## Affirmative vs. MW

**The United States Congress should permit remote controlled aerial vehicle targeted killings only under purposes of self-defense to geographic locations housing active American combat troops**

**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?

**Drones outside battlefield specifically causes aggressive drone proliferation 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 global drone warfare**

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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**

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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**

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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.

**Specifically- 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.

**The plan is key to effective drone usage-**

**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 – key to drone effectiveness**

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 {X}: Afghanistan (~5)**

**Transition to an small footprint key is to Afghanistan success**

Koskinas ’13 (Gianni Koskinas was a military officer for over twenty years and now focuses on economic development projects in Afghanistan and Pakistan, “What Afghanistan needs after 2014: A lighter, smarter, long-term commitment”, <http://afpak.foreignpolicy.com/posts/2013/02/12/what_afghanistan_needs_after_2014_a_lighter_smarter_long_term_commitment?wp_login_redirect=0>, February 12, 2013)

Maintaining a large military presence in Afghanistan is not in the strategic interests of either the U.S. or the Afghan government. It does not help the United States accomplish its long-term goal of countering terrorism from the Afghanistan-Pakistan region, nor its short-term goal of helping Afghanistan achieve stability and self-reliance in fighting insurgency. It is also economically unsustainable. However, retaining a smaller, lighter, residual presence in Afghanistan is critical to U.S. strategy and vital to core U.S. interests. Additionally, U.S. strategy in Afghanistan must be based on a vision that goes out decades: Considering only short-term goals amounts to strategic myopia, unworthy of the sacrifices made by almost 2,200 U.S. service members in Afghanistan alone. A Case for Lighter, Smarter, Long-term Residual Presence With Osama Bin Laden dead and al-Qaeda's capabilities diminished in the Af-Pak region, the immediate threat of attacks on the U.S. from the region has greatly diminished. But the ingredients that could help Al Qaeda regenerate in the next decade remain, and thus the mission endures. In fact, the "surge" of U.S. troops in Afghanistan in 2009 had little to do with bin Laden; rather, it was an attempt to rescue the failing mission of stabilizing Afghanistan. Bin Laden was hunted and killed not by the surge, but by a small, specialized group, the likes of which I argue should remain in Afghanistan to monitor and guard against the long-term threat of terrorist cells. More importantly, a comprehensive counter-terrorism strategy must include the training of the Afghan National Security Forces (ANSF) to counter domestic threats. But this will take significantly longer than estimates suggest. As such, the U.S. must alter its stated strategy in Afghanistan to consider the training and equipping of the ANSF a key element of its plan to counter threats, and support Afghanistan in its domestic fight against terrorists that, left unchecked, could re-emerge. The numbers of trainers must be kept low and should not be outsourced to contractors. Currently, the only elements specifically designed to counter insurgencies are the U.S. Special Operations Forces (SOF). Considering the nuanced task, the training force should be predominantly SOF. With nearly 2,200 troops dead, thousands more wounded, and half a trillion dollars spent in America's longest war, merely staying the course in Afghanistan is no longer possible. In fact, with no sound opposition to President Obama's plan of swift withdrawal, the U.S. has decided to accelerate the transition from combat to training mission and, arguably less advertised, concentrate forces in a few heavily fortified locations such as Bagram Air Base. Eleven one-year strategies in Afghanistan have brought us to a point where people consider "strategic retreat" the best of the worst options available. In pursuing this plan, however, the United States and its strategic partners in the Afghan Government risk a return to a time where fractured Afghan groups battled for supremacy, and an apathetic and financially exhausted U.S. didn't want to spend any more blood or treasure. History has shown that this "strategic retreat," fails to consider the greater geo-strategic importance of maintaining a U.S. presence in Afghanistan Without a firm presence in Afghanistan, the U.S. will have no bases in South-Central Asia. The only other alternative is Manas Transit Center in Kyrgyzstan, whose lease is going to expire in 2014, and Kyrgyz President Almaz Atambayev has made it clear that his government will not extend the agreement any further. From a regional perspective alone, the U.S. must maintain a residual footprint in Afghanistan as a mechanism of influencing Central and South Asia. Stability in the AfPak region is critical in monitoring and combating a reemergence of al-Qaeda.

**Drones key to that transition**

Muñoz ’13 (Carlo Muñoz, “More drones needed in Afghanistan, says Dunford”, April 16, 2013)

As the number of U.S. troops in Afghanistan drops, the number of American drones in the country must increase, the top U.S. commander in the region told Congress on Tuesday. "I will need a sustained [intelligence, surveillance and reconnaissance] effort post-2014," Gen. Joseph Dunford told members of the Senate Armed Services Committee. "In fact, at the time that we reduce forces, [unmanned drones] actually become as important or more important," the four-star general said during the Tuesday's hearing on the current state of the Afghan war. But as the Pentagon positions itself for a post-Afghanistan future, Defense Department leaders are shrinking their investment in the controversial counterterrorism tactic. The aggressive use of armed drones in Afghanistan has played a significant role in turning the tide of the over decade-long conflict, according to Dunford. "I would tell you that the Taliban are very concerned about those vehicles, and they talk about them all the time," he told committee members. However, he did acknowledge the tremendous toll those drone operations take on Afghan civilians. While drone strikes have paid dividends for U.S. and NATO commanders, the instances of collateral damage they cause has been a significant hurdle for American war planners. "Even if we're doing it perfectly, if it creates, you know, a great deal of controversy within a civilian community," Dunford admitted. "That can make our challenge more difficult down the road." U.S. drone operators have taken steps to cut down on those civilian casualties, according to Dunford. "When we employ unmanned vehicles in Afghanistan, we have the same standard . . .as we [do] with manned vehicles," he said. Those steps, the four-star general noted, all result in a "clear assessment of the collateral damage that might be associated with a particular strike." "So mitigation of civilian casualties is no different, whether there's a pilot in the cockpit or not," Dunford added. Dunford's call for more armed drones in the skies of Afghanistan after the 2014 troop withdrawal comes as the Obama administration is looking to hand DOD control over all armed drone operations.

