## Geography 1AC

### Advantage {X}: Drone Failure

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

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

#### Pakistan collapse causes nuclear war

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

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

#### Instability in Yemen collapses global trade lanes

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

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

#### Collapse of trade causes war

Panzner ‘8 (Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase, “Financial Armageddon: Protect Your Future from Economic Collapse”, Revised and Updated Edition, p. 136-138, googlebooks)

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

#### The plan is key to 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

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

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

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

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

#### 4) International and Alliance Blowback

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

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

### Advantage {Y}: Sovereignty Violations

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

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

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

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

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

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

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

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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.

### Contention {Z}: Solvency

#### Congress should restrict the use of remote controlled aerial vehicle targeted killings outside of geographic locations housing active American combat troops to purposes only justifiable under self-defense.

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

Brooks ’13 (Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department, 2013, “The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force May 16, 2013 Statement for the Record Submitted the Senate Committee on Armed Services”, <http://www.lawfareblog.com/wp-content/uploads/2013/05/Brooks_05-16-13.pdf>, May 16, 2013)

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.

#### Legislative restrictions prevent circumvention

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

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

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

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

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

## 2AC

### K

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

#### The alt fails and threats should be evaluated in specific context to reduce likelihood of conflict – the alt will result in escalation of violence

Weaver 2k (Ole, International relations theory and the politics of European integration, pages 284-285)

The other main possibility is to stress' responsibility. Particularly in a field like security one has to make choices and deal with the challenges and risks that one confronts – and not shy away into long-range or principled trans-formations. The meta political line risks (despite the theoretical commitment to the concrete other) implying that politics can be contained within large 'systemic questions. In line with he classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical trans-formation), there will be no more problems whereas in our situation (until the change) we should not deal with the 'small questions' of politics, only with the large one (cf. Rorty 1996). However, the ethical demand in post-structuralism (e.g. Derrida's 'justice') is of a kind that can never be instantiated in any concrete political order – It is an experience of the undecidable that exceeds any concrete solution and reinserts politics. Therefore, politics can never be reduced to meta-questions there is no way to erase the small, particular, banal conflicts and controversies. In contrast to the quasi-institutionalist formula of radical democracy which one finds in the 'opening' oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and 'produce events' (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place 'in the singular event of engagement' (Derrida 1996: 83). Derrida's politics is focused on the calls that demand response/responsibility contained in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. 'Security' is not a way to open (or keep open) an ethical horizon. Security is a much more situational concept oriented to the handling of specifics. It belongs to the sphere of how to handle challenges – and avoid 'the worst' (Derrida 1991). Here enters again the possible pessimism which for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some 'good deed', 'I have assumed my responsibilities ' (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would he no ethical problems or decisions. (ibid.; and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks - and the question of how to handle them. Should developments be securitized (and if so, in what terms)? Often, our reply will be to aim for de-securitization and then politics meet meta-politics; but occasionally the underlying pessimism regarding the prospects for orderliness and compatibility among human aspirations will point to scenarios sufficiently worrisome that responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence - even if this occasionally means invoking/producing `structures' or even using the dubious instrument of securitization. In the case of the current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of preempting and avoiding numerous instances of local securitization that could lead to security dilemmas and escalations, violence and mutual vilification.

#### Sov impact turn

**Violations don’t disprove the norm – it’s an institutionalized signaling mechanism for defections**

Tim **Stevens**, associate of the Centre for Science and Security Studies at King’s College, London, 20**12**, A Cyberwar of Ideas? Deterrence and Norms in Cyberspace, Contemporary Security Policy 33. 1

Theo Farrell identifies three principal ways in which **norms**, assuming they are complied with, ‘**channel, constrain, and constitute action’:** inducement and coercion; moral pressure and persuasion; and social learning and habit.59 These modes are seen as ‘**causal mechanisms’** **that determine action**, although only probabilistically so, as actors retain the agency to reject or ignore norms within normative frameworks. Norms are institutionalized at different levels within global culture.60 Thus we can determine that they exist at the world-systemic level, such as in formal international legal regimes, and in informal inter-state relations. They are also institutionalized in national policy and practices (strategic culture) and in military doctrine and structures (organizational culture). Norms are also operable across the porous boundaries of these entities, such as between militaries who are of different nationality yet also members of an identifiable professional transnational community. Norms operating at one of these conceptually distinct levels may shape and be shaped by culture at another level, so that we might see the influence of organizational culture on strategic culture, or of transnational norms on organizational culture. ‘Norm entrepreneurs’, exogenous shock and intra-community personnel changes are important factors influencing these cultural dynamics.61

Although norms do not require the exercise of material power to persist or proliferate, they are more likely to do so if they either serve material interests or are supported by them. Norms therefore may be followed both because an actor is interested in ‘doing the right thing’ and also because it is seeking to maximize personal utility in doing so. **The study of norms does not therefore reject** considerations of **rational choice behaviour but rather seeks to augment and deepen the understanding of actors' strategic decision-making**. In the study of deterrence, attention to norms is a means by which to acknowledge the social context of deterrence and its reflexive characteristics, a suite of factors and processes elided by purely rationalist approaches to deterrence.62 As Lawrence Freedman argues, such an approach is more suited to understanding how deterrence ‘actually works in practice’.63 A ‘norms-based approach’ to deterrence – as opposed to a strictly ‘interests-based approach’ – is defined by Freedman as one which reinforces ‘certain values to the point where it is well understood that they must not be violated’.64 Importantly, this requires the exercise of many elements of foreign policy, rather than the use or threatened use of military force alone.65

Adler notes that deterrence strategy requires that rational actors ‘hold normative assumptions about the appropriateness and proportionality of military actions’.66 They must also be aware of the ‘rules and logic of the [strategic] game’, which is communicated between actors and which serves not only to inform their actions but also their identities.67 During the Cold War, deterrence became the principal means through which strategic actors interpreted and constructed their world.68 The norms thus internalized and institutionalized manifest as beliefs that helped shape nuclear policy and strategy for nearly half a century. One much-discussed example is that of the ‘nuclear taboo’, the norm of nuclear non-use which developed through the understanding that the use of nuclear weapons is a priori morally repugnant, regardless of any considerations of the effects of retaliation should a first strike be launched.69 This conceptual understanding – and the general cognitive vocabulary of nuclear conflict and deterrence – was translated into concrete policy and strategy through a range of political and institutional processes, and was essential in stabilizing the strategic relationship between the United States and the Soviet Union.70 Despite the ideological differences of the two superpowers, shared norms relating to nuclear weapons were a powerful binding force, without which deterrence would have been a much more complex and dangerous endeavour.

After the end of the Cold War, and in the absence of the stability afforded by the structural bipolarity of the superpower nuclear stand-off, deterrence has indeed become a much more difficult proposition. This is not to say that the world itself is necessarily more complex than previously but that the entrenched deterrence mindset borne of decades of nuclear strategy has perhaps lacked a certain flexibility that would enable its continuing relevance and application to a range of strategic actors unburdened by solely nuclear considerations.71 This applies not only to the types of ‘rogue state’ – nuclear or otherwise – and non-state actors such as terrorists whom states might wish to deter, but also to those collective strategic actors such as the United Nations and NATO with deterrent objectives.72 In this more variegated strategic environment it is argued that norms-based approaches, whether through the establishment of norms of appropriate behaviours or through the development of ‘deterrence communities’, have more chance of success than interests-based approaches alone.73 I argue in the following section that this observation pertains to current American ‘cyber strategy’ and show how this is linked to US cyber deterrence objectives.

### AT: Unable or Unwilling

#### The counterplan doesn’t solve

1. Doesn’t end Pakistan drone strikes*- if we are drone striking a country we have already deemed them unable or unwilling*- means we still violate their sovereignty and still cause blowback
2. Doesn’t solve signal- we deemed the Osama Bin Ladin raid as legitimate and it still caused major international backlash- this doesn’t allay the fears of enemies of the united states- Dean

#### No clear limit on “unable or unwilling” means the counterplan doesn’t solve- empirically- independently can’t solve Pakistan because we have *already* deemed them unable or unwilling- bin Laden raid proves

Deeks ’12 (Ashley S. Deeks 12, Academic Fellow, Columbia Law School, Spring 2012, “ARTICLE: "Unwilling or Unable": Toward a Normative Framework for Extraterritorial Self-Defense,” Virginia Journal of International Law, 52 Va. J. Int'l L. 483)

