# 1NC

## Climate

**The affirmative characterizes climate change as an emergency – turns the advantage – our alternative is to use positive and compelling images of a desired future without warming. This does not preclude the possibility of doing the aff**

**Hodder and Martin 09** [Brian Martin is Professor of Social Sciences at the University of Wollongong, Australia.] Climate crisis? The politics of emergency framing Published in Economic and Political Weekly, Vol. 44, No. 36, 5 September 2009, pp. 53-60. Patrick Hodder and Brian Martin Faculty of Arts, University of Wollongong, Australia \*Note: Steve Breyman, Holly Creenaune, Mark Diesendorf, Rowan Huxtable, Jørgen Johansen and Mary Scott made comments on drafts. They do not necessarily agree with the views expressed here.

This frame - this way of looking at the issue - is characterised by descriptions of climate change as catastrophic, chaotic, cataclysmic, out of control, explosive, irreversible, rapid and runaway. Climate advocates stress that "we are rapidly running out of time to act." **This language evokes fear** about sudden and disastrous shifts in the climate system unless emergency action is taken. Proponents of an emergency response argue that the speed of climate change is surpassing previous expectations. Scientists such as former Director General of the UK Met Office and former co-chair of the IPCC, Sir John Houghton (2008), as well as advocates such as Spratt and Sutton (2008), say that the science contained in the IPCC Fourth Assessment Report (2007) was incomplete and outdated by the time it was published. For example, since that report was finalised, Arctic summer ice extent has diminished substantially; 2007 was by far the lowest ice extent on record, and 2008 was the lowest ice volume. Spratt and Sutton (2008) argue that Arctic sea-ice has reached a tipping point - a critical threshold for non-linear transition - with some climate scientists with specialist knowledge in the Arctic predicting the disappearance of summer sea ice before 2013 (Borenstein 2007). The emergency frame is invoked because the proximity of significant climate changes leaves very little time to effect major emissions reductions. Nevertheless, there is scientific disagreement over whether the empirical evidence exists for claims that Arctic ice melt has passed a tipping point. Vicki Pope (2009), head of climate change advice at the Met Office Hadley Centre in the UK, states that recent extreme melting could be due mainly to short-term natural weather variability in combination with the longer-term effects of climate change. She argues that exaggerated claims distort public perceptions and confuse public understanding, and that this undermines attempts to communicate " the basic facts that the implications of climate change are profound and will be severe if greenhouse gas emissions are not cut drastically and swiftly over the coming decades" (Pope 2009). **The implication is that talk of imminent ice-melt is inaccurate and counter-productive**. A second area of contention relates to targets for a "safe" level of atmospheric carbon dioxide (CO2). Advocates of an emergency response argue that current emissions targets - such as the European Union's target of 450ppm CO2-equivalent (450 parts per million of greenhouse gases in the atmosphere) and 2C of warming above pre-industrial levels as a threshold for dangerous climate change - are arbitrary and flawed. The IPCC (2007: 20) estimated that 450ppm provided only a 50 per cent chance of restricting temperature rises to 2C. Given current greenhouse gases concentrations are already 436ppm CO2-equivalent (European Environment Agency 2009) and rising steadily, both the Stern Review (2006) and the Garnaut Review (2008) regarded a strong global agreement on a target of 450ppm as unlikely and saw 550ppm as more politically feasible. Yet, Hansen et al (2008) found climate sensitivity may be twice that estimated by the IPCC, and that over the long term, 550ppm CO2would raise temperatures by 6C eventually leading to an ice-free planet and 70 metres of sea-level rise. Advocates argue that previously accepted targets such as 550ppm or even 450ppm are irresponsible and dangerous because they would lock in catastrophic levels of warming through positive feedbacks over the longer term, and say, following Hansen et al (2008), that we need to rapidly return to a safe climate zone of around 300ppm. Disagreements about imminent tipping points for sea-ice and safe levels of CO2 have led to different conceptions about what is a sensible response to climate change. Spratt and Sutton (2008) argue that staged solutions to climate change - solutions that envisage a transition to a low or zero-carbon economy over a multi-decade time period using a range of measures - are no longer adequate because the Arctic sea ice has reached or even passed a tipping point. Activists argue that declaring a state of emergency is the only way to galvanise a rapid and widespread response capable of fully solving the problem in a very short time. They argue that staged solutions, while eminently workable, are simply too slow to be effective. Moreover, they argue that not only does business as usual have to change, but politics as usual must give way to an emergency response. Emergency advocates promote rapid and total transformation of global energy systems as a key part of any solution to climate change. For example, the Climate Action Summit (2009) in Australia endorsed a 100% renewable energy target by 2020, similar to the Repower America (2008) campaign for 100% "clean electricity" in a decade campaign launched by Al Gore, although the United States "clean" target includes a large contribution from nuclear power. Advocates draw on the military mobilisation by the United States during World War II as a useful example of an emergency response because it demonstrates the ability of society to change on a rapid and massive scale (Brown 2008; Monbiot 2006; Spratt and Sutton 2008). However, there are flaws in relying too heavily on the war scenario as an analogy. War directly and immediately threatened the very survival of governments, so they had a vested interest in leading an emergency response. By contrast, climate change does not immediately threaten governments in the rich world and few of these