**Drones only work in Afghanistan**

Shachtman ’12 (Noah Shachtman, Contributing editor at Wired magazine, a nonresident fellow at the Brookings Institution and the editor of Wired, “Military Stats Reveal Epicenter of U.S. Drone War”, <http://www.wired.com/dangerroom/2012/11/drones-afghan-air-war/>, November 9, 2012)

Forget Pakistan, Yemen, Somalia, and all the other secret little warzones. The real center of the U.S. drone campaign is in plain sight — on the hot and open battlefield of Afghanistan. The American military has launched 333 drone strikes this year in Afghanistan. That’s not only the highest total ever, according to U.S. Air Force statistics. It’s essentially the same number of robotic attacks in Pakistan since the CIA-led campaign there began nearly eight years ago. In the last 30 days, there have been three reported strikes in Yemen. In Afghanistan, that’s just an average day’s worth of remotely piloted attacks. And the increased strikes come as the rest of the war in Afghanistan is slowing down. The secret drone campaigns have drawn the most scrutiny because of the legal, geopolitical, and ethical questions they raise. But it’s worth remembering that the rise of the flying robots is largely occurring in the open, on an acknowledged battlefield where the targets are largely unquestioned and the attending issues aren’t nearly as fraught. “The difference between the Afghan operation and the ones operations in Pakistan and elsewhere come down to the fundamental differences between open military campaigns and covert campaigns run by the intelligence community. It shapes everything from the level of transparency to the Command And Control to the rules of engagements to the process and consequences if an air strike goes wrong,” e-mails Peter W. Singer, who runs the Brookings Institution’s 21st Century Defense Initiative. (Full disclosure: I have a non-resident fellowship there.) “This is why the military side has been far less controversial, and thus why many have pushed for it to play a greater role as the strikes slowly morphed from isolated, covert events into a regularized air war.” The military has 61 Predator and Reaper “combat air patrols,” each with three or four robotic planes. The CIA’s inventory is believed to be just a fraction of that: 30 to 35 drones total, although there is thought to be some overlap between the military and intelligence agency fleets. The Washington Post reported last month that the CIA is looking for another 10 drones as the unmanned aerial vehicles (UAVs) become more and more central to the agency’s worldwide counterterror campaign. In Pakistan, those drones are flown with a wink and a nod, to avoid the perception of violating national sovereignty. In Yemen, the robots go after men just because they fit a profile of what the U.S. believes a terrorist to be. In both countries, people are considered legitimate targets if they happen to be male and young and in the wrong place at the wrong time. The White House keeps a “matrix” on who merits robotic death. Congress (outside of the intelligence committees) largely learns about the programs through the papers. None of these statements is true about the drone war in Afghanistan, where strikes are ordered by a local commander, overseen by military lawyers, conducted with the (sometimes reluctant) blessing of the Kabul government, and used almost entirely to help troops under fire. The UAVs aren’t flown to dodge issues of sovereignty or to avoid traditional military assets. They’re used because they work better — staying in the sky longer than traditional aircraft and employing more advanced sensors to make sure the targets they hit are legit. The U.S. military is now launching more drone strikes — an average of 33 per month — than at any moment in the 11 years of the Afghan conflict. It’s a major escalation from just last year, when the monthly average was 24.5. And it’s happening while the rest of the American war effort is winding down: There are 34,000 fewer American troops than there were in early 2011; U.S. casualties are down 40 percent from 2010′s toll; militant attacks are off by about a quarter; civilian deaths have declined a bit from their awful peak. Even the air war is shrinking. Overall surveillance sorties are down, from an average of 3,183 per month last year to 2,954 in 2012. (Drones flew 860 of those sorties in 2011, and now fly 761 per month today.) Missions in which U.S. aircraft fire their weapons have declined, too. That used to happen 450 times per month on average in 2011. This year, the monthly total dropped to 360. In other words, drone strikes in Afghanistan now make up about 9 percent of the overall total of aerial attacks. Last year, it was a little more than 5 percent. The UAVs are growing in importance while the rest of the military campaign is receding. “The numbers are yet another powerful data point illustrating the fact that unmanned systems are here and they are here to stay. They show their growing use, even as overall air strikes go down,” e-mails Singer, who first noticed the drone strike increase. When Barack Obama began his first term in the White House, many in his administration pushed for keeping the number of troops in Afghanistan relatively small while boosting the number of drone strikes. At the time, Obama decided to go in a different direction. But now, as he gets set for the start of his second term, the president appears ready to embrace his internal critics, and leave Afghanistan to the robots.

**But rollback inevitable absent reform in Afghanistan**

Dyer ’13 (Geoff Dyer in Washington, Global Insight, “Brennan faces drone attack from senators”, <http://www.ft.com/intl/cms/s/0/51101152-7032-11e2-85d0-00144feab49a.html#axzz2apNcEFEM>, February 6, 2013)

If last week’s Senate hearing for Pentagon nominee Chuck Hagel was a chance for neoconservatives to draw blood, this week it is the turn of America’s liberals to go on the attack. The White House’s counterterrorism adviser John Brennan, nominated to be director of the Central Intelligence Agency, appears before the Senate intelligence committee on Thursday for a confirmation hearing that could spur an illuminating confrontation. Four years ago, Mr Brennan was a leading candidate for the same job but withdrew after criticism of his links to CIA torture activities during the George W. Bush administration, when he was a senior official at the agency. This time round, the main topic is likely to be a different aspect of counter-terrorism policy: drone strikes to kill suspected terrorists. From his windowless White House office, Mr Brennan has been the driving force behind the expansion in the use of drones. For critics on the left who have long complained at drone strikes, the hearing could provide a rare moment of public scrutiny. Drones are not the only tool the US uses to fight terrorism but, under the Obama administration, they have become the most important and controversial. About 50 drone strikes to kill suspected terrorists were conducted in the Bush era: under Barack Obama, there have been more than 350, in which more than 3,000 people are believed to have died. Of course, such Senate hearings can disappoint. At the confirmation hearing of former CIA director David Petraeus two years ago, Roy Blunt, a Missouri Republican, tried to probe him on drones, only to be interrupted several times by Dianne Feinstein, who chairs the committee. Given the sensitivities around armed drones, Mr Brennan’s hearing could be an anticlimax. Yet Mr Brennan will appear before the Senate in a different political environment, one where many of the concerns from the left about the expansion of the “war on terror” have become mainstream. Stanley McChrystal, the former commander of US forces in Afghanistan, warned recently about the “resentment” that drone attacks were generating. “They are hated on a visceral level,” he said. Jeh Johnson, who recently stepped down as the Pentagon’s top lawyer, has suggested the US is heading for a “tipping point”, where the military pursuit of suspected terrorists should be called off. Ron Wyden, Democratic senator for Oregon who is on the intelligence committee, has indicated that he will use the hearing to push Mr Brennan on drones. He was one of 11 senators who have called on the White House to release the full legal opinion that justifies the killing of US terrorist suspects. He also wants a list of all the countries where the CIA has “killed or attempted to kill people” – a question he says he has been asking for more than a year, with no answer. The hearing has been given extra spice by the leak of a justice department summary of the legal opinion on targeted killing, which raises many more questions than it answers. The document says drone strikes are justified only if a threat is “imminent” but then goes on to define imminent in a way that would not be familiar to most users of English. Micah Zenko at the Council on Foreign Relations says political pressure is now going to mount over drones, just as it once did for Mr Bush over torture, leaving the Obama administration a choice between “drone policy reforms by design or drone policy reforms by default”. If the administration does scale back the use of drones, the first place it is likely to look is the CIA. Both the CIA and the military operate drone strikes, but the CIA’s procedures and record are even more opaque than the Pentagon’s. Given the huge publicity on drones, it is hard to make the case that they count as covert operations. Perhaps that is one reason why Mr Brennan is being sent to the CIA: the man who more than anyone built the drones programme could be the person to get the agency out of the business.