In an August 2007 speech, then-Presidential candidate Barack Obama asserted that his administration would take action against high-value leaders of al-Qaida in Pakistan if the United States had actionable intelligence about them and President Musharraf would not act. n1 He later clarified his position, stating, "What I said was that if we have actionable intelligence against bin Laden or other key al-Qaida officials ... and Pakistan is unwilling or unable to strike against them, we should." n2 On May 2, 2011, the United States put those words into operation. Without the consent of Pakistan's government, U.S. forces entered Pakistan to capture or kill Osama bin Laden. In the wake of the successful U.S. military operation, the Government of Pakistan objected to the "unauthorized unilateral action" of the United States. n3 U.S. officials, on the other hand, suggested that the United States declined to provide Pakistan with advance knowledge of the raid because it was concerned that doing so might have compromised the mission. n4 This failure to notify suggests that the United States determined that Pakistan was indeed "unwilling or unable" to suppress the threat posed by bin Laden. n5 Unfortunately, international law currently gives the United States (or any state in a similar position) little guidance about what factors are relevant when making such [\*486] a determination. Yet the stakes are high: the U.S.-Pakistan relationship has come under serious strain as a result of the operation. If, in the future, a state in Pakistan's position deems another state's use of force in its territory pursuant to an "unwilling or unable" determination to be unlawful, the territorial state could use force in response. The lack of guidance therefore has the potential to be costly. President Obama's speech invoked an important but little understood legal standard governing the use of force. More than a century of state practice suggests that it is lawful for State X, which has suffered an armed attack by an insurgent or terrorist group, to use force in State Y against that group if State Y is unwilling or unable to suppress the threat. n6 Yet there has been virtually no discussion, either by states or scholars, of what that standard means. What factors must the United States consider when evaluating Pakistan's willingness or ability to suppress the threats to U.S. (as well as NATO and Afghan) forces? Must the United States ask Pakistan to take measures itself before the United States lawfully may act? How much time must the United States give Pakistan to respond? What if Pakistan proposes to respond to the threat in a way that the United States believes may not be adequate? Many states agree that the "unwilling or unable" test is the correct standard by which to assess the legality of force in this context. For example, Russia used force in Georgia in 2002 against Chechen rebels who had conducted violent attacks in Russia, based on Russia's conclusion that Georgia was unwilling or unable to suppress the rebels' attacks. n7 Israel has invoked the "unwilling or unable" standard periodically in justifying its use of force in Lebanon against Hezbollah and the Palestine Liberation Organization, noting, "Members of the [Security] Council need scarcely be reminded that under international law, if a State is unwilling or unable to prevent the use of its territory to attack another State, that latter State is entitled to take all necessary measures in its own defense." n8 Similarly, [\*487] Turkey defends its use of force in Iraq against the Kurdish Workers' Party (PKK) by claiming that Iraq is unable to suppress the PKK. n9 Several U.S. administrations have stated that the United States will inquire whether another state is unwilling or unable to suppress the threat before using force without consent in that state's territory. n10 Given that academic discussion of the test has been limited thus far, we may describe what "unwilling or unable" means only at a high level of generality. n11 In its most basic form, a state (the "victim state") suffers an armed attack from a nonstate group operating outside its territory and concludes that it is necessary to use force in self-defense to respond to the continuing threat that the group poses. The question is whether the state in which the group is operating (the "territorial state") will agree to suppress the threat on the victim state's behalf. The "unwilling or unable" test requires a victim state to ascertain whether the territorial state is willing and able to address the threat posed by the nonstate group before using force in the territorial state's territory without consent. If the territorial state is willing and able, the victim state may not use force in the territorial state, and the territorial state is expected to take the appropriate steps against the nonstate group. If the territorial state is unwilling or unable to take those steps, however, it is lawful for the victim state to use [\*488] that level of force that is necessary (and proportional) to suppress the threat that the nonstate group poses. A test constructed at this level of generality offers insufficient guidance to states. Although many inquiries in the use of force area lack precision, including questions about what constitutes an "armed attack" and when force is proportional, states and commentators have discussed the possible meanings of these terms at length and in great detail. n12 The same is not true for the "unwilling or unable" test; strikingly little attention has been paid to the nature and consequences of -- or solutions to -- the imprecision surrounding the "unwilling or unable" test. The test's lack of content undermines the legitimacy of the test as it currently is framed and suggests that it is not, in its current form, imposing effective constraints on a state's use of force. n13 To address this flaw, this Article first identifies the test's historical parentage in the law of neutrality and then conducts an original analysis of two centuries of state practice in order to develop normative factors that define what it means for a territorial state to be "unwilling or unable" to suppress attacks by a nonstate actor.

#### Counterplan doesn’t solve- doesn’t change UN framework

Deeks ’12 (Ashley S. Deeks 12, Academic Fellow, Columbia Law School, Spring 2012, “ARTICLE: "Unwilling or Unable": Toward a Normative Framework for Extraterritorial Self-Defense,” Virginia Journal of International Law, 52 Va. J. Int'l L. 483)

It is worth noting that this test is not the only standard around which states could have coalesced. Although it is possible to imagine a range of [\*489] alternative regimes, it is beyond the scope of this Article to explore those other regimes in detail. n16 Instead, this Article takes as a given that states currently view the "unwilling or unable" test as the proper test. The fact that states currently are acclimated to using the "unwilling or unable" test suggests that any other test would have to overcome a high bar to become the preferred test, a hurdle no other option is poised to meet.

In considering the appropriate content of the test, I argue that the "unwilling or unable" test, properly conceived, should advance three goals, derived from Abram Chayes's articulation of how international law can influence foreign policy decisions. n17 First, the "unwilling or unable" test should constrain victim state action by reducing the number of situations [\*490] in which a victim state resorts to force. Second, the test should be clear and detailed enough to serve to justify or legitimate a victim state's use of force when that force is consistent with the test. Third, the test should establish procedures that will improve the quality of decision-making by the victim and territorial states and by those international bodies that are seized with use of force issues. In considering these goals, I identify the relevance of the "rules versus standards" debate and discuss why, in this context, we should favor a more precise rule over a less determinate standard. A test that promotes the goals I have described within the framework of the UN Charter is likely to be seen as a credible international legal norm. It therefore will legitimize those uses of force that are consistent with the test's requirements and delegitimize (and possibly reduce the frequency of) those that stand in tension with the test.

#### Unwilling or unable fails---doesn’t create internal legal standards

Heller ’11 (Kevin Jon Heller 11, Opinio Juris, "Ashley Deeks' Problematic Defense of the "Unwilling or Unable" Test", December 15, opiniojuris.org/2011/12/15/ashley-deeks-failure-to-defend-the-unwilling-or-unable-test/, December 15, 2011)

