# Wiki Doc Semis

# 1AC

Same as r2

# 2AC

## Case

### 2AC – Warming OV

#### Warming isn’t irreversible

Herring 21 [DAVID HERRING, Director of Communication and Education @ NOAA. AND REBECCA LINDSEY, Senior Science Writer and Editor at NOAA. “Can we slow or even reverse global warming?” 9/7/21. https://www.climate.gov/news-features/climate-qa/can-we-slow-or-even-reverse-global-warming]

Can we slow or even reverse global warming?

Yes. While we cannot stop global warming overnight, or even over the next several decades, we can slow the rate and limit the amount of global warming by reducing human emissions of heat-trapping gases and soot (“black carbon”).

If all human emissions of heat-trapping gases were to stop today, Earth’s temperature would continue to rise for a few decades as ocean currents bring excess heat stored in the deep ocean back to the surface. Once this excess heat radiated out to space, Earth’s temperature would stabilize. Experts think the additional warming from this “hidden” heat are unlikely to exceed 0.9° Fahrenheit (0.5°Celsius). With no further human influence, natural processes would begin to slowly remove the excess carbon dioxide from the atmosphere, and global temperatures would gradually begin to decline.

It’s true that without dramatic action in the next couple of decades, we are unlikely to keep global warming in this century below 2.7° Fahrenheit (1.5° Celsius) compared to pre-industrial temperatures—a threshold that experts say offers a lower risk of serious negative impacts. But the more we overshoot that threshold, the more serious and widespread the negative impacts will be, which means that it is never “too late” to take action.

In response to a request from the U.S. Congress, the U.S. National Academy of Sciences published a series of peer-reviewed reports, titled America's Climate Choices, to provide authoritative analyses to inform and guide responses to climate change across the nation. Relevant to this question, the NAS report titled Limiting the Magnitude of Future Climate Change explains policies that could be adopted to slow or even reverse global warming. The report says, "Meeting internationally discussed targets for limiting atmospheric greenhouse gas concentrations and associated increases in global average temperatures will require a major departure from business as usual in how the world uses and produces energy."2

#### Doesn’t impact retail markets so cant change the internal link

Campbell 20 [Bruce, Director of Regulatory Affairs at CPower. He is an expert in regulatory proceedings and market design with 40 years of experience in the electric industry including generating station management and strategic development. “A Primer for Understanding FERC Order 2222”. 12/18/20. https://cpowerenergymanagement.com/a-primer-for-understanding-ferc-order-2222/]

Order 2222 affects the wholesale power markets, NOT the retail markets.

It’s FERC’s responsibility to ensure that the competition in US wholesale power markets is just and reasonable. The markets exist to foster competition and FERC acts as essentially a referee, making sure one entity doesn’t have an unfair advantage over another.

In this respect, Order 2222 is right in the wheelhouse of FERC’s jurisdiction and mission.

Nonetheless, it is important to understand that the interconnection of DERs with the grid remains subject to local utility interconnection rules that are state jurisdictional and that these rules can encourage or discourage DER activity. 2

Aff solves standing by fiating thur = private companies enough

#### Strong congressional text writing solves court circumvention

Baer 20 [Bill Baer, American lawyer who served as the Assistant Attorney General for the United States Department of Justice Antitrust Division. Jonathan B. Baker Michael Kades, Fiona M. Scott Morton, Nancy L. Rose, Carl Shapiro, Tim Wu. “Restoring competition in the United States”. 11/19/20. https://equitablegrowth.org/research-paper/restoring-competition-in-the-united-states/?longform=true]

Congress need not passively accept today’s cramped interpretation of the antitrust laws. It should once again reassert its commitment to competition by updating our antitrust laws and directing the courts to better protect competition, consumers, and workers. Legislation allows Congress to make broad policy judgments about what the antitrust laws should prohibit and the best legal rules for achieving those results.

Meaningful antitrust reform should be a priority of the next administration and the 117th U.S. Congress. The challenge of drafting legislation is substantial. On the one hand, the legislation must be written for a judiciary that is both increasingly hostile to antitrust claims in general and increasingly textualist in its statutory interpretation. On the other hand, in the context of the antitrust laws, courts have often “abandoned statutory textualism” to interpret the laws “in favor of big business,”15 explains Daniel Crane, the Fredrick Paul Furth Sr. professor of law at the University of Michigan Law School. If given discretion to interpret new legislation, the current judiciary is likely to fall back on the same skepticism of antitrust enforcement that it has advanced over the past 40 years.

Despite those concerns, legislation remains the best option to revitalizing antitrust enforcement. In drafting legislation, Congress can learn from the past. One case in point: The legislative history of the Celler-Kefauver bill, not its text, reveals the bill’s intent, which courts increasingly ignore.16 Congress can reduce that risk by being explicit in the text when vacating or rejecting existing precedent and when identifying relevant factors, such as the importance of protecting both actual and potential competition. Congress should identify in statute the elements sufficient to establish an antitrust violation as precisely as possible.

In particular, Congress should specify the circumstances under which the burden of proof switches from the plaintiff to the defendant and the evidence necessary to rebut presumptions of illegality once they are established, based on the underlying economics, the type of evidence available to the parties, and the respective risks of underenforcement and overenforcement. Because courts regularly apply burden shifting across many areas of the law, they will understand and respect its implications.17 Successful legislative reform would accomplish the following goals:

Correct flawed judicial rules that reflect unsound economic theories or unsupported empirical claims18

Clarify that the antitrust laws protect against competitive harms from the loss of potential and nascent competition, especially harms to innovation

Incorporate presumptions of illegality that better reflect the likelihood that certain practices harm competition

Recognize that under some circumstances conduct that creates a risk of substantial harm should be unlawful even if the harm cannot be shown to be more likely than not

Alter substantive legal standards and the allocation of pleading, production, and proof burdens to reduce barriers to demonstrating meritorious cases19

We are under no illusion about the difficulty in passing legislation, but it remains the best way to address deficiencies in the current application of our antitrust laws. And the time seems ripe for bipartisan support of this effort.

#### Courts will enforce the plan faithfully.

Charles S. Dameron 16, Yale Law School, J.D. 2015. "Present at Antitrust’s Creation: Consumer Welfare in the Sherman Act’s State Statutory Forerunners." https://www.yalelawjournal.org/note/present-at-antitrusts-creation-consumer-welfare-in-the-sherman-acts-state-statutory-forerunners

Notwithstanding occasional invocations of the judiciary’s “common law” authority over the Sherman Act, federal courts have, since the Act’s earliest days, expended great energy attempting to divine the legislative purpose behind it.5If the Sherman Act were truly a blanket grant of common law-making authority to federal courts, they would hardly need to undertake such searching inquiries. The Supreme Court’s and lower courts’ close attention to the Sherman Act’s language and legislative history indicates that they have sought to abide by their constitutional role as interpreters of federal statutes.6

It is therefore more precise to say that the judiciary enjoys an especially wide authority to fill statutory gaps when interpreting the Sherman Act due to the Act’s ambiguous language, its constancy over time, and the fact—peculiar in light of many modern regulatory regimes—that Congress did not assign rulemaking authority to an administrative agency. These traits do not imply that federal courts may pursue whatever antitrust policy they find most desirable or wise; courts are obliged to follow the statute’s contours to the extent that they can perceive those contours.7

## Econ

### 2AC – AT: Heg Turn

#### Collapse of unipolarity causes extinction via transition wars. The structure of the international system explains conflict.

Michael Beckley 18. Professor of political science at Tufts. *Unrivaled: Why America Will Remain the World’s Sole Superpower*. Cornell University Press.

The story of world politics is often told as a game of thrones in which a rotating cast of great powers battles for top-dog status. According to researchers led by Graham Allison at Harvard, there have been sixteen cases in the past ﬁve hundred years when a rising power challenged a ruling power. 3 Twelve of these cases ended in carnage. One can quibble with Allison’s case selection, but the basic pattern is clear: hegemonic rivalry has sparked a catastrophic war every forty years on average for the past half millennium.

The emergence of unipolarity in 1991 has put this cycle of hegemonic competition on hold. Obviously wars and security competition still occur in today’s unipolar world—in fact, as I explain later, unipolarity has made certain types of asymmetric conﬂict more likely—but none of these conﬂicts have the global scope or generational length of a hegemonic rivalry.

To appreciate this point, just consider the Cold War—one of the four “peaceful” cases of hegemonic rivalry identiﬁed by Allison’s study. Although the two superpowers never went to war, they divided the world into rival camps, waged proxy wars that killed millions of people, and pushed each other to the brink of nuclear Armageddon. For forty-ﬁve years, World War III and human extinction were nontrivial possibilities.

Since the collapse of the Soviet Union, by contrast, the United States has not faced a hegemonic rival, and the world, though far from perfect, has been more peaceful and prosperous than ever before.

Just look at the numbers. From 1400 to 1991, the rate of war deaths worldwide hovered between 5 and 10 deaths per 100,000 people and spiked to 200 deaths per 100,000 during major wars. 4 After 1991, however, war death rates dropped to 0.5 deaths per 100,000 people and have stayed there ever since. Interstate wars have disappeared almost entirely, and the number of civil wars has declined by more than 30 percent. 5 Meanwhile, the global economy has quadrupled in size, creating more wealth between 1991 and 2018 than in all prior human history combined. 6

What explains this unprecedented outbreak of peace and prosperity? Some scholars attribute it to advances in communications technology, from the printing press to the telegraph to the Internet, which supposedly spread empathy around the globe and caused entire nations to place a higher value on human life. 7

Such explanations are appealing, because they play on our natural desire to believe in human progress, but are they convincing? Did humans suddenly become 10 to 20 times less violent and cruel in 1991? Are we orders of magnitude more noble and kind than our grandparents? Has social media made us more empathetic? Of course not, which is why the dramatic decline in warfare after 1991 is better explained by geopolitics than sociology. 8

The collapse of the Soviet Union not only ended the Cold War and related proxy ﬁghting, it also opened up large swathes of the world to democracy, international commerce, and peacekeeping forces—all of which surged after 1991 and further dampened conﬂict. 9 Faced with overwhelming U.S. economic and military might, most countries have decided to work within the American-led liberal order rather than ﬁght to overturn it. 10 As of 2018, nearly seventy countries have joined the U.S. alliance network—a Kantian community in which war is unthinkable—and even the two main challengers to this community, China and Russia, begrudgingly participate in the institutions of the liberal order (e.g., the UN, the WTO, the IMF, World Bank, and the G-20), engage in commerce with the United States and its allies, and contribute to international peacekeeping missions. 11 History may not have ended in 1991, but it clearly changed in profound ways—and mostly for the better.

#### History proves that wealthy nations will not go down quietly – the “transition” away from growth will cause global war

Brands and Beckley September 24, 2021 [Hal, Henry Kissinger distinguished professor of global affairs at Johns Hopkins’ School of Advanced International Studies, and Michael, associate professor of political science at Tufts and 2004 CEDA national champion, “China Is a Declining Power—and That’s the Problem”

https://foreignpolicy.com/2021/09/24/china-great-power-united-states/]

Over the past 150 years, peaking powers—great powers that had been growing dramatically faster than the world average and then suffered a severe, prolonged slowdown—usually don’t fade away quietly. Rather, they become brash and aggressive. They suppress dissent at home and try to regain economic momentum by creating exclusive spheres of influence abroad. They pour money into their militaries and use force to expand their influence. This behavior commonly provokes great-power tensions. In some cases, it touches disastrous wars.

This shouldn’t be surprising. Eras of rapid growth supercharge a country’s ambitions, raise its people’s expectations, and make its rivals nervous. During a sustained economic boom, businesses enjoy rising profits and citizens get used to living large. The country becomes a bigger player on the global stage. Then stagnation strikes.

Slowing growth makes it harder for leaders to keep the public happy. Economic underperformance weakens the country against its rivals. Fearing upheaval, leaders crack down on dissent. They maneuver desperately to keep geopolitical enemies at bay. Expansion seems like a solution—a way of grabbing economic resources and markets, making nationalism a crutch for a wounded regime, and beating back foreign threats.

Many countries have followed this path. When the United States’ long post-Civil War economic surge ended, Washington violently suppressed strikes and unrest at home, built a powerful blue-water Navy, and engaged in a fit of belligerence and imperial expansion during the 1890s. After a fast-rising imperial Russia fell into a deep slump at the turn of the 20th century, the tsarist government cracked down hard while also enlarging its military, seeking colonial gains in East Asia and sending around 170,000 soldiers to occupy Manchuria. These moves backfired spectacularly: They antagonized Japan, which beat Russia in the first great-power war of the 20th century.

A century later, Russia became aggressive under similar circumstances. Facing a severe, post-2008 economic slowdown, Russian President Vladimir Putin invaded two neighboring countries, sought to create a new Eurasian economic bloc, staked Moscow’s claim to a resource-rich Arctic, and steered Russia deeper into dictatorship. Even democratic France engaged in anxious aggrandizement after the end of its postwar economic expansion in the 1970s. It tried to rebuild its old sphere of influence in Africa, deploying 14,000 troops to its former colonies and undertaking a dozen military interventions over the next two decades.