**Drones outside warzones is the key reason- plan solves**

Wood ’13 (David Wood, Wood has been a journalist since 1970, a staff correspondent successively for Time Magazine, the Los Angeles Times, Newhouse News Service, The Baltimore Sun and Politics Daily. A birthright Quaker and former conscientious objector, he covers military issues, foreign affairs and combat operations. His 10-part series on the severely wounded of Iraq and Afghanistan won the 2012 Pulitzer Prize for national reporting, A Pulitzer Prize finalist, he has won the Gerald R. Ford Prize for Distinguished Defense Reporting and other national awards. He has appeared on CNN, CSPAN, the PBS News Hour, WUSA , RTV and the BBC, and is a regular guest on National Public Radio’s Diane Rehm Show. He has lectured at the U.S. Army Eisenhower Fellows Conference , the Marine Staff College, the Joint Forces Staff College and Temple University, “Drone Attacks Spur Legal Debate On Definition Of 'Battlefield'”, <http://www.huffingtonpost.com/2013/02/14/drone-attacks-legal-debate_n_2687980.html>, February 14, 2013)

WASHINGTON -- After a CIA Predator drone released its guided bomb high over Yemen on Nov. 3, 2002, the resulting explosion did more than kill six suspected al Qaeda terrorists riding in the targeted car. This strike, the first by an armed drone outside a traditional, recognized war zone, also blew apart long-held notions of "war" and "battlefield" which had guided the application of the legal traditions, treaties and laws of armed conflict for centuries. Until that day, armed drones had been used only in Afghanistan, easily identifiable as a traditional battlefield or war zone because it had supported al Qaeda's 9/11 plotters and the U.S. armed response was justifiable self-defense. Any casual observer could see a war was underway. Yemen was different. The White House was not sending tens of thousands of troops, and there was no solemn Oval Office speech summoning the nation to battle there. However, though few knew it at the time, earlier that year Yemen had been officially designated as a "combat zone" making the killings legal, at least in the eyes of the CIA and the White House of George W. Bush. But ever since that first "non-battlefield" drone strike, generals and legal scholars, pundits and politicians have argued passionately about what, exactly, constitutes an armed conflict, or a war zone, or a battlefield, and what is outside armed conflict. The distinction matters. "Inside an armed conflict, you are allowed to kill people without warning. Outside, you are not," says Notre Dame law professor Mary Ellen O'Connell, a specialist in international laws of war and conflict. "That makes it pretty important to know whether you're on a battlefield or not." And not just if you're standing on a battlefield. As difficult as it is to pin down the law of armed conflict, "it's really important to raise these questions, because we've been lulled since 9/11 into the sense that our government has the ability to decide through its intelligence agencies who is a bad guy and to kill him and the people around him," O'Connell told The Huffington Post. "I don't want to see them drag the law down and lose the world as a place in which the law is held as a high standard." Difficult questions about international law are boiling up because of the Obama administration's accelerating use of armed drones against what it says are suspected terrorists in Pakistan, Yemen and Somalia, and potentially elsewhere as well. In his State of the Union address Tuesday, President Obama seemingly acknowledged the growing public unease about the program's troubling secrecy and whether the strikes are justified and legal. He would, he promised, be "even more transparent" about how the strikes comply with the law. That vague wording promises that the bitter disagreements over what the law says, and how it applies, are only going to get more heated. "I don't think we are ever going to have a precise answer," says Laurie R. Blank, director of the International Humanitarian Law Center at Emory University School of Law and the author of several books on war and international law. In the long history of warfare, there have been clear-cut cases where existing law applies, mostly when two governments are at war in a geographically defined area. "But the nature of the world today is that it makes it difficult to put war into neat and tidy packages," Blank says. War and the law have come a long way from that muddy day in October almost 600 years ago when British infantry and archers memorably clashed with French knights near the Normandy village of Maisoncelles. It was a modest, neatly-defined battle, or armed conflict: the belligerents were drawn up at either end of a small wheat field; the bristling battle lines were barely 1,000 yards apart, and when the carnage was over in a few hours, a pair of professional referees declared British King Henry V the winner and named the battle Agincourt, after a nearby castle. By contrast, many of today's conflicts range over time and space, and belligerents morph from terrorist to civilian to warrior. Do a few suicide bombings in Islamabad define a war zone? Does the taking of hostages at an Algerian gas plant constitute an international armed conflict? Does a skyjacking plot conceived in Afghanistan and planned in Germany, which kills 3,000 people in New York and Washington, create legal war zones or armed conflicts in all four places? What if one of the plotters is hiding in Cleveland? How far does the concept of self-defense go? Can someone just declare an area to be a free-fire "battlefield"? If the United States is at war with terrorists, and there are terrorists inside the United States, can they be targeted with armed drones? If a Taliban sneaks across the Afghan border with Iran, can the U.S. target him there? And is Iran then justified under the U.N. rule of self defense to plant a terrorist bomb in Times Square? Could an al Qaeda terrorist protect himself by becoming an American citizen?

**Now the impacts-**

**Afghanistan**

**Key to NATO alliance**

**Prevents Pakistan collapse**

**Prevents Iran and Russian aggressive Sphere of Influence**

**Key to Asian stability**

Miller ’12 (Paul D. Miller, Paul D. Miller served as director for Afghanistan on the National Security Council staff under Presidents Bush and Obama. He is an assistant professor of International Security Affairs at the National Defense University and director for the Afghanistan-Pakistan program at the College of International Security Affairs, World Affairs Journal, “It’s Not Just Al-Qaeda: Stability in the Most Dangerous Region”, <http://www.worldaffairsjournal.org/article/it%E2%80%99s-not-just-al-qaeda-stability-most-dangerous-region>, March/April 2012)