Ashley Deeks, a fellow at Columbia and a former member of the Office of the Legal Adviser, has posted an essay on SSRN — forthcoming in the Virginia Journal of International Law — entitled “Unwilling or Unable: Toward an Normative Framework for Extra-Territorial Self-Defense.” Here is the abstract:¶ Non-state actors, including terrorist groups, regularly launch attacks against states, often from external bases. When a victim state seeks to respond with force to those attacks, it must decide whether to use force on the territory of another state with which it may not be in conflict. International law traditionally requires the victim state to assess whether the territorial state is “unwilling or unable” to suppress the threat itself. Only if the territorial state is unwilling or unable to do so may the victim state lawfully use force. Yet there has been virtually no discussion, either by states or scholars, of what that test requires. The test‟s lack of content undercuts its legitimacy and suggests that it is not currently imposing effective limits on the use of force by states at a time when trans-national armed violence is pervasive.¶ This Article provides the first sustained descriptive and normative analysis of the test. Descriptively, it explains how the “unwilling or unable” test arises in international law as part of a state‟s inquiry into whether it is necessary to use force in response to an armed attack. It identifies the test‟s deep roots in neutrality law, while simultaneously illustrating the lack of guidance about what inquiries a victim state must undertake when assessing whether another state is “unwilling or unable” to address a particular threat. Normatively, the Article plumbs two centuries of state practice to propose a core set of substantive and procedural factors that should inform the “unwilling or unable” inquiry. It then applies those factors to a real-world example – Colombia‟s use of force in Ecuador in 2008 against the Revolutionary Armed Forces of Colombia – to explore how the use of these factors would affect the involved states‟ decision-making and the evaluation by other states of the action‟s legality. The Article argues that the use of these factors would improve the quality of state decision-making surrounding the use of force in important substantive and procedural ways.¶ The essay is a very interesting read, and Deeks should be commended for trying to think systematically about what the “unwilling or unable” test would require in practice. There is, however, a fundamental problem with the essay: it completely fails to establish its thesis that “[i]nternational law traditionally requires the victim state to assess whether the territorial state is ‘unwilling or unable’ to suppress the threat itself.” The current state of the legal regime governing extraterritorial attacks against non-state actors is one of the most difficult and controversial areas of international law, requiring a careful analysis of state practice and opinio juris. Unfortunately, such an analysis is absent from Deeks’ essay. Instead, Deeks relies on a mistaken understanding of neutrality law, provides little more than a few isolated examples of extraterritorial attacks that have ostensibly been justified under the “unwilling or unable” rubric, and ignores all of the contrary examples. That is a methodologically unsound approach, and it significantly weakens what is otherwise a very good essay.¶ Deeks begins her discussion of the supposed “historical lineage” of the “unwilling or unable” test by turning to the law of neutrality, arguing (p. 19) that “neutrality law permits a belligerent to use force on a neutral state’s territory if the neutral state is unable or unwilling to prevent violations of its neutrality by another belligerent.” The law of neutrality, however, applies only in international armed conflicts between two legitimate belligerents; it says nothing about the use of extraterritorial force against NSAs — as Deeks herself recognizes (p. 16):¶ Although neutrality law does not directly govern uses of force between states and non-state actors, this section will show that the equities and concerns of the neutral state and an offended belligerent in the neutrality law context are analogous to those of the territorial state and the state seeking to use force in self-defense against a non-state actor on that territory.¶ This is a very significant admission. The law of neutrality may provide normative support for the “unwilling or unable” test in the context of attacks against NSAs, but it does not provide legal support for it.¶ Again, Deeks recognizes this — so she then cites (p. 22) UK and U.S. laws that effectively applied neutrality law to situations of internal armed conflict, arguing that the existence of such laws “explain[s] how neutrality rules developed to govern acts by states during international armed conflict expanded beyond that context to govern acts by non-state actors during peacetime (and in non-international armed conflicts).” But that is simply mistaken. It is true that the UK and the U.S. enacted such laws (state practice), but they never claimed that they did so out of a sense of legal obligation — the necessary condition of such laws counting as opinio juris in favor of the “unwilling or unable” test. On the contrary, both states recognized that the law of neutrality in no way obligated them to prohibit their nationals from (to quote Lauterpacht) “committing such acts as amount to making the national territory a base for military or naval operations against a friendly state.” As the U.S. Attorney General said in 1895 (emphasis added):¶ While called neutrality laws, because their main purpose is to carry out the obligations imposed upon the United States while occupying a position of neutrality toward belligerents, our laws were intended also to prevent offenses against friendly powers whether such powers should or should not be engaged in war or in attempting to suppress revolt.¶ To quote Tucker, we must always distinguish between “the operation of the law of neutrality as determined by international law and the operation of municipal neutrality laws. The latter may be applied to situations other than war in the sense of international law.” That distinction, unfortunately, is lost on Deeks. (For a longer discussion of the distinction, see my response to Karl Chang’s essay on neutrality here.)¶ There is, of course, another problem with using the law of neutrality to support the “unwilling or unable” test: that law predates the adoption of the UN Charter, which strictly regulates the use of interstate force. Deeks recognizes the problem, but barely addresses it — simply claiming (n. 33) that “[t]he better view is that neutrality law remains relevant and applicable, at least to international armed conflicts,” and that “[e]ven if neutrality law were defunct… the existence of the ‘unwilling or unable’ test in that law provides historical depth to today‘s rule.” Historical depth, maybe. But legal support? Definitely not — especially as Deeks admits that the current relevance of the law of neutrailty is limited to international armed conflicts.¶ The real question, then, is what the customary rule governing extraterritorial force against NSA might be in the post-Charter world. Deeks discusses three different positions on the relationship between Article 2(4) of the UN Charter’s prohibition on interstate force and Article 51′s exception to that prohibition for acts of self-defense in response to an armed attack: (1) that the armed attack giving rise to the right of self-defense must involve a state; (2) that the armed attack can involve a non-state actor (NSA), but the actions of the NSA must be attributable to a state; and (3) that the armed attack can involve a NSA and does not require any kind of attribution to a state. Deeks says that a “premise” of her article, supposedly based on “extensive state practice,” is that the third position is correct. I’ll return to that supposed state practice below, but it’s worth noting here that Deeks attributes the three positions on self-defense to “groups of scholars” — and then relegates to a footnote (n. 17) the rather important fact that the second position is the one that has been specifically endorsed, in multiple cases, by the International Court of Justice. ICJ decisions are not themselves primary sources of international law, but the failure to discuss those decisions is a serious problem with Deeks’ essay — especially as the essay does not even mention the Nicaragua case, in which the ICJ held the most clearly that state attribution is required.¶ So what is this “extensive” state practice that Deeks cites as evidence that the “unwilling or unable” test reflects customary international law? Actually, it’s not extensive at all. In the essay’s introduction, she mentions (pp. 4-5) Russia’s attacks on Chechen rebels in Georgia; Israel’s attacks on Hezbollah and the PLO in Lebanon; and Turkey’s attacks on the PKK in Iraq. Later on, she mentions the Soviet Union’s 1921 attack on White Guard bands in Outer Mongolia; U.S. attacks on Viet Cong soldiers in Cambodia during the Vietnam War; U.S. attacks on al-Qaeda in Afghanistan and the Sudan; and Colombia’s attacks on FARC in Ecuador. That’s it. Pretty weak tea indeed — especially when we factor in the international response to many of those uses of force against “unwilling or unable” states, such as the Organization of American States’ unequivocal condemnation of Colombia’s attacks on FARC as a violation of Ecuador’s sovereignty.¶ More importantly, Deeks simply ignores the numerous instances in which the Security Council and/or states have condemned extraterritorial uses of force against NSAs whose actions were not attributable to the state whose territory was attacked. Examples include Israel’s 1985 raid of a PLO headquarters in Tunis; Iran’s cross-border attacks throughout the 1980s on Kurdish fighters in Iraq (which were vociferously condemned by the U.S.); and Rwanda’s attacks in the late 1990s on Hutu rebels in the DRC.¶ To be sure, it appears that customary international law is slowly evolving away from the Nicaragua standard, especially in the wake of 9/11. But it is far from clear whether that standard has been replaced by the “unwilling or unable” test. Neither Christian Tams nor Tom Ruys, the two scholars who have examined state practice and opinio juris most closely, are willing to go that far. Tams concludes that state attribution is still required, but can be satisfied by something less than Nicaragua‘s “effective control” of the NSA. And Ruys concludes that “[d]e lege lata, the only thing that can be said about proportionate trans-border measures of self-defence against attacks by non-State actors in cases falling below the Nicaragua threshold is that they are ‘not unambiguously illegal’.”¶ Indeed, what is most surprising about Deeks’ essay is that Deeks herself admits that the “unwilling or unable” test cannot be considered customary international law. If you look at footnote 55 of her essay, you find this remarkable statement:¶ I have found no cases in which states clearly assert that they follow the test out of a sense of legal obligation (i.e., the opinio juris aspect of custom), nor have I located cases in which states have rejected the test. Even if one concludes that the rule does not rise to the level of custom, however, the rule makes frequent appearances in state practice and therefore is the appropriate starting point from which to determine how the norm should develop.¶ That is a remarkable admission — and one that directly contradicts Deeks’ thesis that “[i]nternational law traditionally requires the victim state to assess whether the territorial state is ‘unwilling or unable’ to suppress the threat itself.” If there is no opinio juris that supports the “unwilling or unable” test, it is difficult to argue that the test reflects customary international law — especially in light of the consistent and contrary pre-9/11 state practice and opinio juris that both Tams and Ruys discuss.¶ The bottom line: de lege ferenda, there is much to recommend Deeks’ essay. De lege lata, however, it completely fails to make its case.

#### The counterplan is the status quo and Turn- counterplan causes ally backlash

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

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

#### Plan leads to better counter terror policy

#### A) Restrictions now but not the aff

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

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

#### The plan pre-empts larger backlash- Congress key

Anderson ‘9 (Kenneth Anderson, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law, 5/11/2009, Targeted Killing in U.S. Counterterrorism Strategy and Law, http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf)

