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### Plan

#### Plan: The United States Federal Government should statutorily restrict targets of targeted killing operations using remotely piloted aircraft outside declared zones of conflict to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States.

### Norms

#### Drone tech prolif inevitable – setting clear limits now is key to establishing controlled norms

Daniel Byman, Professor in Security Studies Program at Georgetown and Senior Fellow at Brookings, July-August 2013, “Why Drones Work,” Foreign Affairs, vol 92 no 4

The fact remains that by using drones so much, Washington risks setting a troublesome precedent with regard to extrajudicial and extraterritorial killings. Zeke Johnson of Amnesty International contends that "when the U.S. government violates international law, that sets a precedent and provides an excuse for the rest of the world to do the same." And it is alarming to think what leaders such as Syrian President Bashar al-Assad, who has used deadly force against peaceful pro-democracy demonstrators he has deemed terrorists, would do with drones of their own. Similarly, Iran could mockingly cite the U.S. precedent to justify sending drones after rebels in Syria. Even Brennan has conceded that the administration is "establishing precedents that other nations may follow." Controlling the spread of drone technology will prove impossible; that horse left the barn years ago. Drones are highly capable weapons that are easy to produce, and so there is no chance that Washington can stop other militaries from acquiring and using them. Nearly 90 other countries already have surveillance drones in their arsenals, and China is producing several inexpensive models for export. Armed drones are more difficult to produce and deploy, but they, too, will likely spread rapidly. Beijing even recently announced (although later denied) that it had considered sending a drone to Myanmar (also called Burma) to kill a wanted drug trafficker hiding there. The spread of drones cannot be stopped, but the United States can still influence how they are used. The coming proliferation means that Washington needs to set forth a clear policy now on extrajudicial and extraterritorial killings of terrorists -- and stick to it. Fortunately, Obama has begun to discuss what constitutes a legitimate drone strike. But the definition remains murky, and this murkiness will undermine the president's ability to denounce other countries' behavior should they start using drones or other means to hunt down enemies. By keeping its policy secret, Washington also makes it easier for critics to claim that the United States is wantonly slaughtering innocents. More transparency would make it harder for countries such as Pakistan to make outlandish claims about what the United States is doing. Drones actually protect many Pakistanis, and Washington should emphasize this fact. By being more open, the administration could also show that it carefully considers the law and the risks to civilians before ordering a strike.

#### The plan buys us time – squo accelerates drone prolif

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

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 reconnais - sance and combat and has several new drones capable of long-range surveillance and attack under development. 133 China is also planning to use unmanned surveil - lance 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.

#### That causes rapid drone deployment in Asia – multiple scenarios for conflict – building norms uniquely key

Shawn Brimley, vice president of the Technology and National Security Program for a New American Security, Ben FitzGerald, Director of Technology and National Security Program at the Center for a New American Security, and Ely Ratner, deputy director of the Asia Program at the Center for a New American Security, 9-17-2013, “The Drone War Comes to Asia,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/09/17/the\_drone\_war\_comes\_to\_asia?page=full

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

#### Aggressive Chinese drone deployment creates multiple scenarios for Asian war – draws in the US

Bill Gertz, senior editor of the Washington Free Beacon, national security reporter, 3-26-2013, “Game of Drones,” Washington Free Beacon, http://freebeacon.com/game-of-drones/

China’s military is expanding its unmanned aerial vehicle forces with a new Predator-like armed drone and a new unmanned combat aircraft amid growing tensions with neighbors in Asia, according to U.S. intelligence officials. New unarmed drone deployments include the recent stationing of reconnaissance and ocean surveillance drones in Northeast Asia near Japan and the Senkaku islands and along China’s southern coast. Drones also are planned for the South China Sea where China has been encroaching on international waters and bullying nations of that region in asserting control over international waters, said officials familiar with intelligence reports. “Unmanned aerial vehicles are emerging as critical enablers for PLA long range precision strike operations,” said Mark Stokes, a former military intelligence official now with the Project 2049 Institute. “A general operational PLA requirement appears to be persistent surveillance of fixed and moving targets out to 3,000 kilometers of Chinese shores.” Japan, meanwhile, is developing and purchasing military drone capabilities to counter what it regards as Chinese aggression and Beijing’s growing military capabilities as Tokyo’s dispute with China over the Senkaku islands intensifies, the officials said. After Chinese aircraft intruded into Japanese airspace over the Senkakus undetected late last year, Tokyo stepped up efforts to seek drone capabilities. The efforts include building an indigenous missile-tracking drone and high-altitude U.S. drones. So far, unlike Beijing, Tokyo asserts its drone will be unarmed, the officials said. “China has started deploying UAVs for reconnaissance and oceanic surveillance purposes in the vicinity of disputed maritime territories, such as the Senkaku Islands,” said one military source. Of particular concern to U.S. intelligence agencies are two new missile-equipped drones known as the CH-4 and Yi Long. The aircraft were shown off along with six other military drones at a major Chinese arms show last November in Zhuhai. Photos of the drones reveal the designs appear to be copied from the U.S. Predator armed drone that has been leading the Obama administration’s war on al Qaeda in Pakistan and elsewhere. Photos of the CH-4 show it armed with Blue Arrow-7 anti-tank missiles that appear similar in size to the U.S. Hellfire fired from Predators. Even more of a concern, according to the officials, are intelligence reports from Asia indicating that China is well along in building a large stealth unmanned combat aerial vehicle (UCAV)—an upiloted jet—that was revealed recently in an online Chinese military video. The drone combat jet is nearly identical in shape to the experimental batwing-shaped U.S. Air Force X-47B currently under development. The X-47B was tested on an aircraft carrier in December. The Chinese UCAV is expected to have enough range to reach the U.S. island of Guam, some 1,800 miles from the Chinese coast and the hub of the Pentagon’s shift to Asia, officials said. Video and photos of the Chinese UCAV were posted on Chinese military enthusiast Internet sites recently. Also, a model of the drone combat jet was on display at Zhuhai. The aircraft is being built by the China Shenyang Aerospace Institute and could be deployed on China’s new aircraft carrier, officials said. Richard Fisher, a China military analyst with the International Assessment and Strategy Center, said the first prototype flying wing UCAV was completed at China’s Hongdu Aircraft Corp in mid-December. The drone weighs 10 to 14 tons and could be carrier based. “This means that the U.S. attempt to ‘outrange’ an emergent PLA anti-access systems, like the DF-21D anti-ship ballistic missile, could soon be outflanked by a new PLA carrier-based UCAV,” Fisher said. Japan, alarmed at fierce Chinese reaction to its efforts to solve the Senkakus dispute by nationalizing several of the uninhabited but oil-rich islands last year, is bolstering its military forces with both missile-detecting and maritime surveillance with drones. Japanese Defense Ministry officials, quoted in press reports, have called the purchase of several long-range U.S. Global Hawk surveillance drones an urgent priority. Tokyo is seeking up to three Global Hawks by 2015 but could speed up purchases in response to what it regards as growing Chinese aggressiveness toward Japan over the Senkakus. The U.S. military currently has Global Hawks deployed at Guam. The Japanese do not plan to develop armed drones and plan to limit initial purchases to the Global Hawk, which fly nearly 60,000 feet for extended missions. It is able to track vessels using sensors and radar. Japan also is developing an unmanned drone aircraft that will be used to detect North Korean nuclear missile attacks and to counter the Chinese military buildup, the officials said. The anti-missile drone program is being developed over the next four years with the first drone deployed by 2020. It will use infrared sensors designed to detect missiles shortly after launch. China’s drone program is believed to have benefitted from its aggressive economic and cyber espionage operations against the United States. Those efforts have included breaking into both government and defense industry networks and stealing valuable drone technology. Officials also said China’s drone program is receiving a boost from an unlikely source: Taiwan. The largest Chinese drone production center is being built at Wuhan in Hubei province, site of a joint construction project by China’s Wuhan Visiontek Inc. and Taiwan’s Carbon-Based Technology, Inc. Officials said China launched a crash program to develop military drones beginning around 2007. Beijing is planning a range of unmanned aircraft capabilities, including high-altitude, long-endurance drones, integrated air and sea warfare drones, sea-based drones and UCAVs. More than 60 drones were on display in Beijing last June, including a drone helicopter, and a drone with simulated birds’ wings. Additionally, officials have said drone bases are being set up in the South China Sea to monitor Scarborough reef, which is claimed by Philippines and China; Macclesfield Bank; the Paracel Islands; and the Spratly Islands. China also is using drone to monitor the Socotra Reef claimed by South Korea. A report made public March 11 by the Project 2049 Institute on Chinese drones estimated that China has more than 280 military drones. “The PLA has developed one of the largest and most organizationally complex UAV programs in the world,” the report stated. For the immediate future, the Chinese drones are monitoring disputed maritime and land boundaries that are likely to “increase tensions” since other states in the region lack the same capabilities. “Like any new capability, UAVs may encourage the inexperienced to overreach and engage in risk taking,” the report said. “There could be a sense that because human pilot lives are not at stake, operators can push farther than they otherwise might.” An isolated UAV attack during a crisis also could lead to a major conflict. “In the future, PRC decision-makers might feel compelled to order ‘plausibly deniable’ UAV attacks as a means of sending a political signal only to inadvertently wind up escalating tensions,” the report said. Over the long term, Chinese drones will support the expansion of Chinese military operational areas by pushing the ability to hit targets further into the western Pacific. The report said China likely will use its UAV force for targeting and guidance of the DF-21D anti-ship ballistic missile designed to strike U.S. aircraft carriers more than a thousand miles from China’s coast. “While the potential for a large scale conflict in the region currently appears low, the lack of adequate preparation for worst case scenarios could encourage and invite adventurous adversary behavior, ultimately increasing risks to peace and stability,” the report stated. U.S. intelligence agencies reported earlier this month that China plans to build 11 drone bases along its coastline by 2015, with each base deploying at least one unmanned aircraft. The People’s Liberation Army currently has two drone bases in northeast Liaoning province. A third base was disclosed further south at Lianyungang, Jiangsu Province, also on the Bohai Sea. The bases were announced in August by the State Oceanic Administration, which has been used as a proxy by the Chinese military to lay claim to international waters and islands as part of a strategy of pushing Chinese maritime control hundreds and eventually thousands of miles from the coast through what Beijing calls its two Asian island chain strategy. The island chains stretch from Northeast Asia through Southeast Asia. The two bases in the Bohai Sea are located at Yingkou and Dalian to provide surveillance of the Bohai and Yellow Seas. China called U.S. aircraft carrier exercises held in the Yellow Sea three years ago “a threat to China” even though the carrier maneuvers were carried out in international waters. The maritime surveillance drones provide high-definition remote imagery and will be used by China to respond to emergencies in the region and also to identify what China claims are illegal resource extraction from undersea gas and oil deposits. U.S. officials regard recent highlighting of attack drones as a sign that Beijing remains intent on taking control of the Senkakus. The increased use of drones by both China and Japan is expected to increase tensions over the Senkakus, the officials said. According to Fisher, China is also exporting two of its armed drones, the Yi Long and CH-3, to the United Arab Emirates and Pakistan. The UAE government purchased the Yi Long, and a smaller CH-3 was sold to Pakistan and repackaged by Islamabad as the Shahpar. Fisher said he is concerned China will sell the new and larger CH-4 to Iran. “Because it is not connected to the Aviation Industries Corporation (AVIC) which wants to do business in the United States, the CH-4 stands a better chance of being sold to Iran,” he told the Free Beacon. “China’s willingness to sell UCAV technology to terrorist-linked states means that terrorists may soon have another deadly tool with which to attack the United States.”

#### Extinction

Lawrence Wittner, Professor Emeritus of History at SUNY Albany, 11-28-2011, “Is a Nuclear War With China Possible?” www.huntingtonnews.net/14446

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

#### Unrestricted drone prolif guarantees global retaliatory war

Eric Posner, professor at University of Chicago Law School, 5-17-2013, “The drone paradox; When robots eliminate the risk of casualties, wars are likely to become more common,” National Post, ln

Similarly, we may be comfortable with giving the president authority to use military force on his own when he must put soldiers into harm's way, knowing that he will not risk lives lightly. Presidents have learned through hard experience that the public will not tolerate even a handful of casualties if it does not believe that the mission is justified. But when drones eliminate the risk of casualties, the president is more likely to launch wars too often. The same problem arises internationally. The international laws that predate drones assume that military intervention across borders risks significant casualties. Since that check normally kept the peace, international law could give a lot of leeway for using military force to chase down terrorists. But if the risk of casualties disappears, then nations might too eagerly attack, resulting in blowback and retaliation. Ironically, the reduced threat to civilians in tactical operations could wind up destabilizing relationships between countries, including even major powers like the United States and China, making the long-term threat to human life much greater. These three scenarios illustrate the same lesson: that law and technology work in tandem. When technological barriers limit the risk of government abuse, legal restrictions on governmental action can be looser. When those technological barriers fall, legal restrictions may need to be tightened. These anxieties generate some standard meta-arguments that are now little more than incantations -that the president should consult with Congress more, or should use clearer standards when targeting enemies, or should be less secretive. The generic criticisms overlook basic practical hurdles. Secrecy is necessary to gather intelligence. Standards for targeting enemies will always be fuzzy because it's difficult to anticipate the shape of future threats. (The much-criticized DOJ rules for drones are hardly less clear than the rules governing ordinary police work.) And both of these factors mean that Congress can never play more than a formulaic role. Bans on the use of drones for domestic surveillance are premature. But U.S. courts should ready themselves to update surveillance rules to take into account drones, as well as technology like the GPS tracking devices discussed in U.S. v. Jones. Courts need to address how these technologies can be abused and whether police seem to be abusing them, and they will need to use more flexible rules than the trespass standard the Supreme Court has adopted so far. A rule against trespassing without a warrant won't stop police drones mounted with video cameras and image-identifying software from lingering outside every home as they search for suspected crooks. When it comes to presidential power, only time will tell whether the risks of blowback exceed the value of drones. Many critics seem confident that President Obama's drone war has undermined American security, but we do not know what would have happened if he had shown more restraint. Nonetheless, it is quite a paradox that we trust the president with nuclear weapons because we know that he cannot use them, while we may not trust the president with drones because we know that he can. Internationally, nations might benefit from an arms control agreement governing drones, but it is hard to imagine any such agreement in the near future, given uncertainties about how drone technologies will develop, the difficulty of monitoring drones, and the asymmetries that mean the best-equipped states will resist any constraints. But a starting point is to recognize that the laws of war currently favour drones because they limit civilian casualties, while disfavouring conventional weapons - a surefire recipe for a destabilizing arms race. It would be nice to think that future wars will be fought by robots, with no risk to civilians or even soldiers - just as in ancient times a duel between heroes could settle a dispute between armies without a battle. But the gods liked to play havoc with duels, and drone warfare is likely to be similarly unpredictable. The long-predicted science-fiction world of robotic killing machines has finally arrived. The law now has to catch up.

#### Plan cements support for drones and allows the US to shape drone norms

Micah Zenko, Douglas Dillon Fellow at the CFR, January 2013, “Reforming U.S. Drone Strike Policies,” CFR, http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736

Existing practices carry two major risks for U.S. interests that are likely to grow over time. The first comes from operational restrictions on drones due to domestic and international pressure. In the United States, the public and policymakers are increasingly uneasy with limited transparency for targeted killings.3 If the present trajectory continues, drones may share the fate of Bush-era enhanced interrogation techniques and warrantless wiretapping—the unpopularity and illegality of which eventually caused the policy’s demise. Internationally, objections from host states and other counterterrorism partners could also severely circumscribe drones’ effectiveness. Host states have grown frustrated with U.S. drone policy, while opposition by nonhost partners could impose additional restrictions on the use of drones. Reforming U.S. drone strike policies can do much to allay concerns internationally by ensuring that targeted killings are defensible under international legal regimes that the United States itself helped establish, and by allowing U.S. officials to openly address concerns and counter misinformation. The second major risk is that of proliferation. Over the next decade, the U.S. near-monopoly on drone strikes will erode as more countries develop and hone this capability. The advantages and effectiveness of drones in attacking hard-to-reach and time-sensitive targets are compelling many countries to indigenously develop or explore purchasing unmanned aerial systems. In this uncharted territory, U.S. policy provides a powerful precedent for other states and nonstate actors that will increasingly deploy drones with potentially dangerous ramifications. Reforming its practices could allow the United States to regain moral authority in dealings with other states and credibly engage with the international community to shape norms for responsible drone use. The current trajectory of U.S. drone strike policies is unsustainable. Without reform from within, drones risk becoming an unregulated, unaccountable vehicle for states to deploy lethal force with impunity. Consequently, the United States should more fully explain and reform aspects of its policies on drone strikes in nonbattlefield settings by ending the controversial practice of “signature strikes”; limiting targeted killings to leaders of transnational terrorist organizations and individuals with direct involvement in past or ongoing plots against the United States and its allies; and clarifying rules of the road for drone strikes in nonbattlefield settings. Given that the United States is currently the only country—other than the United Kingdom in the traditional battlefield of Afghanistan and perhaps Israel—to use drones to attack the sovereign territory of another country, it has a unique opportunity and responsibility to engage relevant international actors and shape development of a normative framework for acceptable use of drones. Although reforming U.S. drone strike policies will be difficult and will require sustained high-level attention to balance transparency with the need to protect sensitive intelligence sources and methods, it would serve U.S. national interests by ■■ allowing policymakers and diplomats to paint a more accurate portrayal of drones to counter the myths and misperceptions that currently remain unaddressed due to secrecy concerns; ■■ placing the use of drones as a counterterrorism tactic on a more legitimate and defensible footing with domestic and international audiences; increasing the likelihood that the United States will sustain the international tolerance and cooperation required to carry out future drone strikes, such as intelligence support and host-state basing rights; ■■ exerting a normative influence on the policies and actions of other states; and ■■ providing current and future U.S. administrations with the requisite political leverage to shape and promote responsible use of drones by other states and nonstate actors. As Obama administration officials have warned about the proliferation of drones, “If we want other nations to use these technologies responsibly, we must use them responsibly.”4

#### US policy sets norms – robust scholarship proves drones arms races result from state policy

Robert Farley, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, 10-12-2011, “U.S. Drone Use Sets Global Precedent,” World Politics Review, http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent

So which is it? Has the United States sparked a drone race, or was a race with the Chinese and Russians inevitable? While there's truth on both sides, on balance Shane is correct. Arms races don't just "happen" because of outside technological developments. Rather, they are embedded in political dynamics associated with public perception, international prestige and bureaucratic conflict. China and Russia pursued the development of drones before the United States showed the world what the Predator could do, but they are pursuing capabilities more vigorously because of the U.S. example. Understanding this is necessary to developing expectations of what lies ahead as well as a strategy for regulating drone warfare. States run arms races for a variety of reasons. The best-known reason is a sense of fear: The developing capabilities of an opponent leave a state feeling vulnerable. The Germany's build-up of battleships in the years prior to World War I made Britain feel vulnerable, necessitating the expansion of the Royal Navy, and vice versa. Similarly, the threat posed by Soviet missiles during the Cold War required an increase in U.S. nuclear capabilities, and so forth. However, states also "race" in response to public pressure, bureaucratic politics and the desire for prestige. Sometimes, for instance, states feel the need to procure the same type of weapon another state has developed in order to maintain their relative position, even if they do not feel directly threatened by the weapon. Alternatively, bureaucrats and generals might use the existence of foreign weapons to argue for their own pet systems. All of these reasons share common characteristics, however: They are both social and strategic, and they depend on the behavior of other countries. Improvements in technology do not make the procurement of any given weapon necessary; rather, geostrategic interest creates the need for a system. So while there's a degree of truth to Anderson's argument about the availability of drone technology, he ignores the degree to which dramatic precedent can affect state policy. The technologies that made HMS Dreadnought such a revolutionary warship in 1906 were available before it was built; its dramatic appearance nevertheless transformed the major naval powers' procurement plans. Similarly, the Soviet Union and the United States accelerated nuclear arms procurement following the Cuban Missile Crisis, with the USSR in particular increasing its missile forces by nearly 20 times, partially in response to perceptions of vulnerability. So while a drone "race" may have taken place even without the large-scale Predator and Reaper campaign in Pakistan, Yemen and Somalia, the extent and character of the race now on display has been driven by U.S. behavior. Other states, observing the effectiveness -- or at least the capabilities -- of U.S. drones will work to create their own counterparts with an enthusiasm that they would not have had in absence of the U.S. example. What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war. However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

### Pakistan

#### Unrestricted drone strikes are destroying the US-Pakistan relationship – only restricting them creates space for cooperation

Daniel Markey, Senior Fellow at the Council on Foreign Relations, 7-16-2013, “A New Drone Deal For Pakistan,” Foreign Affairs, http://www.foreignaffairs.com/articles/139584/daniel-markey/a-new-drone-deal-for-pakistan?page=show