Neither President Barack Obama nor the Republicans competing to run against him are eager to talk about the war in Afghanistan. The electorate certainly doesn’t want to hear about it. Defense analysts are acting like it ended when Iraq did. Even more amazing is that most analysts and policymakers seem to believe that, one way or another, it doesn’t actually matter very much that it didn’t. In fact, the war is only now entering its culminating phase, indicated by the willingness of both US and Taliban officials to talk openly about negotiations, something parties to a conflict do only when they see more benefit to stopping a war than continuing it. That means the war’s ultimate outcome is likely to be decided by the decisions, battles, and bargaining of the next year or so. And its outcome will have huge implications for the future of US national security. In turn, that means the collective decision to ignore the war and its consequences is foolish at best, dangerous at worst. While Americans have lost interest in the war, the war may still have an interest in America. Now is the time, more than ten years into the effort, to remind ourselves what is at stake in Afghanistan and why the United States must secure lasting stability in South Asia. It was, of course, al-Qaeda’s attack on the US homeland that triggered the intervention in Afghanistan, but wars, once started, always involve broader considerations than those present at the firing of the first shot. The war in Afghanistan now affects all of America’s interests across South Asia: Pakistan’s stability and the security of its nuclear weapons, NATO’s credibility, relations with Iran and Russia, transnational drug-trafficking networks, and more. America leaves the job in Afghanistan unfinished at its peril. The chorus of voices in the Washington policy establishment calling for withdrawal is growing louder. In response to this pressure, President Obama has pledged to withdraw the surge of thirty thousand US troops by September 2012—faster than US military commanders have recommended—and fully transition leadership for the country’s security to the Afghans in 2013. These decisions mirror the anxieties of the electorate: fifty-six percent of Americans surveyed recently by the Pew Research Center said that the US should remove its troops as soon as possible. But it is not too late for Obama (who, after all, campaigned in 2008 on the importance of Afghanistan, portraying it as “the good war” in comparison to Iraq) to reformulate US strategy and goals in South Asia and explain to the American people and the world why an ongoing commitment to stabilizing Afghanistan and the region, however unpopular, is nonetheless necessary. The Afghanistan Study Group, a collection of scholars and former policymakers critical of the current intervention, argued in 2010 that al-Qaeda is no longer in Afghanistan and is unlikely to return, even if Afghanistan reverts to chaos or Taliban rule. It argued that three things would have to happen for al-Qaeda to reestablish a safe haven and threaten the United States: “1) the Taliban must seize control of a substantial portion of the country, 2) Al Qaeda must relocate there in strength, and 3) it must build facilities in this new ‘safe haven’ that will allow it to plan and train more effectively than it can today.” Because all three are unlikely to happen, the Study Group argued, al-Qaeda almost certainly will not reestablish a presence in Afghanistan in a way that threatens US security. In fact, none of those three steps are necessary for al-Qaeda to regain its safe haven and threaten America. The group could return to Afghanistan even if the Taliban do not take back control of the country. It could—and probably would—find safe haven there if Afghanistan relapsed into chaos or civil war. Militant groups, including al-Qaeda offshoots, have gravitated toward other failed states, like Somalia and Yemen, but Afghanistan remains especially tempting, given the network’s familiarity with the terrain and local connections. Nor does al-Qaeda, which was never numerically overwhelming, need to return to Afghanistan “in strength” to be a threat. Terrorist operations, including the attacks of 2001, are typically planned and carried out by very few people. Al-Qaeda’s resilience, therefore, means that stabilizing Afghanistan is, in fact, necessary even for the most basic US war aims. The international community should not withdraw until there is an Afghan government and Afghan security forces with the will and capacity to deny safe haven without international help. Setting aside the possibility of al-Qaeda’s reemergence, the United States has other important interests in the region as well—notably preventing the Taliban from gaining enough power to destabilize neighboring Pakistan, which, for all its recent defiance, is officially a longstanding American ally. (It signed two mutual defense treaties with the United States in the 1950s, and President Bush designated it a major non-NATO ally in 2004.) State failure in Pakistan brokered by the Taliban could mean regional chaos and a possible loss of control of its nuclear weapons. Preventing such a catastrophe is clearly a vital national interest of the United States and cannot be accomplished with a few drones. Alarmingly, Pakistan is edging toward civil war. A collection of militant Islamist groups, including al-Qaeda, Tehrik-e Taliban Pakistan (TTP), and Tehrik-e Nafaz-e Shariat-e Mohammadi (TNSM), among others, are fighting an insurgency that has escalated dramatically since 2007 across Khyber Pakhtunkhwa, the Federally Administered Tribal Areas, and Baluchistan. According to the Brookings Institution’s Pakistan Index, insurgents, militants, and terrorists now regularly launch more than one hundred and fifty attacks per month on Pakistani government, military, and infrastructure targets. In a so far feckless and ineffectual response, Pakistan has deployed nearly one hundred thousand regular army soldiers to its western provinces. At least three thousand soldiers have been killed in combat since 2007, as militants have been able to seize control of whole towns and districts. Tens of thousands of Pakistani civilians and militants—the distinction between them in these areas is not always clear—have been killed in daily terror and counterterror operations. The two insurgencies in Afghanistan and Pakistan are linked. Defeating the Afghan Taliban would give the United States and Pakistan momentum in the fight against the Pakistani Taliban. A Taliban takeover in Afghanistan, on the other hand, will give new strength to the Pakistani insurgency, which would gain an ally in Kabul, safe haven to train and arm and from which to launch attacks into Pakistan, and a huge morale boost in seeing their compatriots win power in a neighboring country. Pakistan’s collapse or fall to the Taliban is (at present) unlikely, but the implications of that scenario are so dire that they cannot be ignored. Even short of a collapse, increasing chaos and instability in Pakistan could give cover for terrorists to increase the intensity and scope of their operations, perhaps even to achieve the cherished goal of stealing a nuclear weapon. Although our war there has at times seemed remote, Afghanistan itself occupies crucial geography. Situated between Iran and Pakistan, bordering China, and within reach of Russia and India, it sits on a crossroads of Asia’s great powers. This is why it has, since the nineteenth century, been home to the so-called Great Game—in which the US should continue to be a player. Two other players, Russia and Iran, are aggressive powers seeking to establish hegemony over their neighbors. Iran is seeking to build nuclear weapons, has an elite military organization (the Quds Force) seeking to export its Islamic Revolution, and uses the terror group Hezbollah as a proxy to bully neighboring countries and threaten Israel. Russia under Vladimir Putin is seeking to reestablish its sphere of influence over its near abroad, in pursuit of which it (probably) cyber-attacked Estonia in 2007, invaded Georgia in 2008, and has continued efforts to subvert Ukraine. Iran owned much of Afghan territory centuries ago, and continues to share a similar language, culture, and religion with much of the country. It maintains extensive ties with the Taliban, Afghan warlords, and opposition politicians who might replace the corrupt but Western-oriented Karzai government. Building a stable government in Kabul will be a small step in the larger campaign to limit Tehran’s influence. Russia remains heavily involved in the Central Asian republics. It has worked to oust the United States from the air base at Manas, Kyrgyzstan. It remains interested in the huge energy reserves in Kazakhstan and Turkmenistan. Russia may be wary of significant involvement in Afghanistan proper, unwilling to repeat the Soviet Union’s epic blunder there. But a US withdrawal from Afghanistan followed by Kabul’s collapse would likely embolden Russia to assert its influence more aggressively elsewhere in Central Asia or Eastern Europe, especially in the Ukraine. A US departure from Afghanistan will also continue to resonate for years to come in the strength and purpose of NATO. Every American president since Harry Truman has affirmed the centrality of the Atlantic Alliance to US national security. The war in Afghanistan under the NATO-led International Security Assistance Force (ISAF), the Alliance’s first out-of-area operation in its sixty-year history, was going poorly until the US troop surge. Even with the limited success that followed, allies have complained that the burden in Afghanistan has been distributed unevenly. Some, like the British, Canadians, and Poles, are fighting a shooting war in Kandahar and Helmand, while others, like the Lithuanians and Germans, are doing peacekeeping in Ghor and Kunduz. The poor command and control—split between four regional centers—left decisionmaking slow and poorly coordinated for much of the war. ISAF’s strategy was only clarified in 2008 and 2009, when Generals David McKiernan and Stanley McChrystal finally developed a more coherent campaign plan with counterinsurgency-appropriate rules of engagement. A bad end in Afghanistan could have dire consequences for the Atlantic Alliance, leaving the organization’s future, and especially its credibility as a deterrent to Russia, in question. It would not be irrational for a Russian observer of the war in Afghanistan to conclude that if NATO cannot make tough decisions, field effective fighting forces, or distribute burdens evenly, it cannot defend Europe. The United States and Europe must prevent that outcome by salvaging a credible result to its operations in Afghanistan—one that both persuades Russia that NATO is still a fighting alliance and preserves the organization as a pillar of US national security. For some critics, organizing US grand strategy around the possible appearance of Russian tanks across the Fulda Gap is the perfect example of generals continuing to fight the last war. For them, the primary threat to US national security comes from terrorists, insurgency, state failure, ecological disaster, infectious pandemic disease, cyber attacks, transnational crime, piracy, and gangs. But if that view of the world is right, it is all the more reason to remain engaged in Afghanistan, because it is the epicenter of the new, asymmetric, transnational threats to the US and allied national security. Even those who deny al-Qaeda could regain safe haven in Afghanistan cannot deny how much power, and capacity for damage, the drug lords have acquired there. In some years they have controlled wealth equivalent to fifty percent of Afghanistan’s GDP and produced in excess of ninety percent of the world’s heroin. Today, their products feed Europe’s endemic heroin problem, and the wealth this trade generates has done much to undermine nine years of work building a new and legitimate government in Kabul. In their quest for market share, the drug lords will expand wherever there is demand for their product or potential to grow a secure supply, almost certainly starting in Pakistan, where the trade was centered in the 1980s. Where the drug lords go, state failure, along with its accompanying chaos and asymmetric threats, will follow, as the violence and anarchy currently wracking parts of Mexico suggest. Imagine the Federally Administered Tribal Areas as a failed narco-state with the profits funding the revival of al-Qaeda or its many terror offshoots. South Asia’s narcotics-smuggling cartels are dangerously close to seizing control of an entire state and using it to undermine law, order, and stability across an entire region. The poppy and heroin kingpins are fabulously wealthy and powerful; they oppose US interests, weaken US allies, and are headquartered in Afghanistan. Defeating them is a vital interest of the United States.