Obama was right as a candidate and is correct as president to insist on the propriety of targeted killings—that is, the targeting of a specific individual to be killed, increasingly often by means of high technology, remote-controlled Predator drone aircraft wielding missiles from a stand-off position. The strategic logic that presses toward targeted standoff killing as a necessary, available and technologically advancing part of counterterrorism is overpowering. So too is the moral and humanitarian logic behind its use. Just as crucial programs of Predator-centered targeted killing are underway now in Afghanistan and, with increasing international controversy, Pakistan, over the long term these programs of stand-off targeted killing will be an essential element in United States counterterrorism into the future—and with targets having little or nothing to do with today’s iteration of the war on terror.6 Future administrations, even if they naturally prefer to couch the matter in softer terms, will likely follow the same path. Even if the whole notion seems to some disturbingly close to arbitrary killing, not open combat, it is often the most expedient—and, despite civilian casualties that do occur, most discriminatingly humanitarian—manner to neutralize a terrorist without unduly jeopardizing either civilians or American forces. But there’s a paradox in Obama’s embrace of targeted killing: Even as the strategic and humanitarian logic for it increases in persuasiveness, the legal space for it and the legal rationales on which it has been traditionally justified are in danger of shrinking. They are at risk of shrinking in ways that might surprise members of Congress and the Obama Administration. And they are at risk of shrinking through seemingly innocuous, unrelated legal policy actions that the Obama Administration and Congress might be inclined to take in support of various political constituencies, usually related to broadly admirable goals of human rights and international law. American domestic law—the law codifying the existence of the CIA and defining its functions—has long accepted implicitly at least some uses of force, including targeted killing, as self-defense toward ends of vital national security that do not necessarily fall within the strict terms of armed conflict in the sense meant by the Geneva Conventions and other international treaties on the conduct of armed conflict. Categories of the use of force short of armed conflict or war in a juridical sense—by intelligence services such as the CIA, for example—or by military agents in furtherance of national self defense and vital security interests, yet outside of the legal condition of armed conflict, date back in codified law to the founding of the CIA and, in state practice by the United States and other sovereigns, far further still. Yet as a matter of legal justification, successive administrations have already begun to cede this ground. Even the Bush Administration, with its unrivaled enthusiasm for executive power, always sought to cast its killing targets as the killing of combatants in what it legally characterized as armed conflicts, governed by the laws of war on the conduct of hostilities, known as “international humanitarian law” (IHL). This concession, however, if followed by the Obama Administration and beyond, will likely reduce the practical utility of a policy and security tool of both longstanding provenance and proven current value. It will likely reduce the flexibility of the United States to respond to emerging threats before they ripen into yet another war with non-state terrorists, and it will reduce the ability of the United Sates to address terrorist threats in the most discriminating fashion advancing technology permits. At this moment in which many policymakers, members of Congress and serious observers see primarily a need to roll back policies and assertions of authority made by the Bush Administration, any call for the Obama Administration and Congress to insist upon powers of unilateral targeted killing and to claim a zone of authority outside of armed conflict governed by IHL that even the Bush Administration did not claim must seem at once atavistic, eccentric, myopic and perverse. Many will not much care that such legal authority already exists in international and U.S. domestic law. Yet the purpose of this chapter is to suggest that, on the contrary, the uses to which the Obama Administration seeks to put targeted killing are proper, but they will require that it carefully preserve and defend legal authorities it should not be taking for granted and that its predecessors, including the Bush Administration, have not adequately preserved for their present day uses. People who threaten serious harm to the United States will not always be al Qaeda, after all. Nor will they forever be those persons who, in the words of the Authorization for the Use of Military Force (AUMF), “planned, authorized, committed or aided” the attacks of September 11. As I will explain, it would have been better had the Bush and Clinton Administrations, for their parts, formulated their legal justifications for the targeted uses of force around the legal powers traditionally asserted by the United States: the right of self-defense, including the right to use force even in circumstances not rising to the level of an “armed conflict” in order to have firmly fixed in place the clear legal ability of the United States to respond as it traditionally has. Although the United States still has a long way to go to dismember al Qaeda, its affiliates and subsidiaries, although Osama bin Laden and key al Qaeda terrorist leaders remain at large, and although the President of the United States still exercises sweeping powers both inherent and granted by Congress to use all national power against the perpetrators of September 11, time moves on. New threats will emerge, some of them from states and others from non-state actors, including terrorist organizations. Some of those new threats will be new forms of jihadist terrorism; others will champion new and different causes. Even now, Islamist terror appears to be fragmenting into loose networks of shared ideology and aspiration rather than tightly vertical organizations linked by command and control.8 It will take successive feats of intellectual jujitsu to cast all of the targets such developments will reasonably put in the cross hairs as, legally speaking, combatants. Yet the problem is still deeper and more immediate than that, for the accepted space for targeted killings is eroding even within what a reasonable American might understand as the four corners of our conflict with al Qaeda. In many situations in which any American president, Obama certainly included, would want to use a targeted killing, it is unclear to some important actors—at the United Nations, among our allies, among international law scholars, and among NGO activists—as a matter of international law that a state of armed conflict actually exists or that a targeted killing can qualify as an act of self-defense. The legal situation, therefore, threatens to become one in which, on the one hand, targeted killing outside of a juridical armed conflict is legally impermissible and, on the other hand, as a practical matter, no targeted killing even within the context of a “war” with al Qaeda is legally permissible, either. Congress’s role in this area is admittedly a peculiar one. It is mostly—though not entirely—politically defensive in nature. After all, the domestic legal authorities to conduct targeted killings and other “intelligence” uses of force have existed in statutory form at least since the legislation that established the Central Intelligence Agency in 1947 and in other forms long pre-dating that.9 The problem is that although domestic legal authority exists for the use of force against terrorists abroad, currents are stirring in international law and elsewhere that move to undermine that authority. Powerful trend and opinion-setting—so-called “soft law”—currents are developing in ways that, over time, promise to make the exercise of this activity ever more difficult and to create a presumption, difficult to overcome, that targeted killing is in fact both illegitimate and, indeed, per se illegal except in the narrowest of war-like conditions. The role of Congress is therefore to reassert, reaffirm, and reinvigorate the category as a matter of domestic law and policy, and as the considered, official view of the United States as a matter of international law.

#### Pakistan collapse tanks the global economy

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

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

#### AQAP will attack India

Roychowdhury ‘11 (Gen. Shankar Roychowdhury is a former Chief of Army Staff and a former member of Parliament, “India needs a 360° terror appraisal”, Deccan Chronicle, <http://www.deccanchronicle.com/editorial/dc-comment/india-needs-360%C2%B0-terror-appraisal-659>, September 6, 2011)

In this context, Al Qaeda and its **emerging connections in Yemen** have become **very relevant for India**. Yemen’s predominantly tribal culture and harsh inaccessible terrain create an inherent insularity which, in many ways, makes the country an ideal sanctuary for terrorists. Yemen has, in fact, reportedly become the principal new destination for Pashtun and Punjabi Taliban fleeing intensifying attacks by American drones. Al Qaeda in the Arabian Peninsula (AQAP) has gradually established itself here through a web of alliances with the local tribes, including some by intermarriages, particularly in the inaccessible mountains of the Shabwa province, and has now become a strong presence within the country. There is **every likelihood that Pakistan’s ISI has established contacts with the AQAP**, though the organisation has been targeted by Saudi and Yemeni intelligence and military who consider Al Qaeda a threat to the ruling establishments. Yemen was in the news because of reports that the AQAP was attempting to procure large quantities of castor beans for manufacturing ricin powder, an extremely lethal poison; it’s swiftly fatal if inhaled in even the most minute doses. These were then to be packed into small explosive dispenser packages and smuggled into the US and Europe, and exploded in crowded places like shopping malls, aircraft or subway stations. It would be a dirty chemical bomb from ingredients freely available in the open market, comparatively cheaper and much more accessible than even the smallest nuclear equivalent. Of course, there is much scepticism about the very feasibility of developing such a project in the primitive environments of Yemen, which is where the significance of a possible Pakistani connection with the AQAP comes in. Consider this. Pakistan has already given a Dr A.Q. Khan to the illegal nuclear market. Given the jihadi influence within the Pakistani scientific community, it is not at all impossible that another similar figure may emerge in that country in the illegal bio-chemical field as well. The AQAP has demonstrated the capability to devise imaginative and ingenuous plans to carry out attacks in the heartlands of the US and western Europe, and some were even put into operation, but detected almost at the last minute. In the past, numerous jihadi attacks have originated from Yemen, including suicide bombing of the US Navy warship USS Cole in Aden harbour in 2010, the attack on the French tanker Limburg, the failed attack on another US Navy warship The Sullivans in 2002, besides the attempted assassination of the Saudi anti-terrorist chief Prince Mohammad bin Nayef. There was also the more bizarre case of an African passenger of Yemeni origin with plastic explosives sewn into his underwear who boarded an American commercial flight flying from Amsterdam and Detroit but failed to set off the explosive when over American airspace. But fanciful or not, the US for one is certainly taking seriously the capabilities of the AQAP as a potential threat. American military aid and intelligence activities in Yemen, including strikes by American aircraft and drones, have been ramped up, and there are reports that a new American airbase for this purpose is under construction in a yet unspecified country in West Asia. Threats to India’s national security **can build up in any quarter,** from any region of the world. India should **have no doubts** that **it is very much on the AQAP’s target list**, through **local proxies** like the LeT in Pakistan, including **possible “ricin bomb” operations**. So even as Mr Hazare wrestles with the threat of corruption to ensure good governance, India must take due note of other threats as well and exercise the requisite caution.

#### Terrorist attack on India causes Indo-Pak war- escalates

Zarate ’11 (Juan C. Zarate, “An alarming South Asia powder keg”, Washington Post, <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/18/AR2011021805662.html>, February 20, 2011)