governments appear to have any interest in leading an emergency response to climate change. (This might change if sea levels start rising significantly.) Besides the example of World War II, another emergency mobilisation metaphor used by climate change advocates is the Manhattan Project, the secret US scientific and engineering project to build the first atomic bombs. Yet another is the Apollo Program, the 1960s US government effort to send a man to the moon. Both of these involved government quests for power or prestige in a situation of international war or competition. Today, however, few governments are treating the challenge of climate change as a conflict or competition in which they seek to outperform rivals. To convey the sense of emergency, advocates have generally portrayed an imminent climate crisis with an emphasis on catastrophic impacts such as fires, floods, hurricanes, droughts and melting ice. A critic of the emergency frame, Mike Hulme (2006), former director of the Tyndall Centre for Climate Change in the UK, claims that activists, the media, politicians and even scientists "are openly confusing the language of fear, terror and disaster with the observable physical reality of climate change." One risk in relying on the language of fear to depict climate change is that advocates may exaggerate the dangers, **providing sceptics with an easy opportunity to dismiss climate change as "alarmism**." Given that 41 per cent of people in the US say news of global warming is exaggerated, the alarmism tactic seems to be ineffective with a significant proportion of the US population (Nisbet 2009). Another drawback to the catastrophe approach is the tendency of people to treat extreme weather events as natural. This leads to a perception that climate change is not caused by human activity and therefore the problem gets dismissed because it cannot be modified by human actions (Moser and Dilling 2004: 36). Evoking fear about climate change is a common tactic; as Nisbet (2009) points out, the film An Inconvenient Truth (2006) was promoted as "by far the most terrifying film you will ever see." There is evidence that fear is a motivator in human behaviour, particularly if it resonates with personal experience or evolutionary fears (Weber 2006). **However, because climate change is typically abstract and distant, it may require the evocation of dramatic and relevant consequences to elicit a more widespread personal response** (Bennett 2008; Weber 2006). Yet, even though fear may capture audience attention, it often fails to generate active engagement with climate change or motivate changes in behaviour (Moser and Dilling 2004: 39). Indeed, **fear often "triggers denial or repression of a problem perceived as overwhelming**" (Moser and Dilling 2004: 39; see also Meijnders et al 2001; Nisbet 2009). Similar findings about fear as an inhibiting factor are documented in a review of public health campaigns around HIV and smoking: informing people about how they can take action is more likely to be consistently effective than arousing fears (Ruiter et al 2001). **Fear-inducing messages about catastrophe may be counter-productive in terms of inducing behavioural change**. Moser and Dilling (2004: 44) suggest that positive and compelling images of a desired future may be more successful in generating change and moving societies towards a better future. The climate debate is no longer just between climate scientists and sceptics, but encompasses disagreements among scientists and advocates over the imminence of catastrophe and responses to it. Using an emergency frame and dismissing staged solutions may polarise climate advocates into those for or against emergency action**. The emergency frame could easily marginalise other approaches and undermine democratic norms in decision-making.** Further, by shrinking the perceived response time available, the emergency frame can prioritise large-scale technological solutions over social and political change, with arguments that it is too late to save civilisation except by further human interference in the climate system such as geo-engineering (Cascio 2009; Lovelock and Rapley 2007; Thomas 2008). Geo-engineering assumes a human ability to control highly complex systems such as climate that are not fully understood, and risks compounding the problem while failing to address underlying issues. Underlying issues may be obscured by framing climate change as the emergency to be solved. For example, many "solutions" to climate change such as those proposed by Stern (2006) and Garnaut (2008) build in assumptions about continued economic growth. However, the global economy is five times larger than it was fifty years ago (Jackson 2009), an increase paralleled by the over-use and degradation of planetary support mechanisms (Millennium Ecosystem Assessment 2005). Like carbon emissions, several ecosystem components have passed critical thresholds. But according to Tim Jackson (2009), if the global economy continues to grow at the same rate (if that were possible in the face of "peak oil"), it would be eighty times larger in 2100 than it was in 1960. This raises questions about economic, political, social and ethical systems, and how seemingly paramount problems such as climate change are framed. Although policies to tackle climate change need to begin within the confines of the current system, economic growth must be addressed because the current economic model is a crucial causal factor underlying other apparently more urgent issues. Finally, **the focus on climate change as an emergency may render the movement unsustainable**. If global warming progresses less quickly than anticipated, climate change may be dismissed as "alarmism." But if climate change does occur quickly and the movement does not succeed in achieving rapid transition, the movement risks losing its momentum and its reason for existence despite the fact that climate change and a raft of other challenges will be an enduring reality. As well as immediate campaigns focussed around stopping new coal mines and coal-fired power stations, the social movement also needs to be preparing for a series of long-term campaigns such as building community resilience around the re-localisation of food and energy resources, and making the transition away from polluting industries.