**Asia conflict goes nuclear**

Landay 2k (Jonathan S. Landay, National Security and Intelligence Correspondent, “Top Administration Officials Warn Stakes for U.S. Are High in Asian Conflicts”, Knight Ridder/Tribune News Service, March 10, p. Lexis, 200)

Few if any experts think China and Taiwan, North Korea and South Korea, or India and Pakistan are spoiling to fight. But even a minor miscalculation by any of them could destabilize Asia, jolt the global economy and even start a nuclear war. India, Pakistan and China all have nuclear weapons, and North Korea may have a few, too. Asia lacks the kinds of organizations, negotiations and diplomatic relationships that helped keep an uneasy peace for five decades in Cold War Europe. “Nowhere else on Earth are the stakes as high and relationships so fragile,” said Bates Gill, director of northeast Asian policy studies at the Brookings Institution, a Washington think tank. “We see the convergence of great power interest overlaid with lingering confrontations with no institutionalized security mechanism in place. There are elements for potential disaster.” In an effort to cool the region’s tempers, President Clinton, Defense Secretary William S. Cohen and National Security Adviser Samuel R. Berger all will hopscotch Asia’s capitals this month. For America, the stakes could hardly be higher. There are 100,000 U.S. troops in Asia committed to defending Taiwan, Japan and South Korea, and the United States would instantly become embroiled if Beijing moved against Taiwan or North Korea attacked South Korea. While Washington has no defense commitments to either India or Pakistan, a conflict between the two could end the global taboo against using nuclear weapons and demolish the already shaky international nonproliferation regime. In addition, globalization has made a stable Asia \_ with its massive markets, cheap labor, exports and resources \_ indispensable to the U.S. economy. Numerous U.S. firms and millions of American jobs depend on trade with Asia that totaled $600 billion last year, according to the Commerce Department.

**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.

**NATO solves nuclear war**

Brzezinski ‘9 (Zbigniew Brzezinski, U.S. National Security Adviser from 1977 to 1981. His most recent book is Second Chance: Three Presidents and the Crisis of American Superpower, September 2009 - October 2009, (Foreign Affairs, SECTION: Pg. 2 Vol. 88 No. 5, HEADLINE: An Agenda for NATO Subtitle: Toward a Global Security Web, p. Lexis, 2009)

