said on occasions that it focused in practice on those people who pose the greatest threat, this is now formalised as official policy. In this way, the standards are significantly more restrictive than the limits that the laws of armed conflict set for killing in wartime, and represent a shift towards a threat-based rather than status-based approach. In effect, the new policy endorses a self-defence standard as the de facto basis for US drone strikes, even if the continuing level of attacks would strike most Europeans as far above what a genuine self-defence analysis would permit.32 The new standards would seem to prohibit signature strikes in countries such as Yemen and Somalia and confine them to Pakistan, where militant activity could be seen as posing a cross-border threat to US troops in Afghanistan. According to news reports, signature strikes will continue in the Pakistani tribal areas for the time being.33 However, the impact of the new policy will depend very much on how the concept of a continuing, imminent threat is interpreted. The administration has not given any definition of this phrase, and the leaked Department of Justice white paper contained a strikingly broad interpretation of imminence; among other points, the white paper said that it “does not require the United States to have clear evidence that a specific attack on US persons or interests will take place in the immediate future” and that it “must incorporate considerations of the relevant window of opportunity, the possibility of reducing collateral damage to civilians, and the likelihood of heading off future disastrous attacks on Americans”.34 The presidential policy guidance captures the apparent concerns behind the administration’s policy more honestly by including the criterion of continuing threat, but this begs the question of how the notions of a “continuing” and “imminent” threat relate to each other. Even since Obama’s speech, the US is reported to have carried out four drone strikes (two in Pakistan and two in Yemen) killing between 18 and 21 people – suggesting that the level of attacks is hardly diminishing under the new guidelines.35 It is also notable that the new standards announced by Obama represent a policy decision by the US rather than a revised interpretation of its legal obligations. In his speech, Obama drew a distinction between legality and morality, pointing out that “to say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance”. The suggestion was that the US was scaling back its use of drones out of practical or normative considerations, not because of any new conviction that the its previous legal claims went too far. The background assertion that the US is engaged in an armed conflict with al-Qaeda and associated forces, and might therefore lawfully kill any member of the opposing forces wherever they were found, remains in place to serve as a precedent for other states that wish to claim it.

#### Doesn’t solve signal

Sullivan ’13 (Andrew Sullivan, Obama’s War On Terror Speech: Reax II, <http://dish.andrewsullivan.com/2013/05/24/obamas-war-on-terror-speech-reax-ii/>, Freddie deBoer wants more than words, May 24, 2013)

We have lived with this “war on terror” for a third of my life. And liberals: speeches do not walk the dog anymore. The time for flowery speeches is over. It’s time for action. Saying “we’re going to end the AUMF eventually” is not enough. Talking about closing Guantanamo is not enough. It has to actually happen. Like Anthony Romero of the ACLU says, actions are more important than words. If Obama actually closes Guantanamo, I promise I will applaud. If Obama actually reduces or ends the drone campaign, I will celebrate. But those specific policies will only be valuable if they are part of a broad attempt to end the hostilities between the United States and the Muslim world. Given that every Muslim terrorist who announces their motives says that they are based on our incursions into the Muslim world, that can only happen if we withdraw. Yes and yes. My support yesterday for the arguments of the speech is, of course, contingent on actual progress. Friedersdorf is in the same ballpark: All things considered, Thursday’s developments were an improvement on the status quo. Obama constrained himself rhetorically in ways he hadn’t before, expressed agreement with core civil libertarian critiques, and signalled that future policy will shift in that direction as a result. But talk is cheap, Obama has a history of breaking promises to civil libertarians, and drone strikes remain surrounded in enough secrecy that it will remain difficult to verify what’s going on. Moreover, policies implemented at the president’s prerogative can be changed on his determination too. There remains an urgent need for Congress to step into the breach and constrain the president, even if only in the ways that Obama says that he has constrained himself.

#### ANY CARD THAT SAYS we need to stop strikes and ANY EXCEPTION breaks the norm applies to this CP

#### The CP causes a *blurred line* between pre-emptive and preventative strikes ---- causes unlimited worldwide aggression

DWORKIN 2013, senior policy fellow at the European Council on Foreign Relations, Anthony, “Drones And Targeted Killing: Defining A European Position”, July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>

Two further points are worth noting. First, the administration has acknowledged that in the case of American citizens, even when they are involved in the armed conflict, the US Constitution imposes additional requirements of due process that bring the threshold for targeted killing close to that involved in a self-defence analysis. These requirements were listed in a Department of Justice white paper that became public earlier this year.26 Second, **the administration** has at times suggested that even in the case of non-Americans **its policy is to concentrate its efforts against individuals who pose a** significant and imminent threat **to the US**. For example, John Brennan said in his Harvard speech in September 2011 that the administration’s counterterrorism efforts outside Afghanistan and Iraq were “focused on those individuals who are a threat to the United States, whose removal would cause a significant – even if only temporary – disruption of the plans and capabilities of al-Qaeda and its associated forces”.27

However, the details that have emerged about US targeting practices in the past few years raise questions about how closely this approach has been followed in practice. An analysis published by McClatchy Newspapers in April, based on classified intelligence reports, claimed that 265 out of 482 individuals killed in Pakistan in a 12-month period up to September 2011 were not senior al-Qaeda operatives but instead were assessed as Afghan, Pakistani, and unknown extremists.28 It has been widely reported that in both Pakistan and Yemen the US has at times carried out “signature strikes” or “Terrorist Attack Disruption Strikes” in which groups are targeted based not on knowledge of their identity but on a pattern of behaviour that complies with a set of indicators for militant activity. It is widely thought that these attacks have accounted for many of the civilian casualties caused by drone strikes. In both Pakistan and Yemen, there may have been times when some drone strikes – including signature strikes – could perhaps best be understood as counterinsurgency actions in support of government forces in an internal armed conflict or civil war, and in this way lawful under the laws of armed conflict. Some attacks in Pakistan may also have been directly aimed at preventing attacks across the border on US forces in Afghanistan. However, by presenting its drone programme overall as part of a global armed conflict. the Obama administration continues to set an expansive precedent that is damaging to the international rule of law.

Obama’s new policy on drones

It is against this background that Obama’s recent counterterrorism speech and the policy directive he announced at the same time should be understood. On the subject of remotely piloted aircraft and targeted killing, there were two key aspects to his intervention. First, he suggested that the military element in US counterterrorism may be scaled back further in the coming months, and that he envisages a time in the not-too-distant future when the fight against the al-Qaeda network will no longer qualify as an armed conflict. He said that “the core of al Qaeda in Afghanistan and Pakistan is on the path to defeat” and that while al-Qaeda franchises and other terrorists continued to plot against the US, “the scale of this threat closely resembles the types of attacks we faced before 9/11”.29 Obama promised that he would not sign legislation that expanded the mandate of the AUMF, and proclaimed that the United States’ “systematic effort to dismantle terrorist organizations must continue […] but this war, like all wars, must end”. The tone of Obama’s speech contrasted strongly with that of US **military officials** who testified before the Senate Committee on Armed Services the week before; Michael Sheehan, the Assistant Secretary of Defence for Special Operations and Low-Intensity Conflict, **said** then that the end of the armed conflict was “a long way off” and appeared to say that **it might continue for 10 to 20 years**.30

Second, the day before his speech, Obama set out **regulations** for drone strikes that appeared to restrict them beyond previous commitments (the guidance remains classified but a summary has been released). The guidance set out standards and procedures for drone strikes “that are either already in place or will be transitioned into place over time”.31 **Outside areas of active hostilities, lethal force will only be used “**when capture is not feasible and no other reasonable alternatives exist **to address the threat effectively”. It will only be used against a target “**that poses a continuing, imminent threat **to US persons”. And there must be “**near certainty that non-combatants will not be injured or killed”.