## T

### 1NC T—5 things

#### A Topical aff in order to be a statutory restriction can: Overturn authority, alter the jurisdiction, limit authorization, require inter-agency consultation, or require prior notification.

#### They don’t meet—they don’t do one of the 5.

KAISER 80—the Official Specialist in American National Government, Congressional Research Service, the Library of Congress [Congressional Action to Overturn Agency Rules: Alternatives to the Legislative Veto; Kaiser, Frederick M., 32 Admin. L. Rev. 667 (1980)]

In addition to direct statutory overrides, there are a variety of statutory and nonstatutory techniques that have the effect of overturning rules, that prevent their enforcement, or that seriously impede or even preempt the promulgation of projected rules. For instance, a statute may alter the jurisdiction of a regulatory agency or extend the exemptions to its authority, thereby affecting existing or anticipated rules. Legislation that affects an agency's funding may be used to prevent enforcement of particular rules or to revoke funding discretion for rulemaking activity or both. Still other actions, less direct but potentially significant, are mandating agency consultation with other federal or state authorities and requiring prior congressional review of proposed rules (separate from the legislative veto sanctions). These last two provisions may change or even halt proposed rules by interjecting novel procedural requirements along with different perspectives and influences into the process.

It is also valuable to examine nonstatutory controls available to the Congress:

1. legislative, oversight, investigative, and confirmation hearings;

2. establishment of select committees and specialized subcommittees to oversee agency rulemaking and enforcement;

3. directives in committee reports, especially those accompanying legislation, authorizations, and appropriations, regarding rules or their implementation;

4. House and Senate floor statements critical of proposed, projected, or ongoing administrative action; and

5. direct contact between a congressional office and the agency or office in question.