ADJUSTING TO A TRANSFORMED WORLD And yet, it is fair to ask: Is NATO living up to its extraordinary potential? NATO today is without a doubt the most powerful military and political alliance in the world. Its 28 members come from the globe's two most productive, technologically advanced, socially modern, economically prosperous, and politically democratic regions. Its member states' 900 million people account for only 13 percent of the world's population but 45 percent of global GDP. NATO's potential is not primarily military. Although NATO is a collective-security alliance, its actual military power comes predominantly from the United States, and that reality is not likely to change anytime soon. NATO's real power derives from the fact that it combines the United States' military capabilities and economic power with Europe's collective political and economic weight (and occasionally some limited European military forces). Together, that combination makes NATO globally significant. It must therefore remain sensitive to the importance of safeguarding the geopolitical bond between the United States and Europe as it addresses new tasks. The basic challenge that NATO now confronts is that there are historically unprecedented risks to global security. Today's world is threatened neither by the militant fanaticism of a territorially rapacious nationalist state nor by the coercive aspiration of a globally pretentious ideology embraced by an expansive imperial power. The paradox of our time is that the world, increasingly connected and economically interdependent for the first time in its entire history, is experiencing intensifying popular unrest made all the more menacing by the growing accessibility of weapons of mass destruction -- not just to states but also, potentially, to extremist religious and political movements. Yet there is no effective global security mechanism for coping with the growing threat of violent political chaos stemming from humanity's recent political awakening. The three great political contests of the twentieth century (the two world wars and the Cold War) accelerated the political awakening of mankind, which was initially unleashed in Europe by the French Revolution. Within a century of that revolution, spontaneous populist political activism had spread from Europe to East Asia. On their return home after World Wars I and II, the South Asians and the North Africans who had been conscripted by the British and French imperial armies propagated a new awareness of anticolonial nationalist and religious political identity among hitherto passive and pliant populations. The spread of literacy during the twentieth century and the wide-ranging impact of radio, television, and the Internet accelerated and intensified this mass global political awakening. In its early stages, such new political awareness tends to be expressed as a fanatical embrace of the most extreme ethnic or fundamentalist religious passions, with beliefs and resentments universalized in Manichaean categories. Unfortunately, in significant parts of the developing world, bitter memories of European colonialism and of more recent U.S. intrusion have given such newly aroused passions a distinctively anti-Western cast. Today, the most acute example of this phenomenon is found in an area that stretches from Egypt to India. This area, inhabited by more than 500 million politically and religiously aroused peoples, is where NATO is becoming more deeply embroiled. Additionally complicating is the fact that the dramatic rise of China and India and the quick recovery of Japan within the last 50 years have signaled that the global center of political and economic gravity is shifting away from the North Atlantic toward Asia and the Pacific. And of the currently leading global powers -- the United States, the EU, China, Japan, Russia, and India -- at least two, or perhaps even three, are revisionist in their orientation. Whether they are "rising peacefully" (a self-confident China), truculently (an imperially nostalgic Russia) or boastfully (an assertive India, despite its internal multiethnic and religious vulnerabilities), they all desire a change in the global pecking order. The future conduct of and relationship among these three still relatively cautious revisionist powers will further intensify the strategic uncertainty. Visible on the horizon but not as powerful are the emerging regional rebels, with some of them defiantly reaching for nuclear weapons. North Korea has openly flouted the international community by producing (apparently successfully) its own nuclear weapons -- and also by profiting from their dissemination. At some point, its unpredictability could precipitate the first use of nuclear weapons in anger since 1945. Iran, in contrast, has proclaimed that its nuclear program is entirely for peaceful purposes but so far has been unwilling to consider consensual arrangements with the international community that would provide credible assurances regarding these intentions. In nuclear-armed Pakistan, an extremist anti-Western religious movement is threatening the country's political stability. These changes together reflect the waning of the post-World War II global hierarchy and the simultaneous dispersal of global power. Unfortunately, U.S. leadership in recent years unintentionally, but most unwisely, contributed to the currently threatening state of affairs. The combination of Washington's arrogant unilateralism in Iraq and its demagogic Islamophobic sloganeering weakened the unity of NATO and focused aroused Muslim resentments on the United States and the West more generally

**Contention {Z}: Solvency**

**That solves without hamstringing presidential power or military capabilities**

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For this reason, I believe that if Congress wishes to refine or clarify the AUMF, it should consider limiting the AUMF’s geographic scope, limiting its temporal duration, limiting the authorized use of force to that which would be considered permissible self defense under international law, or all three. Expressly limiting the AUMF’s geographic scope to Afghanistan and/or other areas in which U.S. troops on the ground are actively engaged in combat, for instance, would clarify that the ongoing armed conflict (and the applicability of the law of armed conflict) is limited to these more traditional battlefield situations. As noted above, such a geographical limitation would by no means undermine the president’s ability to use force to protect the United States from threats emanating from outside of the specified region. Such a geographical limitation would merely make it clear that any presidential desire to use force elsewhere would require him either to request an additional narrowly drawn congressional authorization to use force, or would require that any non-congressionally authorized use of force be justified -- constitutionally and internationally – on self defense grounds, by virtue of the gravity and imminence of a specific threat. Limiting the AUMF’s temporal scope could be accomplished by adding a “sunset” provision to the AUMF. The current AUMF could be set to expire when U.S. troops cease combat operations in Afghanistan, for instance, or in 2015, whichever date comes first. Here again, such a limitation would not preclude the president from requesting an extension or a new authorization to use force, if clearly justified by specific circumstances, nor would it preclude the president from relying on his inherent constitutional powers if force becomes necessary to prevent an imminent attack. Finally, the AUMF could be revised to clarify Congress’ view of the applicable legal framework. Congress could state explicitly that it authorizes the president to engage in an ongoing armed conflict within the borders of Afghanistan between the U.S. and Al Qaeda, the Taliban and their co-belligerents, but that it does not currently authorize the initiation or continuation of an armed conflict in any other place, and expects therefore that any U.S. military action elsewhere or against other actors shall be governed by principles of self-defense rather than by the law of armed conflict.

**Congress is key to that signal**

Ellison ’13 (Keith Ellison, “Time for Congress to build a better drone policy”, <http://articles.washingtonpost.com/2013-01-13/opinions/36311903_1_drone-strikes-drone-program-drone-policy>, January 13, 2013)