In some respects, these standards remain unclear: the president did not specify how quickly they would be implemented, or how “areas of active hostilities” should be understood. Nevertheless, taken at face value, they seem to represent a meaningful change, at least on a conceptual level. Effectively, they bring the criteria for all targeted strikes into line with the standards that the administration had previously determined to apply to US citizens. Where the administration had previously said on occasions that it focused in practice on those people who pose the greatest threat,this is **now** formalised **as** official policy. In this way, the standards are significantly more restrictive than the limits that the laws of armed conflict set for killing in wartime, and represent a shift towards a threat-based rather than status-based approach. **In effect, the new policy endorses a** self-defence standard **as the de facto basis** for US drone strikes, even if the continuing level of attacks would **strike** most **Europeans** as far above what a genuine self-defence analysis would permit.32 The new standards would seem to prohibit signature strikes in countries such as Yemen and Somalia and confine them to Pakistan, where militant activity could be seen as posing a cross-border threat to US troops in Afghanistan. According to news reports, signature strikes will continue in the Pakistani tribal areas for the time being.33

However, the impact of the new policy will depend very much on how the concept of a continuing, imminent threat is interpreted. The administration has not given any definition of this phrase, and the leaked Department of Justice white paper contained a strikingly broad interpretation of imminence; among other points, the white paper said that it “does not require the United States to have clear evidence that a specific attack on US persons or interests will take place in the immediate future” and that it “must incorporate considerations of the relevant window of opportunity, the possibility of reducing collateral damage to civilians, and the likelihood of heading off future disastrous attacks on Americans”.34 The presidential policy guidance captures the apparent concerns behind the administration’s policy more honestly by including the criterion of continuing threat, but this begs the question of how the notions of a “continuing” and “imminent” threat relate to each other. Even since Obama’s speech, the US is reported to have carried out four drone strikes (two in Pakistan and two in Yemen) killing between 18 and 21 people – suggesting that the level of attacks is hardly diminishing **under the new guidelines**.35

It is also notable that the new standards **announced by Obama** represent a policy decision **by the US** rather than **a** revised **interpretation of its** legal obligations. In his speech, **Obama drew a distinction between legality and morality**, pointing out that “to say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance”. The suggestion was that the US was scaling back its use of drones out of practical or normative considerations, not because of any new conviction that the its previous legal claims went too far. The **background** assertion that the US **is engaged in an armed conflict with al-Qaeda and associated forces, and** might **therefore** lawfully kill any member **of the opposing** forces wherever they were found, remains in place **to serve** as a precedent **for other states that wish to claim it**.

#### Imminence causes backlash- jus ad bellum

ACLU et al. ’13 (American Civil Liberties Union Amnesty, International Center for Human Rights & Global Justice, NYU School of Law\* Center for Civilians in Conflict Center for Constitutional Rights Global Justice Clinic, NYU School of Law\* Human Rights First Human Rights Institute, Columbia Law School, Human Rights Watch, Open Society Foundations, “Joint Letter to President Obama on US Drone Strikes and Targeted Killings”, April 11, 2013

Senior officials have claimed that the administration applies international humanitarian law to its targeted killing program.[14] However, unlike international human rights law, the circumstances under which international humanitarian law applies are narrow and exceptional. There must be an armed conflict: hostilities must be between the United Statesanda group that is sufficiently organized and must reach a level of intensity that is distinct from sporadic acts of violence.[15] Outside of an armed conflict, where international human rights law applies, the United States can only target an individual if he poses an imminent threat to life and lethal force is the last resort.[16] A key preliminary issue is thus whether or not the United States is using lethal force as part of hostilities in an armed conflict. Even when the United States uses force as part of hostilities in an armed conflict, there are important legal constraints on its targeting operations. The administration’s statements have raised fundamental concerns about whether it recognizes these constraints and complies with international law. We describe three of these concerns below, although they are not exhaustive. The first two involve concerns pertaining to how the U.S. chooses particular targets; the third involves concerns pertaining to the legality of U.S. use of force in other states. A. The administration’s criteria for determining that it can lawfully engage in lethal targeting of a particular individual or groups of individuals. The administration should ensure that its standards and criteria for determining that it can directly target a particular individual using lethal force are consistent with international law. It should also disclose those standards so that Congress, the public, and other nations can assess them. Because of the impact that U.S. policy will have on global standard setting on the use of drones in targeted killings, it is critically important that U.S. legal standards be fully disclosed. There are troubling indications that the U.S. regards an individual’s affiliation with a group as making him or her lawfully subject to direct attack.[17] This raises serious questions about whether the U.S. is operating in accordance with international law. Under international humanitarian law, applicable in the narrow and exceptional circumstance of armed conflict, the U.S. can directly target only members of the armed forces of an enemy, military objectives, or civilians directly participating in hostilities.[18] U.S. standards should reflect a presumption that unidentified individuals are civilians with protection from direct attack, unless and for such time as they take a direct part in hostilities.[19] Outside of an armed conflict, where international human rights law applies, any use of force must be both necessary and proportionate. Intentional lethal force may only be used where strictly necessary to prevent an imminent threat to life.[20] To assess “imminence” under human rights law and in the context of determining how force can be used outside an armed conflict, the U.S. should look only to human rights law sources. Some administration statements imply that the U.S. government may be attempting to borrow interpretations of “imminence” from the law regarding resort to the use of force (jus ad bellum), which involves a wholly separate inquiry into whether a state can lawfully use force in violation of another state’s sovereignty, to defend itself against an imminent threat (see Section V.C infra). B. The administration’s criteria for determining that a group is an “associated force” of Al Qaeda, and the implications of that determination. The administration has stated that it is in an armed conflict with Al Qaeda and “associated forces,” which it defines as organized armed groups that have “entered the fight alongside al Qaeda” and are “co-belligerent[s] with al Qaeda in hostilities against the United States or its coalition partners.”[21] The administration’s failure to define what specific organizational features or conduct would lead a group to be classified as an associated force raises concerns that this results in an aggressive and indefinitely expansive scope of targeting authority. The administration should disclose the groups it believes to currently constitute associated forces and the criteria for determining whether a group is an associated force. It should set forth the legal basis for considering the United States to be at war with “associated forces” of Al Qaeda that did not participate in the September 11, 2001 terrorist attacks. Moreover, it should clarify who it believes is lawfully targetable with lethal force within such “associated forces.” C. The administration’s concept of imminence, in justifying its resort to the use of force in self-defense. Some of the undersigned groups are concerned that the administration’s statements appear improperly to conflate the question of sovereignty with the question of whether use of force against a particular individual is lawful.[22] International law prohibits the use of force in the territory of other states, except in narrow circumstances, including self-defense and consent. The use of force may be a lawful act of self-defense in response to an armed attack or imminent threat of armed attack. Some scholars believe a state may use force in these circumstances even without a host state’s consent, for so long as the host state is unwilling or unable to take appropriate action. The resort to the use of force in self-defense (jus ad bellum) relates to issues of state sovereignty; any U.S. operations would still need to satisfy the applicable requirements of humanitarian law (jus in bello) and human rights law. Moreover, John Brennan has implied that the “imminent threat” threshold “should be broadened in light of the modern-day capabilities, techniques, and technological innovations of terrorist organizations.”[23] This and other statements by administration officials, and a leaked Department of Justice white paper regarding the legality of targeting a U.S. citizen,[24] imply that the broadening of the term “imminent threat” could expand the situations in which lethal force would be justified based on a perceived danger that may be realized at an undefined point in the future; or based on a group’s generalized intent to use force against the United States, even if the U.S. government is not aware of that group’s planning toward a specific attack against the United States.[25] These interpretations of imminence would be inconsistent with international law regarding resort to the use of force. \*\*\*\*\* As senior administration officials have recognized, U.S. targeted killing policies and practices will set a precedent for other nations, particularly as weaponized drone technology becomes more widely available. Lowering the threshold for the use of force outside armed conflicts could be in breach of international law, set a dangerous precedent, and weaken the U.S. government’s ability to argue for constraints on lethal targeting operations of other states.

#### Expanded *jus ad bellum* collapses global firebreak on use-of-force- US signal

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 9-19-13, mss]

144 This approach also would inevitably lead to dangerous “slippery slopes.” Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of “imminence,”145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF “does not authorize military force against anyone the Executive labels a ‘terrorist,’”146 relying solely on the international law of self defense would likely lead to precisely such a result. The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos.”148

#### Transparency is bad- causes expansion of strikes

**Waxman 3-20**-13 [Matthew Waxman is a professor at Columbia Law School, a fellow at the Council on Foreign Relations, and a member of the Hoover Institution Task Force on National Security and Law, “Going Clear,” <http://www.foreignpolicy.com/articles/2013/03/20/going_clear>]

So, moving operations to the Pentagon may modestly improve transparency and compliance with the law but -- ironically for drone critics -- it may also entrench targeted-killing policy for the long term.¶ For one thing, the U.S. government will now be better able to defend publicly its practices at home and abroad. The CIA is institutionally oriented toward extreme secrecy rather than public relations, and the covert status of CIA strikes makes it difficult for officials to explain and justify them. The more secretive the U.S. government is about its targeting policies, the less effectively it can participate in the broader debates about the law, ethics, and strategy of counterterrorism.¶ Many of the criticisms of drones and targeting are fundamentally about whether it's appropriate to treat the fight against al Qaeda and its allies as a war -- with all the legal authorities that flow from that, like the powers to detain and kill. The U.S. government can better defend its position without having to maintain plausible deniability of its most controversial program and without the negative image (whether justified or not) that many audiences associate with the CIA. Under a military-only policy, the United States would also be better positioned to correct lingering misperceptions about targeted killings and to take remedial action when it makes a mistake.¶ Moreover, clearer legal limits and the perception of stricter oversight will make drone policy more legitimate in the public's eyes. Polling shows that Americans support military drone strikes more strongly than CIA ones, so this move will likely strengthen political backing for continued strikes. Consider the case of Guantanamo: The shuttering of black sites, as well as the Supreme Court's decisions that detainees there can challenge their detention in federal court and that all detainees are protected by the Geneva Convention, have muted criticism of the underlying practice of detention without trial. Here, too, the proposed reforms would put the remaining policy on stronger footing.