In 1914, a terrorist assassinated Archduke Franz Ferdinand in Sarajevo - unleashing geopolitical forces and World War I. Today, while the United States rightly worries about al-Qaeda targeting the homeland, the most dangerous threat may be another terrorist flash point on the horizon. Lashkar-i-Taiba holds the match that could **spark a conflagration** between nuclear-armed historic rivals India and Pakistan. Lashkar-i-Taiba is a Frankenstein's monster of the Pakistani government's creation 20 years ago. It has diverse financial networks and well-trained and well-armed cadres that have struck Indian targets from Mumbai to Kabul. It collaborates with the witches' brew of terrorist groups in Pakistan, including al-Qaeda, and has demonstrated global jihadist ambitions. It is merely a matter of time before Lashkar-i-Taiba attacks again. Significant terrorist attacks in India, against Parliament in 2001 and in Mumbai in 2008, brought India and Pakistan to the brink of war. The countries remain deeply distrustful of each other. Another major strike against Indian targets in **today's tinderbox environment** could lead to a **broader, more devastating conflict**. The United States should be directing political and diplomatic capital to prevent such a conflagration. The meeting between Indian and Pakistani officials in Bhutan this month - their first high-level sit-down since last summer - set the stage for restarting serious talks on the thorny issue of Kashmir. Washington has only so much time. Indian officials are increasingly dissatisfied with Pakistan's attempts to constrain Lashkar-i-Taiba and remain convinced that Pakistani intelligence supports the group. An Indian intelligence report concluded last year that Pakistan's Inter-Services Intelligence Directorate was involved in the 2008 Mumbai attacks, and late last year the Indian government raised security levels in anticipation of strikes. India is **unlikely to show restraint** in the event of another attack. Lashkar-i-Taiba may also feel emboldened since the assassination in early January of a moderate Punjabi governor muted Pakistani moderates and underscored the weakness of the government in Islamabad. The group does not want peace talks to resume, so it might act to derail progress. Elements of the group may see conflict with India as in their interest, especially after months of unrest in Kashmir. And the Pakistani government may not be able to control the monster it created. A war in South Asia would be disastrous not just for the United States. In addition to the human devastation, it would destroy efforts to bring stability to the region and to disrupt terrorist havens in western Pakistan. Many of the 140,000 Pakistani troops fighting militants in the west would be redeployed east to battle Indian ground forces. This would effectively convert tribal areas bordering Afghanistan into a playing field for militants. Worse, the Pakistani government might be induced to make common cause with Lashkar-i-Taiba, launching a proxy fight against India. Such a war would also fuel even more destructive violent extremism within Pakistan. In the worst-case scenario, an attack could **lead to a nuclear war between India and Pakistan. India's superior conventional forces threaten Pakistan, and Islamabad could resort to nuclear weapons** were a serious conflict to erupt. Indeed, The Post reported that Pakistan's nuclear weapons and capabilities are set to surpass those of India. So what can the United States do to ratchet down tensions? We need to build trust, confidence and consistent lines of communications between India and Pakistan. This begins by helping both parties pave the way for a constructive dialogue on the status of Kashmir. Steps toward progress would include pushing for real accountability of figures responsible for the 2008 Mumbai attacks and the handing over of wanted Lashkar-i-Taiba facilitators such as Indian crime lord Dawood Ibrahim. The United States also needs to disrupt the terrorist group's fundraising and planning. The focus should be on unearthing names and disrupting cells outside Pakistan that are tied to Lashkar-i-Taiba, which involves pressuring Islamabad for the names of Westerners who may have trained at Lashkar-i-Taiba camps. This is among the thorniest U.S. national security and counterterrorism problems. It requires officials to focus on imagining the "aftershocks" of a terrorist attack and act before the threat manifests - even as other national security issues such as unrest in the Middle East boil over. Yet without political attention, diplomatic capital and sustained preventative actions, a critical region could descend into chaos. History shows that the actions of a small group of committed terrorists, such as the Black Hand in 1914 or al-Qaeda in 2001 - can spark broader wars. History could repeat itself with Lashkar-i-Taiba. Asymmetric threats that serve as flash points for broader geopolitical crises may be the greatest threat we face from terrorism.

#### Drone proliferation causes terror attacks on the US

Villasenor ‘13 [John Villasenor is a nonresident senior fellow at the Brookings Institution and a professor of electrical engineering at UCLA, “The drone threat -- in the U.S.,” <http://articles.latimes.com/2012/mar/27/opinion/la-oe-villasenor-license-domestic-drones-20120327>, March 27, 2013]

President Obama signed a sweeping aviation bill in February that will open American airspace to "unmanned aircraft systems," more commonly known as drones. Much of the recent discussion about the coming era of domestic drones, which will include those operated by companies and individuals, has been focused on privacy questions. However, drone proliferation also raises another issue that has received far less attention: the threat that they could be used to carry out terrorist attacks. The technology exists to build drones that fit into a backpack and are equipped with a video camera and a warhead so they can be flown, cruise missile style, into a target. In fact, in September 2011 it was announced that theU.S. Armyhad signed a nearly $5-million contract with a California company, AeroVironment Inc., for the purchase of its Switchblade drones. A Switchblade launches from a tube roughly 2 feet long, sprouts wings immediately after exiting the tube and is then controlled by an operator who looks into a shoe-box-shaped viewer displaying video from the drone. It is equipped with an electric motor that is quiet even when running, and that can be switched off to enable a completely silent glide in the final moments of an approach.¶ Although reasonable people can disagree on how long it would take terrorists to build or acquire weaponized drones that can be guided by video into a target, there's really no dispute that it is a question of when and not if. The day will come when such drones are available to almost anyone who wants them badly enough.¶ In fact, there is ample evidence that terrorist groups have already experimented with drones. As far back as the mid-1990s — practically ancient history in drone terms — the Japanese Aum Shinrikyo sect that carried out the sarin gas attack in the Tokyo subway reportedly considered drones. So too have Al Qaeda and the Colombian insurgent group FARC.

Instability spills over to the entire Horn of Africa

Ginny Hill, “Yemen: Fear of Failure; Middle East and North Africa Programme”, Chatham House, January 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/22924953ECE8BBF1492576EA000E8E41-Full\_Report.pdf

Future instability in Yemen could expand a lawless zone stretching from northern Kenya, through Somalia and the Gulf of Aden, to Saudi Arabia. Piracy, smuggling and violent jihad would flourish, with implications for the security of shipping routes and the transit of oil through the Suez Canal. State failure in Yemen would reduce any chance of progress towards peace in Somalia and further endanger the security of countries throughout the Arabian Peninsula and the Horn of Africa

Causes major power wars

Glick ‘7 (Dec. 10, 2007 Caroline Glick , THE JERUSALEM POST)

The Horn of Africa is a dangerous and strategically vital place. Small wars, which rage continuously, can easily escalate into big wars. Local conflicts have regional and global aspects. All of the conflicts in this tinderbox, which controls shipping lanes from the Indian Ocean into the Red Sea, can potentially give rise to regional, and indeed global conflagrations between competing regional actors and global powers. The Horn of Africa includes the states of Eritrea, Djibouti, Ethiopia, Somalia, Sudan and Kenya. Eritrea, which gained independence from Ethiopia in 1993 after a 20-year civil war, is a major source of regional conflict. Eritrea has a hot border dispute with Ethiopia which could easily ignite. The two countries fought a bloody border war from 1998-2000 over control of the town of Badme. Although a UN mandated body determined in 2002 that the disputed town belonged to Eritrea, Ethiopia has rejected the finding and so the conflict festers. Eritrea also fights a proxy war against Ethiopia in Somalia and in Ethiopia's rebellious Ogaden region**. In Somalia, Eritrea is the primary sponsor of the al-Qaida-linked Islamic Courts Union** which took control of Somalia in June, 2006. In November 2006, the ICU government declared jihad against Ethiopia and Kenya. Backed by the US, Ethiopia invaded to restore the recognized Transitional Federal Government to power which the ICU had deposed. Although the Ethiopian army successfully ousted the ICU from power in less than a week, **backed by massive military and financial assistance from Eritrea, as well as Egypt and Libya, the ICU has waged a brutal insurgency against the TFG and the Ethiopian military for the past year**. THE SENIOR ICU leadership, including Sheikh Hassan Dahir Aweys and Sheikh Sharif Ahmed have received safe haven in Eritrea. In September, the exiled ICU leadership held a nine-day conference in the Eritrean capital of Asmara where they formed the Alliance for the Re-Liberation of Somalia headed by Ahmed. Eritrean President-for-life Isaias Afwerki declared his country's support for the insurgents stating, "The Eritrean people's support to the Somali people is consistent and historical, as well as a legal and moral obligation." Although touted in the West as a moderate, Ahmed has openly supported jihad and terrorism against Ethiopia, Kenya and the West. Aweys, for his part, is wanted by the FBI in connection with his role in the bombing of the US embassies in Kenya and Tanzania in 1998. Then there is Eritrea's support for the Ogaden separatists in Ethiopia. The Ogaden rebels are Somali ethnics who live in the region bordering Somalia and Kenya. The rebellion is run by the Ogaden National Liberation Front (ONLF) which uses terror and sabotage as its preferred methods of warfare. It targets not only Ethiopian forces and military installations, but locals who wish to maintain their allegiance to Ethiopia or reach a negotiated resolution of the conflict. In their most sensationalist attack to date, in April ONLF terror forces attacked a Chinese-run oil installation in April killing nine Chinese and 65 Ethiopians.

### Disad

The sovereignty advantage is an impact turn

Counterplan links to it

#### Turn- drones destroy key evidence

Cronin ‘13 (Audrey, Professor of Public Policy at George Mason University, “Why Drones Fai”, Foreign Affairs, July/ August 2013)

Another main problem with Washington's overreliance on drones is that it destroys valuable evidence that could make U.S. counter-terrorism smarter and more effective. Whenever the United States kills a suspected terrorist, it loses the chance to find out what he was planning, how, and with whom -- or whether he was even a terrorist to begin with. Drone attacks eliminate the possibility of arresting and interrogating those whom they target, precluding one of the most effective means of undermining a terrorist group. It is worth noting that the most dramatic recent decapitation of a terrorist organization -- the killing of bin Laden -- was performed by humans, not drones. As a result, the most important outcome of the operation was not the death of bin Laden himself but the treasure trove of intelligence it yielded. Drones do not capture hard drives, organizational charts, strategic plans, or secret correspondence, and their tactical effectiveness is entirely dependent on the caliber of human intelligence on the ground. And if the unpopularity of drones makes it harder to persuade locals to work with U.S. intelligence services, then Washington will have less access to the kind of intelligence it needs for effective targeting. Yes, killing would-be terrorists saves American lives. But so does interrogating them, and drone strikes make that impossible.