All of these cases were complicated, yet the pattern is clear. If a rapid rise gives countries the means to act boldly, the fear of decline serves up a powerful motive for rasher, more urgent expansion. The same thing often happens when fast-rising powers cause their own containment by a hostile coalition. In fact, some of history’s most gruesome wars have come when revisionist powers concluded their path to glory was about to be blocked.

Imperial Germany and Japan are textbook examples.

Germany’s rivalry with Britain in the late 19th and early 20th centuries is often considered an analogue to U.S.-China competition: In both cases, an autocratic challenger threatened a liberal hegemon. But the more sobering parallel is this: War came when a cornered Germany grasped it would not zip past its rivals without a fight.

For decades after unification in 1871, Germany soared. Its factories spewed out iron and steel, erasing Britain’s economic lead. Berlin built Europe’s finest army and battleships that threatened British supremacy at sea. By the early 1900s, Germany was a European heavyweight seeking an enormous sphere of influence—a Mitteleuropa, or Middle Europe­—on the continent. It was also pursuing, under then-Kaiser Wilhelm II, a “world policy” aimed at securing colonies and global power.

But during the prelude to war, the kaiser and his aides didn’t feel confident. Germany’s brash behavior caused its encirclement by hostile powers. London, Paris, and St. Petersburg, Russia, formed a “Triple Entente” to block German expansion. By 1914, time was running short. Germany was losing ground economically to a fast-growing Russia; London and France were pursuing economic containment by blocking its access to oil and iron ore. Berlin’s key ally, Austria-Hungary, was being torn apart by ethnic tensions. At home, Germany’s autocratic political system was in trouble.

Most ominous, the military balance was shifting. France was enlarging its army; Russia was adding 470,000 men to its military and slashing the time it needed to mobilize for war. Britain announced it would build two battleships for every one built by Berlin. Germany was, for the moment, Europe’s foremost military power. But by 1916 and 1917, it would be hopelessly overmatched. The result was a now-or-never mentality: Germany should “defeat the enemy while we still stand a chance of victory,” declared Chief of Staff Helmuth von Moltke, even if that meant “provoking a war in the near future.”

This is what happened after Serbian nationalists assassinated Austria’s crown prince in June 1914. The kaiser’s government urged Austria-Hungary to crush Serbia, even though that meant war with Russia and France. It then invaded neutral Belgium—the key to its Schlieffen Plan for a two-front war—despite the likelihood of provoking Britain. “This war will turn into a world war in which England will also intervene,” Moltke acknowledged. Germany’s rise had given it the power to gamble for greatness. Its impending decline drove the decisions that plunged the world into war.

Imperial Japan followed a similar trajectory. For a half-century after the Meiji Restoration in 1868, Japan was rising steadily. The building of a modern economy and a fierce military allowed Tokyo to win two major wars and accumulate colonial privileges in China, Taiwan, and the Korean Peninsula. Yet Japan was not a hyper-belligerent predator: Through the 1920s, it cooperated with the United States, Britain, and other countries to create a cooperative security framework in the Asia-Pacific.

During that decade, however, things fell apart. Growth dropped from 6.1 percent annually between 1904 and 1919 to 1.8 percent annually in the 1920s; the Great Depression then shut Japan’s overseas markets. Unemployment soared, and bankrupt farmers sold their daughters. In China, meanwhile, Japanese influence was being challenged by the Soviet Union and a rising nationalist movement under then-Chinese leader Chiang Kai-Shek. Tokyo’s answer was fascism at home and aggression abroad.

From the late 1920s onward, the military conducted a slow-motion coup and harnessed the nation’s resources for “total war.” Japan initiated a massive military buildup and violently established a vast sphere of influence, seizing Manchuria in 1931, invading China in 1937, and laying plans to conquer resource-rich colonies and strategic islands across the Asia-Pacific. The goal was to build an autarkic empire; the result drew a strategic noose around Tokyo’s neck.

Japan’s push into China eventually led to a punishing war with the Soviet Union. Japan’s designs on Southeast Asia alarmed Britain. Its drive for regional primacy also made it a foe of the United States—the country from which Tokyo imported nearly all of its oil with an economy vastly larger than Japan’s. Tokyo had antagonized an overwhelming coalition of enemies. It then risked everything rather than accepting humiliation and decline.

The precipitating cause, again, was a closing window of opportunity. By 1941, the United States was building an unbeatable military. In July, then-U.S. President Franklin Roosevelt imposed an oil embargo that threatened to stop Japan’s expansion in its tracks. But Japan still had a temporary military edge in the Pacific Ocean, thanks to its early rearmament. So it used that advantage in a lightning attack—seizing the Dutch East Indies, the Philippines, and other possessions from Singapore to Wake Island as well as bombing the U.S. fleet at Pearl Harbor—which guaranteed its own destruction.

Japan’s prospects for victory were dim, acknowledged then-Japanese Gen. Hideki Tojo, yet there was no choice but to “close one’s eyes and jump.” A revisionist Japan became most violent when it saw that time was running out.

#### Current Chinese regional policy is aggressive and revisionist – only forward presence deters them and guarantees stability

Michael Auslin 15, resident scholar at the American Enterprise Institute, 9/23/15, “Time For Realism In U.S.-China Relations,” http://nationalinterest.org/feature/time-realism-us-china-relations-13915?page=show

“The United States welcomes a rising China that is peaceful, stable, prosperous, and a responsible player in global affairs.”

So asserted Susan Rice, National Security Advisor to President Obama, during a speech yesterday at George Washington University on the eve of Chinese President Xi Jinping’s state visit to Washington. In an address designed to tout the “arc of progress” in Sino-U.S. relations, Rice chastised the “lazy rhetoric that says conflict between the U.S. and China is inevitable.”

Rice may have set up her straw person, but no serious Asia watcher either predicts or desires a clash with China. However, even by the measuring stick of her own aspirations noted above, China today is falling far short of the mark, raising serious questions about the future of its relationship with the United States.

To begin with, few of China’s neighbors feel that Beijing is altogether peaceful these days. Its coercion over disputed maritime territory in the East and South China Seas continues unabated, and it has now built islands in contested waters and is beginning to militarize them. Its military might, showcased this month at a major parade, was a clear message of China’s strength and a warning to those who would oppose it.

Secondly, longtime observers of China are increasingly concerned about its stability. Xi Jinping has instituted a social crackdown that belies the regime’s concern over its safety. Xi has arrested potential threats to his own power in the Communist Party, tightened control over the military, jailed lawyers and dissidents, and maintained oppression of Tibetan and Uighur minorities. Even established academics like George Washington University’s David Shambaugh are beginning to say that the Communist Party is entering its endgame, with unknown effects on social stability.

Americans are willing to overlook these failings as long as China remained the goose that laid the golden egg. Yet this summer showed that Chinese prosperity, the third of Rice’s goals, can be taken for granted. The stock market collapse over the past few months is a sign of much deeper problems in the broader economy. The official growth rate has been knocked down to 7 percent, but few economists believe the figure, and it is entirely likely that China is already in stagnation. That means, as trade figures showed, dropping industrial production and shrinking imports. When the slowdown hits the pocketbooks of China’s nouveaux middle class, then social stability will be even more at risk.

A China suffering from economic stagnation and turmoil at home is unlikely to be a ‘responsible player in global affairs.’ In fact, it already isn’t, despite Rice’s desire. Just days before Xi’s visit to Obama, his government has formally arrested an American citizen on charges of spying. This sends a clear message to Obama about Beijing’s regard for diplomatic niceties. Far more serious, of course, is the unprecedented cyber espionage conducted by Chinese hackers, undoubtedly controlled or supported by the government, against U.S. citizens and businesses. The hack of the Office of Personnel Management compromised the sensitive data of tens of millions of Americans. In response, Washington is toying with signing a cybersecurity pact with Beijing that will do nothing to stop such aggression. Add on Beijing’s claims over the South China Sea and its attempt to dominate contested waters, its refusal to pressure North Korea, and its campaign to seek out Chinese expats in America and coerce them to return home, and the picture of bonhomie between America and China is itself a product of the kind of ‘reductive reasoning and lazy rhetoric’ denounced by Rice.

The question is, what to do about all this? How can the United States effectively pressure its largest import partner and the world’s second-largest economy? Must the arc of progress championed by Rice always bend in China’s favor?

It is time for a new realism in U.S.-China relations. Such realism begins with an official acceptance that we are locked in a competition with China that is of Beijing’s choosing. Our economies may be increasingly interconnected, but no longer can U.S. officials quail at responding to Beijing’s provocations out of fear that trade relations will be harmed. It is time for high-level U.S.-China dialogues to be reset, to use a term once in favor in the Obama Administration, and conducted not as an unearned gift to Beijing, but only when there are concrete goals to be achieved. A state that acts increasingly in violation of global norms of behavior is not one that should be rewarded with pomp and circumstance by U.S. leaders.

In addition, it is past time for the U.S. to act as the guarantor of regional stability that it claims to be. That means sending U.S. ships and planes right up to the edges of China’s manmade islands in the South China Sea, something that Obama Administration admitted in Senate testimony last week that it was not doing. By not challenging China’s territorial claims we are in essence confirming them, and sending a message of political weakness to our allies in Asia. A China that knows we will employ our military strength where it is most in question will be far more circumspect in its attempts to undermine the rules of international behavior.

As for cyber, it is Beijing that has caused this crisis, and no U.S. administration should be negotiating a pact with the wolf in the sheep pen. First, we should be thinking of financial sanctions and diplomatic freezes as punishment for aggression already committed and that to come.

It also is past time to throw some cyber elbows to show we won’t simply sit and take whatever fouls China decides to commit. There is no question that the U.S. is probably more vulnerable that China on the cyber front, but we are steadily being led down the path towards a real cyber Pearl Harbor (such as the shutting down of our energy grid) by our unwillingness to show that we can play the same game. It’s a discomfiting thought, but that is the world we have let ourselves be trapped into.

The point of the new realism is not to force a conflict with China. It is to avoid one. Only steady strength, a firm response, and a willingness to speak the truth will show Xi Jinping and his fellow leaders that America is no better friend and no worse adversary. The choice lies entirely with the Chinese leadership. So far, they have ignored Susan Rice’s earnest exhortations, and instead shown a dangerous willingness to undermine the very peace that has allowed their country to grow so much. By acting in our best interests, we will also help deflect China from a path that increasingly looks like one that will result in far greater risks to stability, prosperity, and peace.

#### Multilateralism can’t stop conflict

Bordachev 13 (Timofei, Doctor of Political Science, is the Director of the Center for Comprehensive International and European Studies at the Higher School of Economics, “Political Tsunami Hits Hard,” 6/30, http://eng.globalaffairs.ru/number/Political-Tsunami-Hits-Hard-16054)

The financial crisis in the United States, which in 2008 went global, and the continuing efforts by countries around the world to fight its effects have highlighted four most important tendencies in international affairs. First, pretty obvious is the conflict between the growing economic unity of the world and its worsening political fragmentation. The rise of sovereign ambitions and attempts to address all problems at the national level has come into conflict with financial and economic globalization and exacerbates crisis trends. Second, democratization in international politics and greater independence of individual states play an ever greater role. This “in-depth unfreezing” for the first time manifested itself in China’s soaring global ambitions and in the national interests and requests of other Asian countries. Turkey, a stable ally of the West in NATO and a EU aspirant waiting patiently in the antechamber, is trying on the guise of a regional power ever more often. In the meantime, the need for taking into account the ever larger range of opinions quickly erodes the international institutions that emerged in the Cold War era. This is seen not just in the sphere of security: the United Nations efficiency has largely fallen victim to the first phase of the global geopolitical catastrophe of the 1990s. Third, the growing international weight of the new countries and attempts by the old-timers, who won the Cold War, to preserve the hard-won status quo bring back the conservative interpretations of such terms as “sovereignty” and “sovereign rights.” Not only the leaders of new-comers to world politics, or the United States, traditionally concerned about its sovereignty, but quite respectable heads of European states, too, start talking about the protection of national interests. Finally, military power is ever more frequently employed by major powers as a tool to address foreign policy issues. EU countries and the United States used force and threats to use force back at the time when they were getting their hands on the assets of the former USSR. However, they were faced with a very limited set of tasks then. It never occurred to anyone in the West to say in 1999 that the purpose of NATO’s operation against Yugoslavia was to force Slobodan Milosevic to resign or, still worse, to put him to death by some untraditional way of hanging. The need for using military force with or without reason merely confirms that the international community has no other means to prevent the emergence or escalation of conflicts.