#### Only formal checks solve – congress won’t be forceful enough otherwise

Hamilton 4

(Lee, director of The Center on Congress at Indiana University, former president and director of The Wilson Center, served for 34 years in Congress representing Indiana’s ninth district, "Why Congress Needs to Assert Itself," page last updated 2004, http://72.32.58.69/radio\_commentaries/why\_congress\_needs\_to\_assert\_itself.php-http://72.32.58.69/radio\_commentaries/why\_congress\_needs\_to\_assert\_itself.php)

One voice has been conspicuous in its absence, however: that of Congress itself. Though there have been a few individual members who have expressed their concern, I have been disappointed that the Congress, as an institution, has failed to assert forcefully its need for trustworthy information from the executive branch. This is worrisome. All partisan loyalties aside, trust is vital to the policy-making process. As Congress set out to reform Medicare, and in particular the drug benefit, it was rightly concerned about the cost of the various alternatives before it. Assured by the administration that its plan would not cost more than $400 billion over the next decade, many members of the House, previously undecided, decided to support it. So the revelation that the chief actuary had actually estimated the figure to be closer to $534 billion- and that the executive branch had withheld this figure from Congress- was not only embarrassing, it called into question the legitimacy of the whole policy-making process. If one branch of government feels it has to deceive the other, it is hard to see how the country can be led well by its public servants. For this reason alone, members of Congress of both parties should have hit the roof. Yet there is another, even more fundamental, issue at stake. Congress and the executive branch are colleagues- equals- in determining the course of the country. But in recent years, Congress has grown timid, as its lack of insistence on complete data demonstrates. There is no question these days that the initiative rests largely with the White House and executive agencies. As Washington Post editor Robert Kaiser put it recently, "In fundamental ways that have gone largely unrecognized, Congress has become less vigilant, less proud and protective of its own prerogatives, and less important to the conduct of American government than at any time in decades." Small wonder that, as with Medicare reform, administration officials feel a certain leeway to presume on Capitol Hill's good graces. There are any number of ways in which the Congress of today exercises just a shadow of the clout it wielded a generation ago, but one of the most important is its reticence about initiating policy. The United States at the moment faces a crucial series of tests, from rebuilding Iraq to fighting terrorism to the ballooning budget and trade deficits, yet Congress often doesn't seem to have much to say on these matters. Even on civil liberties and how we handle the difficult question of fair process for terrorists on American soil, it has left the ball largely in the administration's court. Admittedly, there's an argument to be made that terrorists don't deserve the same legal protections as American citizens, and the White House has made it. But there is also an argument to be made that, faced with this new threat, we need to create a framework for handling people who would do this country harm while preserving the hallmarks of our judicial system and its emphasis on fairness. This is an avenue that should be explored fully in Congress, yet it has made little effort to do so.

### 2AC- Disad

#### They fail- hydra effect

Blum and Heymann ‘10 (Gabriella Blum\* and Philip Heymann\*\*, \*Assistant Professor of Law, Harvard Law School, \*\* James Barr Ames Professor of Law, Harvard Law School, “ Law and Policy of Targeted killing” ebsco, 2010)

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.

#### Intel gathering

Blum and Heymann ‘10 (Gabriella Blum\* and Philip Heymann\*\*, \*Assistant Professor of Law, Harvard Law School, \*\* James Barr Ames Professor of Law, Harvard Law School, “ Law and Policy of Targeted killing” ebsco, 2010)

Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.

#### Pilot shortage thumps

RT ’13 (RT Network, “US drone pilot demand outstrips supply”, <http://rt.com/usa/us-running-out-drone-pilots-765/>, August 21, 2013)

The US Air Force is now facing a shortage in the number of pilots able to operate the military’s quickly expanding drone fleet, according to a new report published by a top Washington, DC, think tank. According to Air Force Colonel Bradley Hoagland, who contributed to a recent report on the Air Force’s drone program prepared by the Brookings Institution, it is quickly hitting a wall in the number of operators for its 159 Predators, 96 Reapers and 23 Global Hawks. Although the US military aimed to train 1,120 ‘traditional’ pilots along with 150 specialized drone pilots in 2012, it proved unable to meet the latter, owing to a lack of RPA (or remotely piloted aircraft) volunteers. A recent report by AFP placed the Air Force’s current drone pilot wing at 1,300, about 8.5 percent of the air corps’ pilots. Still, an increasing number of uses for America’s drone fleet, including recently-revealed plans by the Defense Advanced Research Projects Agency (DARPA) for drones able to operate from naval vessels, have quickly exceeded the Air Force’s ability to train personnel to train and pilot unmanned aerial vehicles (UAVs).

#### No nuke terror- can’t use, steal, or transfer bombs

**Clarke 4-17**-13 [Michael, PhD, Senior Research Fellow at Griffith Asia Institute with a special focus in terrorism, Griffith University, Bachelor of Arts (Honors) in Asian and International Studies, “Pakistan and Nuclear Terrorism: How Real is the Threat?” Comparative Strategy, 32:2, 98-114, online]

Although the acquisition of an intact nuclear weapon would be “the most difﬁcult¶ challenge for any terrorist organization,” there remain a number of scenarios that involve¶ a terrorist organization acquiring an intact nuclear weapon,5¶ such as the deliberate transfer¶ of a warhead by a national government, “insider” collusion from senior ofﬁcials, seizure or¶ theft without collusion, and political instability or state failure/collapse. The direct transfer¶ scenario is difﬁcult to imagine as it is almost impossible to conceive of any national¶ government voluntarily gifting their “crown jewels” to a terrorist group due to the likely¶ reprisals they would incur if the weapon were used and the probability that the weapon¶ would be traced back to the state of origin.6¶ The scenario of “insider” collusion in the¶ diversion or transfer of nuclear materials has also been perceived as a major threat. To¶ cope with this threat, most advanced nuclear weapons states such as the United States,¶ France, the United Kingdom, the Russian Federation, and the People’s Republic of China¶ have instituted Personnel Reliability Programs (PRP), which establishes a centralized set of¶ procedures designed to ensure that individuals developing, managing, and guarding nuclear¶ weapons and related facilities are trustworthy.7¶ It has been asserted that theft of “weapons-usable materials” is “a proven and recurring¶ fact.”8¶ However, such a claim tends to refer to instances when small quantities of nuclear¶ material have been stolen. For example. Zimmerman and Lewis noted in 2006 that they¶ were aware of “only one particularly disturbing instance in which smugglers obtained a¶ signiﬁcant quality of highly enriched uranium: a 1994 case in Prague . . . involving Czech,¶ Slovak and Russian nationals.”9¶ In addition, in June 2011, authorities also interdicted¶ a smuggling gang in Moldova attempting to smuggle a small quantity of non–weapons¶ usable uranium-238 (U-238).10¶ The collapse or failure of a state with a nuclear arsenal would raise the potential¶ for nuclear weapons and materials to be diverted or stolen. However, even if a terrorist¶ organization did manage to acquire an intact weapon through one of these scenarios, there¶ would remain a variety of obstacles to be overcome in order to be able to detonate it. In¶ particular, there are a variety of safety and security measures/procedures that protect nuclear¶ weapons against accidents or unauthorized use, such as environmental sensing devices¶ (ESD) that block arming systems until a prescribed environment is achieved (e.g., missile¶ launch acceleration); insensitive high explosives (IHE) that make the weapon resistant to being detonated by mechanical shock; and permissive action links (PALs), which is an¶ electronic device that prevents arming of the weapon unless correct codes are inserted.11¶ To produce an IND, terrorists would need to acquire signiﬁcant quantities of ﬁssile¶ material, either HEU or plutonium.12 Two types of INDs are considered to be theoretically¶ possible for a terrorist organisation to construct—the gun-type weapon and the implosiontype weapon.13The former consists of a gun barrel in which a projectile of subcritical HEU¶ is ﬁred into a stationary piece of subcritical HEU, producing a supercritical mass leading to a¶ nuclear explosion. Bunn and Wier note that the gun type is “simple and robust” and “allows¶ the builder high conﬁdence that it will perform properly without the trouble, expense and¶ exposure of a test explosion.”14 However, as only a small amount of the HEU ﬁssions in a¶ gun-type weapon, a signiﬁcant quantity—between 50 and 60 kilograms (kg)—of HEU is¶ required.15¶ An implosion device, in contrast, “uses a set of shaped explosives arranged around a¶ less-than-critical mass of HEU or plutonium to crush the atoms of material closer together”¶ to produce a nuclear explosion.16Weapons-grade plutonium (plutonium that contains more¶ than 90% of plutonium isotope 239) is the desired type of plutonium for production of¶ such a device as it is most readily detonated, although, reactor-grade plutonium (containing¶ between 50 to 70% plutonium 239) could also produce a nuclear explosion.17 A much¶ smaller amount of plutonium—between 6 and 8 kg—is also required for an implosion device¶ compared to the HEU required for a gun-type device. Unlike uranium, however, plutonium is¶ not a naturally occurring element and is produced when U-238 absorbs neutrons in a nuclear¶ reactor where it is intimately mixed with the U-238. The plutonium must then be separated¶ or “reprocessed” from the U-238 before it can be used for either weapons applications¶ or for reactor fuel.18 Plutonium separation is technically easier than uranium enrichment¶ as it is affected by chemical means rather than isotopic mass in the case of uranium¶ enrichment. The production of plutonium, however, “is made greatly more difﬁcult by the¶ intense radiation emanating from the commingled ﬁssion products.”19 The complexity of an implosion device also poses additional challenges in terms of manufacture/acquisition¶ and testing of components, which could also increase the likelihood of detection.20¶ The acquisition of the required quantity of ﬁssile material remains the major obstacle¶ to terrorists fabricating a nuclear device. Acquisition of ﬁssile material could be achieved in¶ two ways: through terrorists undertaking the process of enrichment or through purchase or¶ theft of weapons grade HEU or plutonium. A terrorist organization is unlikely to attempt the¶ enrichment of natural uranium as this is a technically demanding process, the technologies¶ for which are tightly controlled.21 The theft of a sufﬁcient quantity and quality of HEU is¶ the more likely option due not only to technical requirements but also to the amount of¶ HEU stockpiled around the world. According to the International Panel on Fissile Materials (IPFM), there exists approximately 1,700 metric tons of HEU worldwide in various¶ locations, and 99% is estimated to be in possession of the nuclear weapons states.22 The¶ bulk of this HEU is accounted for by acknowledged military uses, although it is estimated¶ that between 50 and 100 metric tons is in the civilian sector, where it is primarily used in¶ research reactors, the production of medical isotopes, and to fuel Russian icebreakers.23