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

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

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

#### Drones are the worst

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

On this point, the distinction between drone strikes inside and outside a theatre of active combat becomes relevant. One could plausibly argue that drone strikes are a more humane option for active theatres of war, where the alternatives— such as air strikes or ground operations—may kill more civilians.70 In this respect, the Pentagon-run drone programme in Afghanistan might be morally justifiable if the alternatives—such as US air strikes or Afghan ground operations—were worse from the vantage point of non-combatant casualties. At least in the first instance, this is an empirical question. If it is true that drones kill fewer Afghan civilians than NATO air strikes, it would be hard to argue that air strikes should be employed in preference to drones in active theatres of war, although hard questions would remain about the procedures and standards for selecting targets for those strikes.71 Yet this comparison breaks down when applied to the CIA-run drone programme operating in countries where the United States is not at war. In these cases, the comparison to normal war-fighting is fallacious: the alternative to drones in Pakistan, Yemen, Somalia and elsewhere is not American-led ground operations or air strikes. The US is not formally at war with any of these states and is not legally entitled to use ground forces or air strikes on their territory (though this has not stopped the US from launching periodic air strikes in the past). The realistic alternatives to drones in these cases range from diplomatic pressure to capacity-building to even covert operations, all of which were employed to some benefit prior to the Obama administration’s escalation of drone strikes in 2009. In countries such as Pakistan, Yemen and Somalia, a cost–benefit analysis of drones has to be measured against these plausible alternatives, not against options that are neither realistic nor legally permitted outside a war zone. In these cases, drones are likely to be found wanting. It is hard to argue, for example, that drone strikes will consistently be more effective and kill fewer civilians than carefully constructed covert operations against HVTs. It is also hard to argue that drone strikes constitute a durable or long-term strategy in countries where there is a pressing need for capacity-building, especially in policing and intelligence work. The cost–benefit analysis for drones in these cases needs to be measured against these less violent alternatives, not against extreme examples from wartime like the firebombing of Dresden.

### Debt Ceiling

#### Won’t pass because of election fears and Obama’s approach prolongs Republican backlash- star this card

**Kaplan 10-3**-13 [Rebecca, serves as City Councilmember At-Large for Oakland, California, CBS News, “Why is it so difficult to end the government shutdown?” <http://www.cbsnews.com/8301-250_162-57605784/why-is-it-so-difficult-to-end-the-government-shutdown/>]

As the government shutdown enters its third day, Democrats and Republicans seem no closer to bridging their differences than they were when the shutdown began early Tuesday morning. It's difficult to say when the standoff will end. The two shutdowns that occurred in 1995 and 1996 lasted a total of 27 days. And back then, the conditions for getting to a deal were much better.¶ Republicans won the House and Senate in the 1994 midterm elections - the first time the party had a House majority in 40 years. That set up a showdown between House Speaker Newt Gingrich, who had run on a conservative platform, and then-President Bill Clinton. That dispute came in 1995, when Gingrich wanted to balance the budget in a short time frame and Clinton wanted money spent on Democratic priorities. After two separate shutdowns and several weeks, the pressure was too high on Republicans and they cut a deal with Clinton: he would get his priorities, but would have to balance the budget for 10 years.¶ "They were kind of testing each other," said former Rep. Tom Davis, R-Va., who was a freshman in Congress at the time. Afterward, Davis noted, Clinton and Gingrich would go on to work together on a host of issues including welfare reform. The economy boomed, helping to mitigate budget issues.¶ Republicans who were lawmakers or aides in Congress in 1995 cite a variety of reasons that the shutdown ended. For Davis, it was the mounting public pressure on Republicans and their rapidly dropping poll numbers that helped spur a compromise. "There was a revolt, and they simply couldn't hold their members after a while," he said of the Republican leadership. It didn't help that Republicans were afraid of losing the first majority they'd had in decades. Davis recalls going to former Rep. Dick Armey, then the Republican Majority leader from Texas, and saying, "We're getting our butts kicked."¶ But Bob Walker, then a Republican congressman from Pennsylvania, had a different take from the conventional narrative that Republicans had caved. "We stayed focused in 1995 on the fact that what the end result for us was to get a pathway to a balanced budget, and so in the end when we got an agreement to just begin the process of moving toward a balanced budget," he said. "We declared victory on that and we were prepared to then get the government back into action."¶ This time, it's not so easy for Republicans to achieve even a piece of their chief goal - to dismantle the Affordable Care Act. The law is President Obama's signature policy achievement, and its constitutional authority was affirmed by the Supreme Court. Democrats in the Senate and Mr. Obama himself have proven with the shutdown fight that they are determined to keep the law intact.¶ "We didn't get an immediate balanced budget obviously but what we got was a seven-year plan toward a balanced budget that then ended up being accomplished in there years," Walker said of the House Republicans in 1995. But nowadays, he said, "I'm not certain I see where the bottom lines are."¶ As shutdown continues, Obama says Wall Street "should be concerned"¶ Government shutdown: Is Congress acting selfishly?¶ Yet another explanation of why the 1995-1996 shutdown ended had to do with presidential politics. Former Senate Majority Leader Bob Dole, R-Kansas, was eyeing a presidential bid against Clinton in 1996.¶ "He just got sick of it. I think he started seeing that this was directly impacting his ability to run for president," said John Feehery, a political strategist who was the communications director for then-House Majority Whip Tom DeLay during the shutdown. Dole was key to engineering an end to the shutdown, a fact that was apparent to everyone - even Democrats.¶ "It was a huge factor," said American University professor Patrick Griffin, who served as Clinton's assistant for legislative affairs from 1994 to 1996. "We could always sense that there was no love lost between him and [Gingrich] - on the [Contract with America], on the shutdown. It was just not Dole's style...he was wasting time, he was not being able to get his campaign."¶ If anything, presidential politics will lengthen the shutdown. Mr. Obama has no re-election campaign to worry about - like Clinton did at the time - and Republican presidential campaigns cannot be won without pleasing an active base that hates the healthcare law. It would be difficult for any Republican to help broker a compromise that preserved most of Obamacare and then woo Republican primary voters.¶ Not that many Republicans feel as if they can work with Mr. Obama. "Many people in Congress ...believe that the president treats them with contempt and so the atmosphere for negotiating is not very good. That's a big difference," said Walker.¶ House Speaker John Boehner, R-Ohio, and Mr. Obama have tried and failed to negotiate big deals several times

. Since the government shut down on Tuesday, they've barely talked aside from a meeting the president held with top congressional leaders Wednesday afternoon. And a recent Politico story that detailed how Boehner and Senate Majority Leader Harry Reid, R-Nev., worked together to preserve congressional subsidies for healthcare coverage will likely have poisoned the well between the leaders of the two chambers.¶ That wasn't the case with Gingrich and Clinton, despite their differences. "Both President Clinton and Speaker Gingrich had a pretty civil and reasonably good personal relationship," said Mack McLarty, Clinton's first chief of staff as president. Both hailed from the south, and had "very inquisitive minds" about the world around them.¶ Perhaps the biggest roadblock to a deal, however, is the increasingly partisan nature of Congress caused by congressional redistricting that puts many members into seats where fewer and fewer constituents are from the opposite party. In 1995, more than 34 percent of Republican representatives in the House were elected in districts that had voted for Clinton as president. Now, only seven percent of House members come from districts that voted for Mr. Obama.¶ There's a larger proportion of hardline conservatives in the House in 2013, and they have so far been more successful at driving the agenda than their more moderate counterparts. "The-rank-and-file members are sick and tired of the rebels running the thing but there's too many of them who vote with the rebels to protect their flank," Feehery said, referring to Republicans who are worried about receiving a primary challenge from the right.¶ With so many factors working against a deal, it's hard to see a way out of the crisis. The only thing that's guaranteed to inject some urgency into the debate is the looming deadline to raise the debt ceiling on Oct. 17. While a government shutdown can have minimal effects on the financial markets, the possibility of the U.S. defaulting is much more likely to cause financial panic that could push lawmakers into a deal.¶ Plus, if the spending and debt ceiling deals morph into one, there may be more issues on the table to discuss such as the sequester and the whole federal budget. That, Walker said, will give Republicans more areas where they can look for victory.

#### FERC thumps

Dixon 10/1 (Darius Dixon, Politico, “Obama FERC nominee Ron Binz withdraws amid coal pushback”, <http://www.politico.com/story/2013/10/ron-binz-ferc-nominee-withdraws-name-97623.html>, October 1, 2013)

President Barack Obama’s nominee to lead the Federal Energy Regulatory Commission abandoned his quest Tuesday, complaining that the fight over his confirmation had become a “blood sport” for partisan attacks and opponents backed by the coal industry. The collapse of Ron Binz’s nomination to lead the little-known agency was a stunning setback for Obama, who had succeeded in winning Senate confirmations for far more controversial nominees at Environmental Protection Agency, the Pentagon and the Labor Department. Continue Reading The consultant and career energy regulator had won over supporters from the green energy world — some of whom took the unusual step of hiring a public relations firm to advance his cause. But Binz said he couldn’t overcome a furious opposition campaign in which his record was “spun and respun” to make him appear biased against fossil fuels. “The caricature that they created had nothing to do with who I am and nothing to do with what I might’ve brought to FERC. It was just a blood sport,” Binz told POLITICO in his first extensive interview since Obama nominated him in June. “I came to Washington with this 35-year career behind me only to encounter a fictional Ron Binz, a fictional character that I didn’t recognize and I would never even support,” he added. Conservative and libertarian groups celebrated Binz’s withdrawal as a setback for Obama’s climate agenda, while his supporters lamented that partisan bickering had defeated a qualified candidate.