An unmanned U.S. aerial vehicle — or drone — reportedly killed eight people in rural Pakistan last week, bringing the estimated death toll from drone strikes in Pakistan this year to 35. As the frequency of drone strikes spikes again, some questions must be asked: How many of those targeted were terrorists? Were any children harmed? And what is the standard of evidence to carry out these attacks? The United States has to provide answers, and Congress has a critical role to play. The heart of the problem is that our technological capability has far surpassed our policy. As things stand, the executive branch exercises unilateral authority over drone strikes against terrorists abroad. In some cases, President Obama approves each strike himself through “kill lists.” While the president should be commended for creating explicit rules for the use of drones, unilateral kill lists are unseemly and fraught with hazards. When asked about the drone program in October during an interview on the “The Daily Show,” the president said, “One of the things we’ve got to do is put a legal architecture in place, and we need congressional help in order to do that, to make sure that not only am I reined in, but any president’s reined in terms of some of the decisions that we’re making.” It’s time to put words into action. Weaponized drones have produced results. They have eliminated 22 of al-Qaeda’s top 30 leaders and just last week took out a Taliban leader. Critically, they lessen the need to send our troops into harm’s way, reducing the number of U.S. casualties. Yet the costs of drone strikes have been ignored or inadequately acknowledged. The number of innocent civilian casualties may be greater than people realize. A recent study by human rights experts at Stanford Law School and the New York University School of Law found that the number of innocent civilians killed by U.S. drone strikes is much higher than what the U.S. government has reported: approximately 700 since 2004, including almost 200 children. This is unacceptable. Another cost is how drone strikes are shaping views of the United States around the world. You might develop a negative attitude toward the United States if your only perception of it is a foreign aircraft buzzing over your house that occasionally fires missiles into your neighborhood. In Pakistan, where 95 percent of U.S. drone strikes have occurred, people familiar with them overwhelmingly express disapproval (97 percent, according to Pew polling from June) and believe they kill too many innocent people (94 percent). Drone strikes may well contribute to the extremism and terrorism the United States seeks to deter. U.S. drone use has also lowered the threshold for the use of lethal force in foreign countries. Would we fire so many missiles into Pakistan, Yemen and Somalia if doing so required sending U.S. troops into harm’s way? Our drone policy must be guided by more than capability. It must be guided by respect for noncombatants, necessity and urgency. It is Congress’s responsibility to exercise oversight and craft policies that govern the use of lethal force. But lawmakers have yet to hold a single hearing examining U.S. drone policy. Any rules must provide adequate transparency, respect the rule of law, conform with international standards and prudently advance U.S. national security over the long term. In codifying a legal framework to guide executive action on drone strikes, Congress should consider these steps: First, we must do more to avoid innocent civilian casualties. The Geneva Conventions, which have governed the rules of war since World War II, distinguish between combatants and noncombatants in the conduct of hostilities and state that civilian casualties are not acceptable except in cases of demonstrated military necessity. This is the standard we must follow. Second, Congress must require an independent judicial review of any executive-branch “kill list.” The U.S. legal system is based on the principle that one branch of government should not have absolute authority. Congress should object to that concentration of power, especially when it may be used against U.S. citizens. A process of judicial review would diffuse executive power and provide a mechanism for greater oversight. Third, the United States must collaborate with the international community to develop a widely accepted set of legal standards. No country — not even our allies — accepts the U.S. legal justification for targeted killings. Our justification must rest on the concept of self-defense, which would allow the United States to protect itself against any imminent threat. Any broader criteria would create the opportunity for abuse and set a dangerous standard for other countries to follow, which could harm long-term U.S. security interests. The United States will not always enjoy a monopoly on sophisticated drone technology. The Iranian-made drone that Hezbollah recently flew over Israel should compel us to think about the far-reaching implications of current policy. A just, internationally accepted protocol on the use of drones in warfare is needed. By creating and abiding by our own set of reasonable standards, the United States will demonstrate to the world that we believe in the rule of law.

**All relevant officials will comply with the plan**

**Goldsmith ’12** [Jack Goldsmith is a Harvard Law professor and a member of the Hoover Task Force on National Security and Law. He served in the Bush administration as assistant attorney general in charge of the Office of Legal Counsel, “Fire When Ready,” 3-19-12, <http://www.foreignpolicy.com/articles/2012/03/19/fire_when_ready?page=full>, March 19, 2012]