### 2AC Politics

#### Budget and Obamacare thump immigration reform

The Atlantic Wire 10/24/13 (Allie Jones, writer for The Atlantic, "The Slim Chance for Immigration Reform")

President Obama made a short speech on Thursday morning at the White House to officially call for Congress to pass comprehensive immigration reform. Though the Senate has already passed a bipartisan bill addressing immigration, conservatives in the House have no intention of touching it. House Speaker John Boehner doesn't necessarily oppose negotiating on immigration, but it's unlikely that he will force a vote in the House on it. Obama [insisted](http://blogs.marketwatch.com/capitolreport/2013/10/24/president-obamas-comments-on-immigration-live-blog/) this morning, "Let’s see if we can get this done. And let’s see if we can get it done this year."¶ Most pundits would tell you that immigration reform [won't get done this year or next year.](http://www.theatlanticwire.com/politics/2013/10/could-immigration-reform-still-happen/70705/) The House GOP is still obsessed with Obamacare; Boehner [was tweeting about the health care law](http://blogs.marketwatch.com/capitolreport/2013/10/24/president-obamas-comments-on-immigration-live-blog/) during Obama's speech. Beyond that, Congress needs to reach a budget agreement sooner than it needs to pass immigration reform. As Republican Rep. Aaron Schock said [last week](http://www.theatlanticwire.com/politics/2013/10/could-immigration-reform-still-happen/70705/), "I know the president has said, well, gee, now this is the time to talk about immigration reform. He ain't gonna get a willing partner in the House until he actually gets serious about ... his plan to deal with the debt."

#### Their 1nc card pretty much took out the DA

Jeff Mason, Reuters, 10/19/13, Analysis: Despite budget win, Obama has weak hand with Congress , health.yahoo.net/news/s/nm/analysis-despite-budget-win-obama-has-weak-hand-with-congress

Despite his win last week in a debt ceiling standoff with Republicans, President Barack Obama has limited ability to achieve his policy goals through legislation, which could result in increased use of executive powers, administration officials and Democratic strategists said. The 16-day partial government shutdown highlighted Obama's challenges in basic governing. Although he refused to concede to Republicans in exchange for reopening the government and raising the U.S. borrowing limit, he could not block the emergence of what he called a "manufactured" crisis. The president would now like to seize momentum to push forward three legislative priorities: the farm bill, immigration reform and a more lasting budget deal. But his chances of progress on those issues, particularly immigration reform, depend on convincing embittered Republicans to work with a White House many of them detest. That leaves Obama more or less at the same strategic juncture he encountered before the shutdown began. "His only play is to just keep being consistent about trying to find ways for bipartisan cooperation on the things that need congressional action and then try to continue what he's been doing for years now ... and that's looking for ways to move the ball through executive action," a senior White House official told Reuters. "In that sense, nothing has changed in our approach except that we and the whole town had to burn however many weeks on this detour - which is a shame." Already this year, Obama has relied on executive actions to enact climate change and gun control policies that had weak congressional support. He could use the same authority to bypass lawmakers on other regulatory questions. But that strategy has limits. Some of the administration's climate rules are being challenged at the Supreme Court, and Obama still needs Congress to enact the major reforms that his advisers hope will define his legacy. "Obama did himself no favors when it comes to his own policy priorities," said an aide to John Boehner, the Republican speaker of the House of Representatives. "His refusal to negotiate in good faith makes it difficult for our members to work with him on other big priorities. Immigration reform, already a huge tdask, looks even tougher." The error-filled rollout of Obama's signature healthcare program hurts his ability to focus on other domestic policy goals as well. Republicans plan to hammer the administration in coming weeks over flaws that have prevented people from signing up for health insurance through new exchanges. House Republican efforts to delay or defund the healthcare law, popularly known as Obamacare, triggered the partial government shutdown. BUILDING COALITIONS Lawmakers' votes on Wednesday to prevent the United States from going into default showed a narrow pathway to finding bipartisan support. The Democratic-led Senate passed the measure to reopen the government and extend the debt ceiling on an 81-18 vote, while the Republican-controlled House passed it 285-144. That vote tally - 87 House Republicans supported the bill - combined with rock-solid unity among Democratic lawmakers, gives Obama's allies hope he can build other coalitions. "I will look for willing partners wherever I can to get important work done," the president said on Thursday. "And there's no good reason why we can't govern responsibly, despite our differences, without lurching from manufactured crisis to manufactured crisis." The first test of whether lawmakers can avert another crisis comes as a bipartisan panel considers a plan, due by December 13, to reduce the deficit. Under the compromise forged last week, the government would be funded through January 15 and the debt ceiling lifted through February 7. That tight time frame does not allow much room for the president's other policy priorities to gain traction. Democrats believe, however, that Obama's bargaining hand may be strengthened by the thrashing Republicans took in opinion polls over their handling of the shutdown. "This shutdown re-emphasized the overwhelming public demand for compromise and negotiation. And that may open up a window," said Ben LaBolt, Obama's 2012 campaign spokesman and a former White House aide. "There's no doubt that some Republican members (of Congress) are going to oppose policies just because the president's for it. But the hand of those members was significantly weakened." If he does have an upper hand, Obama is likely to apply it to immigration reform. The White House had hoped to have a bill concluded by the end of the summer. A Senate version passed with bipartisan support earlier this year but has languished in the Republican-controlled House. "It will be hard to move anything forward, unless the Republicans find the political pain of obstructionism too much to bear," said Doug Hattaway, a Democratic strategist and an adviser to Hillary Clinton's 2008 presidential campaign. "That may be the case with immigration - they'll face pressure from business and Latinos to advance immigration reform," he said. A White House official said Obama's options for using executive action to advance immigration reform were largely exhausted. Last year, his administration relaxed deportation rules for children who came to the United States illegally with their parents. The move helped boost his support among Hispanics, a key voting bloc, in last November's election. If a package of immigration measures does not move soon, Democrats hope the results will show up in Republican defeats in next year's congressional elections. If Democrats regain control of the House, the way could be smoothed for comprehensive immigration reform in the second half of Obama's final term.