Such mechanisms are all indirect influences; unlike statutory provisions, they are neither self-enforcing nor legally binding by themselves. Nonetheless, nonstatutory devices are more readily available and more easily effectuated than controls imposed by statute. And some observers have attributed substantial influence to nonstatutory controls in regulatory as well as other matters.3

It is impossible, in a limited space, to provide a comprehensive and exhaustive listing of congressional actions that override, have the effect of overturning, or prevent the promulgation of administrative rules. Consequently, this report concentrates upon the more direct statutory devices, although it also encompasses committee reports accompanying bills, the one nonstatutory instrument that is frequently most authoritatively connected with the final legislative product. The statutory mechanisms surveyed here cross a wide spectrum of possible congressional action:

1. single-purpose provisions to overturn or preempt a specific rule;

2. alterations in program authority that remove jurisdiction from an agency;

3. agency authorization and appropriation limitations;

4. inter-agency consultation requirements; and

5. congressional prior notification provisions.

#### Vote negative—it is impossible to limit what is a statutory restriction outside of that interpretation and it kills neg ground since other changes aren’t as legally binding.

#### FX T – the plan only creates a court – it doesn’t mandate decisions that restrict the executive – voting issue – artificially expands aff ground and shifts focus away from the topic

## CP

**Text: The United States federal government should not create \_\_\_\_\_the plan (drone court)\_\_\_\_\_. Instead, the United States federal government should pass a statute granting a right to sue in any federal court on claims that the government improperly unleashed drones with subsequent damages if legal rules were found to be violated. The United States federal government should assign jurisdiction to specific judicial districts and strip the executive of the invocation of the “state secrets” and “political question” doctrines.**

**The CP solves the case through ex post review rather than ex ante or before the fact judicial interference**

**Epps 13** (Garrett Epps, Professor of Law at the University of Baltimore, “Why a Secret Court Won’t Solve the Drone-Strike Problem,” The Atlantic, February 16, 2013, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/)

Finally, some scholars have suggested that the Congress create a new "cause of action"--a right to sue in an ordinary federal court on a claim that the government improperly unleashed drones on a deceased relative. The survivors of the late Anwar al-Awlaki tried such a suit, and the Obama administration has so far insisted that it concerns "political questions," not fitted for judicial proceedings. **Congress could pass a statute specifically granting a right to sue in a federal district court.**

Without careful design, that would actually not make things any better. The survivors will file their complaint; the administration will claim state secrets and refuse to provide information. A court might reject the secrets claim and order the government to produce discovery. The administration would probably refuse to comply. The court's recourse would be to order judgment for the plaintiffs. The dead person's family would get some money, but we'd be no closer to accountability for the drone-strike decision.

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; the evidence would not be shown to the plaintiffs themselves, or to the public. After review of the evidence, the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally.

**Ex post review is key – the aff results in rubberstamping**

**Vladeck 13** (Steve Vladeck, professor of law and the associate dean for scholarship at American University Washington College of Law, former senior editor of the  Journal of National Security Law & Policy, member of the American Law Institute, graduated from Yale Law School, “Why a ‘Drone Court’ Won’t Work-But (Nominal) Damages Might…” February 10, 2013, http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/)

III.  Drone Courts and the Legitimacy Problem

That brings me to perhaps the biggest problem we should all have with a “drone court”–the extent to which, even if one could design a legally and practically workable regime in which such a tribunals could operate, its existence would put irresistible pressure on federal judges to sign off even on those cases in which they have doubts.

As a purely practical matter, it would be next to impossible meaningfully to assess imminence, the existence of less lethal alternatives, or the true nature of a threat that an individual suspect poses ex ante. Indeed, it would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons–when the entire legal question turns on what was actually true in the moment, as opposed to what might have been predicted to be true in advance. At its core, that’s why the analogy to search warrants utterly breaks down–and why it would hardly be surprising if judges in those circumstances approved a far greater percentage of applications than they might have on a complete after-the-fact record. Judges, after all, are humans.