For all its successes, the U.S. drone program in Pakistan is unlikely to survive much longer in its current form. Less than a week after his election on May 11, Pakistan’s new prime minister, Nawaz Sharif, reportedly declared to his cabinet that “the policy of protesting against drone strikes for public consumption, while working behind the scenes to make them happen, is not on.” This fall, Pakistan’s national and provincial assemblies will elect a new president, likely a Sharif loyalist, and the prime minister will also select a new army chief. It is safe to say that these men are unlikely to follow their predecessors in offering tacit endorsements of the United States' expansive counterterrorism efforts. In other words, the United States is going to have to hammer out a new drone deal with Pakistan in the years ahead, one that is sensitive to Pakistan's own concerns and objectives. This will likely mean that Washington will face new constraints in its counterterrorism operations. But managed with care, a new agreement could put the targeted killing campaign against al Qaeda on firmer political footing without entirely eliminating its effectiveness. Ever since its inception in 2004, the U.S. drone campaign in Pakistan has been stumbling along shaky legal and strategic ground. At various points in time, Washington and Islamabad constructed different fictions to enable the drone campaign. Before launching the first drone strike that killed Taliban leader Nek Muhammad in June 2004, Washington sought personal authorization from then President and army chief Pervez Musharraf. For several years thereafter, the Pakistani army claimed responsibility for all drone strikes, publicly denying (however implausibly) American intervention. But the program’s remarkable success in killing al Qaeda and Taliban leaders, combined with the otherwise largely unaddressed problem of sanctuaries in Pakistan’s tribal areas, encouraged U.S. officials to expand their list of targets. As the program grew, and especially as Washington killed militants with suspected links to Pakistan’s own military and intelligence services, such as members of the Afghan Taliban–affiliated Haqqani Network, Pakistani officials shed the fiction that the strikes were their own. Islamabad instead bowed to what it perceived as a powerful domestic consensus against the drones and criticized the United States in increasingly shrill terms for violating Pakistan’s territorial sovereignty. Privately, however, Musharraf and his immediate successors -- including the civilian government led by the Pakistan People’s Party (PPP) and the army under General Kayani -- continued to greenlight the drone program. As the drone strikes mounted, the hypocrisy of the official Pakistani position became ever more difficult to hide. Opposition politician and former cricket star Imran Khan made the criticism of drones a centerpiece of his Tehreek-e-Insaf (PTI) party’s election campaign in 2011 and 2012. And in early 2012, the Pakistani parliament unequivocally denounced the drone strikes and called for them to end. This unmistakable sovereign act called into question oft-repeated U.S. claims that Pakistan actually provides “tacit consent” for the drone campaign. Pakistan's current and future leaders, starting with Nawaz Sharif, will have little reason to implicate themselves in the drone hypocrisy of their predecessors. Sharif is on sounder political footing than his predecessor, but -- as his top lieutenants are already signaling -- he cannot weather the political storm that is likely to result if the United States appears to blithely disregard his authority. Washington’s failure to shift its policy would lead Islamabad to escalate its diplomatic protests. One step in this escalation has already happened, with Pakistan taking its case against drones to the international community by way of the United Nations. If Pakistani frustration mounts without yielding results, one can imagine Sharif’s new army chief threatening to shoot U.S. drones from the sky, just as past Pakistani leaders have threatened to take down helicopters that cross into the nation’s airspace. At that stage, Washington would likely pull the drones from normal operation rather than play a high-stakes game of chicken. (Indeed, Washington has a habit of taking extended breaks from drone strikes at sensitive periods: for instance, there were no strikes for over six weeks after the so-called Salala incident at the Afghan border.) The question is whether Washington and Islamabad can find a deal that addresses Pakistani concerns without depriving the United States of a counterterrorism tool that has been more effective, at least in a tactical sense, than any other. Short of ending the drone program altogether, the only way that Pakistan’s leaders can credibly claim to assert their sovereign authority -- and thereby prove their nationalist credentials to political allies and adversaries alike -- is if Washington cedes to Islamabad a greater degree of control over the program, especially when it comes to target selection.

#### Kills the relationship

Alex Rodriguez, foreign correspondent for the LA Times, 8-2-2013, “U.S., Pakistan to revive key talks,” LA Times, ln

Kerry's agenda included meetings with Sharif, Aziz and other top civilian and military leaders. Although both Kerry and Aziz said their countries were making headway in their bid to forge stronger ties, key security issues continue to cloud the relationship. At the top of the list is Pakistan's opposition to Washington's drone missile campaign. The U.S. has relied heavily on drone strikes to erode Al Qaeda's ability to plan and carry out attacks against Western targets. Since the start of President Obama's first term in January 2009, the U.S. has carried out nearly 300 drone strikes in northwestern Pakistan, according to the Long War Journal website, which tracks drone statistics. However, Pakistanis view the drone program as a blatant infringement of their country's sovereignty and argue that it has become a major recruiting tool for militants because of the number of civilians mistakenly killed in the strikes. Pakistani leaders welcomed Obama's speech in May outlining drone program restrictions that would reduce the number of strikes. But in mid-July, Sharif's interior minister, Chaudhry Nisar Ali Khan, warned that continuation of Washington's drone program could lead to "a direct standoff" and suggested Pakistan could balk at allowing the U.S. to use its highways to withdraw troops and equipment from Afghanistan at the end of 2014.

#### Forces Uzbekistan withdrawal

Azad Garibov, a foreign policy analyst at the Center for Strategic Studies (SAM) in Azerbaijan and a lecturer in the Department of Political Science and International Relations at Khazar University, 5-28-2013, “The U.S. in Central Asia: Still an important balancer?” Turkish Weekly, http://www.turkishweekly.net/news/150929/the-u-s-in-central-asia-still-an-important-balancer.html

Recently, in light of the approaching 2014 withdrawal of the majority of U.S. combat troops from Afghanistan, Washington has been intensifying contact with Central Asian countries situated on Northern Distribution Network (NDN) routes. The NDN was first established in 2008-09 after talks between the U.S., Central Asian states, and Russia as a collection of routes that allowed the U.S. and NATO to ship nonlethal supplies to Afghanistan “without going through Pakistan and the Khyber Pass – logistical arrangements exposed to Taliban attacks as well as massive delays due to Pakistani obstruction.” After Salala incident of November 2011, involving US aerial strikes that killed 24 Pakistani soldiers and injured 13 others, Pakistan closed all NATO supply lines to Afghanistan passing through its territory. Lines remained closed for more than half of a year which massively increased the NDN’s importance for the U.S. In order to guarantee the smooth functioning of the distribution network, the U.S. promised countries in the NDN part of its Afghan military equipment and more financial aid. During this time Uzbekistan has become the main Central Asian partner of Washington. Currently A large percentage of U.S. military cargo going to Afghanistan passes through Uzbekistan, and Uzbekistan has seized this opportunity to build closer military ties with the U.S. Uzbek president Islam Karimov, in negotiations with U.S. officials, stated his wish for remaking his military, replacing its Russian gear with entirely American gear. Accordingly, “in late 2011 Washington loosened restrictions on military aid to Uzbekistan that had been in place for nearly a decade due to human rights concerns.” And as the U.S. promises to leave some of its equipment behind in Central Asia after withdrawal, Karimov has reportedly expressed interest in heavy equipment, like helicopters and mine-resistant armored vehicles.

#### Arming Uzbekistan cause Central Asia conflict and draws in Russia

Joshua Kucera, Central Asia and the Caucasus specialist, 3-26-2013, “Are The U.S. And Russia Fueling Tension Between Uzbekistan And Its Neighbors?” EurasiaNet, http://eurasianhub.com/2013/03/27/are-the-u-s-and-russia-fueling-tension-between-uzbekistan-and-its-neighbors/

The U.S.’s growing military ties with Uzbekistan may be a strategic necessity, given the importance of the Central Asian country in the U.S.’s war effort in Afghanistan. But it is forcing the U.S. to confront an important, if little-discussed, complication: Uzbekistan is the least-trusted, most-feared country in the region. Tajikistan and Kyrgyzstan have well-known border and water conflicts with Uzbekistan. Kazakhstan sees Uzbekistan as a regional rival. So is the U.S.’s military aid to Uzbekistan raising regional tensions?¶ U.S. military aid, after being suspended for several years because of human rights concerns, is steadily being ramped up. That the U.S. is giving small surveillance drones to Uzbekistan is the worst-kept secret in Washington (OK, in the narrow slice of Washington that The Bug Pit inhabits). It’s also giving Uzbekistan’s armed forces night-vision goggles, body armor, and GPS systems, and there are credible rumors in Washington of heavier military equipment being considered for Uzbekistan to either buy or be given. (And it’s not just the U.S.: Uzbekistan has pledged to work more closely with NATO on training, and the U.K. is also planning to make some donations to Uzbekistan as well.) The U.S. (and NATO partners) have also signaled their intention to donate excess military equipment to Tajikistan and Kyrgyzstan, as well. And the U.S., of course, operates an air base in Kyrgyzstan. So it’s hardly like the U.S. military is exclusively cooperating with Uzbekistan. Yet, perhaps because more concrete information has come out regarding donations to Uzbekistan, and perhaps because the U.S.-Uzbekistan military relationship is growing quickly (having started from almost zero after the sanctions imposed in the early 2000s), there seems to be a perception growing that the U.S. is favoring Uzbekistan.¶ A report in Kazakhstan’s Tengrinews argues that “close relations between Uzbekistan and the U.S. can lead to conflict in Central Asia.” It quotes Russian political analyst Alexander Sobyanin saying that “Uzbekistan is ambitiously becoming the economic and military giant of the region, and that means that for Kazakhstan, Tajikistan and Kyrgyzstan, ‘peaceful life has ended.’” Kazakhstani analyst Marat Shibutov adds that “Uzbekistan’s land forces are already one and a half times greater than ours. With the receipt of arms, it’s possible that the advantage will be double.” (He noted, though, that conflict between Uzbekistan and Kazakhstan was much less likely than it would be between Uzbekistan and either Kyrgyzstan or Tajikistan.)In another piece on CentrAsia.ru, analyst Andrei Grozin says that Tashkent’s aims vis-a-vis American military aid is less about gaining means of repression against the population of Uzbekistan and more about regional hegemony,” and that “arming the regimes of Central Asia, the US is laying a landmine which could blow up the entire region.” (In a nice poetic — if not necessarily militarily relevant — touch, Grozin ends by quoting the famous Chekhov line: “If a gun is hanging on the wall in the first act, it has to be fired in the last act.”)¶ What to make of all this? It’s worth noting that while the U.S. is being fairly careful to not give Uzbekistan tools with which it can repress its population — the standard concern in the West — exacerbating regional tension has seemed less of a worry. Tactical drones, night vision, GPS and body armor would be of limited utility in putting down another Andijan-style protest. But they would be very useful in a border conflict with a neighbor.¶ It also should be noted that all of the above analysis of increasing regional tension dovetails with Russia’s perception of U.S. policy in the region. The Kremlin is alarmed at Uzbekistan’s attempts to remove itself from Russia’s sphere of influence, notably by withdrawing from Russia’s key security project in the region, the Collective Security Treaty Organization. Russian officials have framed their huge military aid packages to Kyrgyzstan and Tajikistan in terms of the need to counter the U.S-Uzbekistan axis. So it can’t be excluded that Russia may be intentionally fanning this threat of tension. Still, the mistrust of Uzbekistan by its neighbors is very real and doesn’t necessarily need any encouragement from the Kremlin. And conversely, Uzbekistan’s mistrust of Russia is a large part of why it feels that it needs closer military ties with the U.S. and NATO — a situation which certainly isn’t helped by a massive Russian rearmament of its unfriendly neighbors. So all of this is creating a vicious circle of mistrust and tension. What may result, no one knows.

#### Nuke War

Victor Baranez, military commentator, 12-27-2011, “Who and Where Russia Threatens” Komsomolskaya Pravda, <http://www.kp.ru/daily/25812/2790454> (translated from Russian)

And yet, where, in your opinion, could erupt war in which Russia will have to use not only conventional, but also nuclear weapons?¶ - For example, begins to break one of the post-Soviet states, say Ukraine. Russia can not remain on the sidelines, because in this area there are millions of our people effectively. West (read: the U.S.) intervenes to "stop Russian aggression" or "does not prevent the recurrence of the empire." Western coalition strikes against the contingent of the Armed Forces of Russia, Russia is also responsible blows, there is an uncontrolled escalation - and there is already a matter of time, as soon as the nuclear weapons will be put to use by any party. Most likely - the weakest party, that is Russian. When conventional weapons do not bring the desired result in the battle on the arena there are more powerful - nuclear.¶ - There are other scenarios?¶ - Yes, there is. And much more realistic. For example, the Western forces leave Afghanistan, and to the authorities in this country are returned by the Taliban, who are beginning to expand into Central Asia. The Central Asian states are members of the Collective Security Treaty Organization and Russia has committed itself to support them in case of need military aid. Thus, we may be involved in a conflict with an opponent of up to 30 - 40 thousand people. And the war against such an enemy will be more severe than the August 2008 conflict with Georgia.¶ In August 2008, the Russian army gave a fitting rebuff to the Georgian aggressors. But Saakashvili's army with the help of NATO again pumps up "muscles" and saber rattling.¶ LAST ARGUMENT¶ - And yet, why Makarov mentioned is nukes? That, without it, our army will not be able to do, say, there is a "non-nuclear" general-purpose forces?¶ - It's no secret that the military potential of Russia today is many times inferior to the military power of the U.S. and NATO, and China too. Suffice it to say that the total military expenditures of NATO countries in 2010 were about $ 1.1 trillion. (25 times more than Russia), and the total number of regular armed forces - about 3.6 million people (3.5 times larger than that of Russia). The military budget of China ($ 90 billion) and the number of regular armed forces (about 2.3 million) is more than double the Russian indices.¶ - But with all that we try to maintain a "nuclear parity" with the West ...¶ - For the Russian nuclear weapons advocates the "great equalizer" of its military capabilities with the United States and NATO. Therefore, the probability of use in case of a military crisis of nuclear weapons to deter or defeat a superior military power on the western enemy is far from zero. All the more so now Russian military doctrine allows for the use of nuclear weapons in such a case.¶ FIRE STARTS WITH SPARKS¶ - What do you think, armed conflict over territorial claims to Russia, our local or regional war with or without the use of nuclear weapons could turn it into the world?¶ - Any serious military conflict between Russia and the U.S. (and NATO) is inevitable in a very short time to grow into an exchange of nuclear strikes first single, followed by an escalation to full implementation of the entire nuclear capability of both sides. That is, any war between Russia and the U.S. (and NATO) will inevitably develop into a global war with a global impact. Actually, as long as the understanding by both parties and this makes any military conflict between the parties unlikely. Since the mechanism of nuclear deterrence.

#### Unrestricted drone strikes cause Pakistan collapse

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence. Such continual violations of the territo - rial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani Presi - dent Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’ 75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolu - tion against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory. 76 The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatis - fied with the direction of the country and where the military, which has launched coups before, remains a popular force. 77 The political effects of this signal are powerful and lasting even when the reality of the relationship between the perpetrator and the targeted state is more complex. For example, the government of Pakistan has been ambivalent about drone strikes, condemning them in some cases but applauding their results in others. 78 Much has been made of the extent to which the Pakistani government has offered its ‘tacit consent’ for the US drone strikes on its territory. 79 The US has been willing to provide details on drone strikes after the fact, but has refrained from providing advance warning of an attack to the Pakistani government for fear that the information might leak. Pakistan has been operationally compliant with drone strikes and has not ordered its air force to shoot down drones in Pakistani airspace. Despite official denials, it has been revealed that the Pakistani govern - ment has permitted the US to launch drones from at least one of its own airbases. 80 Whatever the complexity of its position and the source of its ambivalence over drone strikes, the political effects of allowing them to escalate to current levels are increasingly clear. The vast expansion of drone warfare under the Obama administration has placed enormous pressure on Pakistan for its complicity with he US, multiplied the enemies that its government faces and undermined parts of the social fabric of the country. By most measures, Pakistan is more divided and unstable after the Obama administration’s decision to ramp up the tempo and scale of drone attacks than it was during the Bush administration. 81

#### Pakistani instability leads to nuclear terrorism

HWW, Human Wrongs Watch, 7-30-2011, “Government Collapse, Chief Threat to Nuclear Security in Pakistan,” International Press Agency (Pressenza), http://pressenza.com/npermalink/government-collapsex-chief-threat-to-nuclear-security-in-pakistan

The research arm of Congress noted that Islamabad in the last decade has made considerable improvements to the security surrounding its growing nuclear arsenal, which the report estimates at today encompassing 90 to 110 warheads. “However, instability in Pakistan has called the extent and durability of these reforms into question. Some observers fear radical takeover of a government that possesses a nuclear bomb, or proliferation by radical sympathizers within Pakistan’s nuclear complex in case of a break- down of controls,” the analysis reads. “While U.S. and Pakistani officials continue to express confidence in controls over Pakistan’s nuclear weapons, continued instability in the country could impact these safeguards.” ”The collapse or near-collapse of the Pakistani government is probably the most likely scenario in which militants or terrorists could acquire Pakistani nuclear weapons,” according to CRS non-proliferation experts Paul Kerr and Mary Beth Nikitin. State Failure Would Provide Terrorists An Opportunity To Acquire Nukes Incoming CIA head David Petraeus, while commander of U.S. Central Command in March 2009, told Congress that “Pakistani state failure would provide transnational terrorist groups and other extremist organizations an opportunity to acquire nuclear weapons and a safe haven from which to plan and launch attacks.” White House point man for arms control and nonproliferation Gary Samore in May told Arms Control Today that “what I worry about is that, in the context of broader tensions and problems within Pakistani society and polity …. even the best nuclear security measures might break down. …They have good programs in place; the question is whether those good programs work in the context where these broader tensions and conflicts are present.”

#### Nuke War

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ … long-standing interest in all things nuclear.”42 American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia’s use of nuclear weapons, including outside Russia’s traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase “how dare they tell us what to do” immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

#### Limited strikes key to prevent Indo-Pak war

George Perkovich, a speechwriter and foreign policy adviser to Senator Joe Biden from 1989 to 1990. Perkovich is an adviser to the International Commission on Nuclear Nonproliferation and Disarmament and a member of the Council on Foreign Relations’ task force on U.S. nuclear policy, 11-13-2012, “The Non-Unitary Model And Deterrence Stability In South Asia” Carnegie Nuclear Policy Program, http://carnegieendowment.org/2012/11/13/non-unitary-model-and-deterrence-stability-in-south-asia/eihm#

The graver problem arises if and when Pakistani leaders are not in control of the perpetrators of violence emanating from Pakistani territory. In that case, when faced with an attack, India would conclude that deterrence had failed or was inapplicable, but that if India did not retaliate, it would encourage further attacks and do nothing to compel Pakistani leaders to assert control over violent actors. But if India did retaliate, Pakistani leaders, feeling that they had not authorized aggression against India, would feel that India was initiating war. It is widely recognized that victims of aggression – defenders – are more highly motivated to retaliate because they have suffered an injustice. Knowing this, Pakistani defenders would feel that their threats to escalate in response to an Indian attack would be more credible than if they had been the initiators of the conflict. Indians, of course, would feel that this logic rewards Pakistani authorities for not exercising a monopoly on the legitimate use of force emanating from their territory, precisely the situation they want Pakistan to correct…The safest way to defuse this unstable competition and reinforce deterrence stability, of course, is for Pakistan to make unambiguous efforts to restore the monopoly on the legitimate use of force that is central to modern statehood. Achieving this objective will be difficult at two levels. In terms of motivation, if Pakistani military and intelligence authorities see some advantage in claiming that they do not control jihadi organizations, they will be reluctant to exert themselves fully to exercise control. In terms of capabilities, it is no doubt difficult for Pakistani authorities to demobilize and contain all of the militant organizations that have evolved in the country since the 1980s. Moreover, if they decided to do so without careful preparations and public education, they would prompt attacks against the security establishment itself, as happened after the operation against the Red Mosque in Islamabad in 2007. Fortunately, Indian (and American) officials recognize the latter problem. What they most want is for Pakistani leaders to demonstrate not only in words but also in constant deeds a determination to delegitimize violence against India and arrest and prosecute actors who violate the law. Perfection in accomplishing this objective would not be expected, but clear and uncompromising effort would be…Within the large frame of deterrence stability, a vital subsidiary concept is that a state cannot be a responsible possessor of nuclear weapons if it does not have sovereign control over organized perpetrators of international violence operating from its territory. The absence of such sovereign control impedes efforts by state authorities to ensure national preservation and minimize risks of escalatory conflict that risk annihilation. To put it colloquially, US officials could say to Pakistanis, “We do not challenge your possession of nuclear weapons. Our objective is to promote in any way we can the responsible management of nuclear forces. First and foremost, this means sovereign control over all organizations that can project violence from your territory which is also an obligation under international law. Second, and relatedly, it means you should not tolerate acts that could start wars with other nuclear-armed states, because that would be suicidal and therefore irrational. Given the global implications of nuclear war and the breaking of the nuclear taboo, all states have a shared interest in Pakistan’s coherence, sovereignty, and responsible nuclear stewardship.”¶ With shared interests defined this way, it follows that the US would naturally offer Pakistan, as requested, assistance to help responsible state agencies to control actors that could challenge the state’s monopoly on the legitimate use of force, both internally and outside Pakistan’s borders. To the extent that the police in Pakistan can and should play a more effective role in this mission, the US could re-emphasize willingness to provide training and equipment to them, if this would be welcomed.¶ More problematic is counter-terrorism cooperation. Such cooperation has been sharply curtailed since the raid on Osama bin Laden and the November US/NATO killing of 24 Pakistani servicemen on the Afghanistan-Pakistan border. Both of these trust-destroying episodes highlighted the divergence in American and Pakistani priorities regarding which “terrorists” should be priority targets, and by what means. Any future restoration of cooperation would depend on clearer agreement on who is to be targeted and why. The proposal here is to explore potential agreement in prioritizing cooperation in arresting or, if that is impossible, killing actors who conduct violence within Pakistan and also against India.¶ The issue of US drone strikes on violent militants in the Federally Administered Tribal Areas (FATA) of Pakistan severely complicates US-Pakistan relations. A full treatment of this issue is beyond the scope of this essay, but a few relevant points can be made. The US military, and more, the CIA focus narrowly on their objectives of finding and killing “terrorists” who threaten allied forces and objectives in Pakistan, and occasionally, those who wage violence in Pakistan. They tend to leave it to others to manage the backlash this creates in Pakistan against the US more broadly. Pakistani authorities have at various times secretly consented to and cooperated in targeting drones against Al Qaida and anti-Pakistan elements, while publicly blaming the US for such attacks. Both sides – the US and Pakistan – have failed to explain and conduct drone 18 operations in ways that could challenge reasonable Pakistanis to confront the horrible dilemmas involved.¶ Violent extremists from Central Asia, China, and the Arab world have found refuge in the FATA for planning, preparing and conducting attacks in Afghanistan, as have groups associated with the Pakistani Taleban and groups such as Lashkar-e-Taiba who attack the Pakistani state and its innocent civilians. The Pakistani state does not exercise effective sovereignty over this territory. It does not effectively curtail the operations of these violent actors, even those who clearly threaten Pakistan. This poses the central dilemma: if these foreign and Pakistani actors will continue to act violently against Afghanistan and international forces working to defend it, and also against Pakistan unless they are physically stopped from doing so, and if the Pakistani state cannot stop them, then US drone-strikes may offer the least-damaging means to do so. Clearly it would be better if these groups would desist from violence and if Pakistan could impose its sovereign control over them and the territory where they operate. If ceasing drone strikes would help achieve these results, then it would be wise to do so. But in the absence of evidence that these violent actors would stand down if drone strikes stopped, continuing strikes appears to be the only course available. In this case, the question is whether and how the US and Pakistan could alter the conduct and public presentation of drone operations to minimize the public backlash against them. It is worth debating whether framing these dilemmas in terms of achieving Pakistani state sovereignty over its full territory would help.