#### Obama asked for the plan

Baker ’13 (Peter Baker, NY Times, “Pivoting From a War Footing, Obama Acts to Curtail Drones”, <http://www.nytimes.com/2013/05/24/us/politics/pivoting-from-a-war-footing-obama-acts-to-curtail-drones.html?pagewanted=all&_r=0>, May 23, 2013)

WASHINGTON — Nearly a dozen years after the hijackings that transformed America, President Obama said Thursday that it was time to narrow the scope of the grinding battle against terrorists and begin the transition to a day when the country will no longer be on a war footing. Declaring that “America is at a crossroads,” the president called for redefining what has been a global war into a more targeted assault on terrorist groups threatening the United States. As part of a realignment of counterterrorism policy, he said he would curtail the use of drones, recommit to closing the prison at Guantánamo Bay, Cuba, and seek new limits on his own war power. In a much-anticipated speech at the National Defense University, Mr. Obama sought to turn the page on the era that began on Sept. 11, 2001, when the imperative of preventing terrorist attacks became both the priority and the preoccupation. Instead, the president suggested that the United States had returned to the state of affairs that existed before Al Qaeda toppled the World Trade Center, when terrorism was a persistent but not existential danger. With Al Qaeda’s core now “on the path to defeat,” he argued, the nation must adapt. “Our systematic effort to dismantle terrorist organizations must continue,” Mr. Obama said. “But this war, like all wars, must end. That’s what history advises. It’s what our democracy demands.” The president’s speech reignited a debate over how to respond to the threat of terrorism that has polarized the capital for years. Republicans contended that Mr. Obama was declaring victory prematurely and underestimating an enduring danger, while liberals complained that he had not gone far enough in ending what they see as the excesses of the Bush era. The precise ramifications of his shift were less clear than the lines of argument, however, because the new policy guidance he signed remains classified, and other changes he embraced require Congressional approval. Mr. Obama, for instance, did not directly mention in his speech that his new order would shift responsibility for drones more toward the military and away from the Central Intelligence Agency. But the combination of his words and deeds foreshadowed the course he hopes to take in the remaining three and a half years of his presidency so that he leaves his successor a profoundly different national security landscape than the one he inherited in 2009. While President George W. Bush saw the fight against terrorism as the defining mission of his presidency, Mr. Obama has always viewed it as one priority among many at a time of wrenching economic and domestic challenges. “Beyond Afghanistan, we must define our effort not as a boundless ‘global war on terror,’ ” he said, using Mr. Bush’s term, “but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America.” “Neither I, nor any president, can promise the total defeat of terror,” he added. “We will never erase the evil that lies in the hearts of some human beings, nor stamp out every danger to our open society. But what we can do — what we must do — is dismantle networks that pose a direct danger to us, and make it less likely for new groups to gain a foothold, all the while maintaining the freedoms and ideals that we defend.” Some Republicans expressed alarm about Mr. Obama’s shift, saying it was a mistake to go back to the days when terrorism was seen as a manageable law enforcement problem rather than a dire threat. “The president’s speech today will be viewed by terrorists as a victory,” said Senator Saxby Chambliss of Georgia, the top Republican on the Senate Intelligence Committee. “Rather than continuing successful counterterrorism activities, we are changing course with no clear operational benefit.” Senator John McCain, Republican of Arizona, said he still agreed with Mr. Obama about closing the Guantánamo prison, but he called the president’s assertion that Al Qaeda was on the run “a degree of unreality that to me is really incredible.” Mr. McCain said the president had been too passive in the Arab world, particularly in Syria’s civil war. “American leadership is absent in the Middle East,” he said. The liberal discontent with Mr. Obama was on display even before his speech ended. Medea Benjamin, a co-founder of the antiwar group Code Pink, who was in the audience, shouted at the president to release prisoners from Guantánamo, halt C.I.A. drone strikes and apologize to Muslims for killing so many of them. “Abide by the rule of law!” she yelled as security personnel removed her from the auditorium. “You’re a constitutional lawyer!” Col. Morris D. Davis, a former chief prosecutor at Guantánamo who has become a leading critic of the prison, waited until after the speech to express disappointment that Mr. Obama was not more proactive. “It’s great rhetoric,” he said. “But now is the reality going to live up to the rhetoric?” Still, some counterterrorism experts saw it as the natural evolution of the conflict after more than a decade. “This is both a promise to an end to the war on terror, while being a further declaration of war, constrained and proportional in its scope,” said Juan Carlos Zarate, a counterterrorism adviser to Mr. Bush. The new classified policy guidance imposes tougher standards for when drone strikes can be authorized, limiting them to targets who pose “a continuing, imminent threat to Americans” and cannot feasibly be captured, according to government officials. The guidance also begins a process of phasing the C.I.A. out of the drone war and shifting operations to the Pentagon. The guidance expresses the principle that the military should be in the lead and responsible for taking direct action even outside traditional war zones like Afghanistan, officials said. But Pakistan, where the C.I.A. has waged a robust campaign of air assaults on terrorism suspects in the tribal areas, will be grandfathered in for a transition period and remain under C.I.A. control. That exception will be reviewed every six months as the government decides whether Al Qaeda has been neutralized enough in Pakistan and whether troops in Afghanistan can be protected. Officials said they anticipated that the eventual transfer of the C.I.A. drone program in Pakistan to the military would probably coincide with the withdrawal of combat units from Afghanistan at the end of 2014. Even as he envisions scaling back the targeted killing, Mr. Obama embraced ideas to limit his own authority. He expressed openness to the idea of a secret court to oversee drone strikes, much like the intelligence court that authorizes secret wiretaps, or instead perhaps some sort of independent body within the executive branch. He did not outline a specific proposal, leaving it to Congress to consider something along those lines. He also called on Congress to “refine and ultimately repeal” the authorization of force it passed in the aftermath of Sept. 11. Aides said he wanted it limited more clearly to combating Al Qaeda and affiliated groups so it could not be used to justify action against other terrorist or extremist organizations. In renewing his vow to close the Guantánamo prison, Mr. Obama highlighted one of his most prominent unkept promises from the 2008 presidential campaign. He came into office vowing to shutter the prison, which has become a symbol around the world of American excesses, within a year, but Congress moved to block him, and then he largely dropped the effort. With 166 detainees still at the prison, Mr. Obama said he would reduce the population even without action by Congress. About half of the detainees have been cleared for return to their home countries, mostly Yemen. Mr. Obama said he was lifting a moratorium he imposed on sending detainees to Yemen, where a new president has inspired more faith in the White House that he would not allow recidivism. The policy changes have been in the works for months as Mr. Obama has sought to reorient his national security strategy. The speech was his most comprehensive public discussion of counterterrorism since he took office, and at times he was almost ruminative, articulating both sides of the argument and weighing trade-offs out loud in a way presidents rarely do. He said that the United States remained in danger from terrorists, as the attacks in Boston and Benghazi, Libya, have demonstrated, but that the nature of the threat “has shifted and evolved.” He noted that terrorists, including some radicalized at home, had carried out attacks, but less ambitious than the ones on Sept. 11. “We have to take these threats seriously and do all that we can to confront them,” he said. “But as we shape our response, we have to recognize that the scale of this threat closely resembles the types of attacks we faced before 9/11.”

#### That means no PC loss

Kriner ’10 (Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60)

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. **Such authorizing legislation**, even if it fails to pass both chambers, **creates a sense of** shared legislative-executive responsibility for a military action's success **and provides the president with** considerable political support **for** **his chosen policy** course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

#### PC theory is wrong- winners win

Hirsh ’13 (National Journal chief correspondent, citing various political scientists, Michael, former Newsweek senior correspondent, "There’s No Such Thing as Political Capital," National Journal, 2-9-13, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207, accessed 2-8-13, mss]

The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much “political capital” Obama possesses to push his program through. Most of this talk will have no bearing on what actually happens over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.” As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn’t a few weeks ago. Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all. The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, political capital is a concept that misleads far more than it enlightens. It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it.

“It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and [they]he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.” ALL THE WAY WITH LBJ Sometimes, a clever practitioner of power can get more done just because [they’re]he’s aggressive and knows the hallways of Congress well. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?” Johnson didn’t worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, antipoverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. “Momentum is not a mysterious mistress,” LBJ said. “It is a controllable fact of political life.” Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)

#### No econ decline war – recession disproves

Drezner ’12 (Daniel W. Drezner, Professor, The Fletcher School of Law and Diplomacy, Tufts University, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>, October 2012)

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. ¶ The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40¶ None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

#### Sequestration thumper

Lightfoot ’13 (Jeff Lightfoot, deputy director of the Brent Scowcroft Center on International Security at the Atlantic Council, “Sequestration’s Credibility Costs,”<http://nationalinterest.org/commentary/sequestrations-credibility-costs-8172>, March 1, 2013)

The debate over sequestration is focused nearly entirely on the impact of spending reductions on the U.S. economy. Far less attention is given to how the automatic spending cuts would undermine the credibility of American power abroad. As sequestration comes into force, the White House and Congress signal a dangerous lack of resolve to both allies and adversaries. In doing so, they run the risk that a nervous Israel and an adventurous Iran could plunge the Mideast into a war the United States can ill afford

#### Alt causes overwhelm or hegemony is resilient

Copley ’12 (Gregory R., editor of Defense & Foreign Affairs’ Strategic Policy, Strategic Policy in an Age of Global Realignment, lexis, June 2012)

3. Strategic Recovery by the US. The US will not, in 2012 or 2013, show signs of any recovery of its global strategic credibility or real strength. Its manufacturing and science and technology sectors will continue to suffer from low (even declining) productivity and difficulty in capital formation (for political reasons, primarily). A significant US recovery is not feasible

in the timeframe given the present political and economic policies and impasse evident. US allies will increasingly look to their own needs while attempting to sustain their alliance relationship with the US to the extent feasible. Those outside the US alliance network, or peripheral to it, will increasingly disregard US political/diplomatic pressures, and will seek to accommodate the PRC or regional actors. The continued economic malaise of the US during 2012, even if disguised by modest nominal GDP growth, will make economic (and therefore strategic) recovery more difficult and ensure that it will take longer. In any event, the fact that the US national debt exceeds the GDP hollows the dollar and thus makes meaningful recovery impossible in the short-term. The attractiveness of a low dollar value in comparison to other currencies in making US manufacturing investment more feasible than in recent years is offset by declining US workforce productivity and political constraints which penalize investment in manufacturing, or even in achieving appealing conditions for capital formation. Banks are as afraid of such investment as are manufacturing investors themselves.