#### Multilat fails--Coordinated response structurally impossible

Naim, 13 (Senior Fellow International Economics at Carnegie, 2-15-’13 (Moises, “The G20 is a Sad Sign of Our Uncooperative World” <http://www.carnegieendowment.org/2013/02/15/g20-is-sad-sign-of-our-uncooperative-world/fgvs>)

The reality is that, despite many commitments by national leaders, the capacity of nation-states to co-ordinate their responses has dwindled. Problems may have gone global but the politics of solving them are as local as ever. It is hard for governments to devote resources to problems beyond their national borders and to work with other nations to address these challenges – while painful problems at home remain unsolved. The changing landscape of global politics also plays a role. As the number and the interests of those sitting at the tables where agreements are negotiated have increased, the opportunities for consensus and concerted action have shrunk. Emerging powers such as the Brics (Brazil, Russia, India, China and South Africa), new international coalitions, and influential nongovernmental players are now demanding a say in the way the world handles its collective problems. Inevitably, when all these disparate and often conflicting interests need to be incorporated into any agreement, the resulting solutions fall short of what is needed to solve the problem. This is why global multilateral agreements in which a large number of countries deliver on co-ordinated commitments have become increasingly rare. When was the last time you heard that an agreement with concrete consequences was reached by a large majority of the world’s nations? I think it was 13 years ago – the Millennium Development Goals. Since then, almost all international summits have yielded meager results, most visibly those seeking to advance the global agendas on trade liberalisation and curbing global warming.

# CP

## T – Private Sector

### 2AC – T Private Sector

#### Counter-interpretation---the private sector includes an industry.

The Law Dictionary N.D., (The Law Dictionary: Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed. “Private Sector” , <https://thelawdictionary.org/private-sector/> , date accessed 9/11/21)

What is PRIVATE SECTOR?

An industry that is composed of private companies. The corporate sector and the personal sector are encompassed in the private sector and they are responsible for the allocation of the majority of resources within the economy.

#### The private sector includes subsets---refers to many different actors.

Waler and Hofstetter 16 (Katharina Walker is Advisor for vocational skills development and Helvetas’ youth focal person. Sonja Hofstetter joined Swisscontact in Cambodia in July 2016. She is the Quality Assurance Manager and Deputy Team Leader of the Skills Development Programme. “ Study on Agricultural Technical and Vocational Education and Training (ATVET) in Developing Countries” Federal Department of Foreign Affairs FDFA, Swiss Agency for Development and Cooperation SDC, Global Programme Food Security, 25.1.2016, <https://www.shareweb.ch/site/Agriculture-and-Food-Security/focusareas/Documents/ras_capex_ATVET_Study_2016.pdf> , date accessed 7/19/21)

In many developing countries, the private sector1 [[BEGIN FOOTNOTE 1]] 1 The private sector is not perceived as a homogenous mass even though the terminology might suggest this to be the case. In this study, the term “private sector” is used to circumscribe the various actors such as small and medium sized companies, large companies, sectorial associations, business associations, chambers of commerce, etc.[[END FOOTNOTE 1]] faces challenges in finding adequately skilled employees. This also holds true for sectors linked to agriculture, e.g. processing, distribution, marketing, etc. The development of ATVET from a purely productivity-oriented approach to provide broader and more specialised skills sets along agricultural value chains is likely to raise the interest of private sector actors. This incentive can result in a stronger and more sustainable financial and conceptual engagement of employers in ATVET.

#### ‘By’ only requires anticompetitive practices resulting from private sector action.

Michigan Court of Appeals 10 (SAWYER, J. Opinion in DEQ. v. Worth Twp., 808 N.W.2d 260, 289 Mich. App. 414 (Ct. App. 2010). Google scholar caselaw. Date accessed 7/23/21).

Second, we look to the meaning of the phrase "by the municipality." This phrase is key because it answers plaintiffs' contention that MCL 324.3109(2) imposes responsibility for a discharge on a municipality without regard to the source of the discharge. That is, plaintiffs argue that any discharge of raw sewage within a municipality constitutes prima facie evidence of a violation by the municipality even if the municipality is not the source of the discharge. We disagree. The word "by" has many meanings. For its meaning as a nonlegal term, we look to a layman's dictionary rather than a legal one. Horace v. City of Pontiac, 456 Mich. 744, 756, 575 N.W.2d 762 (1998). We find these definitions from the Random House Webster's College Dictionary (1997) to be particularly helpful: "10. through the agency of" and "12. as a result or on the basis of[.]" Thus, MCL 324.3109(2) imposes responsibility on the municipality not when the violation merely occurs within the boundaries 264\*264 of the municipality, but when the violation occurs "through the agency of" the municipality or "as a result" of the municipality, that is to say, when it is the actions of the municipality that lead to the discharge.

#### The includes particulars

Random House 6 (Unabridged Dictionary, <http://dictionary.reference.com/browse/the>)

(used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house

## T Prohibit

### 2AC – Prohibit Filed Rate

#### The filed rate doctrine is a per se rule

Joshua C. Macey 20, Visiting Assistant Professor at Cornell Law School, 05/07/2020, Zombie Energy Laws, Vanderbilt Law Review, Vol. 73, p. 1077-1126

In much of the country, solar and wind generators could provide electricity more cost effectively than fossil fuel generators,1 yet solar and wind developments are routinely abandoned because they do not receive a “certificate of public convenience and necessity” to build transmission lines that would allow them to send power to the grid.2 Energy markets are vulnerable to market power abuses,3 yet the judicially created “filed rate doctrine” largely preempts judicial enforcement of state and federal antitrust laws.4 [FOOTNOTE 4 BEGINS] The filed rate doctrine is a common law rule that was extended to utility companies in Keogh v. Chicago & Northwestern Railway Co., 260 U.S. 156, 163 (1922) and prohibits entities that are required to file rates and services (also known as “tariffs”) with a regulator from charging rates deviating from the terms they filed with regulators. Today, energy companies invoke the filed rate doctrine to avoid judicial enforcement of antitrust and bankruptcy regulations. See, e.g., Tex. Commercial Energy v. TXU Energy, Inc., 413 F.3d 503, 508–09 (5th Cir. 2005) (“Since Keogh, courts have consistently applied the filed rate doctrine in a number of energy cases to preclude lawsuits against companies based on rates that were filed with a government agency.” (citation omitted)); Wegoland Ltd. v. NYNEX Corp., 27 F.3d 17, 18 (2d Cir. 1994) (“[T]he doctrine holds that any ‘filed rate’—that is, one approved by the governing regulatory agency—is per se reasonable and unassailable in judicial proceedings brought by ratepayers.”). [FOOTNOTE 4 ENDS] Congress has repeatedly taken steps to encourage generators to participate in competitive markets,5 yet many utilities that own both transmission and generation assets have managed to circumvent competitive markets for generations. By selling electricity at a loss and recovering these losses in state rate recovery proceedings, vertically integrated utilities have managed to continue operating coal generators even when those generators are uncompetitive.6

#### Prohibit means hinder or preclude – prefer court interps

Prelogar 20 [Elizabeth, Acting Solicitor General of United States. “ZIMMIAN TABB, PETITIONER v. UNITED STATES OF AMERICA”. https://www.supremecourt.gov/DocketPDF/20/20-579/169149/20210216195252075\_20-579%20Tabb.pdf]

Application Note 1’s interpretation of the career offender guideline as including drug conspiracies is firmly grounded in the guideline’s text. The key term is “prohibits.” Unlike an adjacent provision stating that a “crime of violence \* \* \* is murder” or a list of other specified offenses, Sentencing Guidelines § 4B1.2(a)(2) (emphasis added), the definition of “controlled substance offense” extends to any felony offense that “prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance,” id. § 4B1.2(b) (emphasis added). Although the term “prohibit” can mean “forbid by authority or command,” it can also mean “prevent from doing or accomplishing something.” Webster’s Third New International Dictionary of the English Language Unabridged 1813 (1986). In that sense, the term is synonymous with “hinder” or “preclude.” See, e.g., Black’s Law Dictionary 1465 (11th ed. 2019) (defining “prohibit” to mean “forbid by xlaw” or “prevent, preclude, or severely hinder”). Application Note 1 confirms that Section 4B1.2(b) uses the term “prohibit” in the latter sense. As the Eleventh Circuit recognized in United States v. Lange, 11 862 F.3d 1290, cert. denied, 138 S. Ct. 488 (2017), after reviewing the two accepted senses of “prohibit” noted above, see id. at 1295, Application Note 1 indicates that “‘[c]ontrolled substance offense’ cannot mean only offenses that forbid conduct outright, but must also include related inchoate offenses that aim toward that conduct.” Ibid. The court observed that “a ban on conspiring to manufacture drugs hinders manufacture even though it will ban conduct that is not itself manufacturing.” Ibid.; cf. United States v. Vea-Gonzales, 999 F.2d 1326, 1330 (9th Cir. 1993) (“The guideline refers to violations of laws prohibiting the manufacture, import, export, distribution, or dispensing of drugs. Aiding and abetting, conspiracy, and attempt are all violations of those laws.”).

#### Floor/ceiling---‘expanding the scope’ automatically meets the floor.

Prewitt ’2k [James K., Phillip R. Garrison, Robert S. Barney; July 27; Judges on the Missouri Court of Appeals, writing Per Curiam; Westlaw, “Little Portion Franciscan Sisters, Inc. v. Boatright,” 26 S.W.3d 443]

In so concluding, we note that the preposition “by” is defined as “[w]ith the use of; through,” “[t]o the extent of,” or “[t]hrough the agency or action of.” THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1978). The same source states that a synonym for “by” is “through” and that the preposition “by” indicates the agency or means by which something is accomplished. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY (1976) defines “by” as “through the means or instrumentality of,” “through the direct agency of,” “through the medium of,” or “through the work or operation of,” and that it is “used as a function word to indicate something that forms an accompanying setting or condition ... or that constitutes a manner ... often with an added sense of means.” For the ballot proposition to have had the meaning espoused by Defendants, the voter would have had to ignore the important word “by.” To do so is to ignore the plain and ordinary reading of the words used.

#### Business practices are actions to complete business objectives – no time or org restriction – prefer intent to define

JGD ND [Just Great Database, “Business Practice”. https://jgdb.com/dictionary/business-practice]

Definition: is a specific method, action, regulation, operation or rule introduced or followed by an organization in order to meet or surpass its business objectives. Additionally, this term can refer to a group of related methods or processes. The introduction of basic business practices is essential for the company’s maintenance of a correct accountability structure. The most popular business practice types include a) developing business plans and strategies, b) defining the boundaries of accountability for each employee, c) determining company-wide and individual performance objectives, d) implementing open-ended communication channels, and e) providing the company’s employees with regular and relevant training.

## Public CP

### 2AC – AT: Public Enforcement CP

#### Fails, preempted and doesn’t create private enforcement

Gorodetsky 9 [Julia Gorodetsky, Andrews Kurth LLC Corporate Securities Lawyer, Vanderbilt University School of Law Grad. “Analogy By Necessity: The Filed Rate Doctrine and Judicial Review of Agency Inaction.” Winter 2009. https://journals.tulane.edu/elj/article/view/2237]

Because the filed rate doctrine precludes judicial review of an agency’s discretionary and often inadequate market-based rate-approval decisions, the doctrine hinders the effective operation of competitive deregulated markets. However, if the filed rate doctrine is abolished and the court can scrutinize antitrust claims predicated upon market-based tariffs, the role of agency regulation will not become obsolete.

This Part describes the advantages of private antitrust claims enforcement and the unique characteristics of the electricity market. The unique nature of the electricity market structure, as well as poor suitability of antitrust laws to resolve policy concerns, calls for the continuing parallel roles for agency regulation and antitrust laws in monitoring deregulated electricity markets.

1. Antitrust Laws and Agency Regulation

Antitrust laws are codified in the Sherman Act, the Clayton Act, the Robinson-Patman Act, and the Federal Trade Commission Act.7 Antitrust actions can be brought by either private parties, the Department of Justice (DOJ), or the Federal Trade Commission (FTC).8 The Antitrust Division of DOJ may enforce the Sherman, Clayton, and Robinson-Patman Acts “through either civil or criminal prosecution.”9 The FTC is the “sole enforcer” of the Federal Trade Commission Act (unfair trade practices), and it also shares jurisdiction with DOJ over the civil provisions of the Clayton Act.

For the purposes of this Article, I will only address the potential enforcement of federal antitrust laws by private parties. Under the court-developed doctrine of “primary jurisdiction,” antitrust laws are preempted by the specific provision of a federal regulatory statute “when it is clear that enforcement of the antitrust laws would frustrate the specific regulatory scheme.”11 As discussed below, the electricity market, which is the main subject of this study, is regulated by the Federal Power Act (FPA), which delegates to FERC the exclusive authority in reviewing and approving filed rates.12 Thus enforcement by either the DOJ or FTC would be contrary to the congressional scheme. However, private enforcement suits of antitrust laws are not preempted if the agency entrusted with evaluating the anticompetitive conduct is not engaged in “a full consideration of the consequences for competition,” but rather engages in a “pro-forma” evaluation.13 It is the argument of this Article that FERC’s inadequate review of filed market-based tariffs justifies judicial review of FERC’s decision in the context of the private party antitrust claims.

The private enforcement suit is traditionally embraced by courts and is authorized by section 4 of the Clayton Act, which states that “any person . . . who has been injured in its ‘business or property’ by reason of an antitrust violation may sue to recover treble damages, costs of the suit, and attorney fees.”14 Section 4 of the Clayton Act authorizes private antitrust enforcement under “(1) sections 1, 2 and 3 of the Sherman Act, (2) section 2(a)–(f) of the Clayton Act (price discrimination), (3) section 3 of the Clayton Act (exclusive dealing and tying arrangements), (4) section 7 of the Clayton Act (merger), and (5) section 8 of the Clayton Act (interlocking directorates).”15 The scope of this Article is limited to antitrust laws that deal directly with prices, namely the Sherman Act sections 1 and 2, because the filed rate doctrine blocks antitrust suits predicated upon filed rates (i.e., the prices consumers pay).