In the process, the result would be that **such ex ante review would do little other than to add legitimacy to operations the legality of which might have otherwise been questioned ex post**. Put another way, ex ante review in this context would most likely lead to a more expansive legal framework within which the targeted killing program could operate, one sanctioned by judges asked to decide these cases behind closed doors; without the benefit of adversary parties, briefing, or presentation of the facts; and with the very real possibility that the wrong decision could directly lead to the deaths of countless Americans. Thus, even if it were legally and practically possible, a drone court would be a very dangerous idea.

**Retrospective review avoids our offense**

**Bloomberg 13** (Bloomberg News Source, “Why a ‘Drone Court’ Won’t Work,” February 18, 2013, http://www.bloomberg.com/news/2013-02-18/why-a-drone-court-won-t-work.html)

As for the balance of powers, that is where we dive into constitutional hot water. Constitutional scholars agree that the president is sworn to use his “defensive power” to protect the U.S. and its citizens from any serious threat, and nothing in the Constitution gives Congress or the judiciary a right to stay his hand. It also presents a **slippery slope:** If a judge can call off a drone strike, can he also nix a raid such as the one that killed Osama bin Laden? If the other branches want to scrutinize the president’s national security decisions in this way, they can only do so retrospectively.

## Court legit

**Court legitimacy high, plan destroys it – controversial and violates Article III**

**Epps 13** (Garrett Epps, Professor of Law at the University of Baltimore, “Why a Secret Court Won’t Solve the Drone-Strike Problem,” The Atlantic, February 16, 2013, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/)

Washington's idea of the week is a secret court, based on the Foreign Intelligence Surveillance Court, which issues secret wiretap warrants in certain espionage cases. Executive officials would go before the drone court and present their evidence that an individual abroad, perhaps a U.S. citizen, is an Al Qaeda affiliate and an imminent danger. Judges on the panel would issue, in effect, a secret death warrant--a certification that lethal force can be used against the "enemy combatant."

Sen. Dianne Feinstein spoke favorably about the idea at confirmation hearings for C.I.A. Director-designate John Brennan. So did former Defense Secretary Robert Gates. Thursday, the New York Times joined in the chorus.

Americans love courts and judges. But they trust them because, in our system, they are independent of elected officials--not part of the political machine. They are also what lawyers call "courts of limited jurisdiction." In carefully chosen language, Article III of the Constitution extends "the judicial power" of the United States to a specific and limited set of "cases and controversies." Federal courts decide cases; they do not fight wars, collect the garbage, or set health-care policy. And most particularly, they may not become an advisory agency of the executive branch.

The idea of a "drone court" would send federal courts into areas they have never gone before, and indeed from which, I think, the text of the Constitution bars them. **It could** also **put the integrity of our court system at risk.**

Let's frame the issue properly. The present administration does not claim that the president has "inherent authority" to attack anyone anywhere. Instead, from the documents and speeches we've seen, the administration says it can order drone attacks only as provided by the Authorization for the Use of Military Force passed by Congress after the September 11 attacks--that is, against "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

Unlike the fictional President Bennett in Tom Clancy's Clear and Present Danger, then, President Obama can't suddenly send the drone fleet down to take out, say, Colombian drug lords or the Lord's Resistance Army in Uganda. That's a marked change from the overall position of the last administration, and it's an important limitation on the president's claimed authority.

But because of that limitation, a court would be supervising the president's command decisions in a time of authorized military action--after, that is, the legal equivalent of a "declaration of war." As commander in chief, the president has been given a mission by Congress. By passing the AUMF, Congress has delegated to him its full war power to use in that mission. Nothing in the AUMF is directed to the courts; in fact, I have trouble finding authority for target selection anywhere in Article III. And whatever the technological changes, constitutionally I see no difference between targeting an enemy with a drone and doing the same thing with a Cruise missile or a SEAL Team. Courts simply aren't equipped to decide military tactics.

The FISA Court, on the other hand, doesn't really reach beyond Article III--judges since ancient times have issued warrants for searches and arrests, and the individuals being spied on are suspected of crimes against the United States. But I don't know of a deep-rooted tradition of common-law courts telling the shire reeve he can hunt someone down and kill him without trial.