#### US econ down – multiple indicators

Reuters October 25, 2013 “UPDATE 1-U.S. consumer sentiment slides in October on government shutdown” <http://www.reuters.com/article/2013/10/25/usa-economy-sentiment-idUSL1N0IF0S220131025>

U.S. consumer sentiment dropped in October to its lowest level since the end of last year as consumers worried congressional dysfunction and the resulting partial shutdown of the federal government would hurt growth, a survey released on Friday showed.¶ The Thomson Reuters/University of Michigan's final reading on the overall index on consumer sentiment fell to 73.2 in October from 77.5 in September and was the lowest final reading since December 2012¶ The October figure was lower than both the 75.0 forecast by economists in a Reuters poll and the mid-month preliminary reading of 75.2.¶ "Not too pretty but not a disaster after all," said Yelena Shulyatyeva, a U.S. economist at BNP Paribas in New York. Fiscal fights in Congress "took their toll," with a drumbeat of negative news eroding sentiment.¶ The federal government shut down for 16 days in the first half of October as Republicans in Congress sought to undermine President Barack Obama's signature health care law as a condition of funding the government.¶ The government also came close to breaching its borrowing limit, which compounded the crisis and could have pushed the country closer to a historic debt default.¶ While a last-minute agreement averted that outcome by raising the debt ceiling until early next year, rating agency Fitch warned it could still cut the U.S. sovereign credit rating because of the political brinkmanship.¶ "When asked to describe in their own words what they had heard about recent economic developments, the number of consumers that negatively mentioned the federal government in October was the highest in the more than half-century history of the surveys," survey director Richard Curtin said in a statement.¶ Other gauges also hit multi-month lows. The index of consumer expectations, at 62.5, hit its lowest since November 2011, and the index of current conditions, at 89.9, hit its lowest since April.¶ The debt impasse likely affected economic growth in the quarter, with Standard & Poor's estimating the shutdown took $24 billion out of the world's biggest economy.¶ The one-year inflation expectation fell to 3.0 percent from 3.3 percent while the five-to-10-year inflation outlook edged down to 2.8 percent from 3.0 percent.¶ The sliding consumer confidence could in turn affect holiday spending - especially as the Congressional deal is only a temporary fix, which could see renewed fiscal debates toward year-end.¶ "I really hope the holiday season will be okay," Shulyatyeva said. "This is really bad timing." (Reporting by Luciana Lopez; Editing by Meredith Mazzilli and Chizu Nomiyama)

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#### Framework – debate should be about the consequences of the plan were it to be done by the federal government – infinite number of assumptions and possible alt actors guts predictability

#### Their impact is wrong – debate over even the most technical issues improves decision-making and advocacy

Ben- Naftali ‘3 (Orna Ben-Naftali, Head of the International Law Division and of the Law and Culture Division, The Law School, The College of Management Academic Studies, Spring 2003, ARTICLE: 'We Must Not Make a Scarecrow of the Law': A Legal Analysis of the Israeli Policy of Targeted Killings, 36 Cornell Int'l L.J. 233)

Our analysis concludes that while a specific act of preemptive killing may be legal if it meets the above-specified requirements, the policy of state targeted preemptive killings is not. Furthermore, some specific acts of targeted killings may generate state responsibility, while others may constitute a war crime entailing criminal accountability. These conclusions, emanating from the reading of the three legal texts applicable to the context, and informed by a sensibility that coheres them, do not rest on a negation of the importance of the national interest in security. On the contrary, these conclusions incorporate and express the way it should be balanced with a minimum standard of humanity and against the relevant context. This delicate, ever precarious balance is at the heart of the democratic discourse. A democratic state is not a meek state. True, it is fighting with "one hand tied behind its back,"n342 as soberly observed by Chief Justice Barak of the Israeli Supreme Court, but democratic sensibilities internalize this limitation on State power, not as a source of weakness but as a sign of strength. Democracies require a public discourse forever alert to the importance of human rights, suspicious of the way power is used, and committed to the rule of law. The legal culture, in turn, while not a substitute for this public discourse, is never absent from it and indeed serves as a catalyst for its development. We therefore reject the notion that the policy of targeted killings, designed by Israel as a way to combat terrorist attacks, is beyond the purview of the rule of law.n343 We also deny the purist position suggesting that the legalistic nitty-gritty preoccupation with details entailed in the above discussion is likely to obscure and legitimize a harrowing policy; n344 one that, on principle, should be condemned. n345 This position in fact maintains that the legality or illegality of targeted state killings is not a legitimate issue of discussion; that while an emergency situation may exceptionally necessitate the deed, it should never be elevated to the sphere of the Word. n346 We appreciate the sensibility of this position, but, alas, do not find it sensible. Indeed, nor would the people who consider themselves victims of the policy of targeted killings, and appeal to the courts to intervene. n347 Purity belongs to the Platonic world of ideas; it is a necessary ideal to strive for, even if forever unachievable in this all too fallible City of Man. n348 In the best of all possible worlds law would be superfluous; in this world, it is a necessary, albeit insufficient means to achieve some possible betterment. This article hopes to contribute to this modest goal.

#### The alt doesn’t influence legal decisionmaking and results in tyranny

Passavant ’10 (Paul Passavant, Ph.D., Hobart and William Smith College Associate Professor of Political Science, December 2010, Yoo's Law, Sovereignty, and Whatever, Constellations Volume 17, Issue 4, pages 549–571)