Congress created modern antitrust law by passing the Sherman Act in 1890.16 The Act’s purpose was to preserve “free trade and competition as fundamental components of American economic policy.”17 Section 1 of the Act prohibits combinations of restraints on trade, and section 2 prohibits monopolization.18 Courts have attempted to interpret the Sherman Act’s broad statutory language.19 The Supreme Court held section 1 to apply to “unreasonable” restraints only.20 The Court defined the term “restraints” as “cartelization—agreements among competitors that possess market power, formed with the intent or that have the necessary tendency to restrict the output of the cartel members.”21

Compared to the regulatory response to anticompetitive behavior, the possibility of private enforcement of antitrust laws confers the advantages of both deterrence and considerable financial incentives for the successful plaintiff.22 Further, antitrust laws have the power to provide prospective and retroactive remedy to the injured parties, unlike a regulatory agency, which is limited by its legislative authority.23

## Adv CP

### 2AC – AT: Adv CP

#### Passive defenses fail

Craig et al 15 – Senior cybersecurity strategist at the Microsoft Corporation.

Amanda N. Craig, Scott J. Shackelford, and Janine S. Hiller, “Proactive Cybersecurity: A Comparative Industry and Regulatory Analysis,” *American Business Law Journal*, 6 March 2015, pp. 9-10, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2573787.

A. The Evolution of Active Cyber Defense

As cyber attacks have become progressively more troublesome and as governments and legal structures have oftentimes proven unhelpful to companies, the concept of active defense has increasingly entered the mainstream of private sector cybersecurity strategies. 26 The potential utility of proactive cybersecurity for the private sector started to gain traction in scholars’ and companies’ consciousness in the late 1990s and early 2000s. For instance, researchers began to explore the role of tools like honeypots, which are decoy servers or systems set up to gather information about intruders,27 as supplements to traditional network security since at least 2003. 28 By 2005, more researchers were arguing that passive defense was inadequate in cyberspace because it allowed attackers’ perceived risks to remain “nearly nil,” creating a cost-benefit imbalance that significantly favored attackers.29 Moreover, “[e]ven when passive defense technologies work correctly, they do not neutralize the costs incurred by an attack,”30 meaning that firms often must double pay—for both the defensive technologies and for the costs of a successful attack. And as Robert Anderson, Brian Lum, and Bhavjit Walha have argued, the applicable U.S. “law provides little recourse” because it operates and adapts relatively slowly, is jurisdictional, and requires the involvement of under-resourced enforcement agencies as is further discussed below. 31 These factors began to incentivize firms to seek a more effective “deterrent”—like proactive cybersecurity. 32.

#### No adoption of defenses – capture means they won’t take in modernization – only plan solves

Boland 15 [Andrea, Maine representative, leader in safety issues of electromagnetic radiation. “Political Realities of Legislation for Extreme Events.” 9/16/15. <https://www.domesticpreparedness.com/commentary/political-realities-of-legislation-for-extreme-events/>]

On the other hand, the electric power industry “representatives” (lobbyists) who had spent careers lobbying for the industry before the EUT Committee (and other legislators) were not content experts, but rather public relations experts highly paid to deliver a message. They spoke positively about the electric companies’ management of the threat, with statements including the following: “We are talking about a low-probability event; we have competing priorities; we’ve been protecting the grid for years; we are following all the NERC (North American Electric Reliability Corporation) reliability standards.” Despite sounding impressive when delivering a reassuring message, they failed to answer key questions and to win over the committee. The threat they posed to passage of the bill was that they were familiar faces to the committee members – and their ingratiating smiles can tip the balance for lazy, confused, or just undecided legislators.

**Picking winners via subsidies fails and undermines competitiveness – market systems best product innovation**

**Etsy 12**, (Commissioner of the Connecticut Department of Energy and Environmental Protection and is on leave from Yale University, where he is the Hillhouse Professor of Environmental Law and Policy, Clean Energy Can Fuel Competitiveness, https://hbr.org/2012/03/clean-energy-can-fuel-competit)

U.S. energy industries, from oil and gas to ethanol, wind, and solar, have long enjoyed lavish government subsidies and other support. But those days are coming to an end. President Obama in his 2012 State of the Union address called for an end to the “taxpayer giveaways” the oil and gas industry has long enjoyed; this year, Congress let the 30-year, multibillion dollar ethanol tax credit expire; and after years of over-promising and under-delivering in the clean-tech space (think Solyndra) the days of freewheeling government support in that arena are clearly over as well. It’s not a moment too soon. Subsidies, while they have their place, can **create disincentives for becoming lean and competitive**. One reason that clean energy tends to be **more expensive than fossil fuel** is that it can be. As long as it’s subsidized, there is little pressure to compete on price. To be competitive and sustainable, alternative energy sources must ultimately match — or outperform — fossil fuels on price and performance. It’s not sufficient for the world’s new energy sources to be clean; ultimately, they have to be **cleaner, cheaper, and more reliable than fossil fuels**. This same principle applies more broadly to clean technology; to compete, it must **outperform incumbent technologies** on these dimensions. Politically, this means the focus must shift from simply supporting clean energy (as, for example, the ethanol subsidies did) to creating a fair competitive environment that levels the playing field and rewards innovators who create the cleaner, cheaper, more reliable alternative energy sources and technologies. The first critical step already under way toward this fair competition is to strip away the subsidies that have distorted both the clean and conventional energy markets. Ending ethanol subsidies is a step in the right direction, as is president Obama’s call to end the $4 billion annual tax breaks and subsidies unfairly benefiting the oil and gas industry. Parallel supports of the coal industry must be eliminated as well. At the same time, the U.S. government must work to ensure fair competition globally. That means using trade strategy to apply existing laws, principles, and policy mechanisms to attack subsidies that are distorting the competitive environment outside of the U.S., particularly in China. It would only undermine the long-term goal of creating an innovative, sustainable, and competitive clean energy and technology marketplace if the U.S. tried to match Chinese subsidies. Next, in a further leveling of the field, incumbent energy technologies must be required to pay for the externalities they create. That means putting a price on carbon emissions, as Steve Charnovitz and I argued recently in HBR and otherwise factoring the full environmental impact into any energy cost equation. Incorporating environmental impact into the pricing of fossil fuels and nuclear power would raise their costs appropriately and create a fairer competitive environment for cleaner alternative energy. Finally, we need to leverage private capital to identify and invest in breakout opportunities, with the government playing a supporting role. Whatever limited government money is available would be devoted not to sustaining existing clean energy sources or technologies but supporting start-up projects that might otherwise not get off the ground. It’s critical that the government not try to pick winners, but rather to foster a clean energy race among all of the options — wind, solar, geothermal, second-generation biofuels, and new entries that haven’t yet been imagined. The goal would be to support new entrants just long enough to see if they can achieve commercial scale and compete in the marketplace. This approach would **produce innovation** and **ensure** that **the market (not government) picked winners**.

## DA

### 2AC – Roe Stare Decisis

#### No link – congressional intent, unworkability, and agency ineffectiveness means stare decisis doesn’t apply

Macey 20 [Joshua C. Macey, Assistant Professor of Law, University of Chicago Law School. His Article Zombie Energy Laws (73 Vand. L. Rev.) received the 2020 Morrison Award for most impactful environmental law article of the previous year. “Zombie Energy Laws .” May 2020. https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=3475&context=vlr]

Though judges and academics often claim that stare decisis creates a strong presumption against overturning past judicial decisions,208 not even the strongest proponents of stare decisis would save the filed rate doctrine. Even the most militant adherents of stare decisis agree that courts should overturn past judicial decisions that have proven to be “unworkable.”209 The Supreme Court has said, for example, that courts should not affirm prior judicial decisions that have been left behind by “the growth of judicial doctrine or further action taken by Congress” or that create “a direct obstacle to the realization of important objectives embodied in other laws.”210

The filed rate doctrine passes this high threshold for overturning judicial precedents. As discussed in Section IV.C, it creates a “direct obstacle to the realization” of FERC’s objective to encourage competitive energy markets, and Congressional action that indicates a clear intent to further break down barriers to competition in energy markets such as the Energy Policy Act qualify as “further actions” that render the doctrine obsolete.

#### Roe is as good as dead.

[Mark](https://slate.com/author/mark-joseph-stern) Stern 9/2. Professor of Social Policy and History at the University of Pennsylvania. 9/2/2021. “The Supreme Court Overturned Roe v. Wade in the Most Cowardly Manner Imaginable.” https://slate.com/news-and-politics/2021/09/supreme-court-overturn-roe-wade-texas.html

At midnight on Wednesday, in an unsigned 5–4 [decision](https://www.supremecourt.gov/opinions/20pdf/21a24_8759.pdf), the Supreme Court effectively overturned *Roe v. Wade*. The five most conservative Republican-appointed justices refused to block Texas’ abortion ban, which allows anyone to sue any individual who “aids or abets” an abortion after six weeks, which is when the vast majority of operations occur. There is no exception for rape or incest. The decision renders almost all abortions in Texas illegal for the first time since 1973. Although the majority did not say these words exactly, the upshot of Wednesday’s decision is undeniable: The Supreme Court has abandoned the constitutional right to abortion. *Roe*is no longer good law.

Texas’ ban, known as SB 8, constitutes [a uniquely insidious workaround](https://slate.com/news-and-politics/2021/05/texas-abortion-ban-lawsuit-liability.html) to *Roe*. It outlaws abortion after six weeks but does not call on state officials to enforce its restrictions.  
Instead, as Justice Sonia Sotomayor wrote in dissent, the law “deputized the State’s citizens as bounty hunters, offering them cash prizes for civilly prosecuting their neighbors’ medical procedures.” Random strangers can sue any “abettor” to an abortion anywhere in Texas and collect a minimum of $10,000, plus attorneys’ fees. The act’s language is incredibly broad, encompassing any friend, family member, clergy member, or counselor who facilitates the abortion in any way. Every employee of an abortion clinic, from front desk staff to doctors, is liable as well. And when an individual successfully sues an abortion provider, the court must permanently shut it down.

#### Antitrust is invisible.

Baum ’21 [Lawrence and Neal Devins; July; Political Science Professor at Ohio State University; Law Professor at William & Mary; the Company They Keep: How Partisan Divisions Came to the Supreme Court, “The Supreme Court and Elites,” Ch. 2, p. 29–30]

For assessment of the linkage between public opinion and the Court’s decisions, awareness of decisions is more important than basic knowledge about the Justices’ names or the Court’s institutional attributes. It is clear that the great majority of Supreme Court decisions are essentially unknown to the general public.72 These decisions get little coverage in the news media,73 and the public receives little information about them through other channels. As a result, a great deal of the Court’s work is essentially invisible to the public. This is especially true of the mass public; polling data suggest that elites are far more aware of the Court and its handiwork.74

(p.30) This point should be underlined. Decisions in fields such as antitrust and patent law can have powerful effects on the economic system, but there is little reason to think that there is much awareness of those decisions among the general public. Even the unusually visible and salient Microsoft antitrust trial in 1998 and 1999 received attention from only a small proportion of the public.75

Another example, more directly relevant and more striking, concerns the Rehnquist Court’s revival of state powers under the Constitution. Between 1992 and 2006, the Court invalidated eleven federal statutes on federalism grounds.76 In doing so, it shifted the balance between the federal government and the states substantially. These decisions were the subject of considerable commentary in law reviews, and they received attention in the elite news media.77 Still, those decisions appeared to have low political salience. Of 229 Gallup Poll questions that explicitly referred to the Supreme Court during the period in which the decisions were handed down, there was not a single question about these decisions—or, for that matter, about any other decisions in which the Court invalidated federal statutes.78 The choice not to ask such questions reflected the reality that few voters knew much about these decisions.