#### Obama asked for the plan- thumps the disad

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

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

#### PC theory is wrong- winners win

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

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

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

#### Obama executive order solves

Weisenyhal 9/30 (Joe Weisenthal 9/30, Executive Editor for Business Insider, “It Increasingly Looks Like Obama Will Have To Raise The Debt Ceiling All By Himself,” <http://www.businessinsider.com/it-increasingly-looks-like-obama-will-have-to-raise-the-debt-ceiling-all-by-himself-2013-9>)

With no movement on either side and the debt ceiling fast approaching, there's increasing talk that the solution will be for Obama to issue an executive order and require the Treasury to continue paying U.S. debt holders even if the debt ceiling isn't raised.¶ Here's Greg Valliere at Potomac Research:¶ HOW DOES THIS END? What worries many clients we talk with is the absence of a clear end-game. We think three key elements will have to be part of the final outcome: First, a nasty signal from the stock market. Second, a daring move from Barack Obama to raise the debt ceiling by executive order if default appears to be imminent. Third, a capitulation by Boehner, ending the shut-down and debt crisis in an arrangement between a third of the House GOP and virtually all of the Democrats. ¶ Valliere isn't the only one seeing this outcome.¶ Here's David Kotok at Cumberland Advisors:¶ We expect this craziness to last into October and run up against the debt limit fight. In the final gasping throes of squabbling, we expect President Obama to use the President Clinton designed executive order strategy so that the US doesn’t default. There will then ensue a protracted court fight leading to a Supreme Court decision. The impasse may go that far. This is our American way. “Man Plans and God Laughs” says the Yiddish Proverb.¶ Indeed, back in 2011, Bill Clinton said he'd raise the debt ceiling by invoking the 14th Amendment rather than negotiate with the House GOP.¶ This time around, again, Clinton is advising Obama to call the GOP's bluff.

#### No econ decline war – recession disproves

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

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

## 1AR

## Case

#### This streeter card is an aff card AND a reason why the CP can’t solve --- countries like Yemen and Pakistan prove

Devin C. Streeter 13, undergrad Wake author, 4/19/13, “U.S. Drone Policy: Tactical Success and Strategic Failure,” http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure

However, the focus of the War on Terror is shifting, as Yemen is transforming into the new battleground. Over 362 strikes have been launched in Pakistan, while only 52 have occurred in Yemen.57 While almost one thousand innocents have died in Pakistan, only 178 have been killed in Yemen.58 Yemen has given the United States a chance to rectify the policy errors of drone use. A close look at Yemen will reveal a standard operating procedure for drones that will solve the image of the United States while maintaining combat efficiency.

First, the United States established a much greater level of cooperation with the Yemeni government before commencing with drone strikes.59 Cooperation with existing security forces is key.50 In Pakistan, the U.S. largely operated on its own, producing dismal collateral damage.51 However, cooperation with Pakistan increased in 2009.52 This level of cooperation resulted in over 1600 Taliban fighters killed by Pakistani authorities,53 an almost 50 percent drop in suicide bombings,54 and civilian deaths dropping to 6 percent of all reported fatalities.55 Cooperating with existing security forces can drastically improve effectiveness of drone strikes, as proven in Pakistan during the last few years.

However, working in conjunction with foreign security forces requires a human intelligence network on the ground to supplement intelligence on drone targets.55 The United States must be careful to operate and maintain an extensive human intelligence network to supplement the technical intelligence collection in the target nation.57 The Homeland Security Policy Institute succinctly states;

Precisely eliminating AQAP's senior leadership while minimizing civilian causalities requires interagency intelligence assets leading the effort.63

This is also substantiated by an opponent of drone use, Ken Gude, who clearly articulates;

The U.S. drone campaign in Pakistan has put Al Qaeda and other militants there under intense pressure; it...relies on significant human intelligence sources.69

Similarly John Brennan, recently appointed Director of Central Intelligence, is recorded saying,

We will need to draw on not just our cooperation with Yemen and other partner nations against al-Oaida but also refine and develop intelligence relationships, security-screening processes and Yemeni counterterrorism forces.70

The proposals for a reformed drone program cannot be emphasized enough. The utilization of a deep, cultivated intelligence program in Pakistan resulted in a reduction of civilian casualties from almost 50 percent in 2008, to only 6 percent in 2011.J" With this kind of human intelligence integration, collateral damage can be expected to decrease substantially. Combined with increased cooperation with foreign intelligence services, the level of accuracy from drone strikes can be considerably improved.

To give an idea of the numerical importance of this new standard operating procedure, the cumulative average civilian casualty rate from 2002 to 2013 was 24 percent.72 Theoretically, this means that out of four thousand casualties (4000), almost 25 percent would be innocent civilians (960).'3 However, in the new model for drone operations, out of four thousand casualties (4000), only 240 would be considered collateral damage.74

The international reaction of new strike procedures, while unpredictable, would most likely be an acceptance of the drone program. The European Union specifically stated;

It is true that many European states would accept that the use of lethal force is permissible when it is the only way to prevent the imminent loss of innocent life.75

If collateral damage were substantially reduced, European nations would be less likely to question the practice, as innocent lives would be significantly safer. The first group of nations, those intimidated into seeking drone technology, need to have a standard of how to effectively use drones in counterterrorism efforts, especially when they begin their own programs.76 John Brennan is again recorded as promising;

...to institutionalize our approach more formally so that the high standards we set for ourselves endure over time, including as an example for other nations that pursue these capabilities."

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 '9 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.8' 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.

### DA

#### No incentive

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

As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace, particularly as an atomic one, has been much inflated. The public has now endured a decade of dire warnings about the imminence of a terrorist atomic attack. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Few, it seems, found much solace in the fact that an al Qaeda computer seized in Afghanistan in 2001 indicated that the group's budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was some $2,000 to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that al Qaeda members have primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are. Some reports suggest they've also been looking at quite a bit of pornography. The full story is not out yet, but it seems breathtakingly unlikely that the miserable little group has had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-tech facility to fabricate a bomb. It is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew, all the while attracting no attention from outsiders. The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The obsessive desire notwithstanding, such fulminations have clearly lacked substance. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, no true al Qaeda cell has been found in the country since 9/11 and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, no Muslim extremist has succeeded in detonating even a simple bomb in the United States in the last ten years, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. It seems wildly unlikely that al Qaeda is remotely ready to go nuclear. Outside of war zones, the amount of killing carried out by al Qaeda and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it scarcely presents an existential, or elephantine, threat. And the likelihood that an American will be killed by a terrorist of any ilk stands at one in 3.5 million per year, even with 9/11 included.

## cp

#### Their ally argument is a reason why the AFF solves – not the cp --- says self-defense is key ---

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

Outside an armed conflict, the default European assumption would be that the threat of terrorism should be confronted within a law enforcement framework. This framework would not absolutely prohibit the deliberate killing of individuals, but it would set an extremely high threshold for its use – for example, it might be permitted where strictly necessary to prevent an imminent threat to human life or a particularly serious crime involving a grave threat to life.37 Where the threat was sufficiently serious, the state’s response might legitimately include the use of military force, but every use of lethal force would have to be justified as a necessary and proportionate response to an imminent threat. In any action that involved the deliberate taking of human life, there would have to be a rigorous and impartial post-strike assessment, with the government disclosing the justification for its action. Finally, EU states might perhaps agree that in the face of an armed attack or an imminent armed attack, states can use force on the territory of another state without its consent, if that state is unable or unwilling to act effectively to restrain the attack.¶ This consensus provides a basis on which the EU can step up engagement with the US on drones and targeted killing. At the heart of the EU position is the belief that the use of lethal force outside zones of active hostilities is an exceptional measure that can only be justified on the basis of a serious and imminent threat to human life. At a time when drone technology is proliferating rapidly, EU leaders should be more forthright in making this argument publicly – especially since Obama has adopted it, at least rhetorically, as an element of his policy. While Europeans may be reluctant to accuse Obama of having violated international law, they can assert their own vision and encourage Obama to follow through on his rhetoric by elevating the idea of a strict imminent threat-based approach to the use of deadly force outside the battlefield. European leaders and officials should welcome Obama’s latest moves to restrain drone strikes and his intimation that the armed conflict against al-Qaeda may be nearing its end. In this way they would reinforce the standards implicit in his speech and make clear that America’s closest allies will be watching to see how far he matches his words with action.

#### Only the CP creates an effective international consensus around sovereignty---requiring states to meet the responsibility to combat terrorism as a condition of respect for sovereignty has broad international support and it’s key to counter-terror---only the CP can shape that norm positively

Amitai Etzioni 13, professor of international relations at George Washington University, Summer 2013, “Article: A Liberal Communitarian Paradigm for Counterterrorism,” Stanford Journal of International Law, 49 Stan. J Int'l L. 330

To move toward a new paradigm I suggest one needs to build a case against viewing sovereignty as an absolute value in favor of understanding sovereignty as citizenship. It is a communitarian approach that recognizes that states (like individuals) do not merely command rights, but also have some responsibilities; that they are entitled to self-determination and self-government, but also have some commitment to the common good, such as the protection of the environment, peace, and freedom from terror.