For some on the left, it has become conventional to celebrate, if not cultivate, pluralism, whether this means multiple forms of being or multiple interpretive possibilities with regard to texts. It has also become conventional to be critical of “sovereignty” and of “law.” Multiplicity is thought to be a threat to sovereignty, and this threat is thought to be democratizing or a force that resists oppression. The Italian philosopher Giorgio Agamben exemplifies these tendencies within contemporary political and legal theory. In some of his earlier and less well-known work, he aspires toward a “coming community” that he calls “whatever being.” Whatever being embraces the infinite communicative possibilities of language as pure means beyond a preoccupation with true or false propositions. In his best-known work, Agamben links sovereignty to the production of rightless subjects and the Nazi death camps. He urges us to rethink the very ontological basis of politics in the West, creating a human being beyond sovereignty or law, in order to avoid perilous outcomes. One key to surpassing the logic of sovereignty, according to Agamben, is whatever being's positive relation to the singularities of life and the multiplicities of communication. Whatever being is also being outside of law. If “law” persists in this “coming community,” it would be a “law” that has become deactivated and deposed from its prior purposes. “Law” will have become an object for play – something to be toyed with the way that children might come upon a disused object and play with it by putting it to uses disconnected from whatever purpose this object might once have had. Why does the fact of playful communicative possibilities lead to either more democracy or a less brutal world? The most conservative United States Supreme Court justices have recently embraced the fact that texts are open to multiple interpretations. For example, Samuel Alito has suggested that the meaning of public monuments is open to multiple interpretations that may shift over time to avoid a potential First Amendment establishment clause problem over a monument of the Ten Commandments in a public park.1 Yet, as the late Justice Blackmun has written regarding state endorsement of religion, “government cannot be premised on the belief that all persons are created equal when it asserts that God prefers some.”2 Recognizing the possibility of multiple interpretations, as this instance shows, does not lead necessarily to outcomes friendly to democracy. In this essay, I investigate how playing with the multiplicity of communicative possibilities can, **contrary to Agamben's expectations**, actually **facilitate aspirations for unitary sovereign power**. My argument unfolds in the context of the legal arguments put forward by Bush administration lawyer John Yoo, particularly those enabling torturous interrogations. Those, like Agamben, who favor interpretive pluralism in itself rarely, if ever, have right-wing supporters of unchecked presidentialism in mind. Reading the scholarship and legal memoranda of John Yoo, formerly in the Bush administration's Office of Legal Counsel (OLC) and presently a University of California, Berkeley law professor, however, approaches an experience of pure mediality or of law that has become deposed or disconnected from its purposes. Yoo is well known as the author of the key legal memoranda asserting the president's discretionary power to make war, to engage in warrantless surveillance, and, most infamously, justifying torturous methods of interrogation. Some scholars refer to Lewis Carroll's Alice in Wonderland to describe the experience of reading Yoo's legal memos.3 Is **John Yoo an exemplar of the whatever being** and pure mediality that Agamben describes and to which he contends politics should aspire? In this paper, I describe how Yoo gestures toward pure mediality, as he indicates the experience of language itself as pure communicability or as pure means in his legal work when he emphasizes the openness of law to being exposed to new, different, flexible, or plural interpretive possibilities. I argue, however, that Yoo is not well described as whatever being. His work repeats too consistently in the direction of absolute presidential decisionism to be open to whatever. Instead, Yoo's work may capture a broader development within our society that Agamben describes as the emergence of whatever being. Without saying that there has been no resistance to the Bush administration's warrantless wiretapping and policies of torturous interrogations, the contrast between the response to the Nixon administration and the Bush administration is striking. Richard Nixon resigned one step ahead of impeachment in the midst of mass protests against his presidency. The articles of impeachment, for instance, addressed how Nixon engaged in warrantless wiretapping, and refused to execute laws passed by Congress faithfully while repeatedly engaging in conduct that violated the constitutional rights of citizens. Congress also passed major acts of legislation to prevent a president such as Nixon from ever again abusing power the way he had. These laws include the War Powers Act of 1973, the Budget Impoundment and Control Act of 1974, and the Foreign Intelligence Surveillance Act (FISA) of 1978. In contrast, almost no one seems to have noticed that the Bush administration claimed power to make war at the president's sole discretion. Additionally, upon learning that the Bush administration engaged in criminal acts of surveillance, Congress amended FISA in the summer of 2008 to expand the government's power to spy on Americans, while immunizing from legal accountability non-state actors who collaborated with the then-criminal acts of government officials who followed Bush's illegal orders. Congress tried to make it impossible for those detained to question, legally, their detention or to bring the torturous treatment they endured to a court's attention, while allowing the intelligence agencies to continue to engage in torturous acts by passing the Military Commissions Act of 2006 (MCA). This complicity on the part of Congress cannot be explained on partisan grounds as many Democrats voted in favor of the MCA, and upon becoming the majority party in Congress, they have not rescinded it. Indeed, it was a Democratic-controlled Congress that brushed the Bush administration's illegal surveillance under the rug in 2008.4 Moreover, upon taking power in 2006, the Democratic leadership immediately stated that they would not pursue impeachment. Former Reagan administration Department of Justice lawyer Bruce Fein has decried the lack of outrage at the Bush administration's illegalities by suggesting that the nation has become a collection of constitutional “illiterates.”5 Perhaps law is being deposed as Agamben suggests. Both Agamben's and Fein's observations may also indicate a failure of what Michel Foucault would call disciplinary power – the power to constitute subjects capable of exercising power, here the powers of liberal democracy – a failure that Gilles Deleuze has identified with the emergence of societies of control, and a subjective and ontological diversity that Michael Hardt and Antonio Negri call the “multitude.”6 They also indicate practices of textual “interpretation” where interpretative acts extricate legal texts from the narratives that once oriented their purposes and animated these texts for a republican and anti-monarchical polity. Robert Cover argues, however, that law is part of a narrative practice constitutive of subjects and a way of life.7 Insofar as interpretive practices become extricated from the possibility of narrative, then, we may indeed doubt the continuing existence of “law,” as Agamben posits. Psychoanalytic theory also identifies a loss of a structuring meaning in contemporary society and describes this as the decline of symbolic efficiency.8 In sum, there appears to be a phenomenon emerging in contemporary society that a variety of different theoretical and political perspectives are struggling to grasp and evaluate. While Agamben welcomes the failures of disciplinary powers as enabling the emergence of whatever being and the “coming community,” it is a cause for concern among those seeking to keep the faith with republicanism, with liberal democracy, or with a Constitution representing these aspirations. In this light, we can be more specific than Agamben about the kind of threat that whatever being poses to the state or to sovereignty. Contrary to Agamben's contentions, I find that whatever being is no threat at all to the kind of unitary sovereignty that Agamben uses to theorize the state in his book Homo Sacer. Why would it be? Whatever being would be equally at ease with the legal justifications on behalf of a “unitary” sovereignty as it would anything else. If we, however, give the achievements of the people their due and consider the question of sovereignty from the perspective of popular sovereignty, of the assemblies and assemblages of power through which liberal democratic states seek to extend themselves and to govern at a distance, then whatever being is very much a danger to this type of power. Whatever being can be understood as facilitating a process of deposing this law and this state. A relation of whatever to the installation of a state of unchecked presidential powers and torture can be the **death knell of popular sovereignty** dedicated to the purpose of opposing tyranny. Whatever being is not the enemy of any state or form of “sovereignty.” It is the enemy of popular sovereignty. Whatever ruins democracy. **If we want more than unchecked presidential power and torture, then we will have to dedicate ourselves to certain purposes**, like resisting tyranny and recalling that this was the purpose of the U.S. Constitution.

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### AT: Tacit Consent

#### No tacit consent

Times 10/24 (Times of India, “Former Pakistan PM, officials deny US drone collusion”, <http://m.timesofindia.com/world/pakistan/Former-Pakistan-PM-officials-deny-US-drone-collusion/articleshow/24666851.cms>, October 24, 2013)

ISLAMABAD: Pakistani officials and former prime minister Yousuf Raza Gilani on Thursday denied a report that they had approved US drone strikes on the country's soil. Washington Post on Wednesday quoted leaked secret documents as saying Pakistan had been regularly briefed on strikes up till late 2011 and in some cases had helped choose targets. The purported evidence of Islamabad's involvement came as Prime Minister Nawaz Sharif met US President Barack Obama at the White House and urged him to end the attacks, which are widely unpopular with the Pakistani public. A Pakistani foreign ministry spokesman said the anti-drone stance of the Sharif government, elected in May, was clear and any past agreements no longer applied. Pakistani security officials claimed the story was a US attempt to undermine Sharif's position and reduce criticism of the drone campaign, days after an Amnesty International report warned some of the strikes could constitute war crimes. Washington Post's revelations concerned strikes in a four-year period from late 2007, when military ruler Pervez Musharraf was in power, to late 2011 when a civilian government had taken over. Gilani, prime minister from 2008 until June last year, vehemently denied giving any approval for drone strikes. "We have never allowed Americans to carry out drone attacks in the tribal areas," Gilani told AFP. "From the very beginning we are against drone strikes and we have conveyed it to Americans at all forums," he added. Islamabad routinely condemns the strikes targeting suspected Taliban and Al-Qaeda militants in its northwest tribal areas. But evidence of collusion or tacit approval has leaked out in recent years. A diplomatic cable from then-US ambassador Anne Patterson, dated August 2008 and released by Wikileaks, indicated Gilani had agreed to the strikes in private. "I don't care if they do it as long as they get the right people. We'll protest in the National Assembly and then ignore it," the leaked cable quoted him as telling US officials. In April this year Musharraf told CNN that he had authorised drone strikes in Pakistan while he was in power. Musharraf's spokesman Raza Bokhari told AFP Wednesday: "There were less than 10 strikes, all of which targeted militants, and (a) few of them were a joint operation between United States and Pakistan in locations that were not accessible to ground forces of Pakistan." Post said top-secret documents and Pakistani diplomatic memos showed the Central Intelligence Agency, which runs the drone programme, had drafted documents to share information on at least 65 attacks with Pakistan. In one case in 2010, a document describes hitting a location "at the request of your government" and another refers to a joint targeting effort between the CIA and Pakistan's Inter-Services Intelligence agency. A senior Pakistani security official flatly denied any official deal to help with the drone campaign. "There has never been official arrangement at the strategic or government level," he told AFP on condition of anonymity. "The purpose of giving such stories is nothing but face-saving. Americans are trying to dilute the growing pressure by using back channels and making Pakistan a party to the whole issue." A second security official said Washington wanted to spread responsibility as it was coming under increasing pressure from rights groups to halt the drone campaign. The US has carried out nearly 400 drone attacks in Pakistan's restive tribal districts along the Afghan border since 2004, killing between 2,500 and 3,600 people, according to the London-based Bureau of Investigative Journalism. Sharif this week called drone strikes a "major irritant" in ties with the US, which have recovered significantly after a series of crises in 2011 and 2012, including a US special forces raid inside Pakistan to kill Osama bin Laden. Foreign ministry spokesman Aizaz Ahmad Chaudhry said the current government's position was clear — drones were a violation of sovereignty and must stop. "Whatever understandings there may or may not have been in the past, the present government has been very clear regarding its policy on the issue," he said.