Even when people are aware of decisions, they do not necessarily have strong views about the desirability of those decisions. They may be ambivalent, or the issues in question may not be salient to them. When either condition exists, Justices would not seem to have reason to fear adverse public reactions to their rulings.79

#### Litany of alt causes to credibility.

ABA 16, American Bar Association. (2-10-2016, “The United States and Human Rights Treaties: Can We Meet Our Commitments?”, <https://www.americanbar.org/publications/human_rights_magazine_home/2015--vol--41-/vol--41--no--2---human-rights-at-home/the-united-states-and-human-rights-treaties--can-we-meet-our-com/>)

Despite these deficiencies, the United States thinks too highly of itself to treat international human rights law—at least when applied to us—as law. We ratify few human rights treaties. We attach multiple conditions (called “reservations, understandings, and declarations”) to those we do ratify. We declare even those treaties “not self-executing,” which renders them generally unenforceable in our courts (although they can still be used as interpretive guides for U.S. laws). And we decline to accept individual complaint procedures or clauses referring disputes under the treaties to the International Court of Justice. That said, a trio of treaties ratified during the terms of the first President Bush and President Clinton commit the United States internationally to respect and protect a wide range of human rights. Two decades later, however, Washington is unwilling or unable to live up to key promises it made under those treaties, at least in the view of the committees of international experts set up to oversee them. The three treaties are the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), both joined by the United States in 1992; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), joined by the United States in 1994. (We have ratified other human rights treaties on specific topics, such as the Genocide Convention and Protocols on child soldiers and child trafficking.) Civil and Political Covenant The ICCPR requires each of its 168 state parties “to respect and to ensure to all individuals within its territory and subject to its jurisdiction” a menu of civil and political rights, without discrimination. For example, the ICCPR protects the rights to life, liberty, humane treatment, fair trial, and privacy. States must also ensure that victims of violations have an effective remedy. In grave public emergencies, certain ICCPR rights, including liberty and due process—but not freedom from torture—may be restricted. However, both the emergency and the restrictions (called “derogations”) must be formally notified to the UN. The restrictions must also be limited to the extent and duration strictly required. The United States has never derogated from the ICCPR. Convention against Race Discrimination CERD’s 177 state parties are barred from allowing distinctions based on race, color, descent, or national or ethnic origin, whose “purpose or effect” is to nullify or impair the equal exercise of human rights. Parties undertake to pursue a policy to eliminate racial discrimination. They must ensure equal treatment with respect to a broad range of rights, such as the right to vote and the right to security against police violence. Victims of violations must have effective remedies, including “just and adequate reparation.” Affirmative action—within limits—is encouraged. CERD authorizes “special measures” for the purpose of securing “adequate advancement” of certain racial groups, so long as the measures do not lead to the “maintenance of separate rights” and do not continue after their goals are achieved. The CERD expert committee (see below) interprets this as an “obligation” to adopt special measures when warranted to eliminate “persistent” racial disparities. Convention against Torture CAT categorically prohibits torture: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Each of CAT’s 158 state parties is mandated to take effective measures to prevent, punish, and redress torture. Treaty Reporting and Expert Committees All three treaties require state parties to submit periodic reports on compliance to committees of experts. The committees also receive “shadow reports” from nongovernmental groups—from scores of groups in the case of the United States. After public hearings in which committee members question and dialogue with government delegations, the committees issue “concluding observations” and ask that follow-up reports be submitted one year later. The committees have long had distinguished U.S. members. The current U.S. member of the Human Rights Committee, which oversees the ICCPR, is Professor Sarah Cleveland of Columbia Law School. The U.S. member of the CERD committee is Professor Carlos Vázquez of Georgetown Law, and of the CAT committee, Felice Gaer, director of the Jacob Blaustein Institute. CAT committee chair Claudio Grossman, the Chilean member, is dean of Washington College of Law at American University. Treaty Norms vs. U.S. Norms In 2014, all three committees issued concluding observations on U.S. reports. They began by commending positive steps taken by the United States since the previous round of reporting, such as the Supreme Court decision in Roper v. Simmons, 543 U.S. 551 (2005), ruling the juvenile death penalty unconstitutional; President Obama’s 2009 executive order prohibiting torture; his ongoing efforts to close Guantanamo; and the 2010 Fair Sentencing Act, which reduced racial sentencing disparities for crack cocaine versus powdered cocaine. Each committee then elaborated its “concerns.” From a U.S. perspective, one might group them in three broad categories: (1) U.S. rejection of treaty norms for reasons that many U.S. human rights lawyers would applaud; (2) U.S. rejection of treaty norms for reasons deeply embedded in U.S. legal and political culture; and (3) U.S. violations of treaty norms, even where they are consistent with American culture and values. In the first category—laudable U.S. departures—one might place overbroad bans on hate speech. CERD requires criminalization of “all dissemination of ideas based on racial superiority or hatred.” The ICCPR bans all “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” The United States adopted reservations to these provisions on First Amendment grounds. Nonetheless the CERD committee urges the United States to consider criminalizing racist hate speech, even when it does not incite imminent violence or “true threats” of violence. Many U.S. human rights lawyers would support the U.S. position to allow hate speech that falls short of such incitement. In the second category—norms incompatible with embedded U.S. culture—one might place the Human Rights Committee’s call for the United States to consider acceding to an Optional Protocol to the ICCPR abolishing the death penalty. Another candidate might be the CERD committee’s call for the United States to redefine racial discrimination across the board in order to meet CERD’s “purpose or effect” definition. The Supreme Court has held that the test for violating constitutionally mandated equal protection of the law is a purpose test, not an effects test. While some U.S. laws use a “disproportionate impact” test, most do not. U.S. law is unlikely to move toward an “effects” test anytime soon. This reality neutralizes many CERD committee recommendations to the United States. CERD committee concerns rest on disproportionate impact in such areas as denial of voting rights to convicted felons, gun violence, aspects of criminal justice and juvenile justice, and inadequate legal aid. While there are serious racial gaps in all these areas, and CERD may help focus attention by placing them under an international spotlight, the United States is more likely to treat them as policy problems than as unlawful discrimination. On the other hand, CERD concerns about disparate racial impacts in housing—resulting from urban environmental pollution, criminalization of homelessness, and mortgage-lending practices and foreclosures—may prove to be in sync with the “disparate impact” test under the U.S. Fair Housing Act as recently interpreted by the Supreme Court in Texas Department of Housing & Community Affairs v. Inclusive Communities Project, Inc., 135 S. Ct. 2507 (2015). Fair housing may thus potentially fit within the third category of issues, where human rights treaties are consistent with both U.S. national values and our legal culture. In these areas, Washington should live up to our international commitments without delay. The following are illustrative: Torture and Accountability CAT requires the United States to: prevent torture “in any territory under its jurisdiction”; criminalize all acts of torture; make these offenses punishable by penalties that “take into account their grave nature”; establish jurisdiction over torture by U.S. nationals; ensure a “prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”; ensure that victims of torture obtain redress and fair and adequate compensation; and refrain from sending someone to a country if there are “substantial grounds for believing that he would be in danger of being subjected to torture.” Since 2001, the United States has violated all these treaty commitments. In December 2014, the U.S. Senate Select Committee on Intelligence released a 500-page executive summary of its report on CIA detention and interrogation. In a foreword, Committee Chair Dianne Feinstein expressed her “personal conclusion that, under any common meaning of the term, CIA detainees were tortured.” She was correct. The Committee found, for example: “Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their hands shackled over their heads. At least five detainees experienced disturbing hallucinations . . . .” “The waterboarding technique was physically harmful, inducing convulsions and vomiting.” One detainee “became ‘completely unresponsive, with bubbles rising through his open, full mouth.’ Internal CIA records describe the waterboarding of [another prisoner] as . . . a ‘series of near drownings.’” Techniques such as slamming detainees against a wall were used “with significant repetition for days or weeks at a time” “in combination, frequently concurrent with sleep deprivation and nudity.” One detention facility was a “dungeon,” the chief CIA interrogator said. Detainees were “in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste. Lack of heat . . . likely contributed to [a detainee’s] death.” The Committee also found that the CIA repeatedly misled the Justice Department about interrogation techniques and confinement conditions. The CIA’s “inaccurate and incomplete” information impeded effective oversight by the White House and Congress. CIA misinformation “complicated, and in some cases impeded” the national security work of the FBI, Director of National Intelligence, and State Department. Against this backdrop, the United States should heed the recommendations of the CAT committee. The first set of recommendations concerns inadequate legislation. The U.S. Code criminalizes torture abroad but not in the United States. The CAT committee “regrets that the specific offense of torture has not yet been introduced at the federal level.” Even where torture is a crime, the committee “regrets” that the United States restrictively interprets CAT by narrowing the definition of “mental harm” that can qualify as torture (although the Senate Committee findings reveal that the CIA tortured even by that narrower definition). Legislation is critical. The CAT committee welcomed the United States’ “unequivocal commitment to abide by the universal prohibition of torture and ill-treatment everywhere,” as well as U.S. assurances that its personnel are legally barred from committing torture and ill-treatment “at all times and in all places.” However, this bar rests in part on executive orders overturnable at the stroke of a pen. The committee recommended that the United States amend its laws and withdraw its reservation implying a territorial limitation on CAT applicability. In November 2015, President Obama signed into law, as part of the FY 2016 defense authorization bill, the McCain-Feinstein amendment to effectively prohibit torture by U.S. government agencies. Even so, the new law does not address the CAT committee’s concern for lack of accountability and redress. No CIA or military personnel have been prosecuted for torture per se (although low-ranking military personnel have been prosecuted for lesser offenses). Nor has there been civil redress. In 2014, the D.C. Circuit ruled that Congress had barred a civil damages remedy for a detainee allegedly tortured at Guantanamo. Janko v. Gates, 741 F.3d 136 (D.C. Cir. 2014), cert. denied, 135 S. Ct. 1530 (2015). Secret Detention For at least five years after 2001, the CIA held detainees in secret “black sites” overseas. While a 2009 Executive Order directed that the CIA close its sites and not open any new ones, that order is not embodied in legislation. The CAT committee recommended that the United States “[e]nsure that no one is held in secret detention anywhere under its de facto effective control.” The committee reiterated that secret detention is a per se CAT violation. Indefinite Detention without Trial The CAT committee reminded the United States that “indefinite detention without trial constitutes, per se, a violation” of CAT. It noted that during the period under review nine deaths occurred at Guantanamo, including seven suicides, as well as repeated suicide attempts and mass hunger strike protests. In March 2015, the United States reported to the UN Human Rights Committee that of the 122 prisoners still at Guantanamo, 56 were cleared for transfer, had not yet been transferred, and had no immediate relief in sight; 10 were involved in some form of criminal justice; and the remaining 56 were “eligible for review” by the Periodic Review Board—i.e., they are still detained indefinitely without trial. The Human Rights Committee expressed concern that detainees at Guantanamo “are not dealt with through the ordinary criminal justice system after a protracted period of over a decade, in some cases.” It recommended that the United States should “ensure either their trial or their immediate release.” Military Commission Trials In March 2015, the United States reported to the Human Rights Committee that 10 Guantanamo detainees were currently facing charges, awaiting sentencing, or serving sentences imposed by military commissions. Although the United States contends that military commission trials are fair, the Committee recommended that the United States ensure that any criminal cases against detainees at Guantanamo be “dealt with through the criminal justice system rather than military commissions.” Drone Deaths As highlighted by President Obama’s recent apologies to families of two American hostages killed in drone attacks, the use of armed drones endangers innocents and raises serious questions under international law. The Human Rights Committee recommended that the United States: “revisit its position regarding legal justification”; ensure compliance with the principles of “precaution, distinction and proportionality”; disclose, subject to operational security, the criteria for drone strikes, the legal basis for specific attacks, the process of target identification, and the circumstances in which drones are used; provide “independent supervision and oversight” of drone attacks; take “all feasible measures to ensure the protection of civilians” in specific attacks; track and assess civilian casualties; investigate and bring to justice anyone responsible for violations of the right to life; and provide victims with effective remedies and compensation. Intelligence Surveillance The Human Rights Committee expressed its concern over NSA surveillance, including the bulk phone metadata surveillance program. It recommended that the United States ensure that interference with privacy comply with “principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals whose communications are under direct surveillance.” While the recently enacted USA Freedom Act is a step toward that goal, more safeguards are needed. See, e.g., Neema Singh Guliani, What’s Next for Surveillance Reform after the USA Freedom Act, ACLU (June 3, 2015), https://www.aclu.org/blog/washington-markup/whats-next-surveillance-reform-after-usa-freedom-act. Police Killings The CERD committee expressed “concern at the brutality and excessive use of force by law enforcement officials against members of racial and ethnic minorities, including against unarmed individuals.” It recommended improved investigations, reporting, and redress. Criminal Justice The Human Rights Committee and CERD committee expressed a range of concerns about racial disparities in the criminal justice system, including racial profiling, stop-and-frisk arrests, and racial disparities in sentencing, including the death penalty. Voting The Human Rights Committee expressed concern over obstacles to voting, including burdensome voter identification and eligibility requirements. It recommended that voting rights be restored to felons who have completed their sentences, and that states “review automatic denial of the vote to any imprisoned felon, regardless of the nature of the offence.” Conclusion The foregoing is only a sampling of treaty committee recommendations, constrained by limitations of space. Interested readers can find the full committee reports and extensive documentation at http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx. For anyone concerned about human rights in the United States, the inquiry is well worth the effort.

# 1AR

## A2

### 1AR – AT: Heg Turn

#### Decline cascades---nuclear war.

Dr. Mathew **Maavak 21**, PhD in Risk Foresight from the Universiti Teknologi Malaysia, External Researcher (PLATBIDAFO) at the Kazimieras Simonavicius University, Expert and Regular Commentator on Risk-Related Geostrategic Issues at the Russian International Affairs Council, “Horizon 2030: Will Emerging Risks Unravel Our Global Systems?”, Salus Journal – The Australian Journal for Law Enforcement, Security and Intelligence Professionals, Volume 9, Number 1, p. 2-8

Various scholars and institutions regard **global social instability** as the **greatest threat** facing this decade. The catalyst has been postulated to be a **Second Great Depression** which, in turn, will have **profound implications** for **global security** and national integrity. This paper, written from a broad systems perspective, illustrates how emerging risks are getting more complex and **intertwined**; blurring boundaries between the economic, environmental, geopolitical, societal and technological taxonomy used by the World Economic Forum for its annual global risk forecasts. **Tight couplings** in our **global systems** have also enabled risks accrued in **one area** to **snowball** into a **full-blown crisis** **elsewhere**. The COVID-19 pandemic and its socioeconomic fallouts exemplify this systemic chain-reaction. Onceinexorable forces of globalization are rupturing as the current global system can no longer be sustained due to poor governance and runaway wealth fractionation. The coronavirus pandemic is also enabling Big Tech to expropriate the levers of governments and mass communications worldwide. This paper concludes by highlighting how this development poses a dilemma for security professionals.

Key Words: Global Systems, Emergence, VUCA, COVID-9, Social Instability, Big Tech, Great Reset

INTRODUCTION

The new decade is witnessing rising volatility across global systems. Pick any random “system” today and chart out its trajectory: Are our education systems becoming more robust and affordable? What about food security? Are our healthcare systems improving? Are our pension systems sound? Wherever one looks, there are dark clouds gathering on a global horizon marked by volatility, uncertainty, complexity and ambiguity (VUCA).

But what exactly is a global system? Our planet itself is an autonomous and selfsustaining mega-system, marked by periodic cycles and elemental vagaries. Human activities within however are not system isolates as our banking, utility, farming, **health**care and retail sectors etc. are increasingly **entwined**. Risks accrued in **one system** may **cascade** into an **unforeseen crisis** within and/or without (Choo, Smith & McCusker, 2007). Scholars call this phenomenon “emergence”; one where the behaviour of **intersecting systems** is determined by **complex** and largely **invisible interactions** at the **substratum** (Goldstein, 1999; Holland, 1998).

The ongoing COVID-19 pandemic is a case in point. While experts remain divided over the source and morphology of the virus, the contagion has ramified into a global health crisis and supply chain nightmare. It is also tilting the geopolitical balance. China is the largest exporter of intermediate products, and had generated nearly 20% of global imports in 2015 alone (Cousin, 2020). The pharmaceutical sector is particularly vulnerable. Nearly “85% of medicines in the U.S. strategic national stockpile” sources components from China (Owens, 2020).

An initial run on respiratory masks has now been eclipsed by rowdy queues at supermarkets and the bankruptcy of small businesses. The entire global population – save for major pockets such as Sweden, Belarus, Taiwan and Japan – have been subjected to cyclical lockdowns and quarantines. Never before in history have humans faced such a systemic, borderless calamity.

COVID-19 represents a classic emergent crisis that necessitates real-time response and adaptivity in a real-time world, particularly since the global Just-in-Time (JIT) production and delivery system serves as both an enabler and vector for transboundary risks. From a systems thinking perspective, emerging risk management should therefore address a whole spectrum of activity across the economic, environmental, geopolitical, societal and technological (EEGST) taxonomy. Every emerging threat can be slotted into this taxonomy – a reason why it is used by the World Economic Forum (WEF) for its annual global risk exercises (Maavak, 2019a). As traditional forces of globalization unravel, security professionals should take cognizance of emerging threats through a systems thinking approach.

METHODOLOGY

An EEGST sectional breakdown was adopted to illustrate a sampling of extreme risks facing the world for the 2020-2030 decade. The transcendental quality of emerging risks, as outlined on Figure 1, below, was primarily informed by the following pillars of systems thinking (Rickards, 2020):

• Diminishing diversity (or increasing homogeneity) of actors in the global system (Boli & Thomas, 1997; Meyer, 2000; Young et al, 2006);

• Interconnections in the global system (Homer-Dixon et al, 2015; Lee & Preston, 2012);

• Interactions of actors, events and components in the global system (Buldyrev et al, 2010; Bashan et al, 2013; Homer-Dixon et al, 2015); and

• Adaptive qualities in particular systems (Bodin & Norberg, 2005; Scheffer et al, 2012) Since scholastic material on this topic remains somewhat inchoate, this paper buttresses many of its contentions through secondary (i.e. news/institutional) sources.

ECONOMY

According to Professor Stanislaw Drozdz (2018) of the Polish Academy of Sciences, “a global financial crash of a previously unprecedented scale is highly probable” by the mid- 2020s. This will lead to a **trickle-down meltdown**, impacting **all areas** of human activity.

The economist John Mauldin (2018) similarly warns that the “2020s might be the worst decade in US history” and may lead to a **Second Great Depression**. Other forecasts are equally alarming. According to the International Institute of Finance, global debt may have surpassed $255 trillion by 2020 (IIF, 2019). Yet another study revealed that global debts and liabilities amounted to a staggering $2.5 quadrillion (Ausman, 2018). The reader should note that these figures were tabulated before the COVID-19 outbreak.

The IMF singles out widening income inequality as the trigger for the next Great Depression (Georgieva, 2020). The wealthiest 1% now own more than twice as much wealth as 6.9 billion people (Coffey et al, 2020) and this chasm is widening with each passing month. COVID-19 had, in fact, boosted global billionaire wealth to an unprecedented $10.2 trillion by July 2020 (UBS-PWC, 2020). Global GDP, worth $88 trillion in 2019, may have contracted by 5.2% in 2020 (World Bank, 2020).

As the Greek historian Plutarch warned in the 1st century AD: “An imbalance between rich and poor is the oldest and most fatal ailment of all republics” (Mauldin, 2014). The stability of a society, as Aristotle argued even earlier, depends on a robust middle element or middle class. At the rate the global middle class is facing catastrophic debt and unemployment levels, widespread social disaffection may morph into outright anarchy (Maavak, 2012; DCDC, 2007).

Economic stressors, in transcendent VUCA fashion, may also induce **radical geopolitical realignments**. Bullions now carry more weight than NATO’s **security guarantees** in **Eastern Europe**. After Poland repatriated 100 tons of gold from the Bank of England in 2019, Slovakia, Serbia and Hungary quickly followed suit.

According to former Slovak Premier Robert Fico, this **erosion** in **regional trust** was based on historical precedents – in particular the 1938 Munich Agreement which ceded Czechoslovakia’s Sudetenland to Nazi Germany. As Fico reiterated (Dudik & Tomek, 2019):

“You can hardly trust even the closest allies after the Munich Agreement… I guarantee that if something happens, we won’t see a single gram of this (offshore-held) gold. Let’s do it (repatriation) as quickly as possible.” (Parenthesis added by author).

President Aleksandar Vucic of Serbia (a non-NATO nation) justified his central bank’s gold-repatriation program by hinting at economic headwinds ahead: “We see in which direction the crisis in the world is moving” (Dudik & Tomek, 2019). Indeed, with two global Titanics – the **U**nited **S**tates and China – set on a **collision course** with a quadrillions-denominated iceberg in the middle, and a viral outbreak on its tip, the **seismic ripples** will be felt **far**, **wide** and for a **considerable period**.

A reality check is nonetheless needed here: Can additional bullions realistically circumvallate the economies of 80 million plus peoples in these Eastern European nations, worth a collective $1.8 trillion by purchasing power parity? Gold however is a potent psychological symbol as it represents national sovereignty and economic reassurance in a potentially hyperinflationary world. The portents are clear: The current global economic system will be weakened by rising nationalism and autarkic demands. Much uncertainty remains ahead. Mauldin (2018) proposes the introduction of Old Testament-style debt jubilees to facilitate gradual national recoveries. The World Economic Forum, on the other hand, has long proposed a “Great Reset” by 2030; a socialist utopia where “you’ll own nothing and you’ll be happy” (WEF, 2016).

In the final analysis, COVID-19 is not the root cause of the current global economic turmoil; it is merely an accelerant to a burning house of cards that was left smouldering since the 2008 Great Recession (Maavak, 2020a). We also see how the four main pillars of systems thinking (diversity, interconnectivity, interactivity and “adaptivity”) form the mise en scene in a VUCA decade.

ENVIRONMENTAL

What happens to the **environment** when our **economies implode**? Think of a **debt-laden** workforce at sensitive **nuclear** and **chemical plants**, along with a concomitant **surge** in **industrial accidents**? **Economic stressors**, workforce demoralization and rampant profiteering – rather than manmade climate change – arguably pose the **biggest threats** to the environment. In a WEF report, Buehler et al (2017) made the following pre-COVID-19 observation:

The ILO estimates that the annual cost to the global economy from accidents and work-related diseases alone is a staggering $3 trillion. Moreover, a recent report suggests the world’s 3.2 billion workers are increasingly unwell, with the vast majority facing significant economic insecurity: 77% work in part-time, temporary, “vulnerable” or unpaid jobs.

Shouldn’t this phenomenon be better categorized as a societal or economic risk rather than an environmental one? In line with the systems thinking approach, however, global risks can no longer be boxed into a **taxonomical silo**. Frazzled workforces may precipitate another Bhopal (1984), Chernobyl (1986), Deepwater Horizon (2010) or Flint water crisis (2014). These disasters were notably not the result of manmade climate change. Neither was the Fukushima nuclear disaster (2011) nor the Indian Ocean tsunami (2004). Indeed, the combustion of a long-overlooked cargo of 2,750 tonnes of ammonium nitrate had nearly levelled the city of Beirut, Lebanon, on Aug 4 2020. The explosion left 204 dead; 7,500 injured; US$15 billion in property damages; and an estimated 300,000 people homeless (Urbina, 2020). The environmental costs have yet to be adequately tabulated.

Environmental disasters are more attributable to Black Swan events, systems breakdowns and corporate greed rather than to mundane human activity.

Our JIT world aggravates the **cascading potential** of risks (Korowicz, 2012). Production and delivery delays, caused by the COVID-19 outbreak, will eventually require industrial **overcompensation**. This will further stress senior executives, workers, machines and a variety of computerized systems. The trickle-down effects will likely include substandard products, contaminated food and a general lowering in health and safety standards (Maavak, 2019a). Unpaid or demoralized sanitation workers may also resort to indiscriminate waste dumping. Many cities across the United States (and elsewhere in the world) are no longer recycling wastes due to prohibitive costs in the global corona-economy (Liacko, 2021).

Even in good times, strict protocols on waste disposals were routinely ignored. While Sweden championed the global climate change narrative, its clothing flagship H&M was busy covering up toxic effluences disgorged by vendors along the Citarum River in Java, Indonesia. As a result, countless children among 14 million Indonesians straddling the “world’s most polluted river” began to suffer from dermatitis, intestinal problems, developmental disorders, renal failure, chronic bronchitis and cancer (DW, 2020). It is also in cauldrons like the Citarum River where pathogens may mutate with emergent ramifications.

On an equally alarming note, depressed economic conditions have traditionally provided a waste disposal boon for organized crime elements. Throughout 1980s, the Calabriabased ‘Ndrangheta mafia – in collusion with governments in Europe and North America – began to dump radioactive wastes along the coast of Somalia. Reeling from pollution and revenue loss, Somali fisherman eventually resorted to mass piracy (Knaup, 2008).

The coast of Somalia is now a maritime hotspot, and exemplifies an entwined form of economic-environmental-geopolitical-societal emergence. In a VUCA world, indiscriminate waste dumping can unexpectedly morph into a Black Hawk Down incident. The laws of unintended consequences are governed by actors, interconnections, interactions and adaptations in a system under study – as outlined in the methodology section.

Environmentally-devastating industrial sabotages – whether by disgruntled workers, industrial competitors, ideological maniacs or terrorist groups – cannot be discounted in a VUCA world. Immiserated societies, in stark defiance of climate change diktats, may resort to dirty coal plants and wood stoves for survival. Interlinked ecosystems, particularly water resources, may be **hijacked** by nationalist sentiments. The **environmental fallouts** of critical infrastructure (CI) breakdowns loom like a **Sword of Damocles** over this decade.

GEOPOLITICAL

The **primary catalyst** behind **WWII** was the **Great Depression**. Since history often **repeats itself**, expect **familiar bogeymen** to **reappear** in societies roiling with **impoverishment** and ideological clefts. Anti-Semitism – a societal risk on its own – may reach alarming proportions in the West (Reuters, 2019), possibly **forc**ing Israel to undertake **reprisal operations** inside allied nations. If that happens, how will **affected nations** react? Will security resources be reallocated to protect certain minorities (or the Top 1%) while larger segments of society are exposed to restive forces? **Balloon effects** like these present a classic VUCA problematic.

Contemporary geopolitical risks include a possible **Iran-Israel war**; **US-China military confrontation** over **Taiwan** or the **S**outh **C**hina **S**ea; **North Korean proliferation** of **nuclear** and **missile technologies**; an **India-Pakistan nuclear war**; an **Iranian closure** of the Straits of **Hormuz**; **fundamentalist-driven implosion in the Islamic world**; or a **nuclear confrontation** between **NATO** and **Russia**. Fears that the Jan 3 2020 assassination of Iranian Maj. Gen. Qasem Soleimani might lead to WWIII were grossly overblown. From a systems perspective, the killing of Soleimani did not fundamentally change the actor-interconnection-interaction adaptivity equation in the Middle East. Soleimani was simply a cog who got replaced.

#### Perrception of containment is inevitable because Chinese internal leadership are culturally conditioned to prioritize competition with the west

**Friedberg October 20** [AARON L. FRIEDBERG is Professor of Politics and International Affairs at Princeton University. "An Answer to Aggression." <https://www.foreignaffairs.com/articles/china/2020-08-11/ccp-answer-aggression>]

**A LENINIST STATE IN A LIBERAL ORDER**

Ever since the founding of the **P**eople’s **R**epublic of **C**hina, in 1949, the nation’s leaders have felt **threatened** from **within and without**. The principal danger has always been the **U**nited **S**tates, which Chinese leaders have seen as working **tirelessly** to constrain their country, even as it has spoken earnestly of engagement. In Beijing’s view, the **U**nited **S**tates has sought to **encircle** China with a **ring of alliances**. It has also challenged the legitimacy and endangered the survival of the CCP’s one-party Leninist system by proclaiming the existence of a liberal international order based on principles at odds with authoritarian rule.

Faced with these threats, the party has pursued three essential **goals**: to preserve its monopoly on political power, to restore China to its rightful place as the **dominant power in Asia**, and to demonstrate the **superiority** of its socialist system by transforming the country into a truly global player whose wealth, power, and influence will eventually exceed those of the United States. Although these goals have not changed over time, Beijing’s confidence in its ability to achieve them has. After a period of relative quiescence, the regime now feels strong enough to **push back**, not only against the material strength and physical presence of the United States and its democratic allies but also against the insidious threat of their **liberal** democratic **ideals**.

A turning point in this process came shortly after the 2008 financial crisis. The near collapse of the global economy aroused a mix of anxiety and optimism among the CCP elite, deepening fears about their own ability to sustain growth and stay in power, while persuading them that the United States and other liberal democracies had entered a period of decline. Beijing responded with **repression** and **nationalism** at home, mercantilism and **assertiveness** abroad. These tendencies became much more pronounced after Xi came to power in **2012**. Under Xi, the CCP has finally abandoned Deng Xiaoping’s advice to “hide its capabilities and **bide its time**.”

Despite his swagger, **Xi** is driven by a sense of **urgency**. He is keenly aware of his country’s many problems. CCP strategists have also anticipated for some time that China’s growing power would eventually provoke **counterbalancing** from others. If such a response comes too soon, they recognize, it could choke off China’s access to Western markets and technology, **halting its rise** before it can achieve a sufficient degree of self-reliance.

Unlike other, earlier rising powers, such as the United States, which established regional dominance before pursuing their global ambitions, China is trying to do both at once. The mix of instruments used varies with distance. Close to home, Beijing is expanding its conventional **anti-access/area-denial** capabilities and **modernizing** its **nuclear arsenal** in an effort to weaken the credibility of U.S. **security guarantees** and undermine the network of democratic **alliances** that rests on them. But because China’s capacity to project military power over long distances is limited, the further from its own borders China goes, the more it must rely on other tools—namely, economic statecraft and political influence operations.

#### US has so many military and economic attacks that trigger problems and fear of Chinses status

**Duo 20**(Ding Duo is deputy director of the National Institute for South China Sea Studies’ Research Center for Oceans Law and Policy in Hainan, China, and non-resident Research Fellow of the Institute for China-America Studies (ICAS) in Washington, D.C. “On South China Sea, expect more of the same from US President Joe Biden.” DSouth China Morning Post (Online), Hong Kong: South China Morning Post Publishers Limited. Dec 8, 2020. Proquest via UMich Libraries)

**Washington** views the **S**outh **C**hina **S**ea issue as **subsumed** by the US’ **larger quarrel** with **China**. Beijing, for its part, maintains that its maritime claims are grounded in international law – fuelling tensions with other Southeast Asian claimant states and the US.

The ongoing dispute has shaped perceptions of China and even resulted in claimant states and some Western countries insisting on negative assumptions about Beijing’s intentions and purposes.

In Beijing’s view, there are a number of factors that created turbulence around the South China Sea issue. These include the gradual closing of the window of opportunity to agree on a Code of Conduct with Southeast Asian states, as well as Vietnam’s energy exploration activities at Vanguard Bank and the talk of it considering new legal actions to stake its maritime claims.

Other concerns are Malaysia’s submission last December under the UN Convention for the Law of the Sea that states there are no potential overlapping claims to its outer continental shelf in the northern part of the South China Sea; and Washington’s muscular and intrusive presence through what it calls freedom of navigation operations in the disputed waters.

Biden’s choice of seasoned professional diplomats for his top foreign affairs and defence posts – such as Anthony Blinken as secretary of state, Jack Sullivan as national security adviser to the White House, and John Kerry as the president’s special envoy on climate issues – does signal a return to the United States’ traditional liberal diplomatic philosophy.

Their appointments also indicate that Biden is aware of the problems with American diplomacy over the past four years.

But after emphasising during the election campaign the need to strengthen ties between the US and its allies to restore American leadership, **Biden** may now seek to **multilaterally oppose Beijing** in the **S**outh **C**hina **S**ea.

Such a move would be in **stark contrast** to his predecessor Donald Trump – who more often **alienated allies** and tried to **single-handedly take on Beijing** – and would make any sort of conflict more complicated given the range of parties and interests involved.

It is worth remembering that Biden was US vice-president when the **Philippines** initiated a **case** at **The Hague** in 2013 arguing against Beijing’s claims in the South China Sea. He also repeatedly **asked China to comply** with that arbitral tribunal’s 2016 award, and was **a vocal critic** of Beijing’s actions in the waterway.

In addition to his past positions on the issue, he now has to confront the Trump administration’s legacy of confrontation – with outgoing US Secretary of State Mike Pompeo issuing in July Washington’s strongest support yet for the 2016 ruling that invalidated China’s maritime claims.

As the US continues with its long-standing policy of recognising the arbitration award, we can expect to see more **diplomatic** and **military interactions** between it and the **Philippines**, which itself is set to have a presidential election in 2022 that is likely to usher in a new leadership in need of Washington’s support.

Yet the Biden administration’s expected return to a more **multilateralist** and **"lawfare”-based approach** in the South China Sea will not negate continuous, intensified military competition between the US and China.

**Biden** may take measures to **improve communications** between both sides so that a **misunderstanding** does not become the **catalyst** for **military escalation.**

But the US is likely to continue **dispatching warships**, **strengthening military coordination** with Southeast Asian **claimant states** and **participating** in **regional security forum mechanisms.**

#### Heg decline triggers US lash-out – GPW

**Beckley 12** [“China’s Century Why America’s Edge Will Endure” research fellow in the International Security Program at Harvard Kennedy School’s Belfer Center for Science and International Affairs He will become an assistant professor of political science at Tufts University in the fall of 2012, http://belfercenter.ksg.harvard.edu/files/Chinas\_Century.pdf]

One danger is that declinism could prompt **trade conflicts** and immigration restrictions. The results of this study suggest that the United States beneªts immensely from the free ºow of goods, services, and people around the globe; this is what allows American corporations to specialize in high-value activities, exploit innovations created elsewhere, and lure the brightest minds to the United States, all while reducing the price of goods for U.S. consumers. Characterizing China’s export expansion as a loss for the United States is not just bad economics; it blazes a trail for jingoistic and protectionist policies. It would be tragically ironic if Americans reacted to false prophecies of decline by cutting themselves off from a potentially vital source of American power.

Another danger is that declinism may impair foreign policy decisionmaking. If top government officials come to believe that China is overtaking the United States, they are likely to react in one of two ways, both of which are potentially disastrous.

The first is that policymakers may imagine the United States faces a closing “window of opportunity” and should take action “while it still enjoys preponderance and not wait until the diffusion of power has already made international politics more competitive and unpredictable.”158 This belief may spurpositive action, but it also invites parochial thinking, reckless behavior, and **preventive war**.159 As Robert Gilpin and others have shown, “[H]egemonic struggles have most frequently been triggered by fears of ultimate decline and the perceived erosion of power.”160 By fanning such fears, declinists may inadvertently promote the type of violent overreaction that they seek to prevent.

#### Trade rebounded

Torry 1/6 [Harriet Torry, WSJ. “Consumer Demand for Goods Drove U.S. Import Surge During Holidays.” 1/6/22. https://www.wsj.com/articles/consumer-demand-for-goods-likely-drove-u-s-import-surge-during-holidays-11641465001]

After collapsing during the pandemic, global trade has roared back, pushing the U.S. trade deficit to record levels as the pandemic continues. High demand coupled with transportation and delivery challenges, such as shortages of port and warehouse workers, have crimped goods trade in recent months. But signs are mounting that supply-chain disruptions are beginning to dissipate.

#### Trade’s projected to increase in 2022

Brodzicki 1/12 [Tomasz Brodzicki, Ph.D., "Global Trade Outlook 2022. High global trade volume growth in 2021 and significant moderation in 2022. Supply chains disruption is likely to continue in the first half of 2022", 1/12/22, IHS Markit, https://ihsmarkit.com/research-analysis/Global-Trade-Outlook-2022.html]

The Q4 2021 release of the GTAS Forecasting model accommodated the most recent macroeconomic estimates from IHS Markit Global Link Model, Q2 data for 2021 from the Global Trade Atlas (GTA) for monthly reporting states, and updated COVID-19-response factors.

The model predicts the real value of global trade to go up to USD 20,175 billion in 2021 and USD 21,038 billion in 2022. Therefore, IHS Markit anticipates a year-on-year increase in the real value of global trade by 12.6% in 2021 (prior, it was +8.5%) and by 4.3% in 2022.

It accommodates both the recovery in global GDP already in the second half of 2020 and a robust growth impulse in Q2 of 2021. The recovery peak was reached in Q2021 and then moderated in Q3 and Q4 2021 and will gradually continue in the forthcoming quarters of 2022.

#### No AI war

Michael C. Horowitz 18, professor of political science and the associate director of Perry World House at the University of Pennsylvania. , May, "Artificial Intelligence, International Competition, and the Balance of Power – Texas National Security Review," Texas National Security Review, https://tnsr.org/2018/05/artificial-intelligence-international-competition-and-the-balance-of-power/

However, it is not yet clear how the invention of specific AI applications will translate into military power. Despite continuing investment, efforts to integrate AI technologies into militaries have been limited.39 Project Maven is the first activity of an “Algorithmic Warfare” initiative in the U.S. military designed to harness the potential of AI and translate it into usable military capabilities. Still, many investments in the United States and elsewhere are in early stages. As Missy L. Cummings writes: Autonomous ground vehicles such as tanks and transport vehicles are in development worldwide, as are autonomous underwater vehicles. In almost all cases, however, the agencies developing these technologies are struggling to make the leap from development to operational implementation.40 It is important to distinguish these potential technological innovations from military innovations. While military innovations are often linked to changes in technology,41 it is not always the case. Military innovations are significant changes in organizational behavior and ways that a military fights that are designed to increase its ability to effectively translate capabilities into power.42 The use of aircraft carriers as mobile airfields by the United States and Japan is a prototypical example. While AI could potentially enable a number of military innovations, it is not a military innovation itself, and no applications of AI have been used in ways that would count as a military innovation at this point. Because AI research and technology are still in their early stages, usage of AI in warfare is not even yet analogous to the first use of the tank in World War I, let alone effective use of combined arms warfare by the Germans in World War II (the military innovation now known as blitzkrieg). This limits analyses about how narrow AI might one day affect the balance of power and international politics. Most research on technology and international politics focuses on specific, mature technologies, such as nuclear weapons, or on military innovations.43 Since AI is at an early stage, examining it requires adapting existing theories about military technology and military innovation.44

#### No bioterrorism---empirics and technical barriers.

Blum & Neumann 20, \*former Head of Laboratory at the Organisation for the Prohibition of Chemical Weapons. He holds a PhD in Biochemistry from the University of Frankfurt, \*\*Professor of Security Studies at King’s College London, and served as Director of its International Centre for the Study of Radicalisation from 2008-18.. (Marc-Michael & Peter, 6-22-2020, "Corona and Bioterrorism: How Serious Is the Threat?", *War on the Rocks*, https://warontherocks.com/2020/06/corona-and-bioterrorism-how-serious-is-the-threat/)

The novel coronavirus pandemic has put the threat of bioterrorism back in the spotlight. White supremacist chat rooms are teeming with talk about “biological warfare.” ISIL even called the virus “one of Allah’s soldiers” because of its devastating effect on Western countries. According to a recent memo by the U.S. Department of Homeland Security, terrorists are “[making] bioterrorism a popular topic among themselves.” Both the United Nations and the Council of Europe have warned of bioterrorist attacks.

How serious is the threat? There is a long history of terrorists being fascinated by biological weapons, but it is also one of failures. For the vast majority, the technical challenges associated with weaponizing biological agents have proven insurmountable. The only reason this could change is if terrorists were to receive support from a state. Rather than panic about terrorists engaging in biological warfare, governments should be vigilant, secure their own facilities, and focus on strengthening international diplomacy.

A History of Failures

Biological warfare, which uses organisms and pathogens to cause disease, is nearly as old as war itself. The first known use of biological agents as a weapon dates back to 600 B.C., when an ancient Greek leader poisoned his enemies’ water supply. Throughout the Middle Ages, especially during the time of the Black Death, it was common to hurl infected corpses into besieged cities. And during the two world wars, all major powers maintained biological weapons programs (although only Japan used them in combat).

Among terrorists, however, the use of biological weapons has been rarer, although groups from nearly all ideological persuasions have contemplated it. Recent examples include a plot to contaminate Chicago’s water supply in the 1970s; food poisoning by a religious cult in Oregon in the 1980s; and the stockpiling of ricin by members of the Minnesota Patriot Council during the 1990s. No one died in any of these instances.

The same is true for the biological warfare programs of al-Qaeda and the Islamic State group. Both groups have sought to buy, steal, or develop biological agents. For al-Qaeda, this seems to have been a priority in the 1990s, when its program was overseen by (then) deputy leader Ayman al-Zawahiri, a trained physician. With the Islamic State, evidence dates back to 2014, when Iraqi forces discovered thousands of files related to biological warfare on a detainee’s laptop.

Yet none of these efforts succeeded. The only al-Qaeda plot in which bioterrorism featured prominently — the so-called “ricin plot” in England in 2002 — was interrupted at such an early stage that none of the toxin had actually been produced. The Islamic State’s most serious attempt, in 2017, involved a small amount of ricin, whose only fatality was the hamster on which it was tested. Of the tens of thousands of people that jihadists have murdered, not a single one has died from biological agents.

It may be no accident that the most lethal bioterrorist attack in recent decades was perpetrated by a scientist and government employee. In late 2001, the offices of several U.S. senators and news organizations received so-called “anthrax letters,” which killed five people and injured 17. Following years of investigation, the FBI identified the sender as Bruce Ivins, a PhD microbiologist and senior researcher at the U.S. Army’s Medical Research Institute of Infectious Diseases. Unlike the others, he was no amateur or hoaxer, but a trained expert with years of experience and full access to the world’s largest repository of lethal biological agents.

Technical Challenges

Ivins’ case helps to explain why so many would-be bioterrorists have failed. At a technical level, launching a sophisticated, large-scale bioterrorist attack involves a toxin or a pathogen — generally a bacterium or a virus — which needs to be isolated and disseminated. But this is more difficult than it seems. As well as advanced training in biology or chemistry, isolating the agent requires significant experience. It also has to be done in a safe, contained environment, to stop it from spreading within the terrorist group. Contrary to what al-Qaeda said in one of its online magazines, you can’t just make a (biological) weapon “in the kitchen of your mom!”

In addition, there is the challenge of dissemination. Unless the agent is super-contagious, a powerful biological attack relies on a large number of initial infections in perfect conditions. In the case of the bacterium anthrax, for example, only spores of a particular size are likely to be effective in certain kinds of weather. State-sponsored programs often needed years of testing and experimentation to understand how their weapons could be used. Though not impossible, it is unlikely that terrorist groups possess the resources, stable environment, and patience to do likewise.

#### Multilateralism fails—*diverging interests* and a *lack of faith* guarantee cooperation is at best superficial

Heribert Dieter 14, Senior Associate at the German Institute for International and Security Affairs, Non-Resident Senior Fellow, Chongyang Institute for Financial Studies, Visiting Professor for International Political Economy at Zeppelin University, Doctorate in Political Science and Economics, Free University of Berlin, 1/31/14, The G-20 and the Dilemma of Asymmetric Sovereignty – Why Multilateralism Is Failing in Crisis Prevention, International Relations and Security Network, <http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?lng=en&id=176145>

Yet, tightening the rules for financial market regulation is not the only field where the G-20 is failing. Despite the mantra-like repetition of memoranda of understanding, the trade ministers of the G-20 have not been able to overcome their conflicts of interest and reach a settlement in the Doha Round of the World Trade Organization (WTO). What are the reasons for this failure?Although the G-20 managed to prevent a revival of protectionist measures on a broad front in the midst of the crisis, there is a large gap between the announcements of the G-20 and quantifiable results in trade policy. There is not one final communiqué that lacks a clear statement stressing the importance of the WTO and the necessity to conclude the Doha Round. Nonetheless, the reality of trade policy looks very different. All the states that are preventing the conclusion of the Doha Round through their vetoes are members of the G-20.

Despite there being little public information available on the reasons for the deadlock in the Doha Round, it is known that the US, Brazil, and China are blocking its conclusion. The emerging economies Brazil and China oppose the US’s demand for the complete elimination of tariffs on industrial goods. Conversely, the US resists the request to comprehensively abandon subsidies to the agricultural sector.Thus, the Doha Round is not concluded because three important members of the G-20 no longer believe in multilateral solutions and would rather engage in preferential agreements. For experts in the field of international trade, this is a paradox. There is a broad consensus that a single rulebook for international trade would facilitate economic growth and contribute to a worldwide increase in prosperity. This, however, cannot be said for the currently popular free trade agreements. So why are the countries in the G-20 incapable of further developing the common rules for international trade? One explanation is the lack of a hegemonic power that is willing to guarantee compliance with the rules of the game, but at the same time establish a system that provides member countries with sufficient economic benefits. In any event, this is how the postwar economy emerged: The US enforced the system of Bretton Woods and made sure that the participation in this economic regime remained attractive. Of course, the Bretton Woods regime never was a truly global system, since member countries of the Council on Mutual Economic Assistance did not participate. Still, within the bipolar order of the Cold War, the US managed to keep the system open and stable.¶ After the collapse of the USSR and the following short-lived “unipolar moment” (Charles Krauthammer) of complete hegemony of the US, the multilateral order was being advanced until 1995, the founding year of the WTO. Since the turn of the millennium and the parallel emergence of a multipolar order, nearly all attempts to organize cooperation without hegemony (Bob Keohane) have failed. The present multipolar world is characterized by superficial cooperation. Global Governance, whether in policies to prevent further climate change or in economic policy, remains on hold. Even worse: The world is returning to regulation on the level of the nation-state and non-cooperation. The American political scientist Ian Bremmer refers to the resulting situation as “G-Zero,” an era in which groups such as the G-20 will no longer play a vital role. The negative perception of the international division of labor¶ Apparently, there is no such thing as an identity of interests of individual states, as assumed by the advocates of global regulation and global governance. In other words: The gap between the preferences of individual states is widening rather than narrowing. However, governments must respect the preferences of their societies in the formulation of policies if they do not wish to lose legitimacy. Then again, the different preferences of societies are the immediate result of severely diverging perceptions of the international division of labor. Even in the G-20, individual societies have very different perceptions of the effects of globalization and its economic effects.¶ In Europe and the US, many people are increasingly critical of the international division of labor, if not outright hostile to globalization. According to a number of surveys, only about one-fifth to one-third of the respondents in OECD countries see greater opportunities than risks in globalization. Even in Germany, numerous politicians and citizens have been critical of globalization, although Germany strongly benefits from open markets and the resulting intensification of international trade.¶ Without a political anchoring in the member states, the G-20 has no future¶ The unfavorable perceptions of globalization and the outlined asymmetric sovereignty have resulted in a standstill in the G-20. Instead of a further development of the multilateral order, at best the status quo will be preserved. This is why we can expect nothing substantial – at least in terms of economic policy and financial regulation – from the G-20 summit in St. Petersburg on September 5 and 6. The structural impediments to successful financial regulation and trade policies on a supranational level cannot be overcome by the heads of government and state of the G-20. At least there is some hope in those areas where the countries of the G-20 have identical interests. This applies primarily to measures to close down tax loopholes. In 2008, ambitious expectations of a comprehensive reorganization of international trade relations through the G-20 were raised. Unfortunately, the G-20 cannot and will not deliver on crisis prevention. Today, more modest goals will have to be set. The key obstacle to success in the further development of global rules in trade and finance can be found in the G-20 societies themselves. Perceptions about globalization need to be addressed by policy makers at the national level, as do the widespread reservations about the international division of labor in the OECD countries. If societies continue to show diverging preferences, the development of comprehensive global economic governance in the G-20 will be all but impossible.

#### the era of liberalist interventionism is over in favor of realism

Posner 9/3 [Eric, professor at the University of Chicago Law School. “America's Return to Realism”. 9/3/21. https://www.project-syndicate.org/commentary/america-return-to-foreign-policy-realism-by-eric-posner-2021-09]

CHICAGO – US President Joe Biden’s speech defending the withdrawal from Afghanistan announced a decisive break with a tradition of foreign-policy idealism that began with Woodrow Wilson and reached its apex in the 1990s. While that tradition has often been called “liberal internationalism,” it also was the dominant view on the right by the end of the Cold War. The United States, according to liberal internationalists, should use military force as well as its economic power to compel other countries to embrace liberal democracy and uphold human rights.

Both in conception and in practice, American idealism rejected the Westphalian international system, in which states are forbidden to intervene in others’ internal affairs, and peace results from maintaining a balance of power. Wilson sought to replace this system with universal principles of justice, administered by international institutions. During World War II, Franklin D. Roosevelt revived these ideals in the Atlantic Charter of 1941, which declared self-determination, democracy, and human rights to be war goals.

But during the Cold War, the US pursued a resolutely “realist” foreign policy that focused on national interest and propped up or tolerated dictatorships as long as they opposed the Soviet Union. The two rivals had little use for international institutions or universal ideals except for propaganda purposes, instead using regional arrangements to knit together their allies. It was Europe that, in the 1970s, tried to advance human rights and assume a position of moral leadership to distinguish itself from the goliaths to its east and west.

America’s commitment to human rights began at a moment of weakness. In the wake of the military and moral disaster of Vietnam, President Jimmy Carter and the US Congress sought to infuse American foreign policy with a moral center and reached for the language of human rights. President Ronald Reagan saw human rights as a convenient rhetorical cudgel for clobbering the Soviet Union. But both presidents continued to support dictatorships that served US security interests, and neither used military force to advance humanitarian ideals. The era of US-led humanitarian intervention would have to await the end of the Cold War.

The rhetoric outstripped the reality, but reality did change. As the sole global hegemon, the US embarked on a large number of wars, big and small, involving a confusing mélange of hard-nosed security interests and idealistic rhetoric. In Panama, Somalia, Yugoslavia (twice), Iraq (twice), Libya, Afghanistan, and elsewhere, the US launched military interventions on both national-security and humanitarian grounds.

The nonintervention in the Rwandan genocide of 1994 may have been the most consequential (non)event of this period, because it was reinterpreted with the benefit of hindsight as a missed opportunity to use military force to save hundreds of thousands of lives. The debacle was used to justify the wars in Afghanistan and Iraq, and to urge US military intervention in Sudan in the early 2000s, which President George W. Bush’s administration wisely resisted, despite mass killings that amounted to another genocide.

All of this led to an extraordinary burst of interest in international law and legal institutions. Multiple international tribunals were created, leading to the establishment of a permanent International Criminal Court. Human rights treaties and institutions were revived and strengthened. Principles of humanitarian intervention were advanced, including the now-forgotten “responsibility to protect.” Every Western university nowadays has a human rights center of some sort that is a testament to the idealism of that era.

It was already clear that President Donald Trump repudiated this tradition of humanitarian or quasi-humanitarian military intervention, but Biden’s forceful renunciation of it is somewhat surprising. In his speech, he repeatedly emphasized the importance of identifying and defending America’s “vital national interest.” The word “national” is key, and Biden wasn’t subtle:

“If we had been attacked on September 11, 2001, from Yemen instead of Afghanistan, would we have ever gone to war in Afghanistan? Even though the Taliban controlled Afghanistan in the year 2001? I believe the honest answer is no. That’s because we had no vital interest in Afghanistan other than to prevent an attack on America’s homeland and our friends. And that’s true today.”

America had no vital interest in introducing democracy to Afghanistan, in helping women escape a medieval theological regime, in educating children, or in helping to prevent another civil war. His decision to withdraw from Afghanistan was

“about ending an era of major military operations to remake other countries. We saw a mission of counterterrorism in Afghanistan, getting the terrorists to stop the attacks, morph into a counterinsurgency, nation-building, trying to create a democratic, cohesive, and united Afghanistan. Something that has never been done over many centuries of Afghan’s [sic] history. Moving on from that mindset and those kind of large-scale troop deployments will make us stronger and more effective and safer at home.”

Biden also did say that human rights will remain “the center of our foreign policy,” and that economic tools and moral suasion can be used to advance them. This claim is in tension with his declaration that “vital national interests” should determine military intervention. Why wouldn’t vital national interests determine nonmilitary forms of intervention as well? Clearly, the role of human rights and other moral ideals in US foreign policy has been downgraded. The only question is whether the rhetoric will be toned town to match the new reality.

Of course, it was never very clear that US governments were actually motivated by humanitarian considerations. Critics often found more nefarious motives. Future historians may well argue that US foreign policy in the 1990s and 2000s was simply advancing a very ambitious vision of the national interest: America required all countries to adopt American ideals and institutions so that none would want to act against America. Or they might say that, like any empire, the US lacked the patience and wisdom to maintain a consistent stance in its treatment of its peripheries.

In any case, idealism is not actually so idealistic when a country has enough power, and the only thing that is clear now is that America doesn’t. Resistance to its post-Cold War nation-building goals took the form of international terrorism. China and Russia did not obediently embrace democracy. And much of the rest of the world has reverted to various forms of nationalism and authoritarianism.