As a starting point for such a case, one should note that sovereignty was in fact never absolute. In the mid-twentieth century, Bertrand de Jouvenel argued that the sovereign will, traditionally understood to be of absolute authority, is itself subject to the constraints of morality that are independent of it. n43 Another political philosopher, Jacques Maritain, contended that the concept of sovereignty is intrinsically faulty in that it both separates the will of the state from that of the body politic and creates insurmountable complications for international law. n44

Stephen Krasner has demonstrated that throughout history the norm of sovereignty has been appealed to by rulers and statesmen when it was advantageous to them in holding onto their positions of power and authority. When it was [\*341] politically expedient to ignore the Westphalian norm, however Krasner finds that leaders were, by and large, weakly constrained by the norms of sovereignty.

For example, Krasner discusses many interventions by the Western powers into the internal affairs of the Ottoman Empire during the Empire's decline in the nineteenth century. The 1821 Greek struggle for independence was strictly a domestic affair well within the recognized borders of the Ottoman Empire, yet the revolt eventually drew intervention from Britain, France, and Russia. The 1878 Treaty of Berlin, which marked the end of the conflict, exacted numerous Ottoman concessions for minority and religious rights within the Balkan regions of the Empire. That same treaty imposed the independence of Serbia, Romania, and Montenegro, and settled the status of a semi-autonomous Bulgaria, all previously parts of the Ottoman Empire.

Krasner also highlights the ways Westphalian sovereignty has been sacrificed to both human rights and security concerns. British warships forcibly entered Brazilian ports in 1850 and destroyed those ships suspected of engaging in the slave trade. The pretext was that the Brazilian government was not adequately enforcing its own ban on slavery, which Brazil promised to Britain in an 1826 treaty in exchange for the latter's recognition of Brazilian statehood.

Twentieth-century examples of this phenomenon abound. In the first quarter of the century, U.S. marines were deployed to Cuba, Haiti, Honduras, and the Dominican Republic, with each nation being subject to either a U.S. governor or a U.S.-sponsored regime change in the aftermath.

From his survey of the concept's history, Krasner concludes by characterizing the norm of sovereignty as "organized hypocrisy," in that it is universally recognized but at the same time widely violated. n45 Many may quarrel with Krasner's choice of words, but he provides strong evidence that sovereignty was often violated for good and bad causes and thus does not have the inviolate standing those who favor it claim.

The second key to understanding sovereignty as citizenship is the recognition that no right, whether that of an individual or of a state, is absolute. This famously holds true even for the right many U.S. citizens consider the most absolute of them all, the right of free speech. Beyond the ban on shouting fire in a crowded theater, there are time and place limitations and laws against defamation and incitement. In the same vein, even liberty's most ardent supporters agree that individual freedom ought to be limited by respect for the liberty of others. The same should hold for sovereignty. It cannot be used to harm others, as is the case when a nation's territory serves as a base for terrorists. n46 As in the case of humanitarian interventions, where sovereignty is a shield used by dictators to keep out the international community when it seeks to stop a genocide, sovereignty is often used to shield terrorists - or has that effect even when not so intended. n47 It should not be automatically heeded in either case.

2. Sovereignty as Conditional

There is growing transnational consensus that sovereignty ought to be conditional. In the wake of World War II, the majority of states drafted and signed the UN's Universal Declaration of Human Rights (1948), thereby codifying the obligation incumbent upon nations to uphold these rights. n48 Although the Declaration did not include any enforcement mechanisms, it gave voice to the growing normative consensus that states have an obligation to respect human rights that is simultaneous with, and perhaps even overrides, the right to sovereignty. The Genocide Convention of the same year obliged states to both refrain from and work to punish genocide - an agreement that was followed by the adoption of two additional covenants, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, in the mid-1960s. n49

#### The *risk and fear* of Obama reneging on the CP means it doesn’t solve signal

Groll 8/8 (Elias Groll, “The Sudden and Unexpected Return of the Drone War”, <http://blog.foreignpolicy.com/posts/2013/08/08/the_sudden_and_unexpected_return_of_the_drone_war_yemen>, August 8, 2013)

The drone war is back. Amid fears that al Qaeda-affiliated terrorists in Yemen are plotting a major attack, U.S. drones reportedly launched three strikes in the country on Thursday alone, killing 12 suspected al Qaeda militants. In fact, the Obama administration is arguably waging its most intense drone campaign ever in Yemen, with nine suspected drone strikes in the last 13 days and six in the last three. The concentrated bombing is all the more striking considering that just days ago the State Department was shuttering nearly two dozen embassies around the world in response to what seemed an amorphous terrorist threat. The fierce campaign comes on the heels of the White House announcing a major overhaul of its use of drones. With his speech in May outlining a plan to take the United States off its "perpetual wartime footing," the president gave hope to critics of his surprisingly robust drone policy that the strikes would soon be curtailed. But according to Josh Begley, a web developer who tracks drone strikes and runs Dronestream, U.S. drones have struck five times in Pakistan and 11 times in Yemen since Obama's speech. Not since January -- when, during a five-day period, Washington carried out eight suspected strikes -- have U.S. missiles rained down on Yemen with such frequency. While three-strike days are not unprecedented in Yemen, they are far more common in Pakistan. According to Begley's analysis, there have been three likely instances in which U.S. drones struck Yemen three times in one day. In Pakistan, that has occurred 13 times. The interactive map below, courtesy of Begley, shows strikes in Yemen before (yellow dots) and after (red dots) Obama's speech (the first U.S. drone strike in Yemen took place way back in 2002). Some dots below are obscured because of multiple strikes in the same location. The flurry of strikes raises questions about the Obama administration's stated commitment to dial back its aggressive wartime tactics. In a major speech earlier this year, President Obama announced to much fanfare that he hoped to wind down the war on terror and that stricter guidelines would be put in place to govern the use of drone strikes, though those rules largely remain classified and unreleased. "America does not take strikes to punish individuals; we act against terrorists who pose a continuing and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat," Obama said. "And before any strike is taken, there must be near-certainty that no civilians will be killed or injured -- the highest standard we can set." In a letter to Congress in May, Attorney General Eric Holder hinted at this new, stricter policy. "When capture is not feasible, the policy provides that lethal force may be used only when a terrorist target poses a continuing, imminent threat to Americans, and when certain other preconditions, including a requirement that no other reasonable alternatives exist to effectively address the threat, are satisfied." What those "other preconditions" amount to remains shrouded in mystery. But as articulated in the letter, the administration's new critieria for drone strikes turn on the presence of a "continuing, imminent threat" directed at Americans. Administration officials explain that the prior guidance allowed drone strikes against groups or individuals threatening "U.S. interests" whereas the new policy tightens that guideline to require "U.S. persons" to be threatened by those targeted by drones. This time around, the U.S. government has been making an elaborate, dramatic argument that the latest threat out of Yemen poses imminent danger to Americans. The administration's decision to close and evacuate a slew of diplomatic posts served as a highly visible signal of the perceived seriousness of this threat -- and, most importantly, its implications for U.S. persons. While Obama's speech in May and subsequent policy guidance has been interpreted as an effort by the president to avoid having his legacy defined by the aggressive use of drones, the address itself was notable for its defense of the administration's tactics, which Obama argued have not only undermined terrorist groups but also saved civilian lives. That conviction has been on manifest display in the administration's response this week to the threat emanating from Yemen. Beyond vague hints, apocalyptic warnings, and bizarre leaks, however, U.S. officials have released little information about the nature of that threat. As a result, it remains difficult to evaluate Obama's commitment to his new policy. "There has been an awful lot of chatter out there. Chatter means conversation about terrorists, about the planning that's going on, very reminiscent of what we saw pre-9/11," Sen. Saxby Chambliss, the Georgia Republican, said on NBC's Meet the Press. Later in the week, administration officials revealed that the source of the warning came from an intercepted communication between the head of al Qaeda, Ayman al-Zawahiri, and the chief of the Yemen-based al Qaeda in the Arabian Peninsula. Given the murky nature of the threat, it remains unclear whether, in repeatedly striking targets in Yemen in recent days, the Obama administration is ramping up the pressure on al Qaeda in the Arabian Peninsula in general or simply responding to a specific intelligence threat. The White House's secret legal guidelines would appear to require that the strikes be tied to a specific threat to U.S. persons, but that's a legal standard for which there is no outside oversight or determination. If the U.S. government wants to up the pressure and return to the 2009-2010 heyday of the decade-long drone war, there is nothing stopping it. Meanwhile, for observers of the U.S. national security establishment, the strikes in Yemen upset a commonly accepted wisdom in Washington: that the accession of John Brennan as CIA director heralded the end of aggressive drone strikes. Brennan reportedly favors moving the drone program from the the CIA to the Pentagon, where it will theoretically be subject to greater oversight and transparency. With the transfer of the program, it was also thought that drone strikes would gradually decrease as they moved out of the shadowy world of the CIA and into the, comparatively speaking, more open world of the Defense Department. But events this week in Yemen represent a profound challenge to that line of thinking. And until the White House offers a clear explanation for how it is targeting terrorists and why, prickly questions about the administration's commitment to dialing back the war on terror are likely to persist.

#### Law is key to modeling

Maxwell ’12 (Mark David Maxwell, Colonel, Judge Advocate with the U.S. Army, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, <http://www.ndu.edu/press/targeted-killing.html>, Winter 2012)

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.