There's yet another problem: what criteria would a "drone court" apply? In the "white paper" obtained by NBC News earlier this month, the Department of Justice says that a decision to order a strike involves three requirements: (1) the target represents "an imminent threat of violent attack"; (2) capturing the target would be "infeasible"; and (3) a lethal attack can be carried out "in a manner consistent with law of war principles." A court might be able to apply the first criterion, though just barely; but there is simply no precedent for an Article III judge balancing the prospective risks of a capture operation vs. that of a missile, or assessing the probability of "collateral damage" if the strike goes forward. **We have left "the judicial power" behind altogether, and created a panel of poorly trained generals in sloppy black uniforms.**

Finally, in time of war, there will be occasions when a target emerges and decisions must be made too quickly for even a secret court proceeding. And thus the "drone court" would not be able to rule on some cases; an ambitious president could find many exceptions.

In addition, an ambitious executive might also use the secret court as a means to extend the drone-strike authority beyond actions in time of authorized military action. With such a review mechanism in place, the argument might go, there's no danger in ceding the president's authority to use drones against enemies not so designated by Congress.

What about after the fact, then? Could there be a secret court that would hear the administration's case for a drone strike and then decide whether that strike had been justified?

Not hardly, I think.

A court that meets in secret, hears only one side of a dispute, and issues a final judgment without notifying other parties is not any kind of Article III court I recognize. It is not deciding cases; it is granting absolution.

#### Weakening the court prevents sustainable development

Stein 5—Former Judge of the New South Wales Court of Appeal and the New South Wales Land and Environment Court [Justice Paul Stein (International Union for Conservation of Nature (IUCN) Specialist Group on the Judiciary), “Why judges are essential to the rule of law and environmental protection,” Judges and the Rule of Law: Creating the Links: Environment, Human Rights and Poverty, IUCN Environmental Policy and Law Paper No. 60, Edited by Thomas Greiber, 2006]

The Johannesburg Principles state:

“We emphasize that the fragile state of the global environment requires the judiciary, as the guardian of the Rule of Law, to boldly and fearlessly implement and enforce applicable international and national laws, which in the field of environment and sustainable development will assist in alleviating poverty and sustaining an enduring civilization, and ensuring that the present generation will enjoy and improve the quality of life of all peoples, while also ensuring that the inherent rights and interests of succeeding generations are not compromised.”

There can be no argument that environmental law, and sustainable development law in particular, are vibrant and dynamic areas, both internationally and domestically. Judge Weeramantry (of the ICJ) has reminded us that we judges, as custodians of the law, have a major obligation to contribute to its development. Much of sustainable development law is presently making the journey from soft law into hard law. This is happening internationally but also it is occurring in many national legislatures and courts.

Fundamental environmental laws relating to water, air, our soils and energy are critical to narrowing the widening gap between the rich and poor of the world. Development may be seen as the bridge to narrow that gap but it is one that is riddled with dangers and contradictions. We cannot bridge the gap with materials stolen from future generations. Truly sustainable development can only take place in harmony with the environment. Importantly we must not allow sustainable development to be duchessed and bastardized.

A role for judges?

It is in striking the balance between development and the environment that the courts have a role. Of course, this role imposes on judges a significant trust. The balancing of the rights and needs of citizens, present and future, with development, is a delicate one. It is a balance often between powerful interests (private and public) and the voiceless poor. In a way judges are the meat in the sandwich but, difficult as it is, we must not shirk our duty. Pg. 53-54

#### Extinction of all complex life

Barry 13—Political ecologist with expert proficiencies in old forest protection, climate change, and environmental sustainability policy [Dr. Glen Barry (Ph.D. in "Land Resources" and Masters of Science in "Conservation Biology and Sustainable Development” from the University of Wisconsin-Madison), “ECOLOGY SCIENCE: Terrestrial Ecosystem Loss and Biosphere Collapse,” Forests.org, February 4, 2013, pg. http://forests.org/blog/2013/02/ecology-science-terrestrial-ec.asp