#### Indo-pak war causes miscalc and escalation

Paul K. Kerr, Analyst in Nonproliferation, and Mary Beth Nikitin Specialist in Nonproliferation, 8-29-2011, “Pakistan’s Nuclear Weapons: Proliferation and Security Issues,” CRS, http://www.fas.org/sgp/crs/nuke/RL34248.pdf

In addition to the above scenarios, the security of Pakistan’s nuclear weapons could also be jeopardized by another conflict between India and Pakistan, Michael Krepon argued, explaining that an “escalating war with nuclear forces in the field would increase the probability of accidents, miscalculations, and the use of nuclear weapons.” This is because [w]hen tensions rise precipitously with India, the readiness level of Pakistan’s nuclear deterrent also rises. Because the geographical coordinates of Pakistan’s main nuclear weapon storage sites, missile, and air bases can be readily identified from satellites—and therefore targeted by opposing forces—the dictates of deterrence mandate some movement of launchers and weapons from fixed locations during crises. Nuclear weapons on the move are inherently less secure than nuclear weapons at heavily-guarded storage sites. Weapons and launchers in motion are also more susceptible to “insider” threats and accidents. 112 Such a war, Krepon added, would also place stress on the army’s unity of command. Krepon has also pointed out that Islamabad faces a dilemma, because less-dispersed nuclear weapons may be more vulnerable to a disarming military strike from India.

#### Newest models prove even limited use causes extinction

Alan Robock, professor in the Department of Environmental Sciences at Rutgers University and PhD in Meterology, and Owen Brian Toon, Professor of Atmospheric and Oceanic Sciences and a fellow at the Laboratory for Atmospheric and Space Physics, January 2010, “South Asian Threat? Local Nuclear War = Global Suffering” published in Scientific American magazine, Vol. 302, Issue 1

Worry has focused on the U.S. versus Russia, but a regional nuclear war between India and Pakistan could blot out the sun, starving much of the human race Twenty-five years ago international teams of scientists showed that a nuclear war between the U.S. and the Soviet Union could produce a "nuclear winter." The smoke from vast fires started by bombs dropped on cities and industrial areas would envelop the planer and absorb so much sunlight that the earth's surface would get cold, dark and dry, killing plants worldwide and eliminating our food supply. Surface temperatures would reach winter values in the summer. International discussion about this prediction, fueled largely by astronomer Carl Sagan, forced the leaders of the two superpowers to confront the possibility that their arms race endangered not just themselves but the entire human race. Countries large and small demanded disarmament. Nuclear winter became an important factor in ending the nuclear arms race. Looking back later, in 2000, former Soviet Union leader Mikhail S. Gorbachev observed, "Models made by Russian and American scientists showed that a nuclear war would result in a nuclear winter that would be extremely destructive to all life on earth; the knowledge of that was a great stimulus to us, to people of honor and morality, to act." Why discuss this topic now that the cold war has ended? Because as other nations continue to acquire nuclear weapons, smaller, regional nuclear wars could create a similar global catastrophe. New analyses reveal that a conflict between India and Pakistan, for example, in which 100 nuclear bombs were dropped on cities and industrial areas--only 0.4 percent of the world's more than 25,000 warheads--would produce enough smoke to cripple global agriculture. A regional war could cause widespread loss of life even in countries far away from the conflict. Regional War Threatens the World By deploying modern computers and modern climate models, the two of us and our colleagues have shown that not only were the ideas of the 1980s correct but the effects would last for at least 10 years, much longer than previously thought. And by doing calculations that assess decades of time, only now possible with fast, current computers, and by including in our calculations the oceans and the entire atmosphere--also only now possible--we have found that the smoke from even a regional war would be heated and lofted by the sun and remain suspended in the upper atmosphere for years, continuing to block sunlight and to cool the earth. India and Pakistan, which together have more than 100 nuclear weapons, may be the most worrisome adversaries capable of a regional nuclear conflict today. But other countries besides the U.S. and Russia (which have thousands) are well endowed: China, France and the U.K. have hundreds of nuclear warheads; Israel has more than 80, North Korea has about 10 and Iran may well be trying to make its own. In 2004 this situation prompted one of us (Toon) and later Rich Turco of the University of California, Los Angeles, both veterans of the 1980s investigations, to begin evaluating what the global environmental effects of a regional nuclear war would be and to take as our test case an engagement between India and Pakistan.

#### Signature strikes prevent local cooperation – destroys social fabric and causes instability

ICG, International Crisis Group, 5-21-2013, “Drones: Myths and Reality in Pakistan,” http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/247-drones-myths-and-reality-in-pakistan.pdf

Residents in FATA also believe that informants possibly provide false information and exploit their position to settle vendettas with local rivals.78 The U.S. targeting policy is problematic because of its reported reliance on so-called “signature strikes” targeting groups of men based on behaviour patterns that may be associated with terrorist activity rather than known identities.79 Some legal scholars claim that the signature strikes approach impedes FATA’s cultural and conflict-resolution activities, for example by leading to the targeting of tribal jirgas (councils of elders). It is contended that tribal elders now fear convening such meetings, and communities have even become reluctant to hold funerals lest they attract drone strikes.80 For instance, in the 17 March 2011 drone attack on a jirga in North Waziristan’s Datta Khel town, only four out of 40 men killed are believed to have been militants; the rest are thought to have been maliks (tribal leaders) and other tribesmen.81 These reported strikes, by fuelling local alienation, likely do far more harm than good. However, the Pakistani military and militants, each in their own way, and not drone strikes, are primarily responsible for distorting FATA’s cultural and social fabric, as discussed later in this report.

### Solvency

#### Individualized targeting solves due process, maintains operational flexibility, and ends signature strikes

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The law of international armed conflict permits the detention and killing of members of the enemy force based on a legitimate expectation that individuals who are part of a formal, hierarchical enemy state army will be called upon to fight and thereby pose an ongoing threat. By comparison, the broad definition of "functional membership" put forth by the Executive and endorsed by the courts serves as a poor proxy for assessing threat in a conflict with a non-state actor. n139 Even assuming, arguendo, that the functional membership test provides an appropriate standard for detention and targeting within a zone of active hostilities, it is too permissive a standard outside such zones, for the reasons described in Part II. Outside of a zone of active hostilities, an individualized threat finding is needed to ensure that law-of-war detention and lethal targeting are employed in those situations in which the target actually poses an ongoing threat, consistent with the underlying rationale for the permissive use of force and detention without charge. n140 Of course, there are a number of possible ways to define the threat. For lethal targeting, I suggest two such categories: (1) those involved in the active planning or operationalization of specific, imminent, and externally focused attacks, regardless of their relative hierarchical position in the organization; and (2) operational leaders who present a significant, ongoing, and externally focused threat, even if they are not implicated in the planning of a specific, imminent attack. n141 The first definition is a conduct-based test that prohibits [\*1211] the use of lethal force absent a specific, imminent, and significant threat. The second definition encompasses those who pose a continuous and significant threat given their leadership roles within an organization. n142 Whether an individual meets this threat requirement depends on the individual's role within the organization, his capacity to operationalize an attack, and the degree to which the threat is externally focused. For example, an al Shabaab operational leader, whose attacks are focused on the internal conflict between al Shabaab and Somalia's Transnational Federal Government, would not qualify as a legitimate target in the separate conflict between the United States and al Qaeda, even if he had demonstrated associations with al Qaeda. He might, however, be a legitimate target if he were involved in the planning of externally focused attacks and had demonstrated the capacity and will to operationalize the attacks. n143 Such restrictions serve the important purpose of limiting state authority to target and kill to instances in which the individual poses an active, ongoing, and significant threat. The low-level foot soldier who is found thousands of miles from the hot conflict zone could not be targeted unless involved in the planning or preparation of a specific, imminent attack. Even mid-level operatives, such as the prototypical terrorist recruiter, would be off-limits, unless they were plotting, or recruiting for, a specific, imminent attack. n144 Such recruiters could, however, be prosecuted for providing material support to a terrorist organization. n145 [\*1212] An individualized threat requirement also prohibits so-called "signature strikes," in which anonymous groups of alleged al Qaeda members are targeted based on their pattern of activities without an individualized assessment of the threat posed by each of the targets. n146

#### Establishing HVT norms solves blowback and establishes international norms – doing it publicly is key

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public. 154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified. 155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour. 156

#### HVTs matter – rigorous statistical data proves decapitation ends hostile groups

Patrick Johnston, associate political scientist at the RAND Corporation, 8-18-2012, “Drone Strikes Keep Pressure on al-Qaida,” RAND, http://www.rand.org/commentary/2012/08/18/PJ.html

My study of leadership decapitation in 90 counter-insurgencies since the 1970s shows that when militant leaders are captured or killed militant attacks decrease, terrorist campaigns end sooner, and their outcomes tend to favor the government or third-party country, not the militants. Those opposed to drone strikes often cite the June 2009 one that targeted Pakistani Taliban leader Baitullah Mehsud at a funeral in the Tribal Areas. That strike reportedly killed 60 civilians attending the funeral, but not Mehsud. He was killed later by another drone strike in August 2009. His successor, Hakimullah Mehsud, developed a relationship with the foiled Times Square bomber Faisal Shahzad, who cited drone strikes as a key motivation for his May 2010 attempted attack. Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists. Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad. What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland. Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely. Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult. As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness.

#### Drones are inevitable – establishing procedure is key

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures - along with clear, binding standards - will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.

#### Only statutory restrictions solve CIA operations – they comply with the letter of the law

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

As the CIA’s role in drone strikes has gained increasing prominence and notoriety, CIA and Obama Administration officials have repeatedly offered assurances that the agency complies with the law and seeks to avoid civilian casualties in drone strikes (see The Civilian Toll). While we cannot prove and do not necessarily believe that the CIA routinely and knowingly violates US law or disregards civilian life—to the contrary, it may have set up procedures and rules related to civilian harm— the CIA does not have an ethos or culture that promotes substantial engagement with legal questions or larger discussions of civilian protection. Moreover, while the threat of public or congressional scrutiny would traditionally provide the CIA incentive to act with caution about the law, in the context of covert drone strikes these incentives are substantially reduced or altogether absent. The most generous interpretation of the CIA’s relationship to the law is that it is formalistic: the agency may conform to the strictures of the law, but there is no indication that the CIA has developed an ethos that would independently motivate adherence to the norms and values underlying the law, including those that motivate steps to reduce civilian harm. In a series of addresses in 2011 and 2012, CIA General Counsel Stephen Preston described the agency’s relationship to the law as like that of a tightly regulated business.302 At the American Bar Association Preston explained: All intelligence activities of the Agency must be properly authorized pursuant to and conducted in accordance with the full body of national security law that has been put in place over the six plus decades since the Agency was founded. All such activities are also subject to strict internal and external scrutiny. In short, the Agency is at least as rule-bound and closely watched as businesses in the most heavily regulated industries.303 Although intended to provide assurance, the analogy to business regulation is disconcerting. It suggests that rather than seeing itself as duty-bound to the law and culturally invested in its rationales, the agency relates to the law as a constraint that may undermine the agency’s goals if not carefully managed, and perhaps, in some cases, circumvented. Even in accounts favorable to the CIA, the CIA’s relationship to the law is discussed only in terms of avoiding liability and political fall-out for actions that might, if revealed, be perceived as illegal even if technically legal. There is no allusion to a concern for whether actions, though technically legal, might offend the purposes and values of the law, or brush up too closely to their limits to be appropriate. For example, Jack Goldsmith, former lawyer in the Bush administration, writes that the CIA’s 150 or so lawyers “help operators sort through the cognitive dissonance that arises from the twin injunctions to violate some laws and norms but not others.” According to Goldsmith, these lawyers “provide comfort that whatever other fallout might occur from their CIA activities, operators needn’t worry about violating what to them often felt like bewildering US legal restrictions.” In any event, “everyone in the CIA knows that trouble follows from violating US law” and people “are watching for violations and can impose various types of legal or political punishment if they find one.”304 Likewise, former CIA lawyer Afsheen John Radsan conjectures that the CIA has sought legal approval for its drone strikes because “[t]he CIA, we know is accustomed to checking off the boxes in its paperwork” and is “[m]indful of their potential legal exposure on targeted killing.”305 To be sure, recent accounts of the CIA’s torture and secret detention programs under the Bush administration reflect that CIA personnel are deeply concerned with liability and public perception. CIA personnel aggressively sought clearance from agency lawyers and others in the Bush administration for the detention and torture programs—and, for the most part, received approval. John Rizzo, a leading CIA lawyer at the time, reportedly advised the CIA to tell as many people as possible about the programs to minimize political fall-out and maximize political support.306 In internal debates at the CIA, Rizzo notes: “I never heard— and I think I would have heard—any dissent, any moral objection,” to the programs.307

#### Explicit restrictions on the executive by congress are key – only credible norm

Sarah Harvard, commentator on international relations at the Atlantic Community think tank, editor in chief at DL Magazine and International Relations student at American University, 10-11-2013, “Transparency Key to Reformed US Drone Policy,” Atlantic Community, http://www.atlantic-community.org/-/transparency-key-to-reformed-us-drone-policy

In order to repair the damage to its reputation, the US needs to reform its current drone policy. Many feel that the executive branch of the US government has been acting without adequate checks and balances. The US Congress should demand more transparency and oversight and move to have explicit restrictions placed on the executive branch. A more transparent US drone policy would ease concerns of its allies and could allow the United States to lead the debate on international drone policy. With studies conducted by New York University and Stanford University, reports have surfaced that for every terrorist killed forty-nine innocent civilians are left dead. The heightened use of signature drone strikes – bombings that target individuals that the administration cannot identify – has created mass outrage among the Muslim and Arab World. The popular use of "double taps," as the Daily Mail summarizes it, is when "a drone fires one missile — and then a second as rescuers try to drag victims from the rubble." Although discussions on the ethics and convenience of drones are on the table, the victims are no longer waiting for reforms. At the first drone strike in Yemen in 2009, US officials reported that there were "300 core Al-Qaeda Arabian Peninsula" members. This has grown to more than 700 members in recent years of US drone warfare in Yemen. As reported by the Telegraph, the tragic death of Amb. Christopher Stevens has been perceived as an an attack that "might have been well-planned and linked to a call earlier in the day by the head of al-Qaeda, Ayman al-Zawahiri, for vengeance for the death of his Libyan deputy in a US drone strike in June." Without a doubt, the current US drone policy program leaves much power to the executive branch without set guidelines. A drone policy reform for the United States that would serve as a model on an international level would call for the limits and full disclosure of the executive branch, increased oversight by the US Congress, complete transparency of the United States' motives and increased international cooperation. Initially, the Obama Administration had administered all targeted killings – mostly those of his infamous "kill list" that included American citizens as young as sixteen years old – in non-battlefield zones as covert operations. Officials continuously denied admitting their existence on record; despite the classified discussions off the record. As a result, citizens and even some serving White House staff and Congressional members make inaccurate statements about US targeted killings. According to the New York Times, US Judiciary committees were constantly denied access to, or information from, the June 2010 Office of Legal Counsel memorandum that would have released a presentation on the legal basis for the drone strike that killed Anwar al-Awlaki – an American citizens and alleged leader of AQAP. The current Congressional transparency and oversight procedure is completely varied based upon whether the CIA or the US military is the leading authority. Hence, after nearly ten years of targeted killings in non-battlefield zones, there has been only one congressional committee that conducted a hearing on US drone warfare. It was the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights on April 23, 2013. A necessary drone policy reform will have to be established in the United States with explicit restrictions on the Executive Branch. The President should only have US officials clear targeted killings on individuals who are specifically targeted and bring drone strike practices in line with previous stated policies. Targeted killing should be limited to the leadership of al-Qaeda, affiliated forces, or individuals with a direct role in operations in past or on-going terrorist plots against the United States. The on-going use of signature strikes must be put to an end and force more public accountability on the executive branch by providing full disclosure on the basis of distinction and the principles of proportionality. The President and his advisors must review the current drone policy where the ultimate authority is between the CIA and Joint Special Operations Command. The president should offer full disclosure and information to the public, Congress, and UN special delegates on what methods are valid options to prevent the harm or killing of civilians, to mitigate collateral damage, corrective actions on collateral damage, and to make amends for civilian losses. The US Congress should ensure complete transparency and oversight. The US Senate and House committees should demand routine White House briefings on drone strikes and how the operations are necessary with the current foreign policy objectives. The congress should hold routine hearings with US officials and non-governmental scholars and experts on the short and long term effects and consequences, geographic and temporal limits of the Authorized for Use of Military Force, and the legality and justifications of targeted killings of non-US and US citizens. Congress should also hold power to withhold funding and the power to subpoena the Executive Branch if the President does abide by the regulations or if cooperation is unsatisfactory.

#### Legislation is key to reign in endless war

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

Thanks to drones, as Miller’s question suggests, “endless war” is quite possible. In this regard, it’s worth noting that the drone war is an outgrowth of Washington’s post-9/11 campaign against terrorist organizations and regimes—a campaign authorized by the Use of Force Resolution of 18 September 2001. That measure directed the president “to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”34 That final clause referring to “future acts of international terrorism” creates a loophole larger than a Reaper ground-attack drone—with a wingspan of some 66 feet—a loophole that should be tightened through legislation focusing on threats beyond Afghanistan. After all, it would be a stretch to say that the 18 September measure authorized—11-plus years later—an autopilot war against targets in Pakistan, Yemen, Somalia, and beyond. Those targets may indeed be enemies of, and threats to, the United States. But few of the drone war’s intended targets today—not to mention the unfortunates simply in the wrong place at the wrong time—“planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.” Underscoring this point, The Washington Post recently reported that a growing number of drone strikes in Yemen have targeted “lower-level figures who are suspected of having links to terrorism operatives but are seen mainly as leaders of factions focused on gaining territory in Yemen’s internal struggle.”35 (Emphasis added.) Yet the drone war goes on, largely because there are no Americans in harm’s way—at least not directly.