When the Obama administration made the decision to kill Awlaki, it did not rely on the president's constitutional authority as commander in chief. Rather, it relied on authority that Congress gave it, and on guidance from the courts. In September 2001, Congress authorized the president "to use all necessary and appropriate force against those nations, organizations, or persons he determines" were responsible for 9/11. Whatever else the term "force" may mean, it clearly includes authorization from Congress to kill enemy soldiers who fall within the statute. Unlike some prior authorizations of force in American history, the 2001 authorization contains no geographical limitation. Moreover, the Supreme Court, in the detention context, has ruled that the "force" authorized by Congress in the 2001 law could be applied against a U.S. citizen. Lower courts have interpreted the same law to include within its scope co-belligerent enemy forces "associated" with al Qaeda who are "engaged in hostilities against the United States." International law is also relevant to targeting decisions. Targeted killings are lawful under the international laws of war only if they comply with basic requirements like distinguishing enemy soldiers from civilians and avoiding excessive collateral damage. And they are consistent with the U.N. Charter's ban on using force "against the territorial integrity or political independence of any state" only if the targeted nation consents or the United States properly acts in self-defense. There are reports that Yemen consented to the strike on Awlaki. But even if it did not, the strike would still have been consistent with the Charter to the extent that Yemen was "unwilling or unable" to suppress the threat he posed. This standard is not settled in international law, but it is sufficiently grounded in law and practice that no American president charged with keeping the country safe could refuse to exercise international self-defense rights when presented with a concrete security threat in this situation. The "unwilling or unable" standard was almost certainly the one the United States relied on in the Osama bin Laden raid inside Pakistan. These legal principles are backed by a system of internal and external checks and balances that, in this context, are without equal in American wartime history. Until a few decades ago, targeting decisions were not subject to meaningful legal scrutiny. Presidents or commanders typically ordered a strike based on effectiveness and, sometimes, moral or political considerations. President Harry Truman, for example, received a great deal of advice about whether and how to drop the atomic bomb on Hiroshima and Nagasaki, but it didn't come from lawyers advising him on the laws of war. Today, all major military targets are vetted by a bevy of executive branch lawyers who can and do rule out operations and targets on legal grounds, and by commanders who are more sensitive than ever to legal considerations and collateral damage. Decisions to kill high-level terrorists outside of Afghanistan (like Awlaki) are considered and approved by lawyers and policymakers at the highest levels of the government. The lawyers and policymakers are guided in part by Supreme Court and lower court decisions that, in the context of reviewing military detentions, have interpreted the meaning, scope, and limits of the congressional authorization to use force. The executive branch also has tools at its disposal -- an elaborate intelligence bureaucracy, precision weapons, and computer targeting algorithms -- to minimize collateral damage in war like never before (indeed, these tools sometimes force an operation or target to be avoided or aborted). We do not know the full details of targeting decisions, but we do know -- from administration speeches and press coverage of internal deliberations -- that Obama administration policymakers and lawyers seriously grapple with the legal limits of their authorities, construe them narrowly to meet the case at hand, and are constrained in who they target. Congress too is involved. The executive branch only targets enemy forces that fall within the parameters set by Congress in 2001. All major targeting operations conducted as "covert actions" must, under laws in place before 9/11, be conducted in conformity with presidential "findings" and reported to congressional intelligence committees. These committees lack a formal veto, but they have many ways to push back against covert actions they dislike. House Minority Leader Nancy Pelosi is said to have scaled back a covert operation in 2004 to influence the outcome of elections in Iraq by complaining to the White House, while the House Intelligence Committee reportedly persuaded the Obama administration not to arm the Libyan rebels in 2011. Operations by the U.S. military are also reported to and scrutinized by congressional armed services committees through less formal means. More broadly, Congress as a whole is well aware of the president's targeted killing program, and many congressional committees have held public hearings on targeted killing in the last few years. And yet, in contrast to its actions to tighten the president's traditional military authorities in other contexts (like interrogation, military detention, and military commissions), Congress has not tightened the president's power to target. Instead, Congress chose to reaffirm the 2001 authorization on which the president has rested his targeting practices in December 2011, and to bless the judicial construction of the statute that extended the president's authorities to co-belligerents like Awlaki, all without a word about limitations on targeted killing. Congress did this against the backdrop of many public reports that the 2001 statute was relied on to kill Awlaki. The targeted killing of Awlaki was also subject to a limited but important form of judicial scrutiny. In 2010, the ACLU and the Center for Constitutional Rights brought a novel lawsuit that sought to enjoin the president from killing Awlaki. Judge John Bates of the U.S. District Court for the District of Columbia dismissed the case, in part because of "the impropriety of judicial review." Bates explained that the Constitution places "responsibility for the military decisions at issue in this case 'in the hands of those who are best positioned and most politically accountable for making them'" -- Congress and the president. This ruling, based on extensive precedent, is almost certainly right. Commanders in chief have always had discretion over targeting decisions in wars authorized by Congress. No court has ever suggested that judicial approval for these decisions was appropriate or necessary. This is so even though the U.S. military killed U.S. citizens in the Civil War and most likely in World War II as well, when some fought in the Italian and German armies. The Supreme Court itself has ruled -- in the context of military commissions and military detention -- that U.S. citizenship does not by itself preclude the commander in chief from exercising traditional forms of military force. This is the background against which to assess Attorney General Holder's claim that the Constitution "guarantees due process, not judicial process." Holder was referring to the Fifth Amendment's prohibition on taking life without due process, a further legal limitation on the targeted killing of U.S. citizens. Critics belittled Holder for distinguishing due process from judicial process, but Holder is right. The Supreme Court has ruled in many contexts that due process does not always demand judicial scrutiny. It has also ruled that the type and extent of process due depends on the nature and circumstances of the deprivation, including a balance between the interests of the individual and the government. A U.S. citizen's interest is obviously at its height when he is targeted with lethal force. The government's interest is at its height when it seeks to incapacitate a threatening enemy in a congressionally sanctioned war. Holder only defended the wartime authority to kill a U.S. citizen who presents "an imminent threat of violent attack against the United States" and for whom "capture is not feasible," and only when operations are "conducted in a manner consistent with applicable law of war principles." In these circumstances, he claimed, high-level executive deliberation, guided by judicial precedent and subject to congressional oversight, is all the process that is due. Is Holder right? It is hard to say for sure because the due process clause has never before been thought relevant to wartime presidential targeting decisions. The system described above goes far beyond any process given to any target in any war in American history. Awlaki was not given a formal notice and opportunity to defend himself in court, but war does not permit such formal practices. One predicate for the killing was that Awlaki was in hiding -- beyond legal process or the reasonable possibility of capture -- and plotting and directing attacks on the United States. The U.S. government made clear that if Awlaki "were to surrender or otherwise present himself to the proper authorities in a peaceful and appropriate manner, legal principles with which the United States has traditionally and uniformly complied would prohibit using lethal force or other violence against him in such circumstances." And as Judge Bates noted, while Awlaki's placement on a targeting list was publicly disclosed in January 2010, Awlaki publicly disclaimed any intention of challenging his status or turning himself in. It is hard to see how the executive branch could have taken its constitutional responsibilities more seriously while honoring its obligation to keep the nation safe. In light of Judge Bates's ruling and the analysis on which it rests, and until Congress thinks the president's approach to targeting requires change, the current system -- executive deliberation guided by judicial precedent and subject to congressional oversight -- almost certainly satisfies any constitutional requirement. In any event, it belies the claim that the president is not subject to checks and balances. This conclusion will not assuage critics like Andrew Rosenthal who insist that "the president must receive judicial input before ordering the death of an American citizen." What Rosenthal and other krytocrats have not explained is how the Constitution permits, much less demands, such ex ante judicial input. These critics have not grappled with Judge Bates's analysis. Nor have they explained how a presidential request for judicial approval to target and kill a terrorist suspect is consistent with the constitutional limitation of judicial power to cases and controversies between parties in court. It is also unclear whether judges possess the competence to assess and quickly act upon military targets, or whether they would welcome the responsibility for targeting decisions. Perhaps Congress could devise a lawful and effective scheme of judicial or administrative review of the president's targeting decisions. But it has shown no inclination to do so, and it appears to support the current arrangement.

**Obama will comply --- the plan walks the fine-line --- failure to walk the constitution is worse**

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**

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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.

**Backlash to drone strikes is undermining international credibility and makes drone strikes ineffective**

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In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial counterterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and international humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 percent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gunships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forcing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making significant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allowing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resistance— such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attacking Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below. The United States will inevitably improve and enhance the lethal capabilities of its drones. Although many of its plans are classified, the U.S. military has nonspecific objectives to replace the Predators and Reapers with the Next-Generation Remotely Piloted Aircraft (RPA) sometime in the early-to-mid 2020s. Though they are only in the early stages of development, the next generation of armed drones will almost certainly have more missiles of varying types, enhanced guidance and navigation systems, greater durability in the face of hostile air defense environments, and increased maximum loiter time—and even the capability to be refueled in the air by unmanned tankers.69 Currently, a senior official from the lead executive authority approves U.S. drone strikes in nonbattlefield settings. Several U.S. military and civilian officials claim that there are no plans to develop autonomous drones that can use lethal force. Nevertheless, armed drones will incrementally integrate varying degrees of operational autonomy to overcome their most limiting and costly factor—the human being.70 Beyond the United States, drones are proliferating even as they are becoming increasingly sophisticated, lethal, stealthy, resilient, and autonomous. At least a dozen other states and nonstate actors could possess armed drones within the next ten years and leverage the technology in unforeseen and harmful ways. It is the stated position of the Obama administration that its strategy toward drones will be emulated by other states and nonstate actors. In an interview, President Obama revealed, “I think creating a legal structure, processes, with oversight checks on how we use unmanned weapons is going to be a challenge for me and for my successors for some time to come—partly because technology may evolve fairly rapidly for other countries as well.”71 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. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone proliferation and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international normative framework, and U.S. compliance with that framework, would preserve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space. In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would undermine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies.