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### Global Battlefield

#### Advantage one is Global Battlefield

#### Executive legal discretion for drone use outside hot battlefields makes global conflict inevitable

Brooks, 13 [Rosa, Professor of Law, Georgetown University Law Center, Bernard L. Schwartz Senior Fellow, New America Foundation, The Constitutional and Counterterrorism Implications of Targeted Killing, <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>]

Mr. Chairman, I would like to turn now to the legal framework applicable to US drone strikes. Both the United States and the international community have long had rules governing armed conflicts and the use of force in national self-defense. These rules apply whether the lethal force at issue involves knives, handguns, grenades or weaponized drones. When drone technologies are used in traditional armed conflicts—on “hot battlefields” such as those in Afghanistan, Iraq or Libya, for instance – they pose no new legal issues. As Administration officials have stated, their use is subject to the same requirements as the use of other lawful means and methods of warfare.28 But if drones used in traditional armed conflicts or traditional self-defense situations present no “new” legal issues, some of the activities and policies enabled and facilitated by drone technologies pose significant challenges to existing legal frameworks. As I have discussed above, the availability of perceived low cost of drone technologies makes it far easier for the US to “expand the battlefield,” striking targets in places where it would be too dangerous or too politically controversial to send troops. Specifically, drone technologies enable the United States to strike targets deep inside foreign states, and do so quickly, efficiently and deniably. As a result, drones have become the tool of choice for so-called “targeted killing” – the deliberate targeting of an individual or group of individuals, whether known by name or targeted based on patterns of activity, inside the borders of a foreign country. It is when drones are used in targeted killings outside of traditional or “hot” battlefields that their use challenges existing legal frameworks. Law is almost always out of date: we make legal rules based on existing conditions and technologies, perhaps with a small nod in the direction of predicted future changes. As societies and technologies change, law increasingly becomes an exercise in jamming square pegs into round holes. Eventually, that process begins to do damage to existing law: it gets stretched out of shape, or broken. Right now, I would argue, US drone policy is on the verge of doing significant damage to the rule of law. A. The Rule of Law At root, the idea of “rule of law” is fairly simple, and well understood by Americans familiar with the foundational documents that established our nation, such as the Declaration of Independence, the Constitution and the Bill of Rights. The rule of law requires that governments follow transparent, clearly defined and universally applicable laws and procedures. The goal of the rule of law is to ensure predictability and stability, and to prevent the arbitrary exercise of power. In a society committed to the rule of law, the government cannot fine you, lock you up, or kill you on a whim -- it can restrict your liberty or take your property or life only in accordance with pre-established processes and rules that reflect basic notions of justice, humanity and fairness. Precisely what constitutes a fair process is debatable, but most would agree that at a minimum, fairness requires that individuals have reasonable notice of what constitutes the applicable law, reasonable notice that they are suspected of violating the law, a reasonable opportunity to rebut any allegations against them, and a reasonable opportunity to have the outcome of any procedures or actions against them reviewed by some objective person or body. These core values are enshrined both in the US Constitution and in international human rights law instruments such as the International Covenant on Civil and Political Rights, to which the United States is a party. In ordinary circumstances, this bundle of universally acknowledged rights (together with international law principles of sovereignty) means it is clearly unlawful for one state to target and kill an individual inside the borders of another state. Recall, for instance, the 1976 killing of Chilean dissident Orlando Letelier in Washington DC. When Chilean government intelligence operatives planted a car bomb in the car used by Letelier, killing him and a US citizen accompanying him, the United States government called this an act of murder—an unlawful political assassination. B. Targeted Killing and the Law of Armed Conflict Of course, sometimes the “ordinary” legal rules do not apply. In war, the willful killing of human beings is permitted, whether the means of killing is a gun, a bomb, or a long-distance drone strike. The law of armed conflict permits a wide range of behaviors that would be unlawful in the absence of an armed conflict. Generally speaking, the intentional destruction of private property and severe restrictions on individual liberties are impermissible in peacetime, but acceptable in wartime, for instance. Even actions that a combatant knows will cause civilian deaths are lawful when consistent with the principles of necessity, humanity, proportionality,29 and distinction.30 It is worth briefly explaining these principles. The principle of necessity requires parties to a conflict to limit their actions to those that are indispensible for securing the complete submission of the enemy as soon as possible (and that are otherwise permitted by international law). The principle of humanity forbids parties to a conflict to inflict gratuitous violence or employ methods calculated to cause unnecessary suffering. The principle of proportionality requires parties to ensure that the anticipated loss of life or property incidental to an attack is not excessive in relation to the concrete and direct military advantage expected to be gained. Finally, the principle of discrimination or distinction requires that parties to a conflict direct their actions only against combatants and military objectives, and take appropriate steps to distinguish between combatants and non-combatants.31 This is a radical oversimplification of a very complex body of law.32 But as with the rule of law, the basic idea is pretty simple. When there is no war -- when ordinary, peacetime law applies -- agents of the state aren't supposed to lock people up, take their property or kill them, unless they have jumped through a whole lot of legal hoops first. When there is an armed conflict, however, everything changes. War is not a legal free-for-all33 -- torture, rape are always crimes under the law of war, as is killing that is willful, wanton and not justified by military necessity34 -- but there are far fewer constraints on state behavior. Technically, the law of war is referred to using the Latin term “lex specialis” – special law. It is applicable in—and only in -- special circumstances (in this case, armed conflict), and in those special circumstances, it supersedes “ordinary law,” or “lex generalis,” the “general law” that prevails in peacetime. We have one set of laws for “normal” situations, and another, more flexible set of laws for “extraordinary” situations, such as armed conflicts. None of this poses any inherent problem for the rule of law. Having one body of rules that tightly restricts the use of force and another body of rules that is far more permissive does not fundamentally undermine the rule of law, as long as we have a reasonable degree of consensus on what circumstances trigger the “special” law, and as long as the “special law” doesn’t end up undermining the general law. To put it a little differently, war, with its very different rules, does not challenge ordinary law as long as war is the exception, not the norm -- as long as we can all agree on what constitutes a war -- as long as we can tell when the war begins and ends -- and as long as we all know how to tell the difference between a combatant and a civilian, and between places where there's war and places where there's no war. Let me return now to the question of drones and targeted killings. When all these distinctions I just mentioned are clear, the use of drones in targeted killings does not necessarily present any great or novel problem. In Libya, for instance, a state of armed conflict clearly existed inside the borders of Libya between Libyan government forces and NATO states. In that context, the use of drones to strike Libyan military targets is no more controversial than the use of manned aircraft. That is because our core rule of law concerns have mostly been satisfied: we know there is an armed conflict, in part because all parties to it agree that there is an armed conflict, in part because observers (such as international journalists) can easily verify the presence of uniformed military personnel engaged in using force, and in part because the violence is, from an objective perspective, widespread and sustained: it is not a mere skirmish or riot or criminal law enforcement situation that got out of control. We know who the “enemy” is: Libyan government forces. We know where the conflict is and is not: the conflict was in Libya, but not in neighboring Algeria or Egypt. We know when the conflict began, we know who authorized the use of force (the UN Security Council) and, just as crucially, we know whom to hold accountable in the event of error or abuse (the various governments involved).35 Once you take targeted killings outside hot battlefields, it’s a different story. The Obama Administration is currently using drones to strike terror suspects in Pakistan, Somalia, Yemen, and –perhaps—Mali and the Philippines as well. Defenders of the administration's increasing reliance on drone strikes in such places assert that the US is in an armed conflict with “al Qaeda and its associates,” and on that basis, they assert that the law of war is applicable -- in any place and at any time -- with regard to any person the administration deems a combatant. The trouble is, no one outside a very small group within the US executive branch has any ability to evaluate who is and who isn’t a combatant. The war against al Qaeda and its associates is not like World War II, or Libya, or even Afghanistan: it is an open-ended conflict with an inchoate, undefined adversary (who exactly are al Qaeda’s “associates”?). What is more, targeting decisions in this nebulous “war” are based largely on classified intelligence reporting. As a result, Administration assertions about who is a combatant and what constitutes a threat are entirely non-falsifiable, because they're based wholly on undisclosed evidence. Add to this still another problem: most of these strikes are considered covert action, so although the US sometimes takes public credit for the deaths of alleged terrorist leaders, most of the time, the US will not even officially acknowledge targeted killings. This leaves all the key rule-of-law questions related to the ongoing war against al Qaeda and its "associates" unanswered.36 Based on what criteria might someone be considered a combatant or directly participating in hostilities? What constitutes “hostilities” in the context of an armed conflict against a non-state actor, and what does it mean to participate in them? And just where is the war? Does the war (and thus the law of war) somehow "travel" with combatants? Does the US have a “right” to target enemy combatants anywhere on earth, or does it depend on the consent of the state at issue? Who in the United States government is authorized to make such determinations, and what is the precise chain of command for such decisions? I think the rule of law problem here is obvious: when “armed conflict” becomes a term flexible enough to be applied both to World War II and to the relations between the United States and “associates” of al Qaeda such as Somalia’s al Shabaab, the concept of armed conflict is not very useful anymore. And when we lack clarity and consensus on how to recognize “armed conflict,” we no longer have a clear or principled basis for deciding how to categorize US targeted killings. Are they, as the US government argues, legal under the laws of war? Or are they, as some human rights groups have argued, unlawful murder? C. Targeted Killing and the International Law of Self-Defense When faced with criticisms of the law of war framework as a justification for targeted killing, Obama Administration representatives often shift tack, arguing that international law rules on national self-defense provide an alternative or additional legal justification for US targeted killings. Here, the argument is that if a person located in a foreign state poses an "imminent threat of violent attack" against the United States, the US can lawfully use force in self-defense, provided that the defensive force used is otherwise consistent with law of war principles. Like law of war-based arguments, this general principle is superficially uncontroversial: if someone overseas is about to launch a nuclear weapon at New York City, no one can doubt that the United States has a perfect right (and the president has a constitutional duty) to use force if needed to prevent that attack, regardless of the attacker's nationality. But once again, the devil is in the details. To start with, what constitutes an "imminent" threat? Traditionally, both international law and domestic criminal law understand that term narrowly: 37 to be "imminent," a threat cannot be distant or speculative.38 But much like the Bush Administration before it, the Obama Administration has put forward an interpretation of the word “imminent” that bears little relation to traditional legal concepts. According to a leaked 2011 Justice Department white paper39—the most detailed legal justification that has yet become public-- the requirement of imminence "does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." This seems, in itself, like a substantial departure from accepted international law definitions of imminence. But the White Paper goes even further, stating that "certain members of al Qaeda are continually plotting attacks...and would engage in such attacks regularly [if] they were able to do so, [and] the US government may not be aware of all... plots as they are developing and thus cannot be confident that none is about to occur." For this reason, it concludes, anyone deemed to be an operational leader of al Qaeda or its "associated forces" presents, by definition, an imminent threat even in the absence of any evidence whatsoever relating to immediate or future attack plans. In effect, the concept of "imminent threat" (part of the international law relating to self-defense) becomes conflated with identity or status (a familiar part of the law of armed conflict). That concept of imminence has been called Orwellian, and although that is an overused epithet, in this context it seems fairly appropriate. According to the Obama Administration, “imminent” no longer means “immediate,” and in fact the very absence of clear evidence indicating specific present or future attack plans becomes, paradoxically, the basis for assuming that attack may perpetually be “imminent.” The 2011 Justice Department White Paper notes that the use of force in self-defense must comply with general law of war principles of necessity, proportionality, humanity, and distinction. The White Paper offers no guidance on the specific criteria for determining when an individual is a combatant (or a civilian participating directly in hostilities), however. It also offers no guidance on how to determine if a use of force is necessary or proportionate. From a traditional international law perspective, this necessity and proportionality inquiry relates both to imminence and to the gravity of the threat itself, but so far there has been no public Administration statement as to how the administration interprets these requirements. Is any threat of "violent attack" sufficient to justify killing someone in a foreign country, including a U.S. citizen? Is every potential suicide bomber targetable, or does it depend on the gravity of the threat? Are we justified in drone strikes against targets who might, if they get a chance at some unspecified future point, place an IED that might, if successful, kill one person? Ten people? Twenty? 2,000? How grave a threat must there be to justify the use of lethal force against an American citizen abroad -- or against non-citizens, for that matter? As I have noted, it is impossible for outsiders to fully evaluate US drone strikes, since so much vital information remains classified. In most cases, we know little about the identities; activities or future plans of those targeted. Nevertheless, given the increased frequency of US targeted killings in recent years, it seems reasonable to wonder whether the Administration conducts a rigorous necessity or proportionality analysis in all cases. So far, the leaked 2011 Justice Department White Paper represents the most detailed legal analysis of targeted killings available to the public. It is worth noting, incidentally, that this White Paper addresses only the question of whether and when it is lawful for the US government to target US citizens abroad. We do not know what legal standards the Administration believes apply to the targeting of non-citizens. It seems reasonable to assume, however, that the standards applicable to non-citizens are less exacting than those the Administration views as applicable to citizens. Defenders of administration targeted killing policy acknowledge that the criteria for determining how to answer these many questions have not been made public, but insist that this should not be cause for concern. The Administration has reportedly developed a detailed “playbook” outlining the targeting criteria and procedures,40, and insiders insist that executive branch officials go through an elaborate process in which they carefully consider every possible issue before determining that a drone strike is lawful.41 No doubt they do, but this is somewhat cold comfort. Formal processes tend to further normalize once-exceptional activities -- and "trust us" is a rather shaky foundation for the rule of law. Indeed, the whole point of the rule of law is that individual lives and freedom should not depend solely on the good faith and benevolence of government officials. As with law of war arguments, stating that US targeted killings are clearly legal under traditional self-defense principles requires some significant cognitive dissonance. Law exists to restrain untrammeled power. It is no doubt possible to make a plausible legal argument justifying each and every U.S. drone strike -- but this merely suggests that we are working with a legal framework that has begun to outlive its usefulness. The real question isn't whether U.S. drone strikes are "legal." The real question is this: Do we really want to live in a world in which the U.S. government's justification for killing is so malleable? 5. Setting Troubling International Precedents Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill- defined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### That authority is driving an arms race that risks global wars

Roberts 3/212013 [Kristin Roberts, MA security studies, MA journalism. “When the Whole World Has Drones”, March 21, 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321]

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines.

It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.

America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts.

To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. **This** still-expanding **counterterrorism use of drones to kill people**, including its own citizens, **outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order**.

“I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things.”—Dennis Blair, former director of national intelligence

Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, **Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you**. In Pakistan, Yemen, and Afghanistan.

This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and **the executive branch’s legal authority to kill by drone outside war zones** (thin, by officials’ own private admission)—what goes undiscussed **is Washington’s deliberate failure to establish clear and demonstrable rules** for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

#### Now is key to entrench a normative framework that stabilizes drone prolif

Whibley, 13 [2/6/13. James Whibley received a M.A. in International Relations from Victoria University of Wellington, New Zealand in 2012. “The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent”. http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/]

In a recent article, David Wood expresses concern over the start of a drone arms race, with China’s People’s Liberation Army beginning to adopt drone technology and Iran possibly supplying drones to Hezbollah in Lebanon. Other reports show that Pakistan has also developed its own set of drones, with offers of assistance from China to help improve their technological sophistication. The proliferation of drone technology is in many ways unsurprising, as technology always spreads across the globe. Yet, the economic and organizational peculiarities of drones may mean their adoption is more likely than other high-tech weapons.

Michael C. Horowitz, in his widely praised book The Diffusion of Military Power, notes that states and non-state actors face a number of possible strategic choices when considering military innovations, with the adoption of innovative technology not a foregone conclusion. States will consider both the financial cost of adopting new technology and the organizational capacity required to adopt new technologies — that is, the need to make large-scale changes to recruitment, training, or strategic doctrine. From a financial perspective, drones are an attractive option for state and non-state actors alike, as they are vastly cheaper to build and operate than other forms of aerial technology, with the high level of commercial applications for drone technology helping drive down their cost. Organizationally, drones still require a significant level of training to operate in a combat setting, inhibiting their immediate adoption. Yet, as strategic doctrine in nearly every state prioritizes combating terrorism, drone programs will be easier to integrate into military structures as Horowitz notes that how a military organization defines its critical tasks determines the ease of adopting innovations. Even if the level of organizational capacity needed to operate drones eludes most terrorist organizations, the apparent willingness of states such as Iran to supply militant groups with drones raises the possibility of terrorist groups acquiring tacit knowledge about operating them by networking with sympathising states.

If drones are destined to proliferate, the more important issue may become whether American drone doctrine is setting a precedent for other states over how drones are used, and if so, is American drone use weakening the long-standing international norm against assassination? Current US practices include the use of drones in countries without a declaration of war, the routine targeting of rescuers at the scene of drone attacks and the funerals of victims, and the killing of US citizens. The existence of such practices lends legitimacy to illiberal actions and significantly diminishes the moral authority of the US to condemn similar tactics used by other states, whether against rebellious populations in their own territory or enemies abroad.

While drone advocates such as Max Boot argue that other countries are unlikely to follow any precedents about drone use established by America, power has an undeniable effect in establishing which norms are respected or enforced. America used its power in the international system after World War 2 to embed norms about human rights and liberal political organization, not only in allies, but in former adversaries and the international system as a whole. Likewise, the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when using weapons of mass destruction and the practices of colonialism and human intervention. Therefore, drones advocates must consider the possible unintended consequences of lending legitimacy to the unrestricted use of drones. However, with the Obama administration only now beginning to formulate rules about using drones and seemingly uninterested in restraining its current practices, the US may miss an opportunity to entrench international norms about drone operations.

If countries begin to follow the precedent set by the US, there is also the risk of weakening pre-existing international norms about the use of violence. In the summer 2000 issue of International Security, Ward Thomas warned that, while the long-standing norm against assassination has always been less applicable to terrorist groups, the targeting of terrorists is, “likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.” Such an occurrence would represent a deleterious unintended consequence to an already inhumane international system, justifying greater scrutiny of the drone program.

Realism cautions scholars not to expect ethical behaviour in international politics. Yet, the widespread use of drones by recent administrations with little accountability and the lack of any normative framework about their deployment on the battlefield could come to be seen as a serious strategic error and moral failing. If the Obama administration was nervous about leaving an amorphous drone policy to a possible Romney Presidency, then surely China or Russia possessing such a program would be terrifying.

#### Norms prevent drones from eroding firebreaks against nuclear conflict

**Boyle 13** – Professor of Political Science @ La Salle University [Michael J. Boyle (Former Lecturer in International Relations and Research Fellow in the Centre for the Study of Terrorism and Political Violence @ University of St. Andrews), “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) pg. 1–29

The race for drones

An important, but overlooked, strategic consequence of the Obama administration’s embrace of drones is that it has generated a new and dangerous arms race for this technology. At present, the use of lethal drones is seen as acceptable to US policy-makers because no other state possesses the ability to make highly sophisticated drones with the range, surveillance capability and lethality of those currently manufactured by the United States. Yet the rest of the world is not far behind. At least 76 countries have acquired UAV technology, including Russia, China, Pakistan and India.120 China is reported to have at least 25 separate drone systems currently in development.121 At present, there are 680 drone programmes in the world, an increase of over 400 since 2005.122 Many states and non-state actors hostile to the United States have begun to dabble in drone technology. Iran has created its own drone, dubbed the ‘Ambassador of Death’, which has a range of up to 600 miles.123 Iran has also allegedly supplied the Assad regime in Syria with drone technology.124 Hezbollah launched an Iranian-made drone into Israeli territory, where it was shot down by the Israeli air force in October 2012.125

A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before another supplier steps in to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities.

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own.

A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them.

Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144

Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government.

One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147

Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them.

Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them.

Conclusion

Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, growing anti-Americanism and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack.

In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States.

Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156

A final, and crucial, step towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. The genie is out of the bottle: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, regulated and consistent with internationally recognized human rights standards. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157

The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an opportunity to show leadership in developing an international legal architecture which might avert some of the worst consequences of their use.

#### Drone proliferation will cause SCS conflict absent norms on use.

**Brimley 13** Shawn Brimley, Ben FitzGerald and Ely Ratner, 9/18/2013. Vice President and Director of Studies at the Center for a New American Security; Senior Fellow and the Program Director for the Technology and National Security Program at the Center for a New American Security; and Ph.D. in Political Science at the University of California, Berkeley, Deputy Director of the Asia-Pacific Security Program at the Center for a New American Security, recently served in the Office of Chinese and Mongolian Affairs at the State Department as the lead political officer covering China’s external relations in Asia. “The drone war comes to Asia,” Chicago Tribune, http://www.chicagotribune.com/sns-wp-wp-frgnp-bc-drones-china18-20130918,0,5477418.story.

WASHINGTON — It's now been a year since Japan's previously ruling liberal government purchased three of the Senkaku Islands to prevent a nationalist and provocative Tokyo mayor from doing so himself. The move was designed to dodge a potential crisis with China, which claims "indisputable sovereignty" over the islands it calls the Diaoyus.

Disregarding the Japanese government's intent, Beijing has reacted to the "nationalization" of the islands by flooding the surrounding waters and airspace with Chinese vessels to undermine Japan's de facto administration, which has persisted since the reversion of Okinawa from American control in 1971. Chinese incursions have become so frequent that the Japanese Air Self-Defense Forces (JASDF) are now scrambling jet fighters on a near-daily basis in response.

In the midst of this heightened tension, you could be forgiven for overlooking the news early in September that Japanese F-15s had again taken flight after Beijing graciously commemorated the one-year anniversary of Tokyo's purchase by sending an unmanned aerial vehicle (UAV) toward the islands. But this wasn't just another day at the office in the contested East China Sea: this was the first known case of a Chinese drone approaching the Senkakus.

Without a doubt, China's drone adventure 100-miles north of the Senkakus was significant because it aggravated already abysmal relations between Tokyo and Beijing. Japanese officials responded to the incident by suggesting that Japan might have to place government personnel on the islands, a red line for Beijing that would have been unthinkable prior to the past few years of Chinese assertiveness.

But there's a much bigger and more pernicious cycle in motion. The introduction of indigenous drones into Asia's strategic environment — now made official by China's maiden unmanned provocation — will bring with it additional sources of instability and escalation to the fiercely contested South and East China Seas. Even though no government in the region wants to participate in major power war, there is widespread and growing concern that military conflict could result from a minor incident that spirals out of control.

Unmanned systems could be just this trigger. They are less costly to produce and operate than their manned counterparts, meaning that we're likely to see more crowded skies and seas in the years ahead. UAVs also tend to encourage greater risk-taking, given that a pilot's life is not at risk. But being unmanned has its dangers: any number of software or communications failures could lead a mission awry. Combine all that with inexperienced operators and you have a perfect recipe for a mistake or miscalculation in an already tense strategic environment.

The underlying problem is not just the drones themselves. Asia is in the midst of transitioning to a new warfighting regime with serious escalatory potential. China's military modernization is designed to deny adversaries freedom of maneuver over, on, and under the East and South China Seas. Although China argues that its strategy is primarily defensive, the capabilities it is choosing to acquire to create a "defensive" perimeter — long-range ballistic and cruise missiles, aircraft carriers, submarines — are acutely offensive in nature. During a serious crisis when tensions are high, China would have powerful incentives to use these capabilities, particularly missiles, before they were targeted by the United States or another adversary. The problem is that U.S. military plans and posture have the potential to be equally escalatory, as they would reportedly aim to "blind" an adversary — disrupting or destroying command and control nodes at the beginning of a conflict.

At the same time, the increasingly unstable balance of military power in the Pacific is exacerbated by the (re)emergence of other regional actors with their own advanced military capabilities. Countries that have the ability and resources to embark on rapid modernization campaigns (e.g., Japan, South Korea, Indonesia) are well on the way. This means that in addition to two great powers vying for military advantage, the region features an increasingly complex set of overlapping military-technical competitions that are accelerating tensions, adding to uncertainty and undermining stability.

This dangerous military dynamic will only get worse as more disruptive military technologies appear, including the rapid diffusion of unmanned and increasingly autonomous aerial and submersible vehicles coupled with increasingly effective offensive cyberspace capabilities.

(Optional add end)

One could take solace in Asia's ability to manage these gnarly sources of insecurity if the region had demonstrated similar competencies elsewhere. But nothing could be further from the case. It has now been more than a decade since the Association of Southeast Asian Nations and China signed a declaration "to promote a peaceful, friendly and harmonious environment in the South China Sea," which was meant to be a precursor to a code of conduct for managing potential incidents, accidents, and crises at sea. But the parties are as far apart as ever, and that's on well-trodden issues of maritime security with decades of legal and operational precedent to build upon.

It's hard to be optimistic that the region will do better in an unmanned domain in which governments and militaries have little experience and where there remains a dearth of international norms, rules, and institutions from which to draw.

The rapid diffusion of advanced military technology is not a future trend. These capabilities are being fielded — right now — in perhaps the most geopolitically dangerous area in the world, over (and soon under) the contested seas of East and Southeast Asia. These risks will only increase with time as more disruptive capabilities emerge. In the absence of political leadership, these technologies could very well lead the region into war.

#### That escalates to nuclear winter

Wittner 11 - Professor of History @ State University of New York-Albany. [Lawrence S. Wittner, “Is a Nuclear War with China Possible?,” Huntington News, Monday, November 28, 2011 - 18:37 pg. http://www.huntingtonnews.net/14446]

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon.

The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war?

Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.”

Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists.

Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan.

At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might?

Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China.

But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, [and] creating worldwide famine, and generating chaos and destruction.

Moreover, in another decade the extent of this catastrophe would be far worse. The Chinese government is currently expanding its nuclear arsenal, and by the year 2020 it is expected to more than double its number of nuclear weapons that can hit the United States. The U.S. government, in turn, has plans to spend hundreds of billions of dollars “modernizing” its nuclear weapons and nuclear production facilities over the next decade.

#### Limiting to zones of hostilities is key to stable expectations and international consensus

Daskal, ’13 [Jennifer C. Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center. THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE “HOT” CONFLICT ZONE. University of Pennsylvania Law Review, Vol. 161, No. 5. April 2013. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049532>]

Additional work is needed to flesh out the precise standards for concluding that a threat justifies action in self-defense. But by applying the general approach described in Part III both to lethal targeting that takes place outside a zone of active hostilities in the course of an armed conflict and to killings undertaken in self-defense outside an armed conflict, states can begin to develop a clear and consistent set of practices to regulate targeted killings outside the conflict zone.214 Such an approach furthers the important goal of creating and protecting a stable set of expectations as to the rules that apply to these killings. The approach serves to limit the state’s use of premeditated lethal force to instances in which the targets pose a profound and ongoing threat that cannot be dealt with through other means. Finally, the framework protects against the perverse situation in which self-defense justifications are used as end-runs around the more restrictive set of law-of-war rules proposed here.

C. Implementation and Security Benefit

One might be skeptical that a nation like the United States would ever accept such constraints on the exercise of its authority. There are, however, several reasons why doing so would be in the United States’ best interest.

First, as described in Section II.B, the general framework is largely consistent with current U.S. practice since 2006. The United States has, as a matter of policy, adopted important limits on its use of out-of-battlefield targeting and law-of-war detention—suggesting an implicit recognition of the value and benefits of restraint.

Second, while the proposed substantive and procedural safeguards are more stringent than those that are currently being employed, their implementation will lead to increased restraint and enhanced legitimacy, which in turn inure to the state. As the U.S. Counterinsurgency Manual explains, it is impossible and self-defeating to attempt to capture or kill every potential insurgent: “Dynamic insurgencies can replace losses quickly. Skillful counterinsurgents must thus cut off the sources of that recuperative power” by increasing their own legitimacy at the expense of the insurgent’s legitimacy. 215 The Counterinsurgency Manual further notes, “[E]xcessive use of force, unlawful detention . . . and punishment without trial” comprise “illegitimate actions” that are ultimately “self-defeating.”216 In this vein, the Manual advocates moving “from combat operations to law enforcement as quickly as feasible.”217 In other words, the high profile and controversial nature of killings outside conflict zones and detention without charge can work to the advantage of terrorist groups and to the detriment of the state. Self-imposed limits on the use of detention without charge and targeted killing can yield legitimacy and security benefits.218

Third, limiting the exercise of these authorities outside zones of active hostilities better accommodates the demands of European allies, upon whose support the United States relies. As Brennan has emphasized: “The convergence of our legal views with those of our international partners matters. The effectiveness of our counterterrorism activities depends on the assistance and cooperation of our allies—who, in ways public and private, take great risks to aid us in this fight.”219 By placing self-imposed limits on its actions outside the “hot” battlefield, the United States will be in a better position to participate in the development of an international consensus as to the rules that ought to apply.

Fourth, such self-imposed restrictions are more consistent with the United States’ long-standing role as a champion of human rights and the rule of law—a role that becomes difficult for the United States to play when viewed as supporting broad-based law-of-war authority that gives it wide latitude to employ force as a first resort and bypass otherwise applicable human rights and domestic law enforcement norms.

Fifth, and critically, while the United States might be confident that it will exercise its authorities responsibly, it cannot assure that other states will follow suit. What is to prevent Russia, for example, from asserting that it is engaged in an armed conflict with Chechen rebels, and can, consistent with the law of war, kill or detain any person anywhere in the world which it deems to be a “functional member” of that rebel group? Or Turkey from doing so with respect to alleged “functional members” of Kurdish rebel groups? If such a theory ultimately resulted in the targeted killing or detaining without charge of an American citizen, the United States would have few principled grounds for objecting.

#### US normative leadership is key

Zenko 13 – Fellow in the Center for Preventive Action @ Council on Foreign Relations [Dr. Micah Zenko (PhD in political science from Brandeis University), “Reforming U.S. Drone Strike Policies,” Council on Foreign Relations, Council Special Report No. 65, January 2013

History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone proliferation and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international normative framework, and U.S. compliance with that framework, would preserve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.

In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would undermine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies. Pg. 22-25

### Plan

#### The United States Federal Government should statutorily restrict the President’s war powers authority for targeted killing as a first resort outside zones of active hostilities.

### Europe Advantage

#### Advantage two is Transatlantic Relations –

#### Current drone policy collapses European relations – only geographical restrictions can solve

**Streeter 13** 4/19 2013 Devin Streeter, Liberty University Strategic Intelligence Society, Director of Activities, Public Relations, and Recruitment, 4/19/2013, http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure

At the same time, other nations feel that drones violate their airspace and are used without approval from the international community. 36 The majority of these nations fall within the boundaries of the European Union, and while their disapproval is not as notable as the first group, it often reaches the double digits rate. 37

Germany, Great Britain, Poland, and other European Union members do not understand the ‘fire from the hip’ mentality of drone strikes. 38 The European Council on Foreign Relations noted “it [United States] seems to interpret the concept of imminence in a rather more permissive way than most Europeans would be comfortable with.” 39 The European Union fully supports drones in combat support and reconnaissance roles, but has issues with the concept of targeted killings, which often result in collateral damage. 40 European leaders desire an international consensus on how drones should be operated, before more civilians become casualties. 41 The European Council on Foreign Relations further notes:

The Obama administration has so far chosen to operate by analogy with inter-state war, but in an era marked by the individualization of conflict, this seems like an outdated approach. 42

Europe does not share the mentality of drone strikes with "acceptable" collateral damage and a policy that is not accountable to the international community.

As a result, relations with Europe have reached a critical point. 43 European nations, alienated by the Obama administration’s progressive dialogue but aggressive drone policy, 44 Are ready to try and take the lead in international relations. 45 Germany in particular will be a key nation as it increases in prominence among European states. 46 Hans Kundnani, a well-known journalist and political pundit, notes, “Obama is extremely popular in Germany, but Berlin’s deeply-held views on the use of military force… have the potential to create a Europe-America split.” 47 Kundnani also states, “A ‘special relationship’ is developing between China and Germany.” 48 **Because of anti-drone sentiment, long-time U.S. allies grow increasingly distant**, to the point of forming new relationships with China. **This is a direct threat to the United States’ place in international relations** and a direct challenge to its hegemony. If the relations with Europe are to be fixed, a change in drone protocol is needed.

**Current expansive legal regime triggers end of allied intel cooperation**

**Parker 12** Tom, Former Policy Dir. for Terrorism, Counterterrorism and H. Rts. at Amnesty International, U.S. Tactics Threaten NATO, September 17, <http://nationalinterest.org/commentary/us-tactics-threaten-nato-7461>

A growing chasm in operational practice is opening up between the **U**nited **S**tates and its allies in NATO. This rift is **putting the Atlantic alliance at risk**. Yet no one in Washington seems to be paying attention. The escalating use of **u**nmanned **a**erial **v**ehicle**s** to **strike terrorist suspects** in an increasing number of operational environments from the Arabian Peninsula to Southeast Asia, coupled with the continued use of military commissions and indefinite detention, is driving a wedge between the **U**nited **S**tates and its allies. Attitudes across the Atlantic are hardening fast. This isn’t knee-jerk, man-on-the-street anti-Americanism. European governments that have tried to turn a blind eye to U.S. counterterrorism practices over the past decade are now **forced to pay attention by their own courts**, which will **restrict cooperation in the future**.As recently as last month, the German federal prosecutor’s office opened a probe into the October 2010 killing of a German national identified only as “Buenyamin E.” in a U.S. drone strike in Pakistan. There are at least four other similar cases involving German nationals and several reported strikes involving legal residents of the United Kingdom. In March, Polish prosecutors charged the former head of Polish intelligence, Zbigniew Siemiatkowski, with “unlawfully depriving prisoners of the their liberty” because of the alleged role he played in helping to establish a CIA secret prison in northeastern Poland in 2002–2003. Last December, British Special Forces ran afoul of the UK courts for informally transferring two Al Qaeda suspects detained in Iraq, Yunus Rahmatullah and Amanatullah Ali, to U.S. forces. The British government has been instructed to recover the men from U.S. custody or face legal sanctions that could result in two senior ministers being sent to prison. Perhaps the most dramatic example illustrating the gap that has opened up between the United States and its European allies concerns the 2009 in absentia conviction of twenty-three U.S. agents in an Italian court for the role they played in the extraordinary rendition of radical Imam Hassan Mustafa Osama Nasr from Milan to Cairo. Britain, Poland, Italy and Germany are among America’s closest military partners. Troops from all four countries are currently serving alongside U.S. forces in Afghanistan, but they are now operating within a **very different set of constraints than their U.S. counterparts**. The **E**uropean **C**ourt of **H**uman **R**ights established its jurisdiction over stabilization operations in Iraq, and by implication its writ extends to Afghanistan as well. The British government has lost a series of cases before the court relating to its operations in southern Iraq. This means that concepts such as the right to life, protection from arbitrary punishment, remedy and due process apply in areas under the effective control of European forces. Furthermore, the possibility that **intel**ligence provided by any of America’s European allies could be used to target a terrorism suspect in Somalia or the Philippines for a lethal drone strike now **raises serious criminal liability issues** for the Europeans. The **U**nited **S**tates conducts such operations under the legal theory that it is in an international armed conflict with Al Qaeda and its affiliates that can be pursued anywhere on the globe where armed force may be required. But **not one other member of NATO shares this legal analysis**, which flies in the face of established international legal norms. The United States may have taken issue with the traditional idea that wars are fought between states and not between states and criminal gangs, but its allies have not. The heads of Britain’s foreign and domestic **intel**ligence services have been surprisingly open about the “inhibitions” that this growing divergence has caused the transatlantic special relationship, telling Parliament that it has become an **obstacle to intelligence sharing**. European attitudes are not going to change—the European Court of Human Rights is now deeply embedded in European life, and individual European governments cannot escape its oversight no matter how well disposed they are to assist the United States. The United States has bet heavily on the efficacy of a new array of counterterrorism powers as the answer to Al Qaeda. In doing so it has evolved a concept of operations that has much more in common with the approach to terrorist threats taken by Israel and Russia than by its European partners. There has been little consideration of the wider strategic cost of these tactics, even as the Obama administration doubles down and extends their use. Meanwhile, some of America’s oldest and closest allies are beginning to place **more** and more **constraints on working with U.S. forces**. NATO cannot conduct military operations under two competing legal regimes for long. Something has to give—and **it may just be the Atlantic alliance**.

#### Intel sharing key to special ops – solves irregular warfare

**Ara 11** Martin J. Ara 11, Lieutenant, United States Navy M.S., London School of Economics, AND Thomas Brand Lieutenant, Colonel, German Army B.S., University of the German Federal Armed Forces Munich, , AND Brage Andreas Larssen, Major, Norwegian Army B.S., Norwegian Military Academy, Oslo, December 2011, “HELP A BROTHER OUT: A CASE STUDY IN MULTINATIONAL INTELLIGENCE SHARING, NATO SOF,” <http://www.dtic.mil/dtic/tr/fulltext/u2/a556078.pdf>

\*Note: SOF = Special Operation Forces

NATO’s essential purpose is to safeguard the freedom and security of all its members via political and military means in accordance with the North Atlantic Treaty and the principles of the United Nations Charter.3 “There is a common perspective among a variety of defense and security establishments around the world that the nature of the current and future security environment we face presents complex and irregular challenges that are not readily apparent and are difficult to anticipate.”4 SOF is being singled out and recognized as a key component of the North Atlantic Treaty Organization (NATO) alliance in the fight against contemporary and future threats, **because SOF is “ideally suited to [the] ambiguous and dynamic irregular environment**” facing NATO.5¶ SOF has traditionally been considered a national asset. NATO had no history of utilizing SOF in the Alliance when NATO nations first assumed responsibility for the conflicts in the Balkans. However the lessons learned during those conflicts were not applied due to a lack of a central NATO SOF entity until the NATO Riga summit of 2006. On December 22, 2006, Admiral William McRaven was appointed Director of the NATO SOF Coordination Center (NSCC) and ordered to start the transformation process. Three years later, on March 1, 2010, the NATO SOF Headquarters (NSHQ) was formally established as a three-star headquarters within the Alliance in Mons, Belgium.6

According to its mission statement, the purpose of NSHQ is twofold. First, it must optimize the employment of SOF by the Alliance. NSHQ further describes this as “the intention to make the employment of SOF as perfect, efficient, and effective as possible, so as to deliver to the Alliance a highly agile Special Operations capability across the range of military operations.”7 Second, it must provide a command capability when so directed by Supreme Allied Commander Europe (SACEUR). NSHQ further describes this as “the ability to deploy a robust C4I capability and enablers for the support and employment of SOF in NATO operations.”8 To be able to carry out successful special operations in support of the current and future operating environments, **the Alliance needs adequate interoperability, command and control, and intelligence structures**.

**Even amongst the closest allies, challenges in intelligence sharing remain**. During the early years of Operation Iraqi Freedom, British operators were denied access to intelligence fused by the U.S. that the British had gathered themselves. The issue became so contentious that it had to be raised by British and Australian Prime Ministers with the U.S. President to be resolved.9 Having realized that intelligence sharing is always a compromise between the need to share and the need to protect (even with the best-designed organizations, much less a large, multinational, bureaucratic organization), the NSHQ has developed an innovative approach to solving its intelligence deficiencies. It has created its own organic intelligence collection, analysis, and exploitation capability. It has also acquired its own equipment and created a robust NATO SOF training facility and training program to supplement intelligence flow to NATO SOF forces.!

B. BACKGROUND

Special operations often test the limits of both equipment and personnel. This extremity introduces a significant degree of uncertainty or “fog of war.” **Success in special operations dictates that the uncertainty associated with the enemy, weather, and terrain must be minimized through access to best available intelligence**.10 Most special operations conducted nationally benefit from access to the best national intelligence available. However, because of classification issues, special operations by international coalitions often lack access to the best available intelligence. **This absence increases the likelihood of operational failure and further risks the personal safety of the operators.**

NATO (and many of the individual member states) foresees a future threat environment shaped by unconventional threats such as transnational crime, terrorist attacks, and the proliferation of weapons of mass destruction.11 There are so many similarities in threats projected by the NATO member states and by official NATO strategy it is easy to conclude that a common enemy exists: transnational problems require transnational solutions. The complexities in the international order and the “significant challenges to the intelligence system [that] arise in targeting groups such as al-Qaeda due to their networked and volatile structure”12 make multinational intelligence sharing requisite. There is much to gain from multinational cooperation. The expected continued decline in military budgets and limited SOF human resources make burden-sharing and proper division of labor even more appropriate.

C. PURPOSE AND SCOPE

Intelligence is a decisive factor, sometimes the decisive factor, in special operations. As such, the NSHQ’s ultimate success will rely on its ability to solve some of the perennial problems related to intelligence sharing within coalitions. The newly established NSHQ in Mons, Belgium serves as an excellent testing ground to analyze SOF intelligence sharing issues within a coalition. NSHQ is attempting to streamline and optimize the intelligence available to NATO SOF units.

#### Irregular warfare sparks wars across the globe

**Bennett 08** (John, Defense News, “JFCOM Releases Study on Future Threats”, 12-4, http://www.defensenews.com/story.php?i=3850158)

The study predicts future U.S. forces' missions will range "from regular and irregular wars in remote lands, to relief and reconstruction in crisis zones, to sustained engagement in the global commons." Some of these missions will be spawned by "rational political calculation," others by "uncontrolled passion." And future foes will attack U.S. forces in a number of ways. "Our enemy's capabilities will range from explosive vests worn by suicide bombers to long-range precision-guided cyber, space, and missile attacks," the study said. "The threat of mass destruction - from nuclear, biological, and chemical weapons - will likely expand from stable nation-states to less stable states and even non-state networks." The document also echoes Adm. Michael Mullen, chairman of the Joint Chiefs of Staff, and other U.S. military leaders who say America is likely in "an era of persistent conflict." During the next 25 years, it says, "There will continue to be those who will hijack and exploit Islam and other beliefs for their own extremist ends. There will continue to be opponents who will try to disrupt the political stability and deny the free access to the global commons that is crucial to the world's economy." The study gives substantial ink to what could happen in places of strategic import to Washington, like Russia, China, Africa, Europe, Asia and the Indian Ocean region. Extremists and Militias But it calls the Middle East and Central Asia "the center of instability" where U.S. troops will be engaged for some time against radical Islamic groups. The study does not rule out a fight against a peer nation's military, but stresses preparation for irregular foes like those that complicated the Iraq war for years. Its release comes three days after Deputy Defense Secretary Gordon England signed a new Pentagon directive that elevates irregular warfare to equal footing - for budgeting and planning - as traditional warfare. The directive defines irregular warfare as encompassing counterterrorism operations, guerrilla warfare, foreign internal defense, counterinsurgency and stability operations. Leaders must avoid "the failure to recognize and fully confront the irregular fight that we are in. The requirement to prepare to meet a wide range of threats is going to prove particularly difficult for American forces in the period between now and the 2030s," the study said. "The difficulties involved in training to meet regular and nuclear threats must not push preparations to fight irregular war into the background, as occurred in the decades after the Vietnam War." Irregular wars are likely to be carried out by terrorist groups, "modern-day militias," and other non-state actors, the study said. It noted the 2006 tussle between Israel and Hezbollah, a militia that "combines state-like technological and war-fighting capabilities with a 'sub-state' political and social structure inside the formal state of Lebanon." One retired Army colonel called the study "the latest in a serious of glaring examples of massive overreaction to a truly modest threat" - Islamist terrorism. "It is causing the United States to essentially undermine itself without terrorists or anyone else for that matter having to do much more than exploit the weaknesses in American military power the overreaction creates," said Douglas Macgregor, who writes about Defense Department reform at the Washington-based Center for Defense Information. "Unfortunately, the document echoes the neocons, who insist the United States will face the greatest threats from insurgents and extremist groups operating in weak or failing states in the Middle East and Africa." Macgregor called that "delusional thinking," adding that he hopes "Georgia's quick and decisive defeat at the hands of Russian combat forces earlier this year [is] a very stark reminder why terrorism and fighting a war against it using large numbers of military forces should never have been made an organizing principle of U.S. defense policy." Failing States The study also warns about weak and failing states, including Mexico and Pakistan. "Some forms of collapse in Pakistan would carry with it the likelihood of a sustained violent and bloody civil and sectarian war, an even bigger haven for violent extremists, and the question of what would happen to its nuclear weapons," said the study. "That 'perfect storm' of uncertainty alone might require the engagement of U.S. and coalition forces into a situation of immense complexity and danger with no guarantee they could gain control of the weapons and with the real possibility that a nuclear weapon might be used." On Mexico, JFCOM warns that how the nation's politicians and courts react to a "sustained assault" by criminal gangs and drug cartels will decide whether chaos becomes the norm on America's southern border. "Any descent by Mexico into chaos would demand an American response based on the serious implications for homeland security alone," said the report.

#### Security cooperation with Europe solves nuclear war and multiple transnational threats

**Stivachtis 10** – Director of International Studies Program @ Virginia Polytechnic Institute & State University [Dr. Yannis. A. Stivachtis (Professor of Poli Sci & Ph.D. in Politics & International Relations from Lancaster University), THE IMPERATIVE FOR TRANSATLANTIC COOPERATION,” The Research Institute for European and American Studies, 2010, pg. http://www.rieas.gr/research-areas/global-issues/transatlantic-studies/78.html]

There is no doubt that US-European relations are in a **period of transition**, and that the stresses and strains of globalization are increasing both the number and the seriousness of the challenges that confront transatlantic relations.

The events of 9/11 and the Iraq War have added significantly to these stresses and strains. At the same time, international terrorism, the nuclearization of **North Korea** and especially **Iran**, the proliferation of weapons of mass destruction (WMD), the transformation of **Russia** into a stable and cooperative member of the international community, the growing power of **China**, the political and economic transformation and integration of the **Caucasian** and **Central Asian** states, the integration and stabilization of the **Balkan** countries, the promotion of peace and stability in the **Mid**dle **East**, poverty, climate change, AIDS and other emergent problems and situations require further cooperation among countries at the regional, global and institutional levels.

Therefore, cooperation between the U.S. and Europe is more **imperative** than ever to deal effectively with these problems. It is fair to say that the challenges of crafting a new relationship between the U.S. and the EU as well as between the U.S. and NATO are more regional than global, but the implications of success or failure will be global.

The transatlantic relationship is still in crisis, despite efforts to improve it since the Iraq War. This is not to say that differences between the two sides of the Atlantic did not exist before the war. Actually, post-1945 relations between Europe and the U.S. were fraught with disagreements and never free of crisis since the Suez crisis of 1956. Moreover, despite trans-Atlantic proclamations of solidarity in the aftermath of 9/11, the U.S. and Europe parted ways on issues from global warming and biotechnology to peacekeeping and national missile defense.

Questions such as, the future role of NATO and its relationship to the common European Security and Defense policy (ESDP), or what constitutes terrorism and what the rights of captured suspected terrorists are, have been added to the list of US-European disagreements.

There are two reasons for concern regarding the transatlantic rift. First, if European leaders conclude that Europe must become **counterweight** to the U.S., rather than a partner, it will be difficult to engage in the kind of open search for a common ground than an elective partnership requires. Second, there is a risk that public opinion in both the U.S. and Europe will make it difficult even for leaders who want to forge a new relationship to make the necessary accommodations.

If both sides would actively work to heal the breach, a new opportunity could be created. A vibrant transatlantic partnership remains a real possibility, but only if both sides make the necessary political commitment.

There are strong reasons to believe that the security challenges facing the U.S. and Europe are more shared than divergent. The most dramatic case is terrorism. Closely related is the common interest in halting the spread of weapons of mass destruction and the nuclearization of Iran and North Korea. This commonality of threats is clearly perceived by publics on both sides of the Atlantic.

Actually, Americans and Europeans see eye to eye on more issues than one would expect from reading newspapers and magazines. But while elites on both sides of the Atlantic bemoan a largely illusory gap over the use of military force, biotechnology, and global warming, surveys of American and European public opinion highlight sharp differences over global leadership, defense spending, and the Middle East that threaten the future of the last century’s most successful alliance.

There are other important, shared interests as well. The transformation of Russia into a stable cooperative member of the international community is a priority both for the U.S. and Europe. They also have an interest in promoting a stable regime in Ukraine. It is necessary for the U.S. and EU to form a united front to meet these challenges because first, there is a risk that dangerous materials related to **WMD** will fall into the wrong hands; and second, the **spread of conflict** along those countries’ periphery could destabilize neighboring countries and provide **safe havens for terrorists** and other international criminal organizations. Likewise, in the Caucasus and Central Asia both sides share a stake in promoting political and economic transformation and integrating these states into larger communities such as the OSCE.

This would also minimize the risk of instability spreading and prevent those countries of becoming havens for international terrorists and criminals. Similarly, there is a common interest in integrating the Balkans politically and economically. Dealing with Iran, Iraq, Lebanon, and the Israeli-Palestinian conflict as well as other **political issues in the Mid**dle **East** are also of a great concern for both sides although the U.S. plays a dominant role in the region. Finally, US-European cooperation will be more effective in dealing with the **rising power of China** through engagement but also containment.

The post Iraq War realities have shown that it is no longer simply a question of adapting transatlantic institutions to new realities. The changing structure of relations between the U.S. and Europe implies that a new basis for the relationship must be found if transatlantic cooperation and partnership is to continue. The future course of relations will be **determined above all by U.S. policy towards Europe** and the Atlantic Alliance.

Wise policy can help forge a new, more enduring strategic partnership, through which the two sides of the Atlantic cooperate in meeting the many major challenges and opportunities of the evolving world together. But a policy that **takes Europe for granted** and routinely **ignores or** even **belittles Europe**an concerns, may force Europe to conclude that the costs of continued alliance outweigh its benefits.

#### Current policy restricts strikes outside zones but statutory codification is key to the relationship

**Dworkin 13** - Senior policy fellow @ European Council on Foreign Relations [Anthony Dworkin (Web editor of the Crimes of War Project which a site dedicated to raising public awareness of the laws of war), “Actually, drones worry Europe more than spying,” CNN’s Global Public Square, July 17th, 2013, 10:31 AM ET, pg. http://globalpublicsquare.blogs.cnn.com/2013/07/17/actually-drones-worry-europe-more-than-spying/

Relations between the United States and Europe hit a low point following [revelations](http://www.cnn.com/2013/06/30/world/europe/eu-nsa/index.html) that Washington was spying on European Union buildings and harvesting foreign email messages.

Behind the scenes, though, it is not data protection and surveillance that produces the most complications for the transatlantic intelligence relationship, but rather America's use of armed drones to kill terrorist suspects away from the battlefield. Incidents such as the [recent killing](http://www.reuters.com/article/2013/07/03/us-pakistan-drone-attack-idUSBRE96205820130703) of at least 17 people in Pakistan are therefore only likely to heighten European unease.

In public, European governments have displayed a curiously passive approach to American drone strikes, even as their number has escalated under Barack Obama’s presidency. Many Europeans believe that the majority of these strikes are unlawful, but their governments have maintained an uneasy silence on the issue. This is partly because of the uncomfortable fact that information provided by European intelligence services may have been used to identify some targets. It is also because of a reluctance to accuse a close ally of having violated international law. And it is partly because European countries have not worked out exactly what they think about the use of drones and how far they agree within the European Union on the question. Now, however, Europe’s muted stance on drone strikes looks likely to change.

Why? For one thing, many European countries are now trying to acquire armed drones themselves, and this gives them an incentive to spell out clearer rules for their use. More importantly, perhaps, Europeans have noticed that drones are proliferating rapidly, and that countries like China, Russia and Saudi Arabia are soon likely to possess them. There is a clear European interest in trying to establish some restrictive standards on drone use before it is too late. For all these reasons, many European countries are now conducting internal reviews of their policy on drones, and discussions are also likely to start at a pan-European level.

But as Europeans begin to articulate their policy on the use of drones, a bigger question looms. Can Europe and the United States come together to agree on when drone strikes are permissible? Until now, that would have seemed impossible. Since the September 11 attacks, the United States has based its counterterrorism operations on the claim that it is engaged in a worldwide armed conflict with al Qaeda and associated forces — an idea that President Obama inherited from President George W. Bush and has been kept as the basis for an expanded drone strike campaign. European countries have generally rejected this claim.

However, the changes to American policy that President Obama [announced](http://www.theatlantic.com/politics/archive/2013/05/what-mattered-in-obamas-speech-today-ending-the-open-ended-war-on-terror/276208/) in May could open the way to at least the possibility of a dialogue. Obama suggested that he anticipated a time in the not-too-distant future when the armed conflict against al Qaeda might come to an end. More substantially, he made clear that his administration was in the process of switching its policy so that, outside zones of hostilities, it would only use drone strikes against individuals who posed a continuing and imminent threat to the U.S. That is a more restrictive standard than the claim that any member of al Qaeda or an associated force could lawfully be killed with a drone strike at any time.

European countries might be more willing to accept an approach based on this kind of “self-defense” idea. However, there remain some big stumbling blocks.

First, a good deal about Obama’s new standards is still unclear. How does he define a “zone of hostilities,” where the new rules will not apply? And what is his understanding of an “imminent” threat? European countries are likely to interpret these key terms in a much narrower way than the United States.

Second, Obama’s new approach only applies as a policy choice. His more expansive legal claims remain in the background so that he is free to return to them if he wishes.

But if the United States is serious about working toward international standards on drone strikes, as Obama and his officials have sometimes suggested, then Europe is the obvious place to start. And there are a number of steps the administration could take to make an agreement with European countries more likely.

#### Congress cabins executive military discretion.

**Huq 12** - Professor of Law @ University of Chicago [Aziz Z. Huq, “Review: Binding the Executive (by Law or by Politics),” University of Chicago Law Review, 79 U. Chi. L. Rev. 777, Spring 2012

B. The Executive Unbound paints an image of executive discretion almost or completely unbridled by law or coequal branch. But PV also concede that "the president can exert control only in certain [policy] areas" (p 59). n51 They give no account, however, of what limits a President's discretionary actions. To remedy that gap, this Section explores how the President has been and continues to be hemmed in by Congress and law. My aim here is not to present a comprehensive account of law as a constraining mechanism. Nor is my claim that law is always effective. Both as a practical matter and as a result of administrative law doctrine, the executive has considerable authority to leverage ambiguities in statutory text into warrants for discretionary action. n52 Rather, my more limited aspiration here is to  [\*791]  show that Congress and law do play a meaningful role in cabining executive discretion than The Executive Unbound credits. I start with Congress and then turn to the effect of statutory restrictions on the presidency.

Consider first a simple measure of Presidents' ability to obtain policy change: Do they obtain the policy changes they desire? Every President enters office with an agenda they wish to accomplish. n53 President Obama came into office, for example, promising health care reform, a cap-and-trade solution to climate change, and major immigration reform. n54 President George W. Bush came to the White House committed to educational reform, social security reform, and a new approach to energy issues. n55 One way of assessing presidential influence is by examining how such presidential agendas fare, and asking whether congressional obstruction or legal impediments - which could take the form of existing laws that preclude an executive policy change or an absence of statutory authority for desired executive action - is correlated with presidential failure. Such a correlation would be prima facie evidence that institutions and laws play some meaningful role in the production of constraints on executive discretion.

Both recent experience and long-term historical data suggest presidential agenda items are rarely achieved, and that legal or institutional impediments to White House aspirations are part of the reason. In both the last two presidencies, the White House obtained at least one item on its agenda - education for Bush and health care for Obama - but failed to secure others in Congress. Such limited success is not new. His famous first hundred days notwithstanding, Franklin Delano Roosevelt saw many of his "proposals for reconstruction [of government] ... rejected outright." n56 Even in the midst of economic crisis, Congress successfully resisted New Deal initiatives from the White House. This historical evidence suggests that the diminished success of presidential agendas cannot be  [\*792] ascribed solely to the narrowing scope of congressional attention in recent decades; it is an older phenomenon. Nevertheless, in more recent periods, presidential agendas have shrunk even more. President George W. Bush's legislative agenda was "half as large as Richard Nixon's first-term agenda in 1969-72, a third smaller than Ronald Reagan's first-term agenda in 1981-84, and a quarter smaller than his father's first-term agenda in 1989-92." n57 The White House not only cannot always get what it wants from Congress but has substantially downsized its policy ambitions.

Supplementing this evidence of presidential weakness are studies of the determinants of White House success on Capitol Hill. These find that "presidency-centered explanations" do little work. n58 Presidents' legislative agendas succeed not because of the intrinsic institutional characteristics of the executive branch, but rather as a consequence of favorable political conditions within the momentarily dominant legislative coalition. n59 Again, correlational evidence suggests that institutions and the legal frameworks making up the statutory status quo ante play a role in delimiting executive discretion.

But attention to the White House's legislative agenda may be misleading. Perhaps the dwindling of legislative agendas is offset by newly minted technologies of direct "presidential administration." n60 The original advocate of this governance strategy has conceded, however, that presidential administration is available only when "Congress has left [] power in presidential hands." n61 Where there is no plausible statutory or constitutional foundation for a White House agenda-item, or where there is a perceived need for additional congressional action in the form of new appropriations or the like, Presidents cannot act alone.

The notion of a legislatively constrained presidential agenda is consistent with two canonical political science accounts of the contemporary presidency. Richard Neustadt, perhaps the most influential presidential scholar of the twentieth century,  [\*793] encapsulated the Constitution's system as one of "separated institutions sharing powers" in which "a President will often be unable to obtain congressional action on his terms or even ... halt action he opposes." n62 Writing in 1990, Neustadt concluded that the President "still shares most of his authority with others and is no more free than formerly to rule by command." n63 Neustadt's finding of a weak presidency rested in part on his discernment of political constraints. But he also stressed "Congress and its key committees" as necessary partners in the production of policy. n64 Neustadt thus identified institutions, as much as public opinion, as impediments to the White House.

In harmony with Neustadt's view, Stephen Skowronek's magisterial survey of presidential leadership suggests Presidents are not free to ignore or sideline Congress. Skowronek points out that "it is not just that the presidency has gradually become more powerful and independent over the course of American history, but that the institutions and interests surrounding it have as well." n65 His complex argument (much simplified) situates presidential authority within a cyclical pattern of political "regime" creation, maintenance, and disintegration. n66 In this cycle, the presidency is primarily a destructive force. Chief executives affiliated with past regimes have fewer tools at their disposal than oppositional leaders who "come[] to power with a measure of independence from established commitments and can more easily justify the disruptions that attend the exercise of power." n67 Executive discretion, in this account, is a function of a President's location in the cycle of historical change. It is not a necessary attribute of the institution.

Skowronek also argues that Congress maintains and enforces prior regimes' policy commitments against presidential innovation. He finds congressional abdication to be "virtually unknown to the modern presidency." n68 To the contrary, Skowronek contends, Congress has become more effective over time. Thomas Jefferson in the early 1800s, working with an "organizationally inchoate and politically malleable" legislature, had greater discretion than Ronald  [\*794]  Reagan in the 1980s. n69 By President Reagan's time in office, the "governmental norms and institutional modalities" used to resist presidential initiatives had secured sufficient political capital to become resilient to presidential efforts at change. n70 Until then, political movements proposing greater presidential authority also tended to advocate "some new mechanisms designed to hold [presidential] powers to account." n71 Skowronek provides a useful corrective to the assumption that historical change occurs only at one end of Pennsylvania Avenue. Echoing Neustadt's analysis, his bottom line is that the contemporary executive remains "constrained by Congress" n72 in ways that meaningfully hinder achievement of presidential goals. n73

Nevertheless, neither Neustadt nor Skowronek articulate the precise role of law in congressional obstruction of presidential goals. Perhaps observed executive reticence is merely a result of political calculations, consistent with PV's core hypothesis. But the evidence that the limits on executive authority tend to arise when Congress or existing law preclude a discretionary act suggests that institutions and statutes do play a meaningful role. Such correlations do not, however, establish the precise mechanisms whereby laws and institutions impose frictions on the employment of executive discretion.

Alternatively, perhaps the Neustadt and Skowronek accounts can be explained solely in terms of Congress's negative veto in bicameralism and presentment, which is anticipated by the White House and so delimits the scope of presidential agendas. This would suggest that Congress's power is asymmetrical: it can block some  [\*795] executive initiatives but do little midstream to regulate the use of discretion powers already possessed by the presidency. Consistent with this interpretation, The Executive Unbound stresses the failure of framework laws passed after the Nixon presidency to regulate war and emergency powers (pp 86-87). n74 If the executive can so easily find work-arounds, PV explain, it follows that Congress also has less incentive to pass such laws. In the long term, the incentives for Congress to enact statutory limits on presidential authorities will accordingly atrophy.

There is some merit to this story. But in my view it again understates the observed effect of positive legal constraints on executive discretion. Recent scholarship, for example, has documented congressional influence on the shape of military policy via framework statutes. This work suggests Congress influences executive actions during military engagements through hearings and legislative proposals. n75 Consistent with this account, two legal scholars have recently offered a revisionist history of constitutional war powers in which "Congress has been an active participant in setting the terms of battle," in part because "congressional willingness to enact [] laws has only increased" over time. n76 In the last decade, Congress has often taken the initiative on national security, such as enacting new statutes on military commissions in 2006 and 2009. n77 Other recent landmark security reforms, such as a 2004  [\*796]  statute restructuring the intelligence community, n78 also had only lukewarm Oval Office support. n79 Measured against a baseline of threshold executive preferences then, Congress has achieved nontrivial successes in shaping national security policy and institutions through both legislated and nonlegislated actions even in the teeth of White House opposition. n80

#### The executive will comply. Obama is asking for the plan

**Brown 13** [Hayes Brown, "Obama Lays Out Plan To End The War Against Al Qaeda,” Think Progress, May 23, 2013 at 3:52 pm, pg . http://thinkprogress.org/security/2013/05/23/2055331/obama-aumf-repeal/

President Obama delivered a wide ranging speech on Thursday, laying out his vision for countering terrorism in his second term, including announcements on the use of drones, the future closure of the military prison at Guantanamo Bay, and the eventual end of the long war against al Qaeda.

Most importantly, Obama announced that he intends to work closely with Congress to “refine, and ultimately repeal” the 2001 Authorization for the Use of Military Force (AUMF). Passed in the aftermath of 9/11, the AUMF gave the president broad authority to carry out military action against “those nations, organizations, or persons” who “planned, authorized, committed, or aided” the 2001 attack.

“Groups like [Al Qaeda in Arabian Peninsula] must be dealt with, but in the years to come, not every collection of thugs that labels themselves al Qaeda will pose a credible threat to the United States,” Obama said. “Unless we discipline our thinking and our actions, we may be drawn into more wars we don’t need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states.”

Congress recently began its first set of hearings into possible revisions of the AUMF, which is about to enter its twelfth year in force. Currently, there are competing proposals in the Senate and House to either repeal the authorization in its entirety or revise it to allow for the use of force beyond the perpetrators of 9/11. Obama, however, refused to go along with any broadening of the AUMF, saying he “will not sign laws designed to expand this mandate further.”

CAP expert Ken Gude hailed Obama’s commitment to repealing the AUMF as the “beginning of the end” of the war against al Qaeda. While remnants of al Qaeda and new groups remain threats, “the extraordinary military response that followed the attacks of 9/11 embodied in the 2001 Authorization to Use Military Force can now be wound down, the permanent war footing retired, and we can rebalance our efforts to fight terrorism to rely more on our effective and efficient law enforcement and intelligence agencies,” Gude told ThinkProgress.

In his speech today, Obama continued: “Our systematic effort to dismantle terrorist organizations must continue. But this war, like all wars, must end. That’s what history advises. That’s what our democracy demands.” The clear declaration builds upon previous statements from former members of Obama’s administration that the battle against al Qaeda cannot go on indefinitely.

That desire to eventually repeal the AUMF makes up the cornerstone of the counterterrorism strategy Obama laid out today. The current Obama administration approach to conducting targeting killing and other portions that strategy were only just recently codified, as Obama acknowledged in his remarks. In it, the use of drone strikes and other applications of force will be streamlined to a more limited set of targets, with a higher level of scrutiny applied when determining those targets, while a renewed focus on the other elements of preventing terrorism will be implemented.

# 2AC

## Terror DA

### 2AC terror DA

The link is analytic

#### Aff key to solve terror – legitimacy and allied cooperation

Daskal, ’13 [Jennifer C. Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center. THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE “HOT” CONFLICT ZONE. University of Pennsylvania Law Review, Vol. 161, No. 5. April 2013. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049532>]

Second, while the proposed substantive and procedural safeguards are more stringent than those that are currently being employed, their implementation will lead to increased restraint and enhanced legitimacy, which in turn inure to the state. As the U.S. Counterinsurgency Manual explains, it is impossible and self-defeating to attempt to capture or kill every potential insurgent: “Dynamic insurgencies can replace losses quickly. Skillful counterinsurgents must thus cut off the sources of that recuperative power” by increasing their own legitimacy at the expense of the insurgent’s legitimacy. 215 The Counterinsurgency Manual further notes, “[E]xcessive use of force, unlawful detention . . . and punishment without trial” comprise “illegitimate actions” that are ultimately “self-defeating.”216 In this vein, the Manual advocates moving “from combat operations to law enforcement as quickly as feasible.”217 In other words, the high profile and controversial nature of killings outside conflict zones and detention without charge can work to the advantage of terrorist groups and to the detriment of the state. Self-imposed limits on the use of detention without charge and targeted killing can yield legitimacy and security benefits.218

Third, limiting the exercise of these authorities outside zones of active hostilities better accommodates the demands of European allies, upon whose support the United States relies. As Brennan has emphasized: “The convergence of our legal views with those of our international partners matters. The effectiveness of our counterterrorism activities depends on the assistance and cooperation of our allies—who, in ways public and private, take great risks to aid us in this fight.”219 By placing self-imposed limits on its actions outside the “hot” battlefield, the United States will be in a better position to participate in the development of an international consensus as to the rules that ought to apply.

### 2AC link

#### Plan legitimizes current policy – Daskal.

#### Only codification prevents Court evisceration of War Powers – turns both disads

Benjamin Wittes 8, Senior Fellow in Governance Studies at the Brookings Institution, co-founder and editor-in-chief of the Lawfare blog, member of the Hoover Institution’s Task Force on National Security Law, Law and the Long War: The Future of Justice in the Age of Terror, google books

What the Supreme Court has done is carve itself a seat at the table. It has intimated, without ever deciding, that a constitutional basis for its actions exists—in addition to the statutory bases on which it decided the cases—meaning that its authority over overseas detentions may be an inherent feature of judicial power, not a policy question on which the legislature and executive can work their will. Whether the votes exist on the court to go this extra step we will find out soon enough. But the specter of a vastly different judicial posture in this area now haunts the executive branch—one in which the justices assert an inherent authority to review executive detention and interrogation practices, divine rights to apply with that jurisdiction based on due process and vaguely worded international humanitarian law principles not clearly implemented in U.S. law, and allow their own power to follow the military’s anywhere in the world. Such a posture would constitute an earthquake in the relationships among all three branches of government, and the doctrinal seeds for it have all been planted. Whether they ultimately take root depends on factors extrinsic to the war on terror—particularly the future composition of a Supreme Court now closely divided on these questions. It will also pivot on the manner in which the political branches posture the legal foundations of the war in the future. Building a strong legislative architecture now may be the only way to avert a major expansion of judicial power over foreign policy and warfare.

## Exec power DA

Warming won’t cause extinction – also answersthe cap K

Barrett, professor of natural resource economics – Columbia University, ‘7

(Scott, Why Cooperate? The Incentive to Supply Global Public Goods, introduction)

First, climate change does not threaten the survival of the human species.5 If unchecked, it will cause other species to become extinction (though biodiversity is being depleted now due to other reasons). It will alter critical ecosystems (though this is also happening now, and for reasons unrelated to climate change). It will reduce land area as the seas rise, and in the process displace human populations. “Catastrophic” climate change is possible, but not certain. Moreover, and unlike an asteroid collision, large changes (such as sea level rise of, say, ten meters) will likely take centuries to unfold, giving societies time to adjust. “Abrupt” climate change is also possible, and will occur more rapidly, perhaps over a decade or two. However, abrupt climate change (such as a weakening in the North Atlantic circulation), though potentially very serious, is unlikely to be ruinous. Human-induced climate change is an experiment of planetary proportions, and we cannot be sur of its consequences. Even in a worse case scenario, however, global climate change is not the equivalent of the Earth being hit by mega-asteroid. Indeed, if it were as damaging as this, and if we were sure that it would be this harmful, then our incentive to address this threat would be overwhelming. The challenge would still be more difficult than asteroid defense, but we would have done much more about it by now.

### A2 exec power good

**Syria Thumps**

**Orr 10/1**2013 Syria deal exposes Obama’s weakness by Judith Orr [http://www.socialistworker.co.uk/art/34531/Syria+deal+exposes+Obama%E2%80%99s+weakness](http://www.socialistworker.co.uk/art/34531/Syria%2Bdeal%2Bexposes%2BObama%E2%80%99s%2Bweakness)

A few weeks ago the US looked poised to launch a military attack on Syria. Now a deal on Syrian chemical weapons appears to be sealed—and a historic thaw in relations with Iran has been thrown in for good measure.

The Syria deal was struck in the United Nations (UN) Security Council. It says all production and equipment used to manufacture chemical weapons in Syria must be destroyed by 1 November. All existing chemical weapons are to be eliminated by the middle of next year.

All sides claim to be satisfied with this solution because it suits their own ends.

Barack Obama, facing problems at home, wants to spin this as a great achievement for him on the international stage. He is less keen to acknowledge what the deal exposes about US imperialism. First is that, whatever the rhetoric, the US was not confident or strong enough to launch a military attack on Syria.

Obama was loathe to commit to a military attack. He was forced to talk tough rather than risk appearing weak. Yet by pulling back and accepting the UN deal as a solution he has confirmed his weakness. The deal doesn’t even include the US’s preferred wording, which asserts the right to automatic “punitive measures” if Assad breaks any of the conditions.

Otherwise there’s no spillover

Jack Balkin, The Atlantic, 9/3/13, What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal, www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/

Wouldn’t congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? Hardly. The next dictator who acts rashly will face a different situation and a different calculus. The UN Security Council or NATO may feel differently about the need to act. There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won’t matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now.

If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally.

Some commentators argue (or hope) that whatever happens, Obama’s request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don’t bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he ­or any other president ­has previously asserted in war powers.

It is naive to think that the next time a president wants to send forces abroad without congressional approval, he or she will be deterred by the fact that Barack Obama once sought congressional permission to bomb Syria. If a president can plausibly assert that any of the previous justifications apply -­including those offered in the Libya intervention -the case of Syria is easily distinguishable.

Perhaps more to the point, Congress still cannot go to the courts to stop the president, given existing legal precedents. Congress may respond by refusing to appropriate funds, but that is a remedy that they have always had -and have rarely had the political will to exercise.

The most important limit on presidential adventurism is political, not legal. It will turn less on the precedent of Syria than on whether the last adventure turned out well or badly.

## Self restraint counterplan

#### Congressional restriction key to credibility and signal

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

What Should Congress Do?

Does this analysis offer any practical policy prescriptions for Congress and the administration? The problem is not so much a need for new legislation to create new structures or new policies. The legislative category in which many instances of targeted killing might take place in the future already exists. The task for Congress and the administration, rather, is instead to preserve a category that is likely to be put under pressure in the future and, indeed, is already seen by many as a legal non-starter under international law.

Before addressing what Congress should do in this regard, we might ask from a strictly strategic political standpoint whether, given that the Obama Administration is committed to this policy anyway, whether it is politically prudent to draw public attention to the issue at all. Israeli officials might be threatened with legal action in Spain; but so far no important actor has shown an appetite for taking on the Obama Administration. Perhaps it is better to let sleeping political dogs lie.

The deeper issue here is not merely a strategic and political one about targeted killing and drones but goes to the very grave policy question of whether it is time to move beyond the careful ambiguity of the CIA’s authorizing statute in referring to covert uses of force under the doctrines of vital national interest and self-defense. Is it time to abandon strategic ambiguity with regards to the Fifth Function and assert the right to use force in self-defense and yet in “peacetime”—that is, outside of the specific context of an armed conflict within the meaning of international humanitarian law? Quite possibly, the strategic ambiguity, in a world in which secrecy is more and more difficult, and in the general fragmentation of voice and ownership of international law, has lost its raison d’etre. This is a larger question than the one undertaken here, but on a range of issues including covert action, interrogation techniques, detention policy, and others, **a general approach of overt legislation that removes ambiguity is to be preferred**.

**The single most important role for Congress to play** in addressing targeted killings, **therefore, is the open, unapologetic, plain insistence that the American understanding of international law on this issue of self-defense is legitimate**. The assertion, that is, that the United States sees its conduct as permissible for itself and for others. **And it is the** putting of congressional strength behind the official statements of the executive branch as the opinio juris of the United States, **its authoritative view of what international law is on this subject**. If this statement seems peculiar, that is because the task—as fundamental as it is—remains unfortunately poorly understood.

Yet if it is really a matter of political consensus between Left and Right that targeted killing is a tool of choice for the United States in confronting its non-state enemies, then this **is an essential task for Congress to play in support of** the **Obama** Administration **as it seeks to** speak with a single voice **for the United States** to the rest of the world. The Congress needs to backstop the administration in asserting to the rest of the world— including to its own judiciary—how the United States understands international law regarding targeted killing. And it needs to make an unapologetic assertion that its views, while not dispositive or binding on others, carry international authority to an extent that relatively few others do—even in our emerging multi-polar world. International law traditionally, after all, accepts that states with particular interests, power, and impact in the world, carry more weight in particular matters than other states. The American view of maritime law matters more than does landlocked Bolivia’s. American views on international security law, as the core global provider of security, matter more than do those of Argentina, Germany or, for that matter, NGOs or academic commentators. But it has to speak—and speak loudly—if it wishes to be heard. It is an enormously important instance of the need for the United States to re-take “ownership” of international law— not as its arbiter, nor as the superpower alone, but as a very powerful, very important, and very legitimate sovereign state.

Intellectually, **continuing to squeeze** all forms and instances of targeted killing **by standoff platform** under the law of IHL armed conflict **is** probably **not** the most analytically **compelling** way to proceed. **It is certainly not a practical long-term approach.** Not everyone who is an intuitively legitimate target from the standpoint of self-defense or vital national security, after all, will be already part of an armed conflict or combatant in the strict IHL sense. Requiring that we use such IHL concepts for a quite different category is likely to have the deleterious effect of deforming the laws of war, over the long term—**starting**, for example, **with the idea of a “global war**,” which **is** itself **a** certain **deformation of** the IHL **concept of hostilities** and armed conflict.

#### Perm do the counterplan

No one trusts the CP

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

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity **under the Constitution that can frame and settle Presidential power** regarding the enforcement of international norms **is Congress**. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. **This would be the** needed endorsement from Congress, the other political branch of government, **to clarify the U.S. position on its use of force regarding targeted killing**. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war.

Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74

The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. **When the decision is made without Congress, the result might make the U**nited **S**tates **feel safer, but the process eschews what gives a state its greatest safety: the rule of law**.

Zero chance of Congressional follow-on AND CP links to politics

Kevin Drum, Mother Jones, 4/22/13, Maureen Dowd and Presidential Leverage, www.motherjones.com/kevin-drum/2013/04/maureen-dowd-and-presidential-leverage

Finally, there's the most obvious change of all: **the decision by Republicans to stonewall every single Obama initiative from day one**. By now, I assume that even conservative apologists have given up pretending that this isn't true. **The evidence is overwhelming**, and **it's applied to** practically **every single thing Obama has done** in the domestic sphere. The only question, ever, is whether Obama will get two or three Republican votes vs. three or four. If the latter, he has a chance to win. But those two or three extra votes don't depend on leverage. In fact, Obama's leverage is negative. The last thing any Republican can afford these days is to be viewed as caving in to Obama. That's a kiss of death with the party's base.

## Cap k

### Consequences

#### Fwk

#### Policy relevance good

Joseph **Nye,** **prof**essor at **Harvard** University and former dean of the Harvard Kennedy School. , BA suma cum laude Princeton, PhD Harvard, Former Chair National Intelligence Council, Former Asst. Secretary of Defense for International Security Affairs, you know who he is, [http://www.washingtonpost.com/wp-dyn/content/article/2009/04/12/AR2009041202260\_pf.html 4-13-0**9**](http://www.washingtonpost.com/wp-dyn/content/article/2009/04/12/AR2009041202260_pf.html%204-13-09)

President Obama has appointed some distinguished academic economists and lawyers to his administration, but few high-ranking political scientists have been named. In fact, the editors of a recent poll of more than 2,700 international relations experts declared that "the walls surrounding the ivory tower have never seemed so high." While important American scholars such as Henry Kissinger and Zbigniew Brzezinski took high-level foreign policy positions in the past, that path has tended to be a one-way street. Not many top-ranked scholars of international relations are going into government, and even fewer return to contribute to academic theory. The 2008 Teaching, Research and International Policy (TRIP) poll, by the Institute for Theory and Practice in International Relations, showed that of the 25 scholars rated as producing the most interesting scholarship during the past five years, only three had ever held policy positions (two in the U.S. government and one in the United Nations). The fault for this growing gap lies not with the government but with the academics. Scholars are paying less attention to questions about how their work relates to the policy world, and in many departments a focus on policy can hurt one's career. Advancement comes faster for those who develop mathematical models, new methodologies or theories expressed in jargon that is unintelligible to policymakers. A survey of articles published over the lifetime of the American Political Science Review found that about one in five dealt with policy prescription or criticism in the first half of the century, while only a handful did so after 1967. Editor Lee Sigelman observed in the journal's centennial issue that "if 'speaking truth to power' and contributing directly to public dialogue about the merits and demerits of various courses of action were still numbered among the functions of the profession, one would not have known it from leafing through its leading journal." As citizens, academics might be considered to have an obligation to help improve on policy ideas when they can. Moreover, such engagement can enhance and enrich academic work, and thus the ability of academics to teach the next generation. As former undersecretary of state David Newsom argued a decade ago, "the growing withdrawal of university scholars behind curtains of theory and modeling would not have wider significance if this trend did not raise questions regarding the preparation of new generations and the future influence of the academic community on public and official perceptions of international issues and events. Teachers plant seeds that shape the thinking of each new generation; this is probably the academic world's most lasting contribution." Yet too often scholars teach theory and methods that are relevant to other academics but not to the majority of the students sitting in the classroom before them. Some academics say that while the growing gap between theory and policy may have costs for policy, it has produced better social science theory, and that this is more important than whether such scholarship is relevant. Also, to some extent, the gap is an inevitable result of the growth and specialization of knowledge. Few people can keep up with their subfields, much less all of social science. But the danger is that academic theorizing will say more and more about less and less. Even when academics supplement their usual trickle-down approach to policy by writing in journals, newspapers or blogs, or by consulting for candidates or public officials, they face many competitors for attention. More than 1,200 think tanks in the United States provide not only ideas but also experts ready to comment or consult at a moment's notice. Some of these new transmission belts serve as translators and additional outlets for academic ideas, but many add a bias provided by their founders and funders. As a group, think tanks are heterogeneous in scope, funding, ideology and location, but universities generally offer a more neutral viewpoint. While pluralism of institutional pathways is good for democracy, the policy process is diminished by the withdrawal of the academic community. The solutions must come via a reappraisal within the academy itself. Departments should give greater weight to real-world relevance and impact in hiring and promoting young scholars. Journals could place greater weight on relevance in evaluating submissions. Studies of specific regions deserve more attention. Universities could facilitate interest in the world by giving junior faculty members greater incentives to participate in it. That should include greater toleration of unpopular policy positions. One could multiply such useful suggestions, but young people should not hold their breath waiting for them to be implemented. If anything, the trends in academic life seem to be headed in the opposite direction.

**Role of the ballot is to evaluate consequences before ethical justifications**

**Isaac 2** – Professor of Political Science, Indiana (Jeffrey, “Ends, Means and Politics,” Dissent 49.2, p 35-6, ebsco)

As writers such as Niccolo Machiav elli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### Contradictory condo = vi

### Perm

#### Reformist strategy has broad legitimacy that is key to success.

John BARRY Reader in Politics @ Belfast ‘7 “Towards a model of green political economy: from ecological modernisation to economic security” Int. J. Green Economics, Vol. 1, Nos. 3/4, 2007 p. 460 [acroynym clarified-Turner]

Viewed by itself, EM [ecological modernisation] is a reformist and limited strategy for achieving a more sustainable economy and society, and indeed, questions could be legitimately asked as to whether the development of a recognisably ‘green’ political economy for sustainable development can be based on it, I nevertheless contend that there are strategic advantages in seeking to build upon and radicalise EM. While there are various reasons one can give for this, in this conclusion I will focus on two – one normative/principled, the other strategic. From a strategic point of view, it is clear that, as Dryzek *et al.* (2003) have shown, if green and sustainability goals, aims and objectives are to be integrated within state policy, these need to attach themselves to one of the core state imperatives – accumulation/economic growth or legitimacy (Barry, 2003b). It is clear that the discourse on EM allows (some) green objectives to be integrated/translated into a policy language and framework which complements and does not undermine the state’s core imperative of pursuing orthodox economic growth. Therefore, in the absence of a Green Party forming a government or being part of a ruling coalition (or even more unlikely, of one of the main traditional parties initiating policies consistent with a radical understanding of sustainable development), the best that can be hoped for under current political conditions is the ‘greening of growth and capitalism’ *i.e.*, EM. On a more principled note, the adoption of EM as a starting point for the development of a model/theory of green political economy does carry with it the not inconsiderable benefit of removing the ‘anti-growth’ and ‘limits to growth’ legacy, which has (in my view) held back the theoretical development of a positive, attractive, modern conceptualisation of green political economy and radical conceptualisations of sustainable development. Here, the technological innovation, the role of regulation driving innovation and efficiency, the promise that the transition to a more sustainable economy and society do not necessarily mean completely abandoning currently lifestyles and aspirations – strategically important in generating democratic support for sustainable development, and as indicated above, important if the vision of a green sustainable economy is one that promotes diversity and tolerance in lifestyles and does not demand everyone conform to a putative ‘green’ lifestyle. Equally, this approach does not completely reject the positive role/s of a regulated market within sustainable development. However, it does demand a clear shift towards making the promotion of economic security (and quality of life) central to economic policy. Only when this happens can we say that we have begun the transition to implementing the principles of sustainable development rather than fruitlessly seeking for some ‘greenprint’ of an abstract and utopian vision of the ‘sustainable society’.

#### Aff is true – specificity outweighs – root cause isn’t reverese causal, drone prolif occurring now

### \*A2 Rejection

#### Specific progress within existing economic and political institutions builds hope. Rejection and alternatives to economic opportunity lock the left into pessimism and social isolation.

Daniel **INNERARITY** Social and Political Philosophy @ Basque Country University **’12** *The Future and its Enemies* p. 114-123

Escaping Pessimism One of the characters from Goethe's Torquato Tasso has given us a maxim that is probably the paradigm of all excuses: whatever one is/other people are to blame. This conviction does not clarify anything, but it provides a good deal of relief; its purpose is to reconfirm us as opposed to them. It explains in simple terms the tension between the global and the local, and it provides the basic outline for the relationship between right and left-wing forces. We can be certain that this approach encourages continued political confrontation when our entire view is filled with rhetoric designed to show that other people are worse than we are. This approach reveals very little confidence in our own project, ideas, and convictions. This is, with few exceptions, how the current antagonism between the right and the left functions. That is why the many outstanding analyses about the problems of the New Right fail to mention the weaknesses of the left. What if we inverted the maxim spouted by Goethe's character and considered the ways in which the left is to blame for the right's successes? This type of analysis tends to be more productive because it would not have to buy into the prejudicial assumption that if our competitors are bad, then our ideas must necessarily be right. I believe that one of the main difficulties faced by the left in many countries of the world is that it limits itself to being the anti-right, which-although it may seem otherwise has nothing to do with offering a true alternative. It has been said that the left has trouble mobilizing its electorate, and some believe that success would flow, not by reviving collective hope, but by fanning the flames of concern so that voters would be forced to support the left, however reluctantly, as the lesser evil. To summarize, the right nowadays is optimistic and the left pessimistic. It may be the case that political enmity is currently articulated more as an emotional disposition than an ideological position. The truth of the matter is that emotions and ideas are more closely related than we tend to assume. If we look at things this way, we will perceive the ideological displacement that is taking place. Traditionally, the difference between progressives and conservatives corresponded with pessimism and optimism, both anthropologically and socially. While progressivism formed a part of a historic movement toward betterment, conservatism, as Ernst Bloch suggested, has always been prepared to accept the inevitability of a certain amount of injustice or suffering. But to a large extent, this is no longer the case. The general mood of the right, whose best representative is Nico\_ las Sarkozy, is the complete opposite of resignation: decisive and activ complex-free, trusting in the future, and firmly resolved not to let anyonee, else take control of the vanguard. This attitude is making things difficult for a left that, even when it has good reasons to object, cannot seem to rally when the time comes for proposing something better. Whether defending the causes of marginalized peoples or becoming the advocate of pluralism , the left does not do so in order to construct an alternative conception of power; this is evidenced by the guilty conscience of those who realize they are merely preaching to the choir. The left is, fundamentally, melancholic and critical. It sees the contemporary world as a machine that needs to be stopped, not as a source of opportunities and instruments susceptible to being placed at the service of its own values: justice and equality**. Socialism is now perceived as the means to redress the inequalities of a liberal society. Its sole legitimacy stems from its goal of fixing things that were destroyed by the right or protecting things from the right's threats. It attempts to preserve that which is at risk of being destroyed but does not offer any alternative structure. Its** restorative mentality is constructed at the expense of innovative and predictive thought. **For this reason,** it does not offer a coherent interpretation of the world that awaits us because that world is seen only as a potential threat. This suspicion of the future is basically the end result of perceiving the market and globalization as the principal agents of economic chaos and social inequalities and failing to note the possibilities that they encompass and that could be exploited. It is not enough to simply marshal good feelings and continuously invoke ethical values; it is also important to understand social change and recognize the ways in which the values one holds can be achieved under new circumstances. The left's primary difficulty in positioning itself as a promising alternative comes from its "heroism in the face of the market" (Grunberg and Laldi 2007, 9) that prevents it from understanding the market's true nature and causes it to view the marketplace as nothing more than a fomenter of inequality, an antisocial reality. For much of the left, economic reasoning is a type of social conspiracy. They believe that social benefits are always in conflict with economic considerations. The ritual condemnation of neoliberalism and global commercialization stems from an intellectual tradition that sets social interests against economic interests and tends to privilege determinism and existing structures over the opportunities offered by social change. From this starting point, it is difficult to comprehend that competition, rather than public or private monopolies, is one of the left's (rue values, especially when government monopolies have stopped guaranteeing the provision of a common good in economically efficient and socially advantageous terms. Indeed, some government monopolies falsity the rules of the game. At this point, we are perfectly aware that both the marketplace and the government produce certain inequalities, but government inequalities are met with extraordinary indulgence by many. There are times, for example, when we must balance the value of guaranteeing employment at any cost with the price this protection represents for the people who are thus prevented from entering the workforce. This creates a new inequality. Masked as a defense of social progress, critiques of contemporary society can in fact be conservative and inequitable, which explains why the left is currently closely identified with maintaining the status quo. This conservative attitude could be redefined in terms of political innovation, modifying procedures in order to achieve the same objectives: it is a question of putting the marketplace at the service of the public good and the fight against inequalities. Nostalgia paralyzes and does not help us understand the new terms under which an old battle is being waged. It is not accurate that an era of solidarity has been supplanted by a burst of individualism, yet we must learn to express solidarity more formally. If we want to address social problems more effectively, we must replace the mechanical tendency to automatically intensity state interventions with more flexible forms of collaboration between the government and the marketplace, making use of indirect forms of government and promoting a culture that encourages the evaluation of public policies. The other reason the left currently projects a pessimistic attitude is its wholly negative assessment of globalization. This worldview prevents it from understanding the positive effects globalization can have on the redistribution of wealth, the emergence of new actors, or the change in the rules of the game in power relationships. When it insists on deregulations related to globalization, the left runs the risk of appearing to protect the privileged few while rejecting everyone else's possibilities for development. It is true that the forces at work in the world have never been so powerful but also so promising for so many people. Or are we meant to believe that there is not a hopeful correspondence between the process of globalization and the emergence of a multipolar world? For that reason, the left of the twenty-first century must be careful to distinguish itself from alter-globalization. This does not mean that there are no serious problems in need of solution or that the left should abandon its critical stance. But it must not yield to the litany of protests over OUr loss ofinBuence on the general course of the world. Instead of proclaiming that "another world is possible," it would better serve the left to imagine other ways of conceiving of and acting in this world. The idea that nothing can be done in the face of globalization is an excuse for political laziness. What the left cannot do is choose to act as if nothing had changed. The left will not be free from the grip of pessimism until it makes an effort to take advantage of the possibilities generated by globalization and tries to guide social change in a more just and egalitarian direction. The Political Configuration of the Future Politics is the attempt to civilize the future (Willke 2002, 208), to reject the colonization of the future by a determinant past, to impede its ideological monopoly or its abandonment to simple administrative inertia. The goal of politics is to shape a common backdrop of meaning in which individual expectations are linked with collective progress. For some time now, politics has been hard-pressed to configure that future, as its resolve to constitute, renew, and transform the social order has Bagged. Three factors, in my opinion, contribute to the political system's loss of relevance: the privatization of personal fulfillment; the barriers st

emming from other areas of public life such as the economy, law, or communications that prefer to see politics as superBuous; and in a correlative fashion, the weakness of politics itself when it comes to generating social change. The polls say that young people are imbued with "individual optimism and collective pessimism." They are interested in the "public good" but not "collective action." They tend to think of the future as an exclusively individual matter, not the responsibility of politics. We are seeing evidence of what Claus Offe has called the "privatization of utopias" (2004, 37): the future is privatized, pluralized, and fragmented. We consider happiness something private, no longer associating it with collective projects or seeing it as something made possible by a social context. We find the public space irrelevant to our happiness; it merely supports private affairs, but does not allow an expansion of them. Our destiny seems to be of the save yourself if you can variety as we are surrounded by impersonal forces that stem from globalization, bureaucracy, and technology in a society without politics, without collective hope, incapable of imagining and promoting an alternative common future. The only thing we expect from politics is the protection of our own projects of personal development. Devoid of the power for social transformation, politics is subordinated to society, understood as an amalgamation of private individuals, consumers, stockholders, and clients whose only relationship with politics is their occasional appearance in voting booths, at protest marches, or in public opinion research data. At the same time, politics is besieged by other types of human activity that shrink the scope of its operations. Politics disappears in the face of the influence of the media and the economy, the markets and the courts. Politics is too weak to withstand the rule of cash Bow and media power. The space for politics is lost within the new reality of globalization and in confrontation with the specific demands raised by the processes of individualization. These are forces that are attempting to turn politics into something we can do without. While the world is unified along economic and communicative fronts, we have not yet achieved the political objectives of multilateralism or global governance. The agility and synchronization of the markets contrasts with the political illiteracy of global society. Our principal challenge is how to react before the new hallmarks of the future, which are no longer tradition, law and order, or subjugation, but rather a type of leveling agitation that forces us to adapt to an unstoppable planetary shift. Because, if it were true that politics is now over, what would that mean for us? It would mean the end of the limited control that human societies achieve over the future when we decide collective matters among ourselves, without entrusting them to the knowledge of experts, the fury of fanatics, or administrative bureaucracy. But the principle threat against politics stems from its own weakness, which prevents the type of future that allows for political action in the transforming, reforming, or establishing of alternatives. Profound social reform, understood as the result of planning processes carried out by effective, conscientious actors, is improbable in present-day societies. "In rapid and dynamic systems, which have extremely short-lived present tenses, one can\_ not and perhaps should not want to significantly change the conditions of future action" (Luhmann 1989, 8). The belief that social complexity cannOt be politically modified has prevailed. This pessimism affects even the very idea of government and planning (Braun 1995, 612), which is increasingly obsolete and infused with a sense of "muddling through" or, in the best of cases, intelligent improvisation. We have moved from the euphoria of planning to the pessimism of governance. In contrast with "government," what we have is actually "evolution without a plan," "social self-regulation," "a self-referential closure of social subsystems," the reign of "side effects," and even "ungovernability." The government is in a state of transformation from its previous incarnation as a power center to a coordinating institution that must turn its attention to "managing social interdependencies" (Mayntz 2001, 23). Decisions and initiatives have been replaced by interactivity. In any case, patterns and dynamics end up being more important than people's intentions. There is, however, one positive aspect to the crisis of governability: it can be understood as an opportunity to transform politics along lines that are more democratic and respectful of civil sOciety's leading role. The political system's ability to configure is not realized in spite of its limitations but because of them. We could say that the resistance that societies and objects have against being governed constitutes a source oflearning for politics and a guarantee against irrefutable leadership. Our previous faith in the omnipotent nature of politics was probably as illusory as our current belief that it is powerless or irrelevant. The fact is that authoritarian management is not the only way of acting upon society. Politics must pursue an alternative method of intervention that is no longer hierarchical and domineering, but horizontally inclined, meaning it can successfully engage social, economic, and cultural agents. Since politics is a configuration of the future, it wages an unusual battle against destiny, against the seemingly unassailable world of facts. Politics attempts to transform fate into responsibility. One of the parts of our democratic tradition that is most deserving of protection is precisely the rejection of destiny. Living without destiny is manifested in a will to discover, comprehend, and transform. The future depends more on our decisions and commitments than was understood by those who devised the modern idea of progress as an irresistible force to which we could confidently relinquish control, or by the cynics when they view the present as inevitable. The future does not need to be guessed, but imagined and constructed. The big question, therefore, is not what awaits us, but what we are going to do; how we will replace our oversized ideological excuses with concrete projects. Let us suppose that we in effect no longer possess any of the overarching stories that used to construct and order our experience. This could be more liberating than limiting, given that those narratives also entailed a degree of fatalist thinking. Perhaps a new possibility will be inaugurated in that vacant space. Politics cannot completely eliminate destiny since it is impossible to imagine a world without limits. But the very idea of politics offers a different vision of personal and collective destiny. Politics is a small rebellion against the preconceived notion that everything is already determined and immutable. Politics is a unique combination of vision and passion, perspective and determination. It does not make us stop perceiving reality as it is, but at the same time, we are able to project ourselves beyond that which simply exists. It is an awareness of limits as well as the determination to get beyond them. Politics without vision is lost in the daily hustle and bustle, and we end up on a path to a place we did not really want to go. But if it is lacking in passion, politics cannot tackle the ill-fated resistance presupposed by reality; instead, it simply adjusts to the way things are without arriving at the place it meant to go. We may find that within a few years the content and style of politics will be unrecognizably different from today. But the need for politics will not disappear. In fact, politics has never been as necessary, given the magnitude of the problems that await us and require collective action. If we cannot resolve these problems through politics, we will be unable to resolve them at all. A Reasonable Hope I have the impression that political problems do not arise from rashly yielding to realism or from renouncing utopia, as people tend to say, but from something previous. The origin of the weakness of politics is its acceptance of a territorial division where reality and efficiency are managed by the right wing, while the left is free to enjoy the monopoly of unreality, where it is able to move about unchallenged amidst values, utopias, and dreams. In this way, there are those who are afforded reality without hope and others, hope without reality. This comfortable demarcation of territory is at the heart of the general political crisis: once we accept the divide between the principle of pleasure and the principle of reality, between objectivity and possibilities, the right wing can dedicate itself to heedless modernization, without worrying that the left will trouble it with its generic, confused utopianism. The right can allow itself the luxury of having some difficulties with values while the left continues its struggle with reality. This division barely interests voters, who would almost certainly prefer to be able to make a different type of choice. Understood in this way, political realism in this day and age confirms our powerlessness when we attempt to configure social space. What if, deep down, politics were nothing more than a discussion about our understanding of the meaning of "reality"? Because reality is not simply that which is real, nor can we reduce it to that which is currently possible. Reality also encompasses possibilities and provisional impossibilities, indeterminism and other alternatives. The reality of human life, the reality of all of society, is a combination of possibilities and impossibilities that are partially open and partially closed to action. As Sartre affirmed in his diaries, every present has a future that it illuminates and with which it disappears. The fact that everything is possible in another shape does not mean that everything is possible, but it is also true that "realists" tend to have a very narrow conception of reality, lacking awareness of other lateral possibilities. Perhaps the fundamental political question is not so much about ideals and imagery as about our conception of what is real. Tocqueville taught us that utopianism and empiricism are inseparable ways of leaving reality intact. Utopianism does not accelerate its movement except in an illusory way: the return to reality is eventually imposed. Empiricism does not halt reality except in an equally illusory manner; in the end, society's internal drive prevails. In both cases, reality is abandoned to its fate. So if that is the way things are, the best that can be done in the face of a conservative conception of politics is to tackle it in the sphere of reality, to argue against the right's conception of reality. That would be the only way to avoid repeating the left's perennial error of playing in a field where the right has a decided advantage. The right should be confronted not with fantasy but with a different description of reality, a superior description of reality. The battle will not be won through a generic appeal to another world but through the struggle to describe reality in another way. The left will never be persuasive if it seems to be quarreling with reality itself; it scores points when it is capable of convincing us that the description of reality wielded by the right is faulty. It would be catastrophic to give up for lost the definition of the playing field, accepting one of the two proffered choices: competing in the struggle to manage current reality better or fighting from a position of innocuous moralism. Faced with the official administrators of realism, we must defend the idea that politics is not simple management or simple adaptation, but configuration, a proposed framework for action, foresight into the future. It has to do with the new and unusual, dimensions that do not appear in other professions that, while effective in their areas, are distanced from the concerns provoked by excessive uncertainty. The types of activities that make up political action do not operate solely with simple rules of experience, with the comfortably accumulated teachings of the well-known. People who are able to perceive the opportunity offered by uncertainty will see how the erosion of some traditional concepts once again makes politics possible as a force of innovation and transformation. It is urgent to redefine the meaning and objectives of political action from the starting point that through politics we know, or rather discover, aspects of reality and possibilities for action that cannot be perceived when we remain within routine practices and preconceived debates. We would not be human without our capacity for "futurizing," projecting ourselves toward the future and anticipating it in terms of imagination, expectations, planning, and determination. The uneasiness that makes us hope, desire, and fear is what allows us to relate to the future in all its diverse forms. If it is not trained, this anticipation works destructively: it atrophies, turns us into fanatics, into people who are unnecessarily fearful or excessively credulous. Our relationship with the future must be cultivated, just as we cultivate other human capabilities. Although we do not tend to express it as such and no academic curriculum would label it in this way, one of the principal objectives of all education, and the task of institutions and our socialization in general, is to shape within each of us a proper relationship with the future, one that can also be preached in society as a whole. Some societies have an unhealthy relationship with their own future, while others deal with the future in a reasonable and beneficial manner.

### alt

#### Radical economic kritiks *must* provide specific alternatives to existing economic methods. Failure to specifically explain an alternative crushes hope for transition.

Andrew SAYER Reader in Political Economy @ Lancaster ’95 *Radical Political Economy: A Critique* p. 7-8

Radical political economy is of course a critical social science, both explaining and criticizing the practices it studies, with the explicit aim of reducing illusion and freeing people from domination and unwanted forces. But it can only hope to have an emancipatory effect if it considers its own critical standpoints and the alternative social arrangements they imply. Unfortunately it rarely does this, with the result that its stand- points and implicit alternatives are often contradictory, infeasible, or undesirable even if they are feasible. Marxist-influenced work still bears the traces of the tension between the standpoints of a socialist or communist society which has pre-industrial communitarian qualities and one in which the forces of production are developed beyond current levels of industrialization. More generally, there is a strong modernist tendency in which it is assumed that problems can be progressively unravelled without creating new ones at the same time, as if eventually all trade-offs or dilemmas could be overcome through a triumph of reason. We shall argue through substantive examples that such optimism is not only misplaced but likely to be counterproductive, limiting progress. There are always likely to be 'dilemmas of development' (Toye, 1987. The problem of critical standpoints has become more acute in recent years, indeed it is central to the crisis of the Left. There is no longer asingle standpoint or alternative (socialism/communism) counterposed to a single, overarching target (capitalism). Now there are many targets -patriarchy, racism, homophobia, militarism, industrialism - and corre- spondingly many critical standpoints with complex relations between them. That critical social science is no longer seen as synonymous with a socialist perspective is a sign of considerable progress, and cause for optimism too, as failure on the traditional front of class politics is compensated by progress on other, newer fronts such as the politics of gender. But it is also a source of heightened uncertainty. While there was always a problem of inconsistencies between critical standpoints, it has deepened and widened with the rise of 'green' concerns, for they bring into question the feasibility and desirability of non-capitalist as well as capitalist industrial societies. Is the problem capitalism, industrial society in general, or modernity?; and what are the alterna- tives? Equally, increasing awareness of problems of ethnocentrism and value pluralism throws doubt over the familiar, implicit critical stand- points of Western radical social science. How do we decide what is a problem? What if we cannot reach a consensus on this? Until recently, it seemed that the problems or targets of critical social science could be relied upon to emerge from the investigation of existing practices, where one would encounter the felt needs, frustrations and suffering of actors, and in discovering the sources of these problems, work out what changes would lead towards emancipation (e.g. Fay, 1975, 1987; Collier, 1994h(. This was coupled with an implicit view that emancipation was a form of escape from domination, illusion and unwanted constraints, with little or no acknowledgement that it depended on the construction of superior, alternative, progressive frameworks which could replace the old ones. But it is now increasingly apparent that normative questions of possible alternatives and what is good or bad about them cannot be evaded. How, without addressing such questions, could one decide what constitutes a superior alternative? Should there be a presumption in favour of community as a basis of social organiz- ation over other forms? Does liberalism provide the best framework for multicultural societies? What should be people's rights and responsibili- ties? What are our responsibilities to distant others, future generations, and to other species? There is little hope of achieving the goal of an emancipatory social science if it shuns normative discussions of issues such as these.

#### Ignoring complexity of economic transition creates disaster—asserting “democratic control” would fail.

Andrew SAYER Reader in Political Economy @ Lancaster ’95 *Radical Political Economy: A Critique* p. 5-6

Pondering the complexity of modern economies may seem a strange exercise, for we are accustomed to abstracting from complexity in science, indeed the power of theory (if it is powerful) lies in its capacity for simplification. But abstractions give us a grasp of one kind of complexity by abstracting from another, They cut into the connective tissue of the world at different angles, and if we have too few abstractions over too narrow a range of angles we miss important things. It is particularly worth pondering the unfathomable complexity of economies with millions of different kinds of commodities and hundreds of thou- sands of enterprises, each linked into a global economic order. Even to glimpse this complexity by looking through a product catalogue for just one subsector of the economy, say for computers or clothes, or a 'yellow pages' directory, can he wearying enough. Were it not for the fact that modern economic life depends on the existence of mechanisms which can coordinate this complexity, there would he no harm in abstracting from it in theory. To ignore the complexity of advanced, internationalized economies - as radical political economy generally does - is a disastrous error, one whose effects are all too evident in socialist expectations that such an economy could be controlled by 'the associated producers' through democratic procedures.

### 2AC self-correcting

#### Corporations are revolutionizing towards socially conscious innovation – solves their impact

Hollender and Breen 10 – \* Founder of the American Sustainable Business Council, a progressive alternative to the Chamber of Commerce, \*\*Editorial Director of the Fast Company

Jeffrey Hollender, Bill Breen, “The Responsibility Revolution: How the Next Generation of Businesses will Win,” pg. 2-3

To the conventional-minded, putting values before profit is an upside-down way to build strategy—and an all-downside way to spur sales. It sounds extreme, even anarchic. Perhaps Triodos Bank’s resilience and results might give skeptics cause to reset their think- ing. For this Dutch bank signals that ‘‘corporate responsibility’’3 (CR) may well be undergoing a period of unprecedented ‘‘punctuated equilibrium’’—the controversial theory promulgated by the renowned paleontologist Stephen Jay Gould.4 He posited that evolution proceeds mostly slowly, but not always steadily—that it is sometimes inter- rupted by sudden, rapid transitions, in which species decline and are supplanted by entirely new forms. Triodos Bank’s consistently positive performance, which grows out of its mission-first approach to investing, is but one more prominent piece of evidence that corporate responsibility is entering a period of dramatic, accelerated change in its own evolution. What new shapes CR is about to take on, we are just now beginning to understand. But we know this much—corporate responsibility is undergoing a change that’s as revolutionary as it is evolutionary. Consider the evidence: An emerging breed of values-driven companies—some new, some well established—is building a better form of capitalism. A new generation of values-driven leaders has kicked over the alpha capitalists’ argument that ‘‘the only business of business is business.’’ Old-guard notions about ‘‘culpability’’ and ‘‘accountability’’ are being subsumed by the vanguard’s requirement to act authentically and transparently. Bloodless buzzwords like ‘‘corporate responsibility’’ and ‘‘eco- efficiency’’ are being supplanted by a new vocabulary—‘‘corporate consciousness,’’ ‘‘resource intelligence,’’ ‘‘social innovation’’ — that aspires to capture our real-world experiences. Above all, tomorrow’s bellwether organizations are moving beyond the moralist’s dictum to be less polluting, less wasteful, ‘‘less bad.’’ They are striving to meet the innovator’s imposing imperative to be all nourishing, all replenishing, ‘‘all good.’’ This moment of punctuated, accelerated change affects all of us in business. It will determine how tomorrow’s companies organize, strategize, and compete. It will reveal new leaders and expose the phonies and purveyors of greenwash. It will redefine business’s obligations to society and reconfigure the sources of growth and competitive advantage. And it will require us not only to anticipate the end of corporate responsibility as we’ve known it, but also to imagine the whole new models that will replace it.

### 2AC poverty

#### No nuke first use impact. Viet, afgh, Iraq proves US won’t randomly use nuclear weapons

Poverty declining. Updated statistics and most comprehensive measures.

McVeigh, 3/16/13 [Tracy, a chief reporter for The Observer. “World poverty is shrinking rapidly, new index reveals”. http://www.guardian.co.uk/society/2013/mar/17/aid-trade-reduce-acute-poverty]

Some of the poorest people in the world are becoming significantly less poor, according to a groundbreaking academic study which has taken a new approach to measuring deprivation. The report, by Oxford University's poverty and human development initiative, predicts that countries among the most impoverished in the world could see acute poverty eradicated within 20 years if they continue at present rates.

It identifies "star performer" nations such as Rwanda, Nepal and Bangladesh as places where deprivation could disappear within the lifetime of present generations. Close on their heels with reductions in poverty levels were Ghana, Tanzania, Cambodia and Bolivia.

The study comes after the UN's latest development report published last week which stated that poverty reduction drives in the developing world were exceeding all expectations. It says: "The world is witnessing a epochal 'global rebalancing' with higher growth in at least 40 poor countries helping lift hundreds of millions out of poverty and into a new 'global middle class'. Never in history have the living conditions and prospects of so many people changed so dramatically and so fast."

The brighter global picture is the result of international and national aid and development projects investing in schools, health clinics, housing, infrastructure and improved access to water. The UN also pointed to trade as being a key factor which was improving conditions in Afghanistan, Ethiopia, Rwanda and Sierra Leone. These improvements have not been picked up in the past when poverty has been measured strictly in income terms without taking into account other factors – health, education and living standards.

The study of the world's poorest one billion people uses a new measure, the Multidimensional Poverty Index (MPI), which was just updated in the 2013 UN report. It includes ten indicators to calculate poverty – nutrition, child mortality, years of schooling and attendance, cooking fuel, water, sanitation, electricity assets and a covered floor.

The initiative hopes insights from the MPI will incentivise international donors and governments to help the poorest by allowing the results to be measured. The academics believe old methods of looking at income levels – such as those living on $1.25 a day or less – ignores other deprivations in, for example, nutrition, health and sanitation.

The system was developed in 2010 by the institute's director, Dr Sabina Alkire, and Dr Maria Emma Santos. Dr Alkire said: "As poor people worldwide have said, poverty is more than money – it is ill health, it is food insecurity, it is not having work, or experiencing violence and humiliation, or not having health care, electricity, or good housing.

"Citizen activism is under-appreciated for its role. Maybe we have been overlooking the power of the people themselves, women who are empowering each other, civil society pulling itself up."

### 2AC equality / war

#### Capitalism solves war and poverty – prefer empirical models

**Weede 08** [Erich, professor at the Institute for Political Science and Sociology, “Globalization and Inequality” Comparative Sociology 7, p. 415-433]

Globalization refers to an increasing international division of labor and more trade between economies, to cross-border investment and rapid transfers of technology between nations, to global capital ﬂows and, to a lesser degree, to increasing labor mobility. Th ere is as yet no global labor market. Globalization also implies better opportunities to learn from foreigners or strangers. Th e more similar you are to others, the less likely it is that you can learn from them.1 Unfortunately, many people prefer to rely on established routines and resent the challenge of having to learn from others. Globalization is another word for a worldwide expansion of capitalism. It results in international tax competition (Edwards and de Rugy 2002; Mitchell 2005). Globalization is based on some technological and political prerequisites. These include ever cheaper and faster means of communication and transportation as well as an adequate political environment. The global expansion of capitalism requires political fragmentation: markets should be larger than political units.2 This provides an exit option from oppressive government for capital and, to a lesser degree, for qualiﬁed labor. Such an exit option protects economic freedom from ever-increasing state interference and tax burdens. If one state should be much more powerful than all others, as the US currently is, then globalization requires a deeper commitment to capitalism and economic freedom by the hegemon than by other states. Th ese political requirements of globalization are fulﬁlled. Globalization maximizes the size of the market. Since Adam Smith (1776/1976) we know that the size of the market determines the degree of division of labor which promotes productivity. Thus, globalization is beneﬁcial because it increases productivity. This is not only a theoretical claim, but also an empirical statement. For instance, based on data from the US Bureau of Labor Statistics, yearly economic gains from globalization have been estimated to be somewhere between $1,650 for Americans (Scheve and Slaughter 2007:36–37). Real compensation per hour (including beneﬁts and wages) has also gone up in the past decade, by 22 percent (Griswold 2007:1).3 Since Deng Xiaoping opened China in the late 1970s by introducing reforms which imply creeping capitalism, Chinese agricultural production grew rapidly. Later, China attracted a lot of foreign direct investment. Today China is a major base for manufacturing. By 2005 it was already the third largest exporter, still behind Germany and the US but already ahead of Japan (Th e Economist 2005). By 2008 China is likely to become the biggest exporter in the world. In the early 1980s (but no longer thereafter) even the disparity between urban and rural incomes in China decreased (Lin, Cai, and Li 2003:145). Hundreds of millions of Chinese were taken out of abject poverty. In the ﬁrst two decades of reform, per capita incomes grew fourfold (Bhalla 2002:218). Later, less radical reforms in India led to nearly doubling per capita incomes in a similar period of time and pulled about two hundred million Indians out of abject poverty (Das 2002:360). Since China and India together account for nearly forty percent of mankind and about half of the population living in less developed countries, economic growth in China and India and other Asian countries contributes to the equalization of the global distributions of income between individuals and households. If we are interested in individuals rather than states, then the **empirical indicators are clear**. Globalization or **the global expansion of capitalism has contributed to**, or at least been compatible with, **an equalization of** the size distribution **of income between human beings**. Since cross-national differences between average incomes are still a more important component of inequality between human beings than intra-national differences in income, it is possible – and currently true – to have the following two trajectories at the same time: growing inequality within many or even most countries amidst some movement towards equality among individuals worldwide (Bhalla 2002; Firebaugh 1999; Goesling 2001; Sala-i-Martin 2007; World Bank 2005). Admittedly, many economies, including the US and China, suffered some deterioration in their domestic income distributions. This is why the legitimacy of capitalism and globalization comes under attack, even in the American citadel of capitalism. This is also why calls for protectionism become louder and louder (Scheve and Slaughter 2007). But critics of globalization tend to forget a basic truth about free trade (Griswold 2007:3): “If workers, capital, and resources can shift within the domestic economy, jobs eliminated by import competition will quickly be replaced by jobs created elsewhere.”4 One should not blame the consequences of institutional sclerosis, or of an unwillingness to adjust, on globalization. Globalization has led to a significant reduction in mass poverty. Although the Chinese distribution of income has become much less equal since the reform process began in the late 1970s, the strong growth performance of China has pulled hundreds of millions out of abject poverty. In India growth has been less spectacular than in China such that the distribution of income has changed less, and yet again hundreds of millions have been pulled out of abject poverty. Although Latin America and Africa have benefitted much less from globalization than Asia has, these continents also cannot match the demographic weight of Asia. Therefore, their comparative lack of success cannot neutralize Asian progress in global perspective. Moreover, one has to keep in mind that winning in the process of globalization presupposes participating in it, not abstaining from it. One may illustrate global change with data provided by Indian economist Surjit Bhalla (2002:187). He deﬁnes people with a daily income between $10–$40 USD as members of the global middle class. In 1960 this class consisted largely of whites; only six percent were Asians. By 2000, however, 52 percent was Asian. Th e era of globalization is one in which Asia is now recovering, after falling for about two centuries further behind the West. Except for Africa abject poverty worldwide is likely to become signiﬁcantly reduced within one or two decades. Th e African share of abject poverty in the world is expected to rise until 2015 from 36 percent to about 90 percent (Bhalla 2002:S. 172).5 Why did so many people in Asia beneﬁt from globalization, whereas Africans did not? A plausible explanation has been oﬀered by Collier (2007:79).6 He points out that about three quarters of the bottom billion7 live in countries which have suﬀered from civil war or long periods of bad governance and poor economic policies. According to Collier (2007:27), “civil war is development in reverse. It damages both the country itself and its neighbors.” Bad governance and poor economic policies distort incentives and misallocate the meager resources of poor countries. Africa has suﬀered from these development traps to a greater degree than other continents. Moreover, one may argue that a focus on income and income distributions is biased towards understating the beneﬁts of globalization. As Goklany (2007:chaps. 2–3) has pointed out, the same income per capita today (in terms of purchasing power) implies higher life expectancies, lower infant mortalities, less malnutrition, healthier lives, and less child labor than it did decades or centuries earlier. Less developed, still poor countries do benefit from the technological progress achieved by developed and rich countries. Thus, even if one disputes the widely held and well-supported view regarding some equalization of individual or house-hold incomes worldwide in recent decades, one should still accept Goklany’s contention (2007:72): “In the aspects of human well-being that are truly critical – life expectancy, infant mortality, hunger, literacy, and child labor – the world is far more equal today than it was a century ago, in large part because of globalization.”8 Another advantage of globalization is that it contributes to preventing war (Russett and Oneal 2001; Weede 2005). Quantitative research demonstrates that the risk of war between nations is reduced if they trade a lot with each other. There is something like a commercial peace or peace by trade. Moreover, economic freedom reduces involvement in military conﬂict and ﬁnancial market openness also reduces the risk of war (Gartzke 2005, 2007). In particular, I want to underline that economic cooperation paciﬁes the geopolitical relationship between rising China and the West.9 Moreover, there is also something like a democratic peace. The risk of war between democracies is extremely small. In my view, one should conceptualize this as a component of a capitalist peace because democracies prosper best in wealthy countries10 and because capitalism or economic freedom and thereby globalization contribute to prosperity (Weede 2005, 2006). Since rising powers tend to challenge the political status quo, it is fortunate that the two demographic giants of this world seem to prosper under global capitalism.

#### Capitalism isn’t the root cause of environmental destruction. empirical studies prove ecological capitalism can create *structural change* and net declines in resource use.

Arthur MOL Environmental Sociology @ Wageningen ‘2K “The Environmental Movement in an Era of Ecological Modernisation” *Geoforum* 31 p. EBSCO

In the 1980s increasing numbers of environmental sociologists, and other social scientists who had environmental deterioration and reform as their central object of study, started to observe that some significant changes were taking place in both the environmental discourse and the social practices and institutions that actually dealt with environmental problems. Out of the sometimes vigorous debates concerning the interpretation of these transformations, their structural or incidental character, their geographical reach and their normative valuation, the theory of ecological modernisation emerged. For example, some empirical studies showed that from the mid to late 1980s onwards, in countries such as Germany, Japan, the Netherlands, the USA, Sweden and Denmark, a discontinuity could be identified in the tendency of enhanced economic growth to be paralleled by increased environmental disruption – a process referred to as the decoupling or delinking of material flows from economic flows. In a number of cases (countries and/or specific industrial sectors and/or specific environmental issues) it was actually claimed that environmental reform resulted in an absolute decline of emissions and use of natural resources, regardless of growth in financial or material terms (cf. recently for the Netherlands RIVM, 1998). However, although these – sometimes controversial – empirical studies lie behind the idea of ecological modernisation, they do not form the core. Central stage in ecological modernisation is given to the associated social practices and institutional transformations, which are often believed to be at the foundations of these physical changes. In the debate on the changing character of the social practices and institutions since the 1980s, adherents to the theory of ecological modernisation positioned themselves by claiming that these transformations in institutions and social practices could not be explained away as mere window-dressing or rhetoric, but should indeed be seen as structural transformations in industrial society’s institutional order, as far as these concerned the preservation of its sustenance base.

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## DA

#### 1. Slowing now due to natural forcings—no risk of runaway warming

Klimenko 11 [VV, Research Assistant at the [Department of Theoretical Astrophysics](http://www.ioffe.ru/astro/) of the [Ioffe Physico-Technical Institute](http://www.ioffe.ru/), “Why Is Global Warming Slowing Down?,” 5-20, Doklady Earth Sciences, 2011, Vol. 440, Part 2, pp. 1419–1422]

The first decade of the present century has ended with a remarkable climatic event: for the first time over the past 65 years, the five year average global temperature over 2006–2010 turned out to be lower than the value for the previous five year interval (2001–2005). In addition, the absolute maximum temperature, which was attained as long ago as in 1998, has not been surpassed for thirteen years. Both these facts seem ingly support the arguments of the opponents of global warming theory, at least those who regard the anthro pogenic origin of warming questionable or even farfetched. Indeed, the anthropogenic emission of carbon dioxide, which is the major greenhouse atmospheric component, has risen by 60% from 5.2 giga tons to 8.5 gigatons of carbon, and its concentration has increased from 339 to 390 ppmv (parts per million by volume). How then do we explain the apparent slowdown in the rate of global warming?

Evidently, the observed global rise in temperature (Fig. 1) is a response of the climatic system to the combined action of both anthropogenic and natural impacts. Some of the latter are precisely the factors responsible for the current climatic paradox. Further, we will attempt to identify these factors and, based on their analysis, forecast the global climatic trends for the next decades.

Figure 2 presents the wavelet spectra yielded by continuously analyzing the time series of global tem perature over 1850–2011 [1]. Here, we analyze only one of three existing global temperature datasets which are continuously updated, namely the HadCRUT3 temperature series provided by the Uni versity of East Anglia (accessible at http://www.cru. uea.ac.uk/cru/data/temperature/), because this is, as of now, the only dataset covering more than a 150-year interval, which is crucial for our study. We note that it only recently became possible to analyze such long time series and, thus, identification of multidecade rhythms became a solvable task. The temperature data were preliminarily rid of the longterm anthropogenic trend associated with the accumulation of greenhouse gases and aerosols in the atmosphere; this trend was calculated from the energybalance climate model developed at the Moscow Power Engineering Institute (MPEI) [2]. The resulting temperature series, free of anthropogenic trends, will contain important infor mation on the influence of natural factors. Figure 2 shows that, throughout the entire interval of instrumental observations since the mid nineteenth century, the data contain rather stable 70 year and 20 year cyclic components. A less significant 9year cycle was present in most observations (during 1870– 1900 and 1940–2000), and a 6year cycle persisted over a considerable part of the entire time span. Closely consistent results were also obtained when analyzing the temperature series by the maximum entropy method (MEM) (Fig. 3). As the order of the auroregression (AR) method is known to significantly affect the result, in our case this parameter was chosen to be onethird the length of the studied data series: according to the long experience in application of MEM in climate research, this value is suitable for providing useful information. All the harmonic com ponents identified above are statistically significant with a confidence level of 90%.

Supposedly, the source of the dominant 70year cycle is the North Atlantic, where this harmonic is reliably identified not only in the ocean [3–5] but also on the continental margins: in Greenland [6], England [7], Finland [8], at the Novaya Zemlya Archipelago, and on the Yamal Peninsula [9]. Moreover, this periodical component is not only recognized in the instrumental data but it is also revealed in the time series of paleotemperature and pressure which date back to over hundreds and even thousands of years ago. We believe that this rhythm is associated with the quasiperiodical changes in the atmospheric and oceanic circulation known as the North Atlantic Oscillation (NAO) and with the related pulsations in the advection of warm waters to the basins of the Nor wegian and Barents seas. Indeed, the time series of the NAO index contain an approximately 60to 70year component [10] and show a strong positive correlation with the time series of temperature in the Northern hemisphere [11]. The positive phases of NAO indices are character ized by a more intense westerly air mass transport and a noticeable warming of the major part of the nontrop ical zone in the northern hemisphere, which is most prominent in the winter–spring season. Incidentally, the most rapid phase of the presentday warming (1975–2005) just featured such seasonal asymmetry, which is more evidence in favor of the hemispherical and global temperatures being related to NAO. Finally, it turns out that the 70year periodicity is present in the globally averaged temperature and in the temperature averaged over the northern hemisphere, whereas in the spectrum for the southern hemisphere, this harmonic component is rather weak (Fig. 3). This is an important additional argument in favor of the North Atlantic origin of the 70year cycle.

The existence of the quasibidecadal oscillations is often attributed to the influence of the Sun. However, the situation is not so simple: in our case, this cycle is almost not recognizable in the northern hemisphere, although clearly pronounced in the southern hemisphere (Fig. 3). This fact motivates one not to con strain the probable origin of this periodicity to the behavior of the Sun, but also to search for its possible correlations to the variability in the Southern Oscillation (SO) whose index has a peak at a period of 22 years [12, 13]. The latter hypothesis is supported by the fact that the temperature series over the equatorial and southern portions of the Pacific as well as those over the entire water area of the Indian Ocean contain a distinctly expressed quasibidecadal oscillation [3]. In turn, the SO, which largely controls the tempera ture regime of the southern hemisphere, is undoubt edly affected by the variations in the rate of the Earth’s rotation, which also have a significant periodical com ponent at 22 years [14].

As of now, the nature of the 9year oscillations is least clear. We suppose it to be a result of superimposi tion of oscillations associated with the lunar–solar tides that have characteristic times of 8.85 (the perigee period of the Moon) and 9.86 years (the period of barycenter of the Sun–Jupiter system), which are cer tainly able to cause significant changes to the atmo spheric circulation and, therefore, temperature. The comparison of the instrumental data series since 1850 with the results of calculations using the energy balance model with superimposed main cyclic components is presented in Fig. 1. The calculated curve in the interval 1850–2011 accounts for more than 75% of the observed variability in the data and clearly demonstrates that the natural factors may considerably enhance or, quite the opposite, reduce the ongoing warming up to its complete disappearing or even shortterm cooling, as has occurred during the last 6–8 years. We suppose warming will resume shortly in the years to come (Fig. 1). However, up to the end of the century, its rate will likely be lower than the value attained in 1975–2005 when the extremely intense positive phases of NAO and SO concurrent with the highest solar irradiation over the last 600 years [15] resulted in a rate of warming as high as in excess of 0.2°C per decade. In the next few decades, the natural forcings will restrain the process of global warming. This will be primarily associated with the decline in solar activity and the transition to the negative phase in NAO, which features a weaker westerly air mass transport. Recent measurements show that both these processes are gaining strength. Indeed, the NAO index has consistently decreased since early 1990 and is now at a 40year low (http://www.cgd. ucar.edu/cas/jhurrell/indices.html). At the same time, the minimal solar constant over the entire 33year history of satellite observations has been recorded in the current, solar cycle 24, which started in the fall of 2008 (http://www.pmodwrc.ch/pmod.php?topic=tsi/ composite/SolarConstant/).

#### 3. No risk of extinction.

Lomborg 8—Director of the Copenhagen Consensus Center and adjunct professor at the Copenhagen Business School [Bjorn, “Warming warnings get overheated,” The Guardian, August 15, 2008, http://www.guardian.co.uk/commentisfree/2008/aug/15/carbonemissions.climatechange]

These alarmist predictions are becoming quite bizarre, and could be dismissed as sociological oddities, if it weren't for the fact that they get such big play in the media. Oliver Tickell, for instance, writes that a global warming causing a 4C temperature increase by the end of the century would be a "catastrophe" and the beginning of the "extinction" of the human race. This is simply silly. His evidence? That 4C would mean that all the ice on the planet would melt, bringing the long-term sea level rise to 70-80m, flooding everything we hold dear, seeing billions of people die. Clearly, Tickell has maxed out the campaigners' scare potential (because there is no more ice to melt, this is the scariest he could ever conjure). But he is wrong. Let us just remember that the UN climate panel, the IPCC, expects a temperature rise by the end of the century between 1.8 and 6.0C. Within this range, the IPCC predicts that, by the end of the century, sea levels will rise 18-59 centimetres – Tickell is simply exaggerating by a factor of up to 400. Tickell will undoubtedly claim that he was talking about what could happen many, many millennia from now. But this is disingenuous. First, the 4C temperature rise is predicted on a century scale – this is what we talk about and can plan for. Second, although sea-level rise will continue for many centuries to come, the models unanimously show that Greenland's ice shelf will be reduced, but Antarctic ice will increase even more (because of increased precipitation in Antarctica) for the next three centuries. What will happen beyond that clearly depends much more on emissions in future centuries. Given that CO2 stays in the atmosphere about a century, what happens with the temperature, say, six centuries from now mainly depends on emissions five centuries from now (where it seems unlikely non-carbon emitting technology such as solar panels will not have become economically competitive). Third, Tickell tells us how the 80m sea-level rise would wipe out all the world's coastal infrastructure and much of the world's farmland – "undoubtedly" causing billions to die. But to cause billions to die, it would require the surge to occur within a single human lifespan. This sort of scare tactic is insidiously wrong and misleading, mimicking a firebrand preacher who claims the earth is coming to an end and we need to repent. While it is probably true that the sun will burn up the earth in 4-5bn years' time, it does give a slightly different perspective on the need for immediate repenting. Tickell's claim that 4C will be the beginning of our extinction is again many times beyond wrong and misleading, and, of course, made with no data to back it up. Let us just take a look at the realistic impact of such a 4C temperature rise. For the Copenhagen Consensus, one of the lead economists of the IPCC, Professor Gary Yohe, did a survey of all the problems and all the benefits accruing from a temperature rise over this century of about approximately 4C. And yes, there will, of course, also be benefits: as temperatures rise, more people will die from heat, but fewer from cold; agricultural yields will decline in the tropics, but increase in the temperate zones, etc. The model evaluates the impacts on agriculture, forestry, energy, water, unmanaged ecosystems, coastal zones, heat and cold deaths and disease. The bottom line is that benefits from global warming right now outweigh the costs (the benefit is about 0.25% of global GDP). Global warming will continue to be a net benefit until about 2070, when the damages will begin to outweigh the benefits, reaching a total damage cost equivalent to about 3.5% of GDP by 2300. This is simply not the end of humanity. If anything, global warming is a net benefit now; and even in three centuries, it will not be a challenge to our civilisation. Further, the IPCC expects the average person on earth to be 1,700% richer by the end of this century.

**Warming inevitable**

RAPIER Chief Technology Officer at Merica 12 Chief Technology Officer at Merica International – a Renewable Energy Company, Master’s in Chemical Engineering from Texas A&M University [Robert Rapier, Study: Eliminating Coal-Fired Power is Worth 0.2 Degrees in 100 Years, <http://www.consumerenergyreport.com/2012/03/05/study-eliminating-coal-fired-power-is-worth-0-2-degrees-in-100-years/>]

Who could have dreamed solving climate change would be so easy? A new paper in Environmental Research Letters called “Greenhouse gases, climate change and the transition from coal to low-carbon electricity” concludes that replacement of all of the world’s currently operating coal-fired power plants — which produce about 40% of the world’s electricity — and replacing them with renewable energy would have an impact of 0.2 degrees Celsius 100 years from now. Cherry-Picking Conclusions According to One’s Viewpoint However, a number of climate change websites took away a very different message than I took away from the paper. Here is Joe Romm’s view: Bombshell: You Can’t Slow Projected Warming With Gas, You Need ‘Rapid and Massive Deployment’ of Zero-Carbon Power I seem to recall another “bombshell” that he recently reported upon on the same theme: Natural Gas Bombshell: Switching From Coal to Gas Increases Warming for Decades, Has Minimal Benefit Even in 2100. I debunked that by showing that in that particular study, every possible alternative — including wind power, solar power, and even simply shutting down all of the coal plants — was projected to increase global warming in the short term: BOMBSHELL: Solar and Wind Power Would Speed Up, Not Reduce, Global Warming. But Joe is back with the hyperbolic titles and exaggerations (which I get into below), and he missed the biggest story in the paper. Coal and Sunlight-Reflecting Pollutants The subject of Romm’s earlier “natural gas bombshell” was a paper written by Tom Wigley that concluded that shutting down coal-fired power plants would cause the global temperature to increase in the short term because of the loss of sunlight-reflecting pollutants. In that particular paper, Dr. Wigley modeled what would happen if coal-fired power was replaced with natural gas. He did indeed project short-term warming in that scenario, yet it was a result of the air becoming cleaner and allowing sunlight through as the coal was phased out. Thus, the media really got that story wrong, which was not about a deficiency of natural gas, but rather about the peculiarity of burning coal — that the particulate emissions reflect sunlight. Those who fixated on natural gas as the culprit could have written the same story about solar power — which the study’s author confirmed for me. Hence, I made that my “Bombshell” to illustrate the point. However, that particular study didn’t actually model the temperature impact of shutting down coal plants and replacing them with anything other than natural gas. So, I posed the following question to Dr. Wigley: What does the graph look like in 2100 if all coal-fired plants were replaced with zero emission sources (as the idealized study)? I am just wondering what the potential actually is. Are we talking about 1 or 2 degrees lower? I just have no idea of the relative context. We had several email exchanges over his paper, and he said that my questions were intriguing and he would look into them. I never heard back from him on that, but this new paper answers the question. Shuttering All the World’s Coal Plants Wouldn’t Do Much The authors of this newest study modeled the replacement of coal-fired power plants with either natural gas, coal with carbon capture and storage, hydropower, solar PV, solar thermal, wind power, or nuclear power. You can see from Joe Romm’s headline how the story is being spun, but let’s break it down in a more objective fashion. The following graphic from the paper tells the story. Pay particular attention to the temperature scale. The graphic indicates — as Tom Wigley’s previous paper indicated but which was only reported relative to natural gas — that in every single case, it doesn’t matter what coal-fired power plants are replaced with, the temperature is projected to increase for almost the next 40 years. This is true even in the baseline “Conservation” case, which involves merely idling the coal-fired plants and not replacing them with anything. The paper projects that if coal-fired power plants continue to operate, the expected temperature rise relative to the baseline (i.e., relative to the expected temperature increase from other sources) in 50 years is 0.15 degrees C, and in 100 years is about 0.33 degrees C. If coal is phased out and replaced with natural gas, the relative 50 and 100 year temperature rise is projected to be 0.14 degrees C and 0.24 degrees C, respectively. So the paper shows slightly less warming when natural gas is used, which Climate Progress Tweeted as “Switch from coal to natural gas would have zero effect on global temperatures by 2100” and included a link to Joe’s “bombshell.” That is obviously an exaggeration, as the graphic clearly shows that the effect is not zero. If it was, the natural gas line would overlay the coal line. Shocking Implications One shocking implication from the paper was the projection that hydropower would be worse than coal for the next 60 years. The study’s authors cited methane emissions from organic matter buried under water as the reason for this apparent anomaly. But that’s not the really shocking thing about the study for me. The most shocking conclusion was the magnitude of the numbers we are talking about. Even if you could in theory shut down all of the coal-fired power plants in the world and replace them with wind, solar, and hydropower — in 50 years the projected temperature is only one-twentieth of a degree C cooler than the base case of continuing to use coal. In 100 years, if I could replace all global coal-fired power plants with firm, renewable power — the temperature is only projected to be about 0.2 degrees cooler than under the coal base case. And the way this is being spun is that the 0.09 degree reduction from switching to natural gas is equivalent to an effect of “zero”, but the 0.2 degree reduction in hypothetically replacing everything with wind and solar power 100 years from now is significant. About the natural gas case, Romm literally said the 0.09 degree lower temperature in switching to natural gas means that “natural gas is a bridge fuel to nowhere”, but the 0.2 degree lower temperature in switching to renewables is “the world’s only plausible hope to avert catastrophic temperature rise.” Nuclear & Natural Gas to the Rescue — But Most Environmentalists Hate Them A big irony here is that there are only two power sources that are today capable of achieving the study’s conclusion that we must rapidly replace coal-fired power plants: Nuclear power and natural gas. If people really believe that we must urgently address this issue — and they don’t believe that the change from going to natural gas is enough — that leaves nuclear power as the only option capable of achieving a rapid replacement. Bear in mind that this is for a global replacement of coal — most of which is used in Asia. Good luck trying to sell China and India on a 0.2 degree temperature difference in 100 years if they quickly abandon their coal-fired power plants and replace them with wind power. Conclusion: Study is a Major Downer for Activists Battling Climate Change To be honest, if I was devoting my life to fighting against the threat of climate change, this would be one of the most depressing papers I have ever read. If we could convince everyone in the world to shut down their coal-fired power plants — which we can’t — and replace them with renewable power — which isn’t available in quantities sufficient to replace coal-fired power — then by the end of my life there would still be no statistically significant temperature change to even be able to tell if my life’s work was successful. But let’s be realistic, shall we? The people who are concerned about global warming have dug in their heels over natural gas, and they are generally opposed to nuclear power. Because of the sheer impossibility that we will rapidly replace coal with wind and solar power (especially since “we” is the world), then we will in all likelihood be left with the status quo. As I have said before, emissions are much higher in Asia Pacific than they are in the U.S. and Europe combined, and they are rising rapidly. Unless we can figure out a way to convince them to develop without fossil fuels — something no country has done — then global carbon emissions will continue to rise. This is why — even though I accept the science behind climate change — it isn’ t my focus. I just don’t see how the West can possibly do anything about it.

## Fwk

### Epis

#### Their epistemology is worse – emprics aren’t perfect but they are better

Weede 04 [Erich, professor of sociology at the University of Bonn, Germany, In Winter 1986-87, he was Visiting Professor of International Relations at the Bologna Center of The Johns Hopkins University, “BALANCE OF POWER, GLOBALIZATION, AND THE CAPITALIST PEACE,” http://www.fnf.org.ph/downloadables/Balance%20of%20Power,%20Globalization%20and%20Capitalist%20Peace.pdf]

If one does research or summarize the research of others – of course, most of the ideas, theories, and evidence discussed below have been produced by others – one cannot avoid some epistemological commitments. In the social sciences the fundamental choice is whether to pursue an ideographic or a nomothetic approach. Almost all historians choose the ideographic approach and focus on the description of structures or events, whereas most economists and psychologists choose the nomothetic approach and focus on the search for law-like general statements. Sociologists and political scientists are still divided – sometimes even by the Atlantic Ocean. In American political science the nomothetic approach dominates the flagship journal of the profession, the American Political Science Review, as well as more specialized journals, such as International Studies Quarterly, the Journal of Conflict Resolution, or World Politics. In German political science, however, the nomothetic approach has advanced little beyond electoral studies. My own approach is definitely nomothetic. This is related to my training in psychology at one of the first German universities focusing on quantitative research methods in the early 1960s, the University of Hamburg. This epistemological orientation has been reinforced by graduate training in international politics at one of the first American universities emphasizing quantitative research in the late 1960s, Northwestern University, which is located in a suburb of Chicago. Nomothetic research focuses on hypothesizing, testing and establishing law-like general statements or nomological propositions. Examples of such propositions are: The higher average incomes in a nation are, the more likely is democratic government. Or, the more economic freedom in a nation prevails, the less frequently it is involved in war. One characteristic of such propositions is that they say something about observable reality. Whenever you say something about reality, you risk that others find out that you are wrong. If we observed that most poor countries were democracies, but most rich countries were autocracies, then we should reject or, at least, modify the proposition about prosperity and democracy mentioned above.1 Nomothetic researchers look for refutations. They try to falsify their propositions or theories (Popper 1934/1959). If the empirical evidence is compatible with one's theory, then one keeps the hypothetical propositions and regards them as supported – until negative evidence turns up. Although certitude about possession of the truth is beyond the capabilities of human inquiry, growth of knowledge is conceivable by the successive elimination of errors. This epistemological approach borrowed from Popper were easily applicable, if most of our propositions were deterministic, if they claimed to be valid without exceptions. Then, finding a single exception to a general statement – say, about prosperity and democracy – would suffice to falsify the proposition. Looking at poor India nevertheless being democratic, or at fairly rich Kuwait nevertheless being autocratic, would suffice to reject the theory.2 Unfortunately, almost no theory in macroeconomics, macrosociology, or international relations delivers deterministic propositions. Instead we have only probabilistic statements of the type that more prosperous countries are more likely to be democratic than others, or that economically freer countries are more likely to avoid war involvement than others. Probabilistic assertions never can be falsified by pointing to single events which do not fit with theoretical expectations. Instead we have to look at relative frequencies, at correlations or regression coefficients. We need statistical tools to evaluate such propositions. We typically ask the question whether a hypothesized relationship is so strong that it could only rarely occur because of random measurement or sampling error. Probabilistic propositions are regarded as supported only if they jump certain thresholds of significance which are ultimately defined by mere conventions. Researchers are interested in causal propositions, that is, in statements about causes and effects, or determinants and consequences. Such statements can be used for explanation, forecasting, or policy interventions. We need to know more than the mere existence of some association or correlation between, say, prosperity and democracy, or economic freedom and the avoidance of military conflict. We need to know whether prosperity promotes democracy, or whether democracy promotes growth, or whether, possibly, both statements might be defensible or, for the time being, taken for 'true'. While a correlation between two variables, like prosperity and democracy, is equally compatible with the simple alternative causal propositions that prosperity causes democracy, and that democracy causes prosperity, this ambiguity no longer necessarily applies in more complex theoretical models. There, we tend to explain a single effect by a number of causes. For example, one may contend that democracy is promoted by prosperity as well as by a capitalist economic order (or economic freedom). We can take such a theoretical contention – which may be true or false, compatible with the data or not – as a starting point for specifying a regression equation.3 If both theoretical statements – about the democratizing effects of prosperity and capitalism – were true, then the regression coefficients of both variables should be positive and significant. If this is what we find in empirical research, then we regard the two propositions as provisionally supported. But final proofs remain impossible in empirical research. It is conceivable that some nonbeliever in the two propositions suggests a third measurable determinant of democracy. Before it actually is included in the regression equation, one never knows what its inclusion results in. Possibly, the previously significant and positive regression coefficients of prosperity and capitalism might be reduced to insignificance or even change signs. Then a previously supported causal proposition would have to be overturned and rejected. The claim of causality implies more than observable association or correlation. It also implies temporal precedence of causes before effects. If one wants to test the causal proposition that prosperity contributes to democratic government, or that economic freedom contributes to the avoidance of military conflict, then one should measure prosperity or economic freedom before their hypothesized effects occur – certainly not later. If there is doubt about the direction of causality, as there frequently is, one might also look at the relationships between, say, earlier prosperity and later democracy as well as between earlier democracy and later prosperity. Although such investigations may become technically complicated, it might suffice here to keep the general principles in mind. From causal propositions we derive expectations about correlation or regression coefficients. But conclusions from correlations to causal propositions are not justified. One simply can never 'verify' causal statements by correlations. From causal propositions we also derive expectations about temporal precedence. As long as empirical evidence fits one's theoretical expectations, one regards the propositions or theory as provisionally supported and works with them. There is another complication. As illustrated by the debate about the effects of trade and economic interdependence on the avoidance of military conflict below, full accordance of empirical studies and verdicts with theories is the exception rather than the rule – if it ever happens at all. That is why some philosophers of science (for example, Kuhn 1962; Lakatos 1968-69) have been critical of the idea of falsification and warned against premature rejection of propositions. If 'anomalies' or 'falsification' are more or less ubiquitous, then our task is no longer so easy as to choose between theories which have been falsified and therefore deserve rejection and those which are compatible with the facts and therefore deserve to be accepted until negative evidence turns up. Then our task becomes to choose between competing theories, for example about the conflict reinforcing or pacifying impact of trade, and to pick those which fit the data relatively better than others. So, the claim advanced in this review of the literature cannot be that the empirical evidence fits the capitalist peace idea perfectly, but merely that the evidence fits it much better than competing explanations of military conflict and notions about the negative impact of capitalism on the avoidance of conflict and war or the irrelevance of democracy do. The epistemological discussion above could provide no more than a crude 'feel' for empirical research in the social sciences and its pitfalls. Although certitude is beyond reach, it is better to rely on testable, tested and so far supported propositions than on a hodgepodge of ambiguous hunches, contradictory thinking, and unsystematically evaluated empirical evidence.

#### Epistemology not first – specificity is more important – if our args are that bad they should beat them on their merits – we can be right even if we’re biased.

### Policy

#### policy advocacy is a tool not a trap. Even if we have no chance to cause the energy changes we wish, we should build momentum and support for these ideas.

Elizabeth **SHOVE** Sociology @ Lancaster **AND** Gordon **WALKER** Geography @ Lancaster **‘7** “CAUTION! Transitions ahead: politics, practice, and sustainable transition management” *Environment and Planning C* 39 (4)

For academic readers, our commentary argues for loosening the intellectual grip of ‘innovation studies’, for backing off from the nested, hierarchical multi-level model as the only model in town, and for exploring other social scientific, but also systemic theories of change. The more we think about the politics and practicalities of reflexive transition management, the more complex the process appears: for a policy audience, our words of caution could be read as an invitation to abandon the whole endeavour. If agency, predictability and legitimacy are as limited as we’ve suggested, this might be the only sensible conclusion.However, we are with Rip (2006) in recognising the value, productivity and everyday necessity of an ‘illusion of agency’, and of the working expectation that a difference can be made even in the face of so much evidence to the contrary. The outcomes of actions are unknowable, the system unsteerable and the effects of deliberate intervention inherently unpredictable and, ironically, it is this that sustains concepts of agency and management. As Rip argues ‘illusions are productive because they motivate action and repair work, and thus something (whatever) is achieved’ (Rip 2006: 94). Situated inside the systems they seek to influence, governance actors – and actors of other kinds as well - are part of the dynamics of change: even if they cannot steer from the outside they are necessary to processes within. This is, of course, also true of academic life. Here we are, busy critiquing and analysing transition management in the expectation that somebody somewhere is listening and maybe even taking notice. If we removed that illusion would we bother writing anything at all? Maybe we need such fictions to keep us going, and maybe – fiction or no - somewhere along the line something really does happen, but not in ways that we can anticipate or know.

### Method

**Method can’t be evaluated in a vacuum- to do so is useless**

Mario Bunge, Treatise on basic Philosophy Vol 6: Epistemology and Methodology II: Understanding the world, 1983 p. 207

Tenth, the methodics of any science includes not only its peculiar techniques but also the scientific method (Ch. 7, Section 2.2). A collection of techniques, e.g. for producing high pressures or high vacua, or for measuring the effects of reinforcement on the learning of philosophy does not constitute a science: methods are means not ends, and they cannot be applied or evaluated apart from a problematics and an aim. Merely exploiting a given technique for obtaining or processing data without any ulterior purposes is not doing science but just keeping busy and possibly salaried.