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

David J. Barron, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History,” 2008, 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 can oversee drones

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

Though hampered in many ways, the oversight committees have sufficient authority to impact the CIA’s activities. Congress controls the CIA’s budget and can thus influence programs, seek changes, or get answers to inquiries.326 One study found that every staffer surveyed recalled at least one instance when an intelligence committee member “threatened to statutorily withhold funding as a lever for sharing of information that would not otherwise have been forthcoming.”327 Congressional staffers can also visit CIA stations and other sites to get facts on the ground, though whether this is possible with regard to the drone program is unknown. Some information about CIA activities is provided only to congressional leaders who are part of the “Gang of Eight”328—leading members of the House and Senate. Many individuals, including members of Congress, have criticized this practice as preventing the intelligence committees from exercising effective oversight.329 Congressional oversight committees reportedly receive extensive briefings from the CIA. According to Senator Diane Feinstein, chair of the Senate Select Intelligence Committee: We receive notification with key details shortly after every strike, and we hold regular briefings and hearings on these operations. Committee staff has held 28 monthly in-depth oversight meetings to review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimize noncombatant casualties.330 House and Senate intelligence committee staff reportedly travel monthly to CIA headquarters in Virginia to review drone video and intelligence used to justify strikes.331 Asked about drone strikes in January 2012, Feinstein stated: “[T]here’s no issue that receives more attention and oversight from this committee...than counterterrorism operations in Afghanistan and Pakistan.”332

# 2AC

## Norms – Turkey Strike

#### US precedent causes Turkey to strike PKK

Aaron Stein, Ph.D candidate at King’s College, London and the Nonproliferation Program Director at the Center for Economics and Foreign Policy Studies an independent think tank in Istanbul, “Turkey’s Negotiations with the Kurdistan Workers’ Party and Armed Drones” 2-26-2013, Turkey Wonk Blog

Prime Minister Recep Tayyip Erdogan has recently re-intiated peace talks with Abdullah Ocalan and the Kurdistan Worker’s Party (PKK). Erdogan’s AKP, like Turgut Ozal’s Motherland Party, has sought to address Turkey’s Kurdish Issue – or the Kurds’ Turkey Problem – by focusing on the two groups’ shared muslim identity, rather than the previous policy of forced ethnic assimilation. Erdogan has previously engaged the PKK in peace talks, however, these efforts were unsuccessful. During the previous round of negotiations, Erdogan opted to hold the talks in secret, rather than subject himself to the inevitable backlash from Turkish nationalists (An important AKP voting bloc by the way). The talks, despite having made some progress, broke down after President Abdullah Gul went public with the negotiations and the subsequent celebration at the Habur border gate in 2009 when Kurdish fighters returned from the PKK camps in Iraqi Kurdistan to Turkish territory. The AKP appeared to have been caught off guard and ill-prepared to deal with the imagery of thousands of Kurds welcoming home the PKK fighters as national heroes. The Turkish nationalist backlash, combined with the AKP’s political ambitions, led to the end of the talks and the re-militarization of the Kurdish issue. This time around, Erdogan has opted to publicize the talks, which has, in my opinion, placed the responsibility for success squarely on the shoulders of Abdullah Ocalan. Erdogan’s public statements, as well as the policies that his party is now pursuing are politically dangerous, though the powerful Prime Minister has a number of reasons to solve the Kurdish issue. Most importantly, the AKP has shown an off and on commitment to ending the Turkish – Kurdish conflict, which has claimed an estimated 40,000 lives since the current conflict began in 1984. Moreover, Erdogan, who has made no secret of his desire to move to an executive Presidency, has an incentive to engage and secure the support of the Kurdish BDP for his proposed constitution. In addition, Erdogan’s 2009 – 2012 alliance with Turkey’s ultra-nationalist MHP has alienated Turkish liberals, which, despite being less religious than the AKP, are keen on implementing European Union reforms and deepening the country’s democratic system (Both AKP campaign themes). Erdogan, I am assuming, is betting that if he solves the PKK problem, the majority of Turks, who continue to be wary of negotiating with what they consider to be a terrorist group akin to Al Qaeda, will eventually support his decision. This of course hinges on his kicking out the fighters from Turkish territory, so as to ensure a drop in violence, which would in turn give him the credibility to go before the wary Turkish electorate and claim that he has brought peace. This political path is fraught with potential pitfalls, as illustrated by the recent attack of BDP MPs in the nationalist strongholds of Sinop and Samsun (For an excellent overview of the recent attack, see this blog post by the excellent Frederike Geerdink). The AKP, however, receives a tremendous amount of political support from nationalists. The AKP, which faces little resistance from the main opposition Republican People’s Party (CHP), is far more concerned about the potential for its base to splinter, which would in turn lead to it loosing some votes to the MHP, the BDP, and the Islamist Saadet Party. The AKP, therefore, is seeking to balance the current PKK negotiations with its need to continue to engage and appeal to Turkish nationalists. It is an incredibly difficult policy to pursue and is likely the reason why Erdogan’s messaging has vacillated wildly between themes like re-instituting the death penalty and the need to open chapters for Turkey’s stalled European Union bid. However, because the AKP has shown an incredible ability to set Turkey’s political agenda – using coordinated leaks, trial balloons, and speeches, which are framed by overarching themes like justice and development (The translation of the AKP’s name) – I believe that the AKP is capable of keeping its coalition together and ending the conflict with the PKK. (The PKK also has a lot to with this, but that is the subject for another blog post.) However, as I explain in my current piece on Foreign Policy, Ankara has opted to follow Washington’s example of using drones for counter-terrorism missions. Turkey, as I explain in the piece, has developed a surveillance drone and is seeking to use the current platform to develop an armed version. While Ankara has been characteristically opaque about the drones’ development, it does not take a genius to figure out that the Turkish military hopes to use armed drones to shorten to “kill-chain” for targeted strikes against PKK operatives. However, Turkey has not publicized who makes the decisions about when to use deadly force, nor has it publicly explained the legal rationale for using armed drones to assassinate Turkish citizens without due process. (As an EU candidate country, one would assume Turkey would try and figure this out). Moreover, if the drone is used in the southeast to attack PKK militants, it is likely that some of those killed will be Turkish citizens. Given the trajectory of the cease fire talks, I see a disconnect between Erdogan’s intentions, the likely use of armed drones in the future, and the military establishment’s opaque drone policy. To be clear, I am not advocating that Ankara disarm or cease in its efforts to further develop its anti-terror capabilities. However, I do think it would be prudent for the Turkish government to publicize its drone policies, in order to build trust with the Kurdish minority. Moreover, Turkey should also seek to clarify the current legal structure that has been put in place for the killing of Turkish citizens. (If one does not exist, Ankara should start writing.) It would also be prudent for the Turkish government to explain whether or not it conducts signature strikes (I think it does, one need not look any further than the Uludere tragedy for confirmation). If Ankara presses ahead with its armed drone program (and it will), the government should seek to be more forthcoming with information about the program’s goals and its intended use. Otherwise, it risks undermining trust with the Kurdish minority and, should the two sides agree to a cease fire, could risk re-igniting the conflict. Moreover, the program, which is still in the design phase, provides Ankara with a political opportunity. On the one hand, Erodgan can tout the program as a symbol of Turkey’s strength – which would win him support from the nationalists. However, he could pair the rhetoric with a clear articulation of Turkey’s drone policy, which should include a clear legal framework for the strikes, in order to assuage Turkish liberals and Turkey’s Kurds. This would allow for him to continue to balance the two sides’ political demands and, from the perspective of AKP political operatives, help them grow their voter base.

#### Turkey intervention causes nuclear war

Michael T. Snyder, a graduate of the McIntire School of Commerce at the University of Virginia and has two law degrees from the University of Florida, 6-28-2011, “Could We Actually See A War Between Syria And Turkey?” endoftheamericandream.com/archives/could-we-actually-see-a-war-between-syria-and-turkey

In recent days, there have been persistent rumors that we could potentially be on the verge of a military conflict between Syria and Turkey. As impossible as such a thing may have seemed just a few months ago, it is now a very real possibility. Over the past several months, we have seen the same kind of "pro-democracy" protests erupt in Syria that we have seen in many of the other countries in the Middle East. The Syrian government has no intention of being toppled by a bunch of protesters and has cracked down on these gatherings harshly. There are reports in the mainstream media that say that over 1,300 people have been killed and more than 10,000 people have been arrested since the protests began. Just like with Libya, the United States and the EU are strongly condemning the actions that the Syrian government has taken to break up these protests. The violence in Syria has been particularly heavy in the northern sections of the country, and thousands upon thousands of refugees have poured across the border into neighboring Turkey. Syria has sent large numbers of troops to the border area to keep more citizens from escaping. Turkey has responded by reinforcing its own troops along the border. Tension between Turkey and Syria is now at an all-time high. So could we actually see a war between Syria and Turkey? A few months ago anyone who would have suggested such a thing would have been considered crazy. But the world is changing and the Middle East is a powder keg that is just waiting to explode. Since the Syrian government began cracking down on the protests, approximately 12,000 Syrians have flooded into Turkey. The Turkish government is deeply concerned that Syria may try to strike these refugees while they are inside Turkish territory. Troop levels are increasing on both sides of the border and tension is rising. One wrong move could set off a firestorm. The government of Turkey is demanding that Syrian military forces retreat from the border area. The government of Syria says that Turkey is just being used to promote the goals of the U.S. and the EU. Syria also seems to be concerned that Turkey may attempt to take control of a bit of territory over the border in order to provide a "buffer zone" for refugees coming from Syria. What makes things even more controversial is that the area where many of the Syrian refugees are encamped actually used to belong to Syria. In fact, many of the maps currently in use inside Syria still show that the area belongs to Syria. War between Syria and Turkey has almost happened before. Back in the 1990s, the fact that the government of Syria was strongly supporting the Kurds pushed the two nations dangerously close to a military conflict. Today, the border between Syria and Turkey is approximately 850 kilometers long. The military forces of both nations are massing along that border. One wrong move could set off a war. Right now, it almost sounds as though the U.S. government is preparing for a war to erupt in the region. U.S. Secretary of State Hillary Clinton recently stated that the situation along the border with Turkey is "very worrisome" and that we could see "an escalation of conflict in the area". Not only that, but when you study what Clinton and Obama have been saying about Syria it sounds very, very similar to what they were saying about Libya before the airstrikes began. In a recent editorial entitled "There Is No Going Back in Syria", Clinton wrote the following.... Finally, the answer to the most important question of all -- what does this mean for Syria's future? -- is increasingly clear: There is no going back. Syrians have recognized the violence as a sign of weakness from a regime that rules by coercion, not consent. They have overcome their fears and have shaken the foundations of this authoritarian system. Syria is headed toward a new political order -- and the Syrian people should be the ones to shape it. They should insist on accountability, but resist any temptation to exact revenge or reprisals that might split the country, and instead join together to build a democratic, peaceful and tolerant Syria. Considering the answers to all these questions, the United States chooses to stand with the Syrian people and their universal rights. We condemn the Assad regime's disregard for the will of its citizens and Iran's insidious interference. "There is no going back"? "Syria is headed toward a new political order"? It almost sounds like they are already planning the transitional government. The EU has been using some tough language as well. A recent EU summit in Brussels issued a statement that declared that the EU "condemns in the strongest possible terms the ongoing repression and unacceptable and shocking violence the Syrian regime continues to apply against its own citizens. By choosing a path of repression instead of fulfilling its own promises on broad reforms, the regime is calling its legitimacy into question. Those responsible for crimes and violence against civilians shall be held accountable." If you take the word "Syrian" out of that statement and replace it with the word "Libyan" it would sound exactly like what they were saying about Gadhafi just a few months ago. The EU has hit Syria with new economic sanctions and it is also calling on the UN Security Council to pass a resolution condemning the crackdown by the Syrian government. It seems clear that the U.S. and the EU want to see "regime change" happen in Syria. The important thing to keep in mind in all of this is that Turkey is a member of NATO. If anyone attacks Turkey, NATO has a duty to protect them. If Syria attacked Turkey or if it was made to appear that Syria had attacked Turkey, then NATO would have the justification it needs to go to war with Syria. If NATO goes to war with Syria, it is very doubtful that Iran would just sit by and watch it happen. Syria is a very close ally to Iran and the Iranian government would likely consider an attack on their neighbor to be a fundamental threat to their nation. In fact, there are already reports in the international media that Iran has warned Turkey that they better not allow NATO to use their airbases to attack Syria. So if it was NATO taking on Syria and Iran, who else in the Middle East would jump in? Would Russia and China sit by and do nothing while all of this was going on? Could a conflict in the Middle East be the thing that sets off World War III? Let's certainly hope not. More war in the Middle East would not be good for anyone. Unfortunately, tensions are rising to frightening levels throughout the region. Even if things between Syria and Turkey cool off, that doesn't mean that war won't break out some place else. Riots and protests continue to sweep across the Middle East and the entire region has been arming for war for decades. Eventually something or someone is going to snap. When it does, let us just hope that World War III does not erupt as a result.

## Solvency

### 2AC

#### Obama’s cutting own powers – drones

Margaret Talev, White House correspondent, 5-24-2013, “Obama Sees Sunset on Sept. 11 War Powers in Drone Limits” Bloomberg, http://www.bloomberg.com/news/2013-05-24/obama-sees-sunset-on-sept-11-war-powers-in-drone-limits.html

President Barack Obama said the broad war powers Congress approved to fight al-Qaeda after the Sept. 11, 2001, attacks shouldn’t continue forever and that he’s reining in drone strikes and paving the way to close the prison at Guantanamo Bay, Cuba.¶ Enlarge image Obama Giving Military Bigger Role in Drone Program From CIA¶ Northrop Grumman personnel conduct pre-operational tests on an X-47B Unmanned Combat Air System (UCAS) demonstrator on the flight deck of the aircraft carrier USS George H.W. Bush (CVN 77) on May 13, 2013 in the Atlantic Ocean. Photographer: Kevin J. Steinberg/U.S. Navy via Getty Images¶ “In the years to come, not every collection of thugs that labels themselves al-Qaeda will pose a credible threat to the United States,” the president said in an hour-long address yesterday at National Defense University in Washington.¶ “Unless we discipline our thinking, our definitions, our actions, we may be drawn into more wars we don’t need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states,” Obama said. “This war, like all wars, must end. That’s what history advises. That’s what our democracy demands.”¶ The president’s speech was months in the works and came a day after he signed a classified document shared with key members of Congress containing details of the changes.¶ While calling the U.S. drone campaign justified and legal, Obama said he was tightening the rules governing who can be targeted in the strikes by unmanned aircraft.¶ The U.S. military, instead of the Central Intelligence Agency, will be the lead authority for drone strikes, administration officials said. Obama said he will work with Congress on how to add scrutiny to a largely secret program.¶ Guantanamo Transfers¶ The president said he’ll also ask Congress to lift restrictions on transferring Guantanamo detainees to other countries and lift a moratorium on transfers to Yemen. The Yemeni government issued a statement saying it “welcomes” Obama’s decision and will work with detainees on “their gradual rehabilitation and integration back into society.”¶ Obama sought to address years of criticism about U.S. counterterrorism policy from Congress, human rights groups and the international community. His speech came as Congress is reviewing the authorization of military force that stemmed from the Sept. 11, 2001, attacks, and amid concerns that other countries are pursuing drone technology.¶ His remarks were punctuated by an exchange with a heckler who, before she was ultimately removed, demanded the release of Guantanamo detainees and compensation for “innocent families.” Obama said that while he disagreed with much of what the woman said, she was “worth paying attention to” if only because “these are tough issues and the suggestion that we can gloss over them is wrong.”¶ ‘Different Way’¶ Harold Koh, a Yale Law professor and former State Department adviser who has defended the use of drone strikes, said it was “a very important speech in terms of saying I’m not doing this the Bush way, I’m doing this a different way.”¶ More than four years into his presidency, Obama has now “clearly opted for what I’d call exit strategy, over perpetual war, and that is a very big change from the last administration.”¶ Republican lawmakers reacted with resistance on several fronts, from winding down the authorization of military force, to sending detainees back to Yemen or releasing cleared detainees, to closing Guantanamo.¶ “We’re in a war that’s not winding down,” said Senator Lindsey Graham of South Carolina. “The enemy is morphing. It is spreading.”¶ Military’s Role¶ Retired U.S. Army General Colin Powell said Obama is right to shift greater responsibility for the drone program to the military from the CIA and define the limits on their use.¶ “The application of states’ military force should be done by the military leaders in the Department of Defense,” Powell said on Bloomberg Television’s “Political Capital with Al Hunt,” airing this weekend.¶ Powell, who served as secretary of state in President George W. Bush’s administration, said the U.S. needs a policy for the use of drone strikes that sets out the responsibilities of the president as well as the role of Congress.¶ Human rights activists who are challenging the legality of drone strikes and calling for the closing of Guantanamo reacted with qualified praise to the president’s speech. Obama should have acted sooner, they said, and too many details remain secret or have yet to be decided.¶ “President Obama’s efforts to repair his legacy in the eyes of future historians will require that he continue to double down, if he is to fully restore this nation’s standing at home and abroad,” Anthony D. Romero, executive director of the American Civil Liberties Union, said in a statement.¶ Drone Disclosure¶ On the eve of Obama’s remarks, his administration for the first time acknowledged that U.S. drone strikes overseas have killed four U.S. citizens, in Pakistan and Yemen, including al-Qaeda propagandist Anwar Al-Awlaki in Yemen in September 2011.¶ Obama said he declassified the information “to facilitate transparency and debate on this issue.” While it would be unconstitutional to kill any U.S. citizen without due process, he said, the circumstances of a citizen waging war against America changes the calculation.¶ In that case, “citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a SWAT team,” Obama said.¶ He also said no armed drones should be deployed over U.S. soil, and that drones should be used only when a target can’t be captured and when there is an imminent threat.¶ ‘Legal Review’¶ Christopher Swift, a national security professor at Georgetown University, said giving the Defense Department the lead instead of the CIA will “harmonize our U.S. drone operations with the longstanding laws and customs of war.”¶ That, along with narrowing who can be targeted, suggests Obama won’t use drones “as expansively as they’ve used it on a wide variety of targets in Pakistan,” he said.¶ “It puts these operations into a system of legal review,” Swift said, and “changes the cultural framework and institutional framework.”¶ The New America Foundation, a Washington policy group that maintains a database of reported CIA drone strikes in Pakistan and Yemen, said drone operations peaked in Pakistan in 2010, and in Yemen in 2012, and were now on the decline in both countries. The group, using news reports, estimates CIA drones have killed between 2,780 and 4,421 militants and civilians since 2004.¶ Obama made clear that the use of drones won’t end. It’s “not possible for America to simply deploy a team of special forces to capture every terrorist,” he said.¶ Guantanamo Pledge¶ The address also came weeks after Obama renewed his 2009 pledge to close the prison at Guantanamo, in the face of objections from Congress, and as a hunger strike at the facility has led to the force-feeding of 30 prisoners.¶ U.S. policy has long preferred the capture and prosecution of suspected terrorists, whether in U.S. civilian courts or by a military tribunal.¶ “The glaring exception to this time-tested approach is the detention center at Guantanamo Bay,” he said.¶ Obama said he is directing the Defense Department to designate a U.S. site where trials by military commissions can be held. He again urged lawmakers to allow the closing of the Guantanamo prison.¶ “There is no justification beyond politics for Congress to prevent us from closing a facility that should never have been opened,” he said.

#### Ideas of presidential power are vastly overestimated – especially for Obama

Alan Greenblatt, reporter, 3-12-2013, “Why Obama (And Any President) Fails To Meet Expectations” NPR, http://www.npr.org/blogs/itsallpolitics/2013/03/12/174104878/why-obama-and-any-president-fails-to-meet-expectations

"Expectations tend to be wildly unrealistic," says Thomas Mann, a senior fellow at the Brookings Institution. "Presidents can be important, but their scope for solving problems that are the source of substantial disagreement [is] exceedingly limited within our constitutional system."¶ Given the constraints of divided government and the current polarized landscape, not many presidents would be able to accomplish more than Obama has, says Lara Brown, a political scientist at Pennsylvania's Villanova University.¶ Still, all presidents are dealt tough cards. Obama has not always played his well, Brown argues, because he tends to promise more than he can deliver and then attempt to lay the blame elsewhere, typically on congressional Republicans.¶ "I don't imagine history will forgive him for his self-constructed victimhood to the House GOP," she says. "Successful leaders control the political definition of their actions."¶ Majesty Of The Office¶ Walk into an elementary-school classroom, and chances are still pretty good that you'll see miniportraits of all of the presidents lining the wall.¶ Schoolchildren, however, are not taught the names of Thomas B. Reed or Nelson W. Aldrich or any other bygone congressional leaders.¶ "My 6-year-old daughter, when she was asked what she would do as president, said she'd lower taxes and bring peace to the world," says Jack Pitney, a government professor at Claremont McKenna College in California. "That's the way children think of the world — that presidents actually do these things."¶ That sense of the majesty and centrality of the presidency tends to stay with Americans as adults. Books such as The Age of Reagan and The Age of Jackson argue through their very titles that presidents can dominate and define their eras.¶ "The modern presidency is in fact that notion that the president is in some sense front and center," says Bill Connelly, a political scientist at Washington and Lee University in Virginia.¶ Less Potential To Persuade¶ But in order to achieve great things, a president has to bend Congress and the country to his will.¶ "It's tough governing," says Mann, the Brookings scholar. "It's especially tough now, given the differences between the parties."¶ Mann faults congressional Republicans for being unyielding. He notes that many 1960s-era members of the GOP were willing to support Lyndon B. Johnson's civil rights agenda. Conversely, conservative Democrats backed Ronald Reagan's tax cuts in 1981, even as their party controlled the House.¶ But liberal Republicans and conservative Democrats are few and far between these days. Old-fashioned aisle-crossing seldom happens, making life difficult for a president facing a divided Congress.¶ In addition, the public has become more polarized. As with other recent presidents, Obama is disliked and distrusted by roughly half the public.¶ "If you're looking at half the population that disagrees with you already, it's not like the president can put pressure on Congress by making people agree with him," says Eshbaugh-Soha of the University of North Texas. "If a president once had real potential to influence the public through speeches, that really isn't possible anymore."

#### Pres power decline inevitable – self-limiting and public checks the executive [gender modified]

Gregory S. McNeal, Associate Professor of law at Pepperdine University School of Law, 3-5-2013, “Targeted Killing and Accountability,” Georgetown law Journal, SSRN

However, none of the examples described answer the question of secrecy and how it can stifle political accountability. Just as secrecy has the potential to hinder accountability, it may also undermine executive power by damaging executive branch credibility. While some arguments can be made to suggest that the executive branch has too great an ability to hide relevant information from courts or the legislature, few have recognized the credibility costs associated with such decisions. 474 One scholarly attempt to describe the credibility problem is the agency approach adopted by Posner and Vermeule, they write: The president is the agent and the public is the principal. The public cares about national security but also cares about civil liberties and the well-being of potential targets of the war on terror; its optimal policy trades off these factors. However, the public cannot directly choose the policy; instead, it delegates that power to the government and, in particular, the president. The president knows the range of options available, their likely effects, their expected costs and benefits—thanks to the resources and expertise of the executive branch—and so, if he is well-motivated, he will choose the best measures available.475 Understanding the political accountability challenge in this way has a lot of explanatory purchase. It demonstrates that the president requires credibility to act, and to signal his commitment to what the public is interested in, he will need to choose the best measures available to maintain their support. Stated differently, no “president can accomplish his [or her] goals if the public does not trust him [or her]. This concern with reputation may put a far greater check on the president’s actions than do the reactions of the other branches.” 476 Therefore, choosing the best targeted killing measures is a form of self- binding,477 and exposing information about those measures may come through selective leaks about the targeted killing process,478 greater transparency through speeches,479 or demonstrated successes.480

#### Their link misses the boat – the plan makes pres powers effective – explicit congressional authorization is key to freeing the executive from second-guessing and hesitation [gender modified]

Graham Cronogue, JD from Duke University School of Law, 2012, “A New AUMF: Defining Combatants in the War on Terror,” Duke Journal of Comparative and International Law, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil

Though the President’s inherent authority to act in times of emergency and war can arguably make congressional authorization of force unnecessary, it is extremely important for the conflict against al-Qaeda and its allies. First, as seen above, the existence of a state of war or national emergency is not entirely clear and might not authorize offensive war anyway. Next, assuming that a state of war did exist, specific congressional authorization would further legitimate and guide the executive branch in the prosecution of this conflict by setting out exactly what Congress authorizes and what it does not. Finally, Congress should specifically set out what the President can and cannot do to limit his discretionary authority and prevent adding to the gloss on executive power. Even during a state of war, a congressional authorization for conflict that clearly sets out the acceptable targets and means would further legitimate the President’s actions and help guide his decision making during this new form of warfare. Under Justice Jackson’s framework from Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization.74 § Marked 09:40 § In this zone, the President can act quickly and decisively because s/he knows the full extent of [her or] his power.75 In contrast, the constitutionality of presidential action merely supported by a president’s inherent authority exists in the “zone of twilight.”76 Without a congressional grant of power, the President’s war actions are often of questionable constitutionality because Congress has not specifically delegated any of its own war powers to the executive.77 This problem forces the President to make complex judgments regarding the extent and scope of his inherent authority. The resulting uncertainty creates unwelcome issues of constitutionality that might hinder the President’s ability to prosecute this conflict effectively. In timesensitive and dangerous situations, where the President needs to make splitsecond decisions that could fundamentally impact American lives and safety, s/he should not have to guess at the scope of his [or her] authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. Allowing the President to understand the extent of his authority will enable him to act quickly, decisively but also constitutionally.

#### Presidential power isn’t real – it’s all about the personality

#### No impact to pres powers; only turns – even if ideally it would be good to have that power, empirically it’s squandered

Louis Fisher, Scholar in Residence at The Constitution Project served for four decades as senior specialist in Separation of Powers (Congressional Research Service) and Specialist in Constitutional Law (Law Library), January 2012, “Teaching the Presidency: Idealizing a Constitutional Oﬃce”, http://www.loufisher.org/docs/ci/teach.pdf

Thomas Cronin helped puncture imaginary qualities that other scholars had bestowed on the American president. In a recent book, On the Presidency (2010), he reviews the record of 14 presidents from 1920 to 2009 and concludes: “Maybe about three were successful. At least half a dozen failed in one way or another” (Cronin 2010, 2). He deleted from the list of successful presidents those who were forced from oﬃce, impeached, rejected when they sought reelection, or decided to step aside rather than face voter rebuke. Those who survived that winnowing process were three: Franklin D. Roosevelt, Dwight D. Eisenhower, and Ronald Reagan. That is one realistic measure of the real presidency. Many studies on presidential power rely on imaginary and idealistic qualities. It is unfortunate that so much scholarly guidance came from the works of Schlesinger, Commager, Rossiter, and Neustadt, who looked less to evidence than their own personal and idiosyncratic fancies. The fault is not merely in the deﬁciencies of their research but in the willingness of the academic profession to tolerate their work for such a long time and to extend repeated and undeserved praise. Some contemporary scholars continue to attribute to the presidency highly romantic qualities of integrity, honesty, and competence rarely seen in those who sit in the Oval Oﬃce.

#### Flexibility causes adventurism

Martin Indyk, vice president and director of the Foreign Policy Program, 6-20-2013, “The Road to War: Presidential Commitments and Congressional Responsibility” Brookings, http://www.brookings.edu/events/2013/06/20-war-presidential-power

Ever since WWII, Kalb said that “history has led us into conflicts that we don’t understand” because presidents do not seek approval from Congress for declarations of war. The country has reached a point now where “presidential power is so great, words out of his mouth become policy for the United States.” Kalb used the Syrian civil war and President Obama’s “red line” policy as an example of how a president’s words become strategy for the United States. Kalb argued that this presidential “flexibility” in foreign policy decision-making has repeatedly led the country into one misguided war to the next such as the Vietnam and Iraq wars. To nullify these poor decisions, Kalb believes that formal congressional declarations of war will help “trigger the appreciation for the gravity of war” and assist in “unifying the nation” behind a strategic military intervention, resulting in more positive outcomes for the United States.

#### Extinction

Jeffrey Steinburg, senior writer, 4-27-2012, “Thermonuclear War Danger Grows over Syria, Iran” Executive Intelligence Review, http://www.larouchepub.com/other/2012/3917nuke\_war\_danger\_ir\_sy.html

The U.S. Navy, under orders from President Obama, is scrambling to pre-position sufficient military forces in the Persian Gulf region to launch a full-scale attack on Iran at any time between now and early Autumn. While the U.S. military—led by Joint Chiefs of Staff Chairman Gen. Martin Dempsey—has made its opposition to any military action against Iran at this time clearly known to the President, his top national security advisors, and to top Israeli government, military, and intelligence officials, senior Pentagon sources confirm that there is no confidence among the top American military brass that the President is paying any attention.¶ According to one senior Pentagon source, the nightmare fear is that if Israeli Prime Minister Benjamin Netanyahu orders an attack by the Israeli Defense Forces against targets in Iran, President Obama will order the U.S. military to "finish the job." These fears are based on three years of experience with this President, and the growing recognition that he is in a reckless "Emperor Nero" frame of mind.¶ And that is the precise equation that the British Crown circles that own Obama are playing on. While details remain scant, top Democratic Party sources have reported that former British Prime Minister Tony Blair was in the United States all of last week on a secret assignment for the British Crown—an assignment undoubtedly linked to the war plans against Iran and Syria, which are ultimately being steered out of London. Blair, according to the sources, met with Sen. John Kerry (D-Mass.), Chairman of the Senate Foreign Relations Committee, other Congressional leaders, with UN Ambassador Susan Rice, and, likely, with Obama.¶ As was the case with President George W. Bush and the 2003 Iraq invasion, Blair is again playing a critical role, steering Washington into another disastrous war. Except this time around, the prime targets are Russia and China—and the war will be, in all likelihood, a thermonuclear war that could lead to the extinction of humanity.¶ No sane military commander in the U.S., Russia, or China has any interest in such madness. But President Obama is in a full-blown Narcissist flight-forward, and that is why the danger of a sudden launch of military action in the Persian Gulf cockpit can rapidly escalate into the kind of superpower confrontation that puts humanity in the greatest conceivable peril.¶ According to several recent news accounts, the U.S. Navy now has as many as 430 Tomahawk missiles forward deployed in the Persian Gulf region. There are now two U.S. aircraft carrier groups—the USS Enterprise and the USS Abraham Lincoln—in the vicinity of the Arabian Sea and the Persian Gulf. And the missile-launch submarine, the USS Georgia, is also in the area. A senior Pentagon official further confirmed to EIR that any attack on Iran ordered by the President will also involve the U.S. Global Strike Forces, including B-2 long-range bombers that can be deployed from the continental United States.¶ In the range of 60% of the entire U.S. arsenal of nuclear warheads are deployable through the Navy's submarine fleet, which is heavily concentrated in the Persian Gulf and Pacific Ocean regions.¶ As of May 7, the U.S. and Jordan will be hosting joint maneuvers that will run until the end of the month, involving thousands of soldiers and sailors, and the participation of 17 other countries.¶ Russia and China have repeatedly warned that the U.S. and NATO deployments, including the unilateral deployment of missile defense systems in Europe, the Middle East, and the Asia-Pacific region, pose the threat of a new thermonuclear arms race—and worse.¶ In response to the growing threat level, Russia and China are tightening their military cooperation, as well as their joint war-avoidance diplomacy. Beginning April 23, the Russian and Chinese navies began the largest-ever joint maneuvers in the Yellow Sea. At the same time, the United States, along with the Philippines, Japan, and Australia are conducting their first-ever joint maneuvers in a contested area in the South China Sea.¶ Addressing midshipmen at the U.S. Naval Academy at Annapolis last week, Secretary of State Hillary Clinton made every effort to push back the war clouds. She dismissed the idea that there was any danger of a new Cold War between the United States and China, arguing that trade and diplomatic collaboration between the two powers was so developed that all areas of dispute could and would be resolved through deeper understanding and diplomacy. Unfortunately, her words were drowned out by the behavior of her boss, President Obama.

#### No impact to heg

Christopher J. Fettweis, Department of Political Science, Tulane University, 9-26-2011, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

## K

### 2AC Framework – Theory

#### Our interpretation is that plan focus is good

#### Aff choice – other frameworks moot the 1AC

#### Topic education – only focusing on the resolution ensures different ground from year to year

#### Reject non-policy alts and links not based on the plan text

### 2AC Perm

#### Perm do both – double bind – either the alt can’t overcome the status quo or it can overcome residual link to the plan

#### Perm do the plan and all non-mutually exclusive parts of the alternative

#### Critique must engage the state. Failure to do so guarantees that the alternative will fail, no coalitions will be formed, and politics will be ceded to authoritarian Right-wing groups. Only engaging the institutions of the state can transform them. And the permutation solves all of these problems.

Chantal Mouffe, Professor of Political Theory at the Centre for the Study of Democracy, University of Westminster, 2009, "The Importance of Engaging the State", What is Radical Politics Today?, Edited by Jonathan Pugh, pp. 233-7.

In both Hardt and Negri, and Virno, there is therefore emphasis upon ‘critique as withdrawal’. They all call for the development of a non-state public sphere. They call for self-organisation, experimen-tation, non-representative and extra-parliamentary politics. They seeforms of traditional representative politics as inherently oppressive. So they do not seek to engage with them, in order to challenge them. They seek to get rid of them altogether. This disengagement is, fo rsuch influential personalities in radical politics today, the key to every political position in the world. The Multitude must recognise imperial sovereignty itself as the enemy and discover adequate means of sub-verting its power. Whereas in the disciplinary era I spoke about earlier, sabotage was the fundamental form of political resistance, these authors claim that, today, it should be desertion. It is indeed through desertion, through the evacuation of the places of power, that they think that bat-tles against Empire might be won. Desertion and exodus are, for theseimportant thinkers, a powerful form of class struggle against imperialpostmodernity.According to Hardt and Negri, and Virno, radical politics in the pastwas dominated by the notion of ‘the people’. This was, according tothem, a unity, acting with one will. And this unity is linked to the exis-tence of the state. The Multitude, on the contrary, shuns political unity.Itisnotrepresentablebecauseitisanactiveself-organisingagentthatcannever achieve the status of a juridical personage. It can never convergein a general will, because the present globalisation of capital and work-ers’ struggles will not permit this. It is anti-state and anti-popular. Hardtand Negri claim that the Multitude cannot be conceived any more interms of a sovereign authority that is representative of the people. They therefore argue that new forms of politics, which are non-representative, are needed. They advocate a withdrawal from existing institutions. This is something which characterises much of radical politics today. The emphasis is not upon challenging the state. Radical politics today is often characterised by a mood, a sense and a feeling, that the state itself is inherently the problem. I will now turn to presenting the way I envisage the form of social criticism best suited to radical politics today. I agree with Hardt andNegri that it is important to understand the transition from Fordism topost-Fordism. But I consider that the dynamics of this transition is bet-ter apprehended within the framework of the approach outlined in the book Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (Laclau and Mouffe, 2001). What I want to stress is that many factors have contributed to this transition from Fordism to post-Fordism, and that it is necessary to recognise its complex nature. My problem withHardt and Negri’s view is that, by putting so much emphasis on theworkers’ struggles, they tend to see this transition as if it was driven by one single logic: the workers’ resistance to the forces of capitalism in the post-Fordist era. They put too much emphasis upon immaterial labour. In their view, capitalism can only be reactive and they refuse to accept the creative role played both by capital and by labour. To put it another way, they deny the positive role of political struggle. In Hegemony and Socialist Strategy: Towards a Radical Democratic Politics we use the word ‘hegemony’ to describe the way in which meaning is given to institutions or practices: for example, the way in which a giveninstitution or practice is defined as ‘oppressive to women’, ‘racist’ or‘environmentally destructive’. We also point out that every hegemonic order is therefore susceptible to being challenged by counter-hegemonic practices – feminist, anti-racist, environmentalist, for example. This is illustrated by the plethora of new social movements which presently exist in radical politics today (Christian, anti-war, counter-globalisation, Muslim, and so on). Clearly not all of these are workers’ struggles. In their various ways they have nevertheless attempted to influence and have influenced a new hegemonic order. This means that when we talkabout ‘the political’, we do not lose sight of the ever present possibility of heterogeneity and antagonism within society. There are many differ-ent ways of being antagonistic to a dominant order in a heterogeneous society – it need not only refer to the workers’ struggles. I submit that it is necessary to introduce this hegemonic dimension when one envisages the transition from Fordism to post-Fordism. This means abandoning the view that a single logic (workers’ struggles) is at work in the evolu-tion of the work process; as well as acknowledging the pro-active roleplayed by capital.In order to do this we can find interesting insights in the work of Luc Boltanski and Eve Chiapello who, in their book The New Spirit of Capitalism (2005), bring to light the way in which capitalists manage to use the demands for autonomy of the new movements that developed in the 1960s, harnessing them in the development of the post-Fordist networked economy and transforming them into new forms of con-trol. They use the term ‘artistic critique’ to refer to how the strategies of the counter-culture (the search for authenticity, the ideal of self-management and the anti-hierarchical exigency) were used to promote the conditions required by the new mode of capitalist regulation, replac-ing the disciplinary framework characteristic of the Fordist period. From my point of view, what is interesting in this approach is that it shows how an important dimension of the transition from Fordism to post-Fordism involves rearticulating existing discourses and practices in new ways. It allows us to visualise the transition from Fordism to post-Fordism in terms of a hegemonic intervention. To be sure, Boltanski andChiapello never use this vocabulary, but their analysis is a clear example of what Gramsci called ‘hegemony through neutralisation’ or ‘passive revolution’. This refers to a situation where demands which challenge the hegemonic order are recuperated by the existing system, which is achieved by satisfying them in a way that neutralises their subversive potential. When we apprehend the transition from Fordism to post-Fordism within such a framework, we can understand it as a hegemonic move by capital to re-establish its leading role and restore its challenged legitimacy. We did not witness a revolution, in Marx’s sense of the term. Rather, there have been many different interventions, challenging dominant hegemonic practices. It is clear that, once we envisage social reality in terms of ‘hegemonic’ and ‘counter-hegemonic’ practices, radical politics is not about with-drawing completely from existing institutions. Rather, we have no other choice but to engage with hegemonic practices, in order to challenge them. This is crucial; otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regula-tion. Indeed there are many historical (and not so historical) examples of this. When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state. The strategy of exodus could be seen as the reformulation of the idea of communism, as it was found in Marx. There are many points in common between the two perspectives. To be sure, for Hardt and Negri it is nolonger the proletariat, but the Multitude which is the privileged politicalsubject. But in both cases the state is seen as a monolithic apparatus of domination that cannot be transformed. It has to ‘wither away’ in order to leave room for a reconciled society beyond law, power and sovereignty. In reality, as I’ve already noted, others are often perfectly willing to take control. If my approach – supporting new social movements and counter-hegemonic practices – has been called ‘post-Marxist’ by many, it is precisely because I have challenged the very possibility of such a recon-ciled society. To acknowledge the ever present possibility of antagonism to the existing order implies recognising that heterogeneity cannot be eliminated. As far as politics is concerned, this means the need to envisage it in terms of a hegemonic struggle between conflicting hegemonic projects attempting to incarnate the universal and to define the symbolic parameters of social life. A successful hegemony fixes the meaning of institutions and social practices and defines the ‘commonsense’ through which a given conception of reality is established. However, such a result is always contingent, precarious and susceptible to being challenged by counter-hegemonic interventions. Politics always takes place in a field criss-crossed by antagonisms. A properly political intervention is always one that engages with a certain aspect of the existing hegemony. It can never be merely oppositional or conceived as desertion, because it aims to challenge the existing order, so that it may reidentify and feel more comfortable with that order. Another important aspect of a hegemonic politics lies in establishing linkages between various demands (such as environmentalists, feminists, anti-racist groups), so as to transform them into claims that will chal-lenge the existing structure of power relations. This is a further reason why critique involves engagement, rather than disengagement. It is clear that the different demands that exist in our societies are often in con-flict with each other. This is why they need to be articulated politically, which obviously involves the creation of a collective will, a ‘we’. This, in turn, requires the determination of a ‘them’. This obvious and simple point is missed by the various advocates of the Multitude. For they seem to believe that the Multitude possesses a natural unity which does not need political articulation. Hardt and Negri see ‘the People’ as homo-geneous and expressed in a unitary general will, rather than divided by different political conflicts. Counter-hegemonic practices, by contrast, do not eliminate differences. Rather, they are what could be called an ‘ensemble of differences’, all coming together, only at a given moment, against a common adversary. Such as when different groups from many backgrounds come together to protest against a war perpetuated by a state, or when environmentalists, feminists, anti-racists and others come together to challenge dominant models of development and progress. In these cases, the adversary cannot be defined in broad general terms like ‘Empire’, or for that matter ‘Capitalism’. It is instead contingent upon the particular circumstances in question – the specific states, interna-tional institutions or governmental practices that are to be challenged. Put another way, the construction of political demands is dependent upon the specific relations of power that need to be targeted and trans-formed, in order to create the conditions for a new hegemony. This is clearly not an exodus from politics. It is not ‘critique as withdrawal’, but ‘critique as engagement’. It is a ‘war of position’ that needs to be launched, often across a range of sites, involving the coming together of a range of interests. This can only be done by establishing links between social movements, political parties and trade unions, for example. The aim is to create a common bond and collective will, engaging with a wide range of sites, and often institutions, with the aim of transforming them. This, in my view, is how we should conceive the nature of radical politics.

### 2AC Alt Vagueness

#### The alt is vague – it’s a voting issue

#### Spikes our offense – no way for aff to win

#### Skews 2AC time

#### Damage is done – 2NC clarification rewards them because 1AR will always be behind

#### Kills the political project

#### Use of the law is the best way to prevent authoritarian excess

Leila Brännström, Assistant Professor, Lund University Faculty of Law, April 2008, “How I learned to stop worrying¶ and use the legal argument,” http://www.helsinki.fi/nofo/NoFo5Brannstrom.pdf

G¶ iorgio Agamben’s¶ Homo Sacer. Sovereign Power and Bare Life¶ (1998 [1995]),¶ and¶ State of Exception¶ (2005 [2003]) are, among other things, efforts to¶ explore the deep structures shaping contemporary tendencies in the development of¶ law and politics.¶ 1¶ Agamben offers us the diagnosis that we live in a ‘permanent state¶ of exception’ – a situation in which law cannot be distinguished from lawlessness.¶ He also suggests a prescription; we ought to look beyond law and reach for a realm¶ of human activity ‘uncontaminated’ by law. He warns us that if we do not overcome law, we risk the ‘juridico-political’ system transforming itself into ‘a killing¶ machine’, thus causing an ‘unprecedented biopolitical catastrophe’ (Agamben 1998,¶ 188; Agamben 2005, 86).¶ In this article, I will argue against both Agamben’s diagnosis and his¶ prescription. One of the troubles with his line of reasoning, the one that I will focus¶ on, is its deadlocked and overly formalistic understanding of how law operates and¶ of how it might be used and transformed.¶ 2¶ Surely Agamben insightfully points out¶ certain dangerous trajectories in contemporary law and politics, but I believe that¶ the rigid way in which he analyses law and politics forecloses the most promising¶ ways of responding to and acting upon the problems that he outlines.¶ There is a more general rationale for scrutinizing Agamben’s analysis of law¶ and of the state of exception and the implications of his analysis. Agamben’s¶ understanding of law as a mechanism that puts limitations to our political potential¶ and imagination and his conviction that law cannot be used for emancipatory¶ purposes, is shared by many engaged in the field of critical legal and social studies¶ who assume that exposing the repressive character of law and legal practices is the¶ only possible way of conducting critical studies of law. Such an assumption is¶ problematic as it overlooks the possibility to raise legal arguments and to engage in¶ legal practices for pursuing emancipatory politics, a possibility that in many cases¶ would be both forceful and productive. Sometimes, as in Agamben’s case, these¶ assumptions are built on a perception of law as a machine whose workings, effects¶ and possibilities are given beforehand – once and for all. The objectification of law,¶ in turn, induces fear and aversion which often leads to political, social and legal¶ analyses that suffer, like Agamben’s analysis does, from an overemphasis on, and an¶ overestimation of, the legally authorized power of the state which nourishes the¶ persisting, but misleading, idea that the major threats to our freedom and to a better¶ future are to be found in repressive state-practices.¶ Since Agamben argues that Guantánamo Bay Naval Base (hereinafter ‘Guan-¶ tánamo’) – where men and boys who were captured in Afghanistan and elsewhere¶ have been imprisoned since January 2002 – is the locus par excellence of the new¶ state of exception, I will take his characterization of the situation of the detainees at¶ the Naval Base – abandoned by law and dwelling in a state of exception – as the¶ point of departure for fleshing out what Agamben means when he talks about law¶ and the permanent state of exception. The choice of Guantánamo as the starting,¶ and the focal, point is also motivated by the fact that the raising of legal arguments,¶ which is dismissed by Agamben as a constructive form of political action, seems to¶ be one of the best ways of opposing the state of affairs at Guantánamo.¶ While many have described Guantánamo as a place where law is absent, ‘a legal¶ black hole’ (Steyn 2004), ‘a lawless enclave’ (Hafetz 2006), ‘a prison beyond the law’¶ (Margulies 2004), et cetera, it has also been accurately pointed out that the situation¶ at the the naval base has been created and sustained through legal regulations and¶ measures.¶ 3¶ In the following, I will first sketch the coinciding lawlessness and legal¶ rule that govern the life of the detainees at the Naval Base, which make Agamben’s¶ portrayal of Guantánamo as a place where law and lawlessness are simultaneously¶ present and indistinguishable from one another, seem plausible. Next, however, I¶ will argue that when looked at closer Agamben’s characterization of the state of law¶ at Guantánamo turns out to be based on an ahistorical and reductive understanding¶ of law which leads to fatalistic conclusions about the fate of law at Guantánamo and¶ elsewhere. After that I will discuss the possibilities of contesting the situation of the¶ detainees at Guantánamo, and of engaging in political struggles in general by way of¶ asserting legal rights and using legal arguments and strategies.

#### Legal restraints work – the theory of the exception is self-serving and wrong

William E. Scheuerman, Professor of Political Science at Indiana University, 2006, Carl Schmitt and the Road to Abu Ghraib, Constellations, Volume 13, Issue 1

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: **Schmitt** occasionally **wants to define “political” conflicts as those irresolvable by legal** or juridical **devices in order** then **to argue against** **legal** or juridical **solutions** to them. **The claim** also **suffers from** a certain **vagueness** and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, **legal devices have undoubtedly played a positive role** **in taming** or at least minimizing the potential dangers of harsh **political antagonisms**. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22¶ Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fighters. His view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian model. By broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal framework. Why is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states. 23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international law. We cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.¶ This is a powerful argument, but it remains flawed. Every modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian moments. The same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sources. In short, **it is by no means self-evident that trying to give coherent legal form to a transitional** political and social **moment is always doomed to fail**. Moreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt asserts. In some recent accounts, **the general trend** towards extending basic protections to non-state actors **is** plausibly interpreted in a more **positive** – **and by no means incoherent** – light.24¶ Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12). Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence. 25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50). Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of war. The Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field. “Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).¶ As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universe. To be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet **one** possible **resolution** of the dilemma he describes **would be** to figure how **to reform the process** whereby rules of war are adapted to novel changes in military affairs in order **to minimize the danger of** anachronistic or **out-of-date law. Instead, Schmitt** simply **employs the dilemma of legal obsolescence as a battering ram** against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

#### Our 1AC ev proves –

#### Barron – Obama is constrained by the Constitution – even if they’re right that there’s no essential power to the law presidents behave AS IF there is – Obama went to congress for Syria in an instance where US troops would be committed

#### Shah ev indicates Congress is capable of overseeing grey areas – the plan fiats their stat

#### Sovereignty can be resisted through institutions – the alt alone throws out political engagement

Mark Owen Lombardi, Associate Political Science Prof @ Tampa, 1996, Perspectives on Third-World Sovereignty, p 161

Sovereignty is in our collective minds. What we look at, the way we look at it and what we expect to see must be altered. This is the call for international scholars and actors. The assumptions of the paradigm will dictate the solution and approaches considered. Yet, a mere call to change this structure of the system does little except activate reactionary impulses and intellectual retrenchment. Questioning the very precepts of sovereignty, as has been done in many instances, does not in and of itself address the problems and issues so critical to transnational relations. That is why theoretical changes and paradigm shifts must be coterminous with applicative studies. One does not and should not precede the other. We cannot wait until we have a neat self-contained and accurate theory of transnational relations before we launch into studies of Third-World issues and problem-solving. If we wait we will never address the latter and arguably most important issue-area: the welfare and quality of life for the human race.

### Law Good

#### Advocating changes to liberal law doesn’t cede agency to the state – it fractures the state’s claim to universal authority

Todd Hedrick, Assistant Professor of Philosophy at Michigan State University, September 2012, “Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory,” Constellations Vol 19, No 3

Habermas’ alleged abandonment of immanent critique, however, is belied by the role that the democratic legal system comes to play in his theory. While in some sense just one system among others, it has a special capacity to shape the environments of other systems by regulating their interaction. Of course, the legal system is not the only one capable of affecting the environments of other systems, but law is uniquely open to inputs from ordinary language and thus potentially more pliant and responsive to democratic will formation: “Normatively substantive messages can circulate throughout society only in the language of law … . Law thus functions as the ‘transformer’ that guarantees that the socially integrating network of communication stretched across society as a whole holds together.”55 This allows for the possibility of consensual social regulation of domains ranging from the economy to the family, where actors are presumed to be motivated by their private interests instead of respect for the law, while allowing persons directed toward such interests to be cognizant that their privately oriented behavior is compatible with respect for generally valid laws. While we should be cautious about automatically viewing the constitution as the fulcrum of the legal order, its status as basic law is significant in this respect. For, recalling Hegel's broader conception of constitutionalism, political constitutions not only define the structure of government and “the relationship between citizens and the state” (as in Hegel's narrower “political” constitution); they also “implicitly prefigure a comprehensive legal order,” that is, “the totality comprised of an administrative state, capitalist economy, and civil society.”56 So, while these social spheres can be conceived of as autonomous functional subsystems, their boundaries are legally defined in a way that affects the manner and degree of their interaction: “The political constitution is geared to shaping each of these systems by means of the medium of law and to harmonizing them so that they can fulfill their functions as measured by a presumed ‘common good’.”57 Thus, constitutional discourses should be seen less as interpretations of a positive legal text, and more as attempts to articulate legal norms that could shift the balance between these spheres in a manner more reflective of generalizable interests, occurring amidst class stratification § Marked 09:44 § and cultural pluralism. A constitution's status as positive law is also of importance for fundamentally Hegelian reasons relating to his narrower sense of political constitutionalism: its norms must be public and concrete, such that differently positioned citizens have at least an initial sense of what the shared hermeneutic starting points for constitutional discourse might be. But these concrete formulations must also be understood to embody principles in the interest of all citizens, so that constitutional discourse can be the site of effective democratic will formation concerning the basic norms that mediate between particular individuals and the general interests of free and equal citizens. This recalls Hegel's point that constitutions fulfill their mediational function by being sufficiently positive so as to be publicly recognizable, yet are not exhausted by this positivity – the content of the constitution is instead filled in over time through ongoing legislation. In order to avoid Hegel's foreshortened conception of public participation in this process and his consequent authoritarian tendencies, Habermas and, later, Benhabib highlight the importance of being able to conceive of basic constitutional norms as themselves being the products of public contestation and discourse. In order to articulate this idea, they draw on legal theorists like Robert Cover and Frank Michelman who characterize this process of legal rearticulation as “jurisgenesis”58: a community's production of legal meaning by way of continuous rearticulation, through reflection and contestation, of its constitutional project. Habermas explicitly conceives of the democratic legal order in this way when, in the context of considering the question of how a constitution that confers legitimacy on ordinary legislation could itself be thought to be democratically legitimate, he writes: I propose that we understand the regress itself as the understandable expression of the future-oriented character, or openness, of the democratic constitution: in my view, a constitution that is democratic – not just in its content but also according to its source of legitimation – is a tradition-building project with a clearly marked beginning in time. All the later generations have the task of actualizing the still-untapped normative substance of the system of rights.59 A constitutional order and its interpretive history represent a community's attempt to render the terms under which they can give themselves the law that shapes their society's basic structure and secure the law's integrity through assigning basic liberties. Although philosophical reflection can give us some grasp of the presuppositions of a practice of legitimate lawmaking, this framework of presuppositions (“the system of rights”) is “unsaturated.”60 In Hegelian fashion, it must, to be meaningful, be concretized through discourse, and not in an one-off way during a founding moment that fixes the terms of political association once and for all, but continuously, as new persons enter the community and as new circumstances, problems, and perspectives emerge. The stakes involved in sustaining a broad and inclusive constitutional discourse turn out to be significant. Habermas has recently invoked the concept of dignity in this regard, linking it to the process through which society politically constitutes itself as a reciprocal order of free and equal citizens. As a status rather than an inherent property, “dignity that accrues to all persons equally preserves the connotation of a self-respect that depends on social recognition.”61 Rather than being understood as a quality possessed by some persons by virtue of their proximity to something like the divine, the modern universalistic conception of dignity is a social status dependent upon ongoing practices of mutual recognition. Such practices, Habermas posits, are most fully instantiated in the role of citizens as legislators of the order to which they are subject. [Dignity] can be established only within the framework of a constitutional state, something that never emerges of its own accord. Rather, this framework must be created by the citizens themselves using the means of positive law and must be protected and developed under historically changing conditions. As a modern legal concept, human dignity is associated with the status that citizens assume in the self-created political order.62 Although the implications of invoking dignity (as opposed to, say, autonomy) as the normative core of democratic constitutionalism are unclear,63 plainly Habermas remains committed to strongly intersubjective conceptions of democratic constitutionalism, to an intersubjectivity that continues to be legally and politically mediated (a dimension largely absent from Honneth's successor theory of intersubectivity). What all of this suggests is a constitutional politics in which citizens are empowered to take part and meaningfully impact the terms of their cultural, economic, and political relations to each other. Such politics would need to be considerably less legalistic and precedent bound, less focused on the democracy-constraining aspects of constitutionalism emphasized in most liberal rule of law models. The sense of incompleteness and revisability that marks this critical theory approach to constitutionalism represents a point where critical theories of democracy may claim to be more radical and revisionary than most liberal and deliberative counterparts. It implies a sharp critique of more familiar models of bourgeois constitutionalism: whether they conceive of constitutional order as having a foundation in moral rights or natural law, or in an originary founding moment, such models a) tend to be backward-looking in their justifications, seeing the legal order as founded on some exogenously determined vision of moral order; b) tend to represent the law as an already-determined container within which legitimate ordinary politics takes place; and c) find the content of law to be ascertainable through the specialized reasoning of legal professionals. On the critical theory conception of constitutionalism, this presumption of completeness and technicity amounts to the reification of a constitutional project, where a dynamic social relation is misperceived as something fixed and objective.64 We can see why this would be immensely problematic for someone like Habermas, for whom constitutional norms are supposed to concern the generalizable interests of free and equal citizens. If it is overall the case for him that generalizable interests are at least partially constituted through discourse and are therefore not given in any pre-political, pre-discursive sense,65 this is especially so in a society like ours with an unreconciled class structure sustained by pseudo-compromises. Therefore, discursive rearticulation of basic norms is necessary for the very emergence of generalizable interests. Despite offering an admirably systematic synthesis of radical democracy and the constitutional rule of law, Habermas’ theory is hobbled by the hesitant way he embraces these ideas. Given his strong commitment to proceduralism, the view that actual discourses among those affected must take place during the production of legitimate law if constitutionalism is to perform its mediational function, as well as his opposition to foundational or backward-looking models of political justification, we might expect Habermas to advocate the continuous circulation in civil society of constitutional discourses that consistently have appreciable impact on the way constitutional projects develop through ongoing legislation such that citizens can see the links between their political constitution (narrowly construed), the effects that democratic discourse has on the shape that it takes, and the role of the political constitution in regulating and transforming the broader institutional backbone of society in accordance with the common good. And indeed, at least in the abstract, this is what the “two track” conception of democracy in Between Facts and Norms, with its model of discourses circulating between the informal public sphere and more formal legislative institutions, seeks to capture.66 As such, Habermas’ version of constitutionalism seems a natural ally of theories of “popular constitutionalism”67 emerging from the American legal academy or of those who, like Jeremy Waldron,68 are skeptical of the merits of legalistic constitutionalism and press for democratic participation in the ongoing rearticulation of constitutional norms. Indeed, I would submit that the preceding pages demonstrate that the Left Hegelian social theoretic backdrop of Habermas’ theory supplies a deeper normative justification for more democratic conceptions of constitutionalism than have heretofore been supplied by their proponents (who are, to be fair, primarily legal theorists seeking to uncover the basic commitments of American constitutionalism, a project more interpretive than normative.69) Given that such theories have very revisionary views on the appropriate method and scope of judicial review and the role of the constitution in public life, it is surprising that Habermas evinces at most a mild critique of the constitutional practices and institutions of actually existing democracies, never really confronting the possibility that institutions of constitutional review administered by legal elites could be paternalistic or extinguish the public impetus for discourse he so prizes.70 In fact, institutional questions concerning where constitutional discourse ought to take place and how the power to make authoritative determinations of constitutional meaning should be shared among civil society, legislative, and judiciary are mostly abstracted away in Habermas’ post-Between Facts and Norms writings, while that work is mostly content with the professional of administration of constitutional issues as it exists in the United States and Germany. This is evident in Habermas’ embrace of figures from liberal constitutional theory. He does not present an independent theory of judicial decision-making, but warmly receives Dworkin's well-known model of “law as integrity.” To a certain extent, this allegiance makes sense, given Dworkin's sensitivity to the hermeneutic dimension of interpretation and the fact that his concept of integrity mirrors discourse theory in holding that legal decisions must be justifiable to those affected in terms of publicly recognizable principles. Habermas does, however, follow Michelman in criticizing the “monological” form of reasoning that Dworkin's exemplary Judge Hercules employs,71 replacing it with the interpretive activities of a specialized legal public sphere, presumably more responsive to the public than Hercules. But this substitution does nothing to alleviate other aspects of Dworkin's theory that make a match between him and Habermas quite awkward: Dworkin's standard of integrity compels judges to regard the law as a complete, coherent whole that rests on a foundation of moral rights.72 Because Dworkin regards deontic rights in a strongly realistic manner and as an unwritten part of the law, there is a finished, retrospective, “already there” quality to his picture of it. Thinking of moral rights as existing independently of their social articulation is what moves Dworkin to conceive of them as, at least in principle, accessible to the right reason of individual moral subjects.73 Legal correctness can be achieved when lawyers and judges combine their specialized knowledge of precedent with their potentially objective insights into deontic rights. Fashioning the law in accordance with the demands of integrity thereby becomes the province of legal elites, rendering public discourse and the construction of generalizable interests in principle unnecessary. This helps explain Dworkin's highly un-participatory conception of democracy and his comfort with placing vast decision-making powers in the hands of the judiciary.7 There is more than a little here that should make Habermas uncomfortable. Firstly, on his account, legitimate law is the product of actual discourses, which include the full spate of discourse types (pragmatic, ethical-political, and moral). If the task of judicial decision-making is to reconstruct the types of discourse that went into the production of law, Dworkin's vision of filling in the gaps between legal rules exclusively with considerations of individual moral rights (other considerations are collected under the heading of “policy”75) makes little sense.76 While Habermas distances himself from Dworkin's moral realism, calling it “hard to defend,”77 he appears not to appreciate the extent to which Dworkin links his account of legal correctness to this very possibility of individual insight into the objective moral order. If Habermas wishes to maintain his long held position that constitutional projects involve the ongoing construction of generalizable interests through the democratic process – which in my view is really the heart of his program – he needs an account of legal correctness that puts some distance between this vision and Dworkin's picture of legal elites discovering the content of law through technical interpretation and rational intuition into a fixed moral order. Also puzzling is the degree of influence exercised by civil society in the development of constitutional projects that Habermas appears willing to countenance. While we might expect professional adjudicative institutions to play a sort of yeoman's role vis-à-vis the public, Habermas actually puts forth something akin to Bruce Ackerman's picture of infrequent constitutional revolutions, where the basic meaning of a constitutional project is transformed during swelling periods of national ferment, only to resettle for decades at a time, during which it is administered by legal professionals.78 According to this position, American civil society has not generated new understandings of constitutional order that overcome group divisions since the New Deal, or possibly the Civil Rights era. Now, this may actually be the case, and perhaps Habermas’ apparent acquiescence to this view of once-every-few-generations national conversations is a nod to realism, i.e., a realistic conception of how much broad based, ongoing constitutional discourse it is reasonable to expect the public to conduct. But while a theory with a Left Hegelian pedigree should avoid “the impotence of the ought” and utopian speculation, and therefore ought not develop critical conceptions of legal practice utterly divorced from present ones, such concessions to realism are unnecessary. After all, critical theory conceptions of constitutionalism will aim to be appreciably different from the more authoritarian ones currently in circulation, which more often than not fail to stimulate and sustain public discourse on the basic constitution of society. Instead, their point would be to suggest how a more dynamic, expansive, and mediational conception of constitutionalism could unlock greater democratic freedom and rationally integrated social identities. Given these problems in Habermas’ theory, the innovations that Benhabib makes to his conception of constitutionalism are most welcome. While operating within a discourse theoretic framework, her recent work more unabashedly recalls Hegel's broader conception of the constitution as the basic norms through which a community understands and relates to itself (of which a founding legal document is but a part): a constitution is a way of life through which individuals seek to connect themselves to each other, and in which the very identity and membership of a community is constantly at stake.79 Benhabib's concept of “democratic iterations,” which draws on meaning-as-use theories, emphasizes how meaning is inevitably transformed through repetition: In the process of repeating a term or a concept, we never simply produce a replica of the original usage and its intended meaning: rather, very repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever-so-subtle ways. In fact, there is really no ‘originary’ source of meaning, or an ‘original’ to which all subsequent forms must conform … . Every iteration involves making sense of an authoritative original in a new and different context … . Iteration is the reappropriation of the ‘origin’; it is at the same time its dissolution as the original and its preservation through its continuous deployment.80 Recalling the reciprocal relationship that Hegel hints at between the narrow “political” constitution and the broader constitution of society's backbone of interrelated institutions, Benhabib here seems to envision a circular process whereby groups take up the conceptions of social relations instantiated in the legal order and transform them in their more everyday attempts to live with others in accordance with these norms. Like Cover and Michelman, she stresses that the transformation of legal meaning takes place primarily in informal settings, where different groups try (and sometimes fail) to live together and to understand themselves in their relation to others according to the terms they inherit from the constitutional tradition they find themselves subject to.81 Her main example of such democratic iteration is the challenge Muslim girls in France raised against the head scarf prohibition in public schools (“L’Affaire du Foulard”), which, while undoubtedly antagonistic, she contends has the potential to felicitously transform the meaning of secularity and inclusion in the French state and to create new forms of togetherness and understanding. But although Benhabib illustrates the concept of democratic iterations through an exemplary episode, this iterative process is a constant and pervasive one, which is punctuated by events and has the tendency to have a destabilizing effect on authority.82 It is telling, however, that Benhabib's examples of democratic iterations are exclusively centered on what Habermas would call ethical-political discourses.83 While otherwise not guilty of the charge,84 Benhabib, in her constitutional theory, runs afoul of Nancy Fraser's critical diagnosis of the trend in current political philosophy to subordinate class and distributional conflicts to struggles for cultural inclusion and recognition.85 Perhaps this is due to the fact that “hot” constitutional issues are so often ones with cultural dimensions in the foreground, rarely touching visibly on distributional conflicts between groups. This nonetheless is problematic since much court business clearly affects – often subtly and invisibly – the outcomes of these conflicts, frequently with bad results.86 For another reason why centering constitutional discourse on inclusion and cultural issues is problematic, it is useful to remind ourselves of Habermas’ critique of civic republicanism, according to which the main deficit in republican models of democracy is its “ethical overburdening” of the political process.87 To some extent, republicanism's emphasis on ethical discourse is understandable: given the level of cooperativeness and public spirit that republicans view as the font of legitimate law, political discourses need to engage the motivations and identities of citizens. Arguably, issues of ethical self-understanding do this better than more abstract or arid forms of politics. But it is not clear that this is intrinsically so, and it can have distorting effects on politics. In the American media, for example, this amplification of the cultural facets of issues is very common; conflicts over everything from guns to taxes are often reduced to conflicts over who is a good, real American and who is not. It is hard to say that this proves edifying; substantive issues of rights and social justice are elided, politics becomes more fraudulent and conflictual. None of this is to deny a legitimate place for ethical-political discourse. However, we do see something of a two-steps-forward-one-step-back movement in Benhabib's advancement of Habermas’ discourse theory of law: although her concept of democratic iterations takes center stage, she develops the notion solely along an ethical-political track. Going forward, critical theorists developing conceptions of constitutional discourse should work to see it as a way of integrating questions of distributional justice with questions of moral rights and collective identities without subordinating or conflating them. 4. Conclusion Some readers may find the general notion of reinvigorating a politics of constitutionalism quixotic. Certainly, it has not been not my intention to overstate the importance or positive contributions of constitutions in actually existing democracies, where they can serve to entrench political systems experiencing paralysis in the face of long term fiscal and environmental problems, and where public appeals to them more often than not invoke visions of society that are more nostalgic, ethno-nationalistic, authoritarian, and reactionary than what Habermas and Benhabib presumably have in mind. Instead, I take the basic Hegelian point I started this paper with to be this: modern persons ought to be able to comprehend their social order as the work of reason; the spine of institutions through which their relations to differently abled and positioned others are mediated ought to be responsive to their interests as fully-rounded persons; and comprehending this system of mediation ought to be able to reconcile them to the partiality of their roles within the universal state. Though modern life is differentiated, it can be understood, when seen through the lens of the constitutional order, as a result of citizens’ jointly exercised rationality as long as certain conditions are met. These conditions are, however, more stringent than Hegel realized. In light of this point, that so many issues deeply impacting citizens’ social and economic relations to one another are rendered marginal – and even invisible – in terms of the airing they receive in the public sphere, that they are treated as mostly settled or non-questions in the legal system consitutues a strikingly deficient aspect of modern politics. Examples include the intrusion of market logic and technology into everyday life, the commodification of public goods, the legal standing of consumers and residents, the role of shareholders and public interests in corporate governance, and the status of collective bargaining arrangements. Surely a contributing factor here is the absence of a shared sense of possibility that the basic terms of our social union could be responsive to the force that discursive reason can exert. Such a sense is what I am contending jurisgenerative theories ought to aim at recapturing while critiquing more legalistic and authoritarian models of law. This is not to deny the possibility that democratic iterations themselves may be regressive or authoritarian, populist in the pejorative sense. But the denial of their legitimacy or possibility moves us in the direction of authoritarian conceptions of law and political power and the isolation of individuals and social groups wrought by a political order of machine-like administration that Horkheimer and Adorno describe as a main feature of modern political domination. Recapturing some sense of how human activity makes reason actual in the ongoing organization of society need not amount to the claim that reason culminates in some centralized form, as in the Hegelian state, or in some end state, as in Marx. It can, however, move us to envision the possibility of an ongoing practice of communication, lawmaking, and revision that seeks to reconcile and overcome positivity and division, without the triumphalist pretension of ever being able to fully do so.

#### Alt can’t solve the aff – Daskal indicates drones are deployed by states as a result of articulated legal norms – double bind

#### Either the alt can’t engage the legal norms that cause drone deployment and can’t solve the aff or

#### Links to itself and proves the K is infinitely regressive

### 2AC AT: Biopower – No Impact – Dickinson

#### Democratic structures check the impact to biopolitics

Edward Ross Dickinson, U. Cincinatti, “Biopolitics, Fascism, Democracy,” 2004, Central European History 37:1, 18-19

In an important programmatic statement of 1996 Geoff Eley celebrated the fact that Foucault’s ideas have “fundamentally directed attention away from institutionally centered conceptions of government and the state . . . and toward a dispersed and decentered notion of power and its ‘microphysics.’”48 The “broader, deeper, and less visible ideological consensus” on “technocratic reason and the ethical unboundedness of science” was the focus of his interest.49 But the “power-producing effects in Foucault’s ‘microphysical’ sense” (Eley) of the construction of social bureaucracies and social knowledge, of “an entire institutional apparatus and system of practice” ( Jean Quataert), simply do not explain Nazi policy.50 The destructive dynamic of Nazism was a product not so much of a particular modern set of ideas as of a particular modern political structure, one that could realize the disastrous potential of those ideas. What was critical was not the expansion of the instruments and disciplines of biopolitics, which occurred everywhere in Europe. Instead, it was the principles that guided how those instruments and disciplines were organized and used, and the external constraints on them. In National Socialism, biopolitics was shaped by a totalitarian conception of social management focused on the power and ubiquity of the völkisch state. In democratic societies, biopolitics has historically been constrained by a rights-based strategy of social management. This is a point to which I will return shortly. For now, the point is that what was decisive was actually politics at the level of the state. A comparative framework can help us to clarify this point. Other states passed compulsory sterilization laws in the 1930s — indeed, individual states in the United States had already begun doing so in 1907. Yet they did not proceed to the next steps adopted by National Socialism — mass sterilization, mass “eugenic” abortion and murder of the “defective.” Individual  gures in, for example, the U.S. did make such suggestions.But neither the political structures of democratic states nor their legal and political principles permitted such policies actually being enacted. Nor did the scale of forcible sterilization in other countries match that of the Nazi program. I do not mean to suggest that such programs were not horrible; but in a democratic political context they did not develop the dynamic of constant radicalization and escalation that characterized Nazi policies.

#### No root cause– prefer proximate causes

John Norton, Professor of Law at the University of Virginia He formerly served as the first Chairman of the Board of the United States Institute of Peace and as the Counselor on International Law to the Department of State, Winter, 2004, “Beyond the Democratic Peace: Solving the War Puzzle”, 44 Va. J. Int'l L. 341, Lexis Law

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty and social injustice, competition for resources, incidents and accidents, greed, fear, perceptions of "honor," and many other factors. Such factors may well play a role in motivating aggression or generating fear and manipulating public opinion. The reality, however, is that while some of these factors may have more potential to contribute to war than others, there may well be an infinite set of motivating factors, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high-risk decisions leading to war that is the key to more effectively controlling armed conflict. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents. [n158](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1329520437445&returnToKey=20_T13973620735&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.647208.6119287203#n158) Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war that is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may doom us to war for generations to come.

## CP

### 2AC XO

#### Perm: Do Both – shields the link

#### Perm: Do CP – text implies action by the executive

#### Self-restraint is perceived as discretionary and isn’t modeled – Congressional limits bolster accountability and prevents foreign governments from engaging in aggressive drone policy

Rebecca Griffen, political director of Peace Action West, expert on war and drone policy, 1-11-2013, “Will Congress take on drones in 2013?” Peace Action West, http://blog.peaceactionwest.org/2013/01/11/will-congress-take-on-drones-in-2013/

Since President Obama took office in 2009, his administration has dramatically increased the use of unmanned armed drones throughout the Middle East and Africa. The administration has overseen more than 300 drones strikes, with more than 2,500 killed by the CIA and the military. Thus far, Congress has not engaged on an in-depth level on important questions surrounding the reliance on this technology and the overarching policy governing its use.¶ The Obama administration reportedly began assembling parameters for the use of drones in the pursuit of suspected terrorists, but the proposed regulations have not yet been made public. Last year, President Obama stated, “One of the things we’ve got to do is put a legal architecture in place, and we need congressional help in order to do that, to make sure that not only am I reined in but any president’s reined in terms of some of the decisions that we’re making.”¶ The 113th Congress should heed this call and exercise greater oversight over drone policy. Issues to address include:¶ Defining the “battlefield” and authorization for the use of force¶ As Al-Qaeda’s presence continues to wane, the already tenuous interpretation of the authorization for the use of military force in 2001 will not provide strong justification for drone attacks like those that have occurred in Afghanistan, Pakistan, Somalia and Yemen. As former Defense Department General Counsel Jeh Johnson argued, the US should “be able to say … that our efforts should no longer be considered an armed conflict against al-Qaida and its affiliates,” and that responsibility for pursuing Al-Qaeda should shift to law enforcement agencies.¶ This is a critical time for Congress to assert its role in oversight over military force and standards for expanding or continuing the drone war outside of the framework of armed conflict.¶ Civilian casualties and ensuing blowback¶ It is very difficult to obtain accurate numbers of civilian casualties in drone strikes. This is exacerbated by the CIA policy of counting military-age males as militants unless they have specific evidence pointing to their innocence. US policy of using “secondary strikes,” attacking rescuers who come to the aid of victims of initial strikes, puts civilians at even greater risk.¶ An in-depth report by Stanford and NYU Law Schools disputes the characterization of drones as a precise, targeted tool with minimal impact on innocent civilians. The study notes that despite US claims downplaying civilian casualties, the best available data indicate that drone strikes in just Pakistan killed 474-881 civilians and injured 1,228-1,362. The report also highlights significant harm other than injury and death, including anxiety and psychological trauma.¶ Yemen expert Gregory Johnsen notes, “Testimonies from Qaeda fighters and interviews I and local journalists have conducted across Yemen attest to the centrality of civilian casualties in explaining Al Qaeda’s rapid growth there. The United States is killing women, children and members of key tribes. ‘Each time they kill a tribesman, they create more fighters for Al Qaeda,’ one Yemeni explained to me over tea in Sana, the capital, last month. Another told CNN, after a failed strike, ‘I would not be surprised if a hundred tribesmen joined Al Qaeda as a result of the latest drone mistake.’” Johnsen points out that Al Qaeda in the Arabian Peninsula has more than tripled in Yemen since the US started bombing the country in 2009.¶ Congress should push for greater transparency and more accurate accounting of civilian casualties, and for the end of secondary strikes. A full accounting of the impact of US drone strikes will better allow Congress and the public to weigh any potential benefits of the use of drones against their negative impacts.¶ The use of so-called “signature strikes”¶ In 2012, the Obama administration approved the use of so-called “signature strikes,” allowing the targeting of people whose identities are unknown. Targeting based on patterns of behavior rather than evidence of an imminent threat to US interests sets a dangerous precedent, increases the likelihood of blowback, and vastly increases the risk of killing innocent civilians. Congress should push for greater transparency in the use of signature strikes and ultimately to end their use.¶ Targeted assassination of US citizens¶ The Obama administration used dubious legal justification to kill a US citizen, Anwar Al-Awlaki, in Yemen. The threat Al-Awlaki posed, as well as his prominence within Al-Qaeda, has been called into question by experts on the region. The administration has resisted calls for greater transparency in this case and implications for future use of force. Other American citizens, including Awlaki’s 16-year-old son, have been killed in drone strikes in which they were not the intended targets.¶ President Obama has an unreleased list of targets for killing and capture that reportedly includes additional Americans, as well as targets as young as teenagers. Congress must demand greater transparency around targeting and rein in executive power to kill targets that could be pursued by other means, or may not pose an imminent threat to the US, including American citizens.¶ Precedent setting and future proliferation of drone technology¶ As with any technology, the United States will not maintain a monopoly on the use of armed drones. The New America Foundation cites 70 countries that currently have some kind of drone. Examining our standards for use of drones and setting specific parameters will become even more critical as we set a precedent for international drone use.¶ As Human Rights Watch points out, “Because the US treats many of the most important constraints on the use of force as matters of discretionary prudence rather than legal requirements, the US approach would not forbid the Russians to target an alleged Chechen militant in New York, or the Chinese a Uighur separatist in Washington, DC, § Marked 09:45 § if they said they were at war with these groups and the US didn’t apprehend them. That is a deeply troublesome precedent to set.”¶ Congress should push for clear, public standards that can contribute to an international conversation about global standards for the use of drones.

#### Captures zero of the norms advantage – Harvard indicates explicit restrictions are key to modeling

#### Doesn’t solve Pakistan – no signal and CIA circumvents everything except letter of law

#### Interpretation: The negative gets fiat of agents are not the object of the resolution

#### Violation:

#### Standards:

#### Kills topic education – fiats through core of the topic

#### Moots aff ground – forces generic advantages like SoP and contrived solvency deficits

#### Stacks the deck – answers like rollback link to the aff

#### Reject the team – key to set a precedent that saves the topic

#### XOs are perceived – previous fights prove Congress will backlash

Zachary Goldfarb, writer at the Washington Post, 2-10-2013, “Obama weighing executive actions on housing, gays and other issues” http://articles.washingtonpost.com/2013-02-10/business/37026076\_1\_actions-on-gun-violence-executive-actions-obama-administration

These and other potential actions suggest that Obama is likely to rely heavily on executive powers to set domestic policy in his second term. One White House official said that while the president does not see the actions as substitutes for more substantial legislation, he also wants to move forward on top priorities. But the approach risks angering Republican lawmakers in Congress, who say they are leery of granting the executive branch too much power and have already clashed with Obama over the issue. In a ruling last month, a federal appeals court said Obama exceeded his constitutional powers in naming several people to the National Labor Relations Board while the Senate was on a break. “It is a very dangerous road he’s going down contrary to the spirit of the Constitution,” Sen. Charles E. Grassley (R-Iowa) said in a recent interview. “Just because Congress doesn’t act doesn’t mean the president has a right to act.”

#### Already answered flex

## DA

### Pirates

#### No tk now

#### Already in Somalia and yemen

#### Deepwater-Horizon in the Gulf of Mexico proves biodiv claims are silly

#### Should have happened by now

#### No tipping points – earth can take it

Erle C. Ellis, associate professor of geography and environmental systems at the University of Maryland, Baltimore County, 3-11-2013, “Time to forget global tipping points,” New Scientist, http://www.newscientist.com/article/mg21729070.200-time-to-forget-global-tipping-points.html

HOW much can our poor Earth take? We've already transformed most of the biosphere beyond anything our early ancestors could have imagined, clearing, ploughing, burning, building, damming, domesticating, driving to extinction, dousing with chemicals and even changing the climate. Surely at some point, the biosphere will simply collapse in the face of such a massive and unrelenting onslaught. Or will it? This is a question that inspires intense debate among ecologists and global change scientists. Some say that we are heading rapidly for a global tipping point – a threshold beyond which the entire biosphere will shift into a new and mostly undesired state. Others, like me, are convinced that no theoretical or empirical evidence exists for such a claim, and that a widespread belief in the existence of such a point of no return threatens to push ecological science and its application in the wrong direction. Let us examine the evidence. Ecologists have long been aware that tipping points exist in local and regional ecosystems. For example, when nutrients are added to a lake, its ecological properties tend to continue as before until the lake suddenly shifts to a new state. The water changes from clear to turbid; communities of plants, fish and other species change almost completely. Shifting the lake back into its previous state is possible, but requires massive efforts. Among other examples of local and regional tipping points are the rapid collapse of coral reefs in the face of rising ocean acidity and the transformation of ecosystems by the extinction of a dominant species, or the introduction of a new one. With such strong evidence of tipping points in regional ecosystems, why wouldn't we expect such tipping points to exist in the biosphere as a whole? Examine the mechanisms that produce tipping points, and the answer becomes clear. Tipping points happen when the components of a system respond gradually to an external force until a level of change is reached at which the response becomes non-linear and synergistic. This amplifies the effect of the force and rapidly drives the system into a new state. To respond in this way, systems must meet certain requirements. Either external forces are applied uniformly and each part of the system responds in the same way, or the system must be highly interconnected to allow synergistic responses to emerge. Or both. Do these criteria apply to the biosphere as a whole? I think not. For planetary tipping points to exist, the forces of humanity would need to act uniformly across the planet, all ecosystems would need to respond to them in the same way, and the response would need to be transmitted rapidly across Earth's many ecosystems § Marked 09:45 § and continents. Even the force of human-induced climate change, so evident across the planet, does not meet these requirements. For example, it warms and dries some regions while cooling and moistening others. Even if it did uniformly heat Earth's ecosystems, this would not produce a coherent global shift in ecology because local ecosystems respond so differently, often in opposing ways. Finally, organisms and ecosystems in different biomes and on different continents are not strongly connected. Animals, plants and microorganisms are limited in their interactions by distance and barriers such as oceans and mountain ranges. Even with human-induced species invasions, there is no species capable of colonising all of Earth's biomes – not even the mighty cockroach. So there is little chance of anthropogenic climate change leading to a global tipping point in the biosphere. When it comes to other changes, including land use, habitat fragmentation and extinction, the case for a global tipping point is even weaker. How, then, does the biosphere as a whole respond to human pressures? To put it simply: every ecosystem changes in its own way. We are driving massive long-term changes in the ecology of our planet, one ecosystem, one community, one species at a time. The biosphere's response to human pressures is merely the sum of all of the changes.

#### Tankers resilient

Rodney Mills, Commander in the US Navy, 10-31-2008, “Iran and the Strait of Hormuz: Saber Rattling or Global Energy Nightmare,” Naval War College, DTIC

Oil tankers would seem to be the ideal target - they are large, not particularly maneuverable, and have little in the way of onboard defenses. They are plentiful in the Strait of Hormuz - in 2007, an average of fifteen tankers carrying crude oil passed through the Strait of Hormuz every day.4 The size and design of crude oil tankers works to their advantage, however. The supertankers, or Very Large Crude Carriers (VLCCs), that carry much of the crude oil in the strait are massive, displacing more than an aircraft carrier, thus reducing the effectiveness of a given size warhead.5 Older, single-hulled tankers are being phased out, and most tankers today are of newer, double-hulled designs; coupled with internal compartmentalization, this tends to limit damage from an explosion. There are relatively few areas of vital machinery that could disable the vessel if damaged, and much of the vital machinery is underwater. The crude oil they carry tends to absorb and dissipate the shock caused by an explosion, reducing the effectiveness of the warhead. And the crude oil is not very flammable, reducing the chance of fire or secondary explosion. All of these factors work together to make oil tankers resilient targets and to make it unlikely that a single weapon would sink or cause the "constructive total loss" of a tanker and its cargo, thus complicating the Iranian operational problem.6

#### You have it opposite – strikes now, but they’re bad, but the plan solves the blowback

Danya Greenfield, deputy director of the Rafik Hariri Center for the Middle East at the Atlantic Council leading the Yemen Policy Group, 8-19-2013, “The Case Against Drone Strikes on People Who Only 'Act' Like Terrorists,” The Atlantic, http://www.theatlantic.com/international/archive/2013/08/the-case-against-drone-strikes-on-people-who-only-act-like-terrorists/278744/

In a place like Yemen, although the American drone program is universally hated, many Yemenis will admit they would support targeted assassinations if there is clear intelligence that an individual is a senior operative within AQAP and plotting a specific and imminent act of terror against Americans. The problem with signature strikes is that they do not meet this threshold--not even remotely-- and they open the door for the U.S. to make grievous targeting mistakes and be seen as taking sides in a domestic insurgency. Signature strikes target low-level militants who might be nasty characters, but they are not necessarily planning an imminent act of terror or hold a leadership position.

# 1AR

## Pak

### NW

#### Nuclear war causes extinction

Bill Wickersham, University of Missouri adjunct professor of Peace Studies and a member of The Missouri University Nuclear Disarmament Education Team, 4-11-2010, “Threat of ‘nuclear winter’ remains New START treaty is step in right direction.” http://www.columbiatribune.com/news/2010/apr/11/threat-of-nuclear-winter-remains/

In addressing the environmental consequences of nuclear war, Columbian Steve Starr has written a summary of studies published by the Bulletin of the International Network of Engineers and Scientists Against Proliferation, which concludes: “U.S. researchers have confirmed the scientific validity of the concept of ‘nuclear winter’ and have demonstrated that any conflict which targets even a tiny fraction of the global arsenal will cause catastrophic disruptions of the global climate.” In another statement on his Web site, Starr says: “If 1% of the nuclear weapons now ready for war were detonated in large cities, they would utterly devastate the environment, climate, ecosystems and inhabitants of Earth. A war fought with thousands of strategic nuclear weapons would leave the Earth uninhabitable.”

## K

### FW

#### Discursive focus hinders policy understanding – overlooking questions of material structures that the alt can’t address

Gearoid Tuathail, Department of Georgraphy at Virginia Polytechnic Institute, 1996, Political Geography, 15(6-7), p. 664, science direct

While theoretical debates at academic conferences are important to academics, the discourse and concerns of foreign-policy decision- makers are quite different, so different that they constitute a distinctive problem- solving, theory-averse, policy-making subculture. There is a danger that academics assume that the discourses they engage are more significant in the practice of foreign policy and the exercise of power than they really are. This is not, however, to minimize the obvious importance of academia as a general institutional structure among many that sustain certain epistemic communities in particular states. In general, I do not disagree with Dalby’s fourth point about politics and discourse except to note that his statement-‘Precisely because reality could be represented in particular ways political decisions could be taken, troops and material moved and war fought’-evades the important question of agency that I noted in my review essay. The assumption that it is representations that make action possible is inadequate by itself. Political, military and economic structures, institutions, discursive networks and leadership are all crucial in explaining social action and should be theorized together with representational practices. Both here and earlier, Dalby’s reasoning inclines towards a form of idealism. In response to Dalby’s fifth point (with its three subpoints), it is worth noting, first, that his book is about the CPD, not the Reagan administration. He analyzes certain CPD discourses, root the geographical reasoning practices of the Reagan administration nor its public-policy reasoning on national security. Dalby’s book is narrowly textual; the general contextuality of the Reagan administration is not dealt with. Second, let me simply note that I find that the distinction between critical theorists and post- structuralists is a little too rigidly and heroically drawn by Dalby and others. Third, Dalby’s interpretation of the reconceptualization of national security in Moscow as heavily influenced by dissident peace researchers in Europe is highly idealist, an interpretation that ignores the structural and ideological crises facing the Soviet elite at that time. Gorbachev’s reforms and his new security discourse were also strongly self- interested, an ultimately futile attempt to save the Communist Party and a discredited regime of power from disintegration. The issues raised by Simon Dalby in his comment are important ones for all those interested in the practice of critical geopolitics. While I agree with Dalby that questions of discourse are extremely important ones for political geographers to engage, there is a danger of fetishizing this concern with discourse so that we neglect the institutional and the sociological, the materialist and the cultural, the political and the geographical contexts within which particular discursive strategies become significant. Critical geopolitics, in other words, should not be a prisoner of the sweeping ahistorical cant that sometimes accompanies ‘poststructuralism nor convenient reading strategies like the identity politics narrative; it needs to always be open to the patterned mess that is human history.

### No Endless War

#### No risk of endless wars

Colin Gray, Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute July 2007, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is not at all convincing. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, must be nothing if not pragmatic.

### XX 1st

#### Extinction first

Paul Wapner, associate professor and director of the Global Environmental Policy Program at American University. “Leftist Criticism of "Nature" Environmental Protection in a Postmodern Age,” Dissent Winter 2003 http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Structural violence doesn’t escalate

Robert Hinde and Lea Pulkkinnen, Cambridge psychology professor and University of Jyväskylä psychology professor, 2000, DRAFT Background Paper for Working Group 1: HUMAN AGGRESSIVENESS AND WAR, 50th Pugwash Conference On Science and World Affairs: "Eliminating the Causes of War" Queens' College, Cambridge, http://www.pugwash.org/reports/pac/pac256/WG1draft1.htm

People are capable of perpetrating the most terrible acts of violence on their fellows. From before recorded history humans have killed humans, and violence is potentially present in every society. There is no escaping the fact that the capacity to develop a propensity for violence is part of human nature. But that does not mean that aggression is inevitable: temporary anger need not give rise to persistent hostility, and hostility need not give rise to acts of aggression. And people also have the capacity to care for the needs of others, and are capable of acts of great altruism and self-sacrifice. A subsidiary aim of this workshop is to identify the factors that make aggressive tendencies predominate over the cooperative and compassionate ones. Some degree of conflict of interest is often present in relationships between individuals, in the relations between groups of individuals within states, and in the relations between states: we are concerned with the factors that make such conflicts escalate into violence. The answer to that question depends critically on the context. While there may be some factors in common, the bases of individual aggressiveness are very different from those involved in mob violence, and they differ yet again from the factors influencing the bomb-aimer pressing the button in a large scale international war. In considering whether acts which harm others are a consequence of the aggressive motivation of individuals, it is essential to recognise the diversity of such acts, which include interactions between individuals, violence between groups, and wars of the WW2 type. We shall see that, with increasing social complexity, individual aggressiveness becomes progressively less important, but other aspects of human nature come to contribute to group phenomena. Although research on human violence has focussed too often on the importance of one factor or another, it is essential to remember that violence always has multiple causes, and the interactions between the causal factors remain largely unexplored.

### AT: RC

#### even if they are correct, it’s impossible to remedy root causes.

Fred Hutchison, CPA and MBA, Staff writer for Renew America, 3-22-2004, “American innovation and the culture war: A golden age of American innovation,” http://www.renewamerica.us/columns/hutchison/040322

Reductionist ideas reduce (hu)man(s) to a simplistic caricature. When man looks in the mirror and sees something less than what is there, it has a depressing effect on his spirit and his mind. Deterministic ideas are the most powerfully compressing of the reductionist ideas. When man believes he is but a cog in a great machine, he feels crushed in a brutal and inhuman wine press. The most pitiless and repressive states are based on deterministic ideas — such as the Soviet regime under Stalin. When man is told that he is not created according to a design but was haphazardly evolved he is reduced to a subhuman status — an animal of no designed species but a beast-monstrosity of accidental origins. In some ways this is worse than being a cog in a machine. At least a cog has a design and an understandable purpose as an integral part of the great machine. Determinism is based upon the inflation of the principle of causation. Causation can be decisively established only for extremely simplified situations. In modern science, an experiment must be reduced to its simplest essentials before proof of causation is possible. But human nature and society is exceedingly complicated and contradictory. Reductionism in the pursuit of proof of causation is illusive because human nature is irreducibly complex. This goes through my mind whenever I hear a liberal speak of "root causes." The illusion that we can ferret out the root causes indicates a liberal who has never read the classics — and is profoundly ignorant about human nature. Our history of trying to manipulate root causes through social programs is a discouraging one — filled with the surprises of unintended consequences. Three Fatal Determinisms The three fatal determinisms of our age are economic determinism, cultural determinism, and biological determinism. Economic determinism is the belief that what we are and what we do is shaped by economic forces. This is an extremely radical reductionism if ever there was one. All the incredibly complicated things that combine in mysterious synergies to make up human nature are all to be explained by one single cause — economics. If ever their was a myth grounded in false confidence and the radical ignorance of tunnel vision — this is it. When liberals speak of the "root causes" of social problems, they typically are borrowing ideas from economic determinism. Root cause arguments obscure rather than enlighten. The poor are not responsible for their poverty because of root causes — we are told. Criminals are not responsible for crime because of root causes. Terrorists are not responsible for murder because of root causes. Such thinking rules out the idea of human conscience, and moral responsibility. When the belief in root causes relieves us of responsibility for our actions it also weakens the belief in the existence of free will. Nothing will destroy a golden age of innovation faster than a paralysis of the will. If we doubt we have a will because of a belief in the myth of root causes, the will becomes either paralyzed or undisciplined. We become ether zombies or maniacs — and return to adolescence.

### Alt No Solve

#### Alt = war, not human sec

#### Their politics fails – lack of a mechanism means they can’t convert theory into practice.

Richard Wyn Jones, 1999, “Security, Strategy, and Critical Theory,” ciao

Because emancipatory political practice is central to the claims of critical theory, one might expect that proponents of a critical approach to the study of international relations would be reflexive about the relationship between theory and practice. Yet their thinking on this issue thus far does not seem to have progressed much beyond grandiose statements of intent. There have been no systematic considerations of how critical international theory can help generate, support, or sustain emancipatory politics beyond the seminar room or conference hotel. Robert Cox, for example, has described the task of critical theorists as providing “a guide to strategic action for bringing about an alternative order” (R. Cox 1981: 130). Although he has also gone on to identify possible agents for change and has outlined the nature and structure of some feasible alternative orders, he has not explicitly indicated whom he regards as the addressee of critical theory (i.e., who is being guided) and thus how the theory can hope to become a part of the political process (see R. Cox 1981, 1983, 1996). Similarly, Andrew Linklater has argued that “a critical theory of international relations must regard the practical project of extending community beyond the nation–state as its most important problem” (Linklater 1990b: 171). However, he has little to say about the role of theory in the realization of this “practical project.” Indeed, his main point is to suggest that the role of critical theory “is not to offer instructions on how to act but to reveal the existence of unrealised possibilities” (Linklater 1990b: 172). But the question still remains, reveal to whom? Is the audience enlightened politicians? Particular social classes? Particular social movements? Or particular (and presumably particularized) communities? In light of Linklater’s primary concern with emancipation, one might expect more guidance as to whom he believes might do the emancipating and how critical theory can impinge upon the emancipatory process. There is, likewise, little enlightenment to be gleaned from Mark Hoffman’s otherwise important contribution. He argues that critical international theory seeks not simply to reproduce society via description, but to understand society and change it. It is both descriptive and constructive in its theoretical intent: it is both an intellectual and a social act. It is not merely an expression of the concrete realities of the historical situation, but also a force for change within those conditions. (M. Hoffman 1987: 233) Despite this very ambitious declaration, once again, Hoffman gives no suggestion as to how this “force for change” should be operationalized and what concrete role critical theorizing might play in changing society. Thus, although the critical international theorists’ critique of the role that more conventional approaches to the study of world politics play in reproducing the contemporary world order may be persuasive, their account of the relationship between their own work and emancipatory political practice is unconvincing. Given the centrality of practice to the claims of critical theory, this is a very significant weakness. Without some plausible account of the mechanisms by which they hope to aid in the achievement of their emancipatory goals, proponents of critical international theory are hardly in a position to justify the assertion that “it represents the next stage in the development of International Relations theory” (M. Hoffman 1987: 244). Indeed, without a more convincing conceptualization of the theory–practice nexus, one can argue that critical international theory, by its own terms, has no way of redeeming some of its central epistemological and methodological claims and thus that it is a fatally flawed enterprise.

## CP

### AT: OLC

#### Libya proves – OLC is discretionary advice, not binding, and actively expands executive power – solves none of the aff

Eric Posner, Professor at the University of Chicago Law School, 2011, “Deference to the Executive in the United States after 9/11 Congress, the Courts and the Office of Legal Counsel” http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1084&context=public\_law\_and\_legal\_theory

3. A Case Study: Military Intervention without Congressional Authorization Given the inconclusive nature of the statistical evidence, one might also consider the evidence in a qualitative fashion. In this section, I undertake such an analysis, focusing on military intervention. The executive has on a number of occasions sought to send military forces into foreign countries without congressional consent. A lively controversy exists over whether the president has such authority. The U.S. Constitution gives Congress the power to declare war. Yet founding era sources suggest that opinion at that time was that the president could unilaterally use force in certain circumstances—for example, to repel invasions. In the following centuries, the executive has used force on foreign territory (rather than to repel invasions) on numerous occasions without congressional authorization, which gave rise to the view within the executive branch that tradition sanctioned the unilateral use of force even in foreign countries, albeit subject to ill-defined limits. After the Vietnam War, which was widely blamed on the executive despite congressional acquiescence, Congress passed the War Powers Act over the president’s veto, which required the president to withdraw troops from hostilities within 60 days unless it received congressional authorization. OLC fought off these twin constraints on executive power. In 1991, President George H.W. Bush order American troops into Somalia where they engaged in combat with local militias. OLC resolved the constitutional question by arguing that the executive has constitutional authority to send troops onto foreign soil in order to protect Americans and American property. 33 In 1994, President Clinton prepared to launch a military invasion of Haiti after a coup overthrew the government, but the new government of Haiti backed down, and American troops entered Haitian territory to conduct peacekeeping operations. President Clinton did not have congressional authorization for the transfer of American troops onto potentially hostile soil. However, OLC argued that the deployment of troops accorded with an appropriations bill that barred the use of appropriated funds for military operations in Haiti unless justified by U.S. national security interests. 34 The appropriations bill did not by its terms authorize anything. OLC further explained that the president did not need congressional authorization under the Declaration of War clause when “the deployment [takes place] with the full consent of the legitimate government of the country involved.” 35 Such an event is not a “war” even if it could quickly turn into war. In addition, the War Powers Resolution does not apply “where the risk of sustained military conflict [is] negligible.” 36 In 1995, President Clinton decided that U.S. forces should enter Bosnia and Herzegovina to enforce a fragile peace agreement. OLC found itself unable to rely on an appropriations bill. Instead of citing a statute, OLC noted that the president has the “power to deploy troops abroad without the initiation of hostilities,” citing historical practice and the president’s Commander in Chief power, the much criticized constitutional basis for many Bush-era OLC opinions. 37 In this case the risk of sustained military conflict was not “negligible.” But that no longer mattered. Because the parties had consented to the deployment of troops, there is still no “war” and neither the Declaration of War clause nor the War Powers Resolution applied. In 1999, President Clinton ordered a massive air bombardment of Serbia. Congress again refused authorization; indeed, the bill to authorize military operations was voted on but failed to pass on a tie vote. It was impossible to argue that the risk of sustained military conflict was negligible and that the Serbs consented to the bombardment of their own country. OLC rested its case on an appropriations statute enacted after the commencement of hostilities. 38 President Clinton sent American troops into action and then dared Congress to deny them funding. Trapped, Congress reluctantly authorized funds. For OLC, the War Powers Resolution did not stand in the way of the war because of the appropriations statute even though the War Powers Resolution said that appropriations statutes do not count as congressional authorization. During the George W. Bush administration, OLC took aggressive positions on a range of issues, including the use of coercive interrogation (despite a statute that banned torture) and warrantless surveillance (despite a statute that restricted surveillance). 39 OLC opinions relied heavily on the constitutional authority of the executive, using it to justify narrow interpretations of the statutes. Subsequently, OLC withdrew these memos. Let us now turn to the Libya intervention. In 2011, President Obama ordered U.S. forces to participate in a NATO bombardment of Libya. Again, Congress refused to authorize the action. OLC advised the president that he could intervene without congressional authorization, citing its earlier opinions on military intervention. 40 Two months later, in response to questions as to whether the intervention complied with the War Powers Act’s 60-day limit, the White House released a document to Congress with a one-page legal analysis. Consistent with previous OLC doctrine, the president argued that “the President had constitutional authority, as Commander in Chief and Chief Executive and pursuant to his foreign affairs powers, to direct such limited military operations abroad.” 41 In addition, the president argued that the War Powers Resolution did not require congressional authorization because the action in Libya was not really a “war”: U.S. military operations are distinct from the kind of “hostilities” contemplated by the Resolution’s 60 day termination provision. U.S. forces are playing a constrained and supporting role in a multinational coalition, whose operations are both legitimated by and limited to the terms of a United Nations Security Council Resolution that authorizes the use of force solely to protect civilians and civilian populated areas under attack or threat of attack and to enforce a no-fly zone and an arms embargo. U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors. 42 The narrow definition of “hostilities” echoed the narrow definition of “torture” used by the Bush-era OLC. The reliance on UN Security Council authorization echoed Truman’s reliance on Security Council authorization for the U.S. military intervention in Korea (also not authorized by Congress). 43 Press reports later revealed that OLC had refused to issue an opinion advising the president that the use of military force in Libya was consistent with the War Powers Act, and that the president instead relied on the advice of the State Department legal adviser and the White House Counsel. 44 What are we to make of this history? One view is that it confirms the rubber-stamp hypothesis. OLC has always rubber stamped legal interventions up until 2011; when it declined to do so, the White House ignored it. However, the rubber-stamp hypothesis raises some questions. One is why OLC would go to such elaborate lengths to provide narrow justifications for military interventions in the early years; and why it would finally draw the line on Libya. It seems likely that OLC sought to prevent its credibility from eroding completely. An OLC which is truly a rubber stamp would be of no value to the president and might as well be dispensed of completely. At the same time, OLC could not in the end constrain the executive from maintaining the military intervention in Libya. So if it preserved its credibility by rendering a “no,” it could not provide the checking function of Congress and the judiciary. The president’s decision to disregard OLC’s advice is more in the spirit of the enabler hypothesis than the constraint hypothesis: the president made what one hopes was a rational decision to weaken his hand with Congress in future confrontations because he believed that the stakes were too high in the Libya intervention to withdraw the troops. The gamble may well have paid off. The president’s success in Libya in the face of congressional opposition may have the long-term effect of eroding the War Powers Act rather than weaken the executive; in that case, the Obama acted wisely by overruling OLC.

## Piracy DA

### No Spills

#### Latest attacks prove no oil spills – modern vessels have better protection

Jonathan Saul, writer for Reuters, 6-3-2011, “Analysis – Vital Shipping Lanes can Weather Turmoil in Yemen” http://uk.reuters.com/article/2011/06/03/uk-yemen-shipping-idUKTRE75240220110603

"Sporadic maritime attacks are a possibility. However, as was shown by the attack on the Japanese tanker near the Strait of Hormuz in July 2010, these are logistically hard to carry out so the threat would be unlikely to escalate beyond a sporadic threat." One seaman was hurt in the Japanese tanker attack and there was no oil spill or disruption to shipping, suggesting that the way modern vessels are built minimises the risk of major damage.

### AT: Environ

#### No impact to bio-d loss – no spillover, ecosystems adapt – their ev is bad science

Jeremy Hance, senior writer at Mongabay citing Barry Brook, Sir Hubert Wilkins Chair of Climate Change at the School of Earth and Environmental Sciences at the University of Adelaide, and Director of Climate Science at the University of Adelaide’s Environment Institute, 3-5-2013, “Warnings of Global Ecological Tipping Points May Be Overstated” http://news.mongabay.com/2013/0305-hance-tipping-points.html#r2IbUBDMyux2eU7i.99

There's little evidence that the Earth is nearing a global ecological tipping point, according to a new Trends in Ecology and Evolution paper that is bound to be controversial. The authors argue that despite numerous warnings that the Earth is headed toward an ecological tipping point due to environmental stressors, such as habitat loss or climate change, it's unlikely this will occur anytime soon—at least not on land. The paper comes with a number of caveats, including that a global tipping point could occur in marine ecosystems due to ocean acidification from burning fossil fuels. In addition, regional tipping points, such as the Arctic ice melt or the Amazon rainforest drying out, are still of great concern. "When others have said that a planetary critical transition is possible/likely, they've done so without any underlying model (or past/present examples, apart from catastrophic drivers like asteroid strikes)," lead author Barry Brook and Director of Climate Science at the University of Adelaide told mongabay.com. "It’s just speculation and we’ve argued [...] that this conjecture is not logically grounded. No one has found the opposite of what we suggested—they’ve just proposed it." According to Brook and his team, a truly global tipping point must include an impact large enough to spread across the entire world, hitting various continents, in addition to causing some uniform response. "These criteria, however, are very unlikely to be met in the real world," says Brook. The idea of such a tipping point comes from ecological research, which has shown that some ecosystems will flip to a new state after becoming heavily degraded. But Brook and his team say that tipping points in individual ecosystems should not be conflated with impacts across the Earth as a whole. Even climate change, which some scientists might consider the ultimate tipping point, does not fit the bill, according to the paper. Impacts from climate change, while global, will not be uniform and hence not a "tipping point" as such. "Local and regional ecosystems vary considerably in their responses to climate change, and their regime shifts are therefore likely to vary considerably across the terrestrial biosphere," the authors write. Barry adds that, "from a planetary perspective, this diversity in ecosystem responses creates an essentially gradual pattern of change, without any identifiable tipping points." The paper further argues that biodiversity loss on land may not have the large-scale impacts that some ecologists argue, since invasive species could potentially take the role of vanishing ones. "So we can lose the unique evolutionary history (bad, from an intrinsic viewpoint) but not necessarily the role they impart in terms of ecosystem stability or provision of services," explains Brook. The controversial argument goes against many scientists' view that decreased biodiversity will ultimately lessen ecological services, such as pollination, water purification, and carbon sequestration.