### CP

#### go nuclear

Obayemi, 6 -- East Bay Law School professor

[Olumide, admitted to the Bars of Federal Republic of Nigeria and the State of California, Golden Gate University School of Law, "Article: Legal Standards Governing Pre-Emptive Strikes and Forcible Measures of Anticipatory Self-Defense Under the U.N. Charter and General International Law," 12 Ann. Surv. Int'l & Comp. L. 19, l/n, accessed 9-19-13, mss]

The United States must abide by the rigorous standards set out above that are meant to govern the use of preemptive strikes, because today's international system is characterized by a relative infrequency of interstate war. It has been noted that developing doctrines that lower the threshold for preemptive action could put that accomplishment at risk, and exacerbate regional crises already on the brink of open conflict. n100 This is important as O'Hanlon, Rice, and Steinberg have rightly noted: ...countries already on the brink of war, and leaning strongly towards war, might use the doctrine to justify an action they already wished to take, and the effect of the U.S. posture may make it harder for the international community in general, and the U.S. in particular, to counsel delay and diplomacy. Potential **examples abound**, ranging from Ethiopia and Eritrea, to China and Taiwan, to the Middle East. But perhaps the clearest case is the India-Pakistan crisis. n101 The world must be a safe place to live in. We cannot be ruled by bandits and rogue states. There must be law and order not only in the books but in enforcement as well. No nation is better suited to enforce international law than the United States. The Bush Doctrine will stand the test [\*42] of time and survive. Again, we submit that nothing more would protect the world and its citizens from **nuclear weapons**, terrorists and rogue states than an able and willing nation like the United States, acting as a policeman of the world within all legal boundaries. This is the essence of the preamble to the United Nations Charter.

#### Turns drone prolif- broader legal principle of war triggers the impact

Odle, 13 -- Emory International Law Review managing editor

(John, J.D. Candidate, Emory University School of Law (2013); M.A., George Washington University (2007); B.A., Johns Hopkins University (2003), “Targeted Killings in Yemen and Somalia,” http://www.law.emory.edu/fileadmin/journals/eilr/27/27.1/Odle.pdf)

The legal theory the United States uses to justify using drones to target individuals in foreign countries is important for the future of counterterrorism and the law of nations. UAVs are cheaper alternatives to expensive fighter jets; other countries such as China, Russia, and Israel are starting to build their own drones.400 The United States’ justification for using drones against terrorists in countries such as Somalia and Yemen are not made in vacuum and other countries might also use similar justifications to use drones abroad.401

#### *jus ad bellum* turns the whole DA- collapses international cred

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 9-19-13, mss]

Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration’s national security policy, sapping U.S. credibility. The Administration’s National Security Strategy emphasizes U.S. “moral leadership,” basing its approach to U.S. security in large part on “pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests.”149 Defense Department General Counsel Jeh Johnson has argued that “[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge.”150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States “must not make [legal authority] up to suit the moment.”151 The Obama Administration’s global counterterrorism strategy is to “adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy” of “turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation.”152 Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States’ European allies, who have been wary of expansive U.S. legal interpretations.153 Moreover, U.S. strategy vis-à-vis China focuses on binding that nation to international norms as it gains power in East Asia.154 The United States is an international “standard-bearer” that “sets norms that are mimicked by others,”155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion.156 Risking the **obsolescence of the AUMF would force** **the U**nited **S**tates **into an “aggressive interpretation” of international legal authority**,157 **not just discrediting its** **own rationale, but facilitating that rationale’s destabilizing adoption by nations around the world**. 158 United States efforts to entrench stabilizing global norms and oppose destabilizing international legal interpretations—a core tenet of U.S. foreign and national security policy159—would undoubtedly be hampered by continued reliance on self defense under the jus ad bellum to authorize military operations against international terrorists. Given the presumption that the United States’s armed conflict with these terrorists will continue in its current form for at least the near term, ongoing authorization at the congressional level is a far better choice than continued reliance on the jus ad bellum. Congress should reauthorize the use of force in a manner tailored to the global conflict the United States is fighting today. Otherwise, the United States will be forced to continue to rely on a statute anchored only to the continued presence of those responsible for 9/11, a group that was small in 2001 and, due to the continued successful targeting of Al Qaeda members, is rapidly approaching zero.

#### counterplan causes ally backlash

Brennan ’11 (John O. Brennan, Assistant to the President for Homeland Security and Counterterrorism, Program on Law and Security, Harvard Law School, “Remarks of John O. Brennan, "Strengthening our Security by Adhering to our Values and Laws"”, <http://www.whitehouse.gov/the-press-office/2011/09/16/remarks-john-o-brennan-strengthening-our-security-adhering-our-values-an>, September 16, 2011)

An area in which there is some disagreement is the geographic scope of the conflict. The United States does not view our authority to use military force against al-Qa’ida as being restricted solely to “hot” battlefields like Afghanistan. Because we are engaged in an armed conflict with al-Qa’ida, the United States takes the legal position that —in accordance with international law—we have the authority to take action against al-Qa’ida and its associated forces without doing a separate self-defense analysis each time. And as President Obama has stated on numerous occasions, we reserve the right to take unilateral action if or when other governments are unwilling or unable to take the necessary actions themselves. That does not mean we can use military force whenever we want, wherever we want. International legal principles, including respect for a state’s sovereignty and the laws of war, impose important constraints on our ability to act unilaterally—and on the way in which we can use force—in foreign territories. Others in the international community—including some of our closest allies and partners—take a different view of the geographic scope of the conflict, limiting it only to the “hot” battlefields. As such, they argue that, outside of these two active theatres, the United States can only act in self-defense against al-Qa’ida when they are planning, engaging in, or threatening an armed attack against U.S. interests if it amounts to an “imminent” threat.

### Drones

We will agree strikes are not a net benefit to this cp – that means safe havens isn’t???? They have no net benefit to this CP????

### Safe Havens

#### Zero risk of terrorism- their impact is alarmism

Mueller ’12 (John, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, The Terrorism Delusion, International Security, Vol. 37, No. 1, pp. 81–110, Summer 2012)

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized in a great many ways. For example, an extrapolation of delusionary proportions is evident in the common observation that, because terrorists were able, mostly by thuggish means, to crash airplanes into buildings, they might therefore be able to construct a nuclear bomb. In 2005 an FBI report found that, despite years of well-funded sleuthing, the Bureau had yet to uncover a single true al-Qaida sleeper cell in the United States. The report was secret but managed to be leaked. Brian Ross, “Secret FBI Report Questions Al Qaeda Capabilities: No ‘True’ Al Qaeda Sleeper Agents Have Been Found in U.S.,” ABC News, March 9, 2005. Fox News reported that the FBI, however, observed that “just because there’s no concrete evidence of sleeper cells now, doesn’t mean they don’t exist.” “FBI Can’t Find Sleeper Cells,” Fox News, March 10, 2005. Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002. 47 By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.” 48 Few of the sleepless, it seems, found much solace in the fact that an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was $2,000 to $4,000. 49 In the wake of the killing of Osama bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggest that the group had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb. This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders. 50 If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that none of them were very close to creating, or having anything to do with, nuclear weapons—or for that matter biological, radiological, or chemical ones. In fact, with perhaps one exception, none seems to have even dreamed of the prospect; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a pail and then to make himself into a human centrifuge by swinging the pail around in great arcs. Even if a weapon were made abroad and then brought into the United States, its detonation would require individuals in-country with the capacity to receive and handle the complicated weapons and then to set them off. Thus far, the talent pool appears, to put mildly, very thin. There is delusion, as well, in the legal expansion of the concept of “weapons of mass destruction.” The concept had once been taken as a synonym for nuclear weapons or was meant to include nuclear weapons as well as weapons yet to be developed that might have similar destructive capacity. After the Cold War, it was expanded to embrace chemical, biological, and radiological weapons even though those weapons for the most part are incapable of committing destruction that could reasonably be considered “massive,” particularly in comparison with nuclear ones. 52

#### Not attractive to nukes

Mueller ’11 (John, IR Professor at Ohio State, PhD in pol sci from UCLA, The Truth about Al Qaeda, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, August 2, 2011)

As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace, particularly as an atomic one, has been much inflated. The public has now endured a decade of dire warnings about the imminence of a terrorist atomic attack. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Few, it seems, found much solace in the fact that an al Qaeda computer seized in Afghanistan in 2001 indicated that the group's budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was some $2,000 to $4,000.

#### The probability is so low

Mueller ’11 (John, IR Professor at Ohio State, PhD in pol sci from UCLA, The Truth about Al Qaeda, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, August 2, 2011)

Although hundreds of millions of people enter the United States legally every year, and countless others illegally, no true al Qaeda cell has been found in the country since 9/11 and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, no Muslim extremist has succeeded in detonating even a simple bomb in the United States in the last ten years, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. It seems wildly unlikely that al Qaeda is remotely ready to go nuclear. Outside of war zones, the amount of killing carried out by al Qaeda and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it scarcely presents an existential, or elephantine, threat. And the likelihood that an American will be killed by a terrorist of any ilk stands at one in 3.5 million per year, even with 9/11 included.