Blunt, Biocentric Discussion on Avoiding Global Ecosystem Collapse and Achieving Global Ecological Sustainability

Science needs to do a better job of considering worst-case scenarios regarding continental- and global-scale ecological collapse. The loss of biodiversity, ecosystems, and landscape connectivity reviewed here shows clearly that ecological collapse is occurring at spatially extensive scales. The collapse of the biosphere and complex life, or eventually even all life, is a possibility that needs to be better understood and mitigated against. A tentative case has been presented here that terrestrial ecosystem loss is at or near a planetary boundary. It is suggested that a 66% of Earth's land mass must be maintained in terrestrial ecosystems, to maintain critical connectivity necessary for ecosystem services across scales to continue, including the biosphere. Yet various indicators show that around 50% of Earth's terrestrial ecosystems have been lost and their services usurped by humans. Humanity may have already destroyed more terrestrial ecosystems than the biosphere can bear. There exists a major need for further research into how much land must be maintained in a natural and agroecological state to meet landscape and bioregional sustainable development goals while maintaining an operable biosphere.

It is proposed that a critical element in determining the threshold where terrestrial ecosystem loss becomes problematic is where landscape connectivity of intact terrestrial ecosystems erodes to the point where habitat patches exist only in a human context. Based upon an understanding of how landscapes percolate across scale, it is recommended that 66% of Earth's surface be maintained as ecosystems; 44% as natural intact ecosystems (2/3 of 2/3) and 22% as agroecological buffer zones. Thus nearly half of Earth must remain as large, connected, intact, and naturally evolving ecosystems, including old-growth forests, to provide the context and top-down ecological regulation of both human agroecological, and reduced impact and appropriately scaled industrial activities.

Given the stakes, it is proper for political ecologists and other Earth scientists to willingly speak bluntly if we are to have any chance of averting global ecosystem collapse. A case has been presented that Earth is already well beyond carrying capacity in terms of amount of natural ecosystem habitat that can be lost before the continued existence of healthy regional ecosystems and the global biosphere itself may not be possible. Cautious and justifiably conservative science must still be able to rise to the occasion of global ecological emergencies that may threaten our very survival as a species and planet.

Those knowledgeable about planetary boundaries—and abrupt climate change and terrestrial ecosystem loss in particular—must be more bold and insistent in conveying the range and possible severity of threats of global ecosystem collapse, while proposing sufficient solutions. It is not possible to do controlled experiments on the Earth system; all we have is observation based upon science and trained intuition to diagnose the state of Earth's biosphere and suggest sufficient ecological science–based remedies.

If Gaia is alive, she can die. Given the strength of life-reducing trends across biological systems and scales, there is a need for a rigorous research agenda to understand at what point the biosphere may perish and Earth die, and to learn what configuration of ecosystems and other boundary conditions may prevent her from doing so. We see death of cells, organisms, plant communities, wildlife populations, and whole ecosystems all the time in nature—extreme cases being desertification and ocean dead zones. There is no reason to dismiss out of hand that the Earth System could die if critical thresholds are crossed. We need as Earth scientists to better understand how this may occur and bring knowledge to bear to avoid global ecosystem and biosphere collapse or more extreme outcomes such as biological homogenization and the loss of most or even all life. To what extent can a homogenized Earth of dandelions, rats, and extremophiles be said to be alive, can it ever recover, and how long can it last?

The risks of global ecosystem collapse and the need for strong response to achieve global ecological sustainability have been understated for decades. If indeed there is some possibility that our shared biosphere could be collapsing, there needs to be further investigation of what sorts of sociopolitical responses are valid in such a situation. Dry, unemotional scientific inquiry into such matters is necessary—yet more proactive and evocative political ecological language may be justified as well. We must remember we are speaking of the potential for a period of great dying in species, ecosystems, humans, and perhaps all being. It is not clear whether this global ecological emergency is avoidable or recoverable. It may not be. But we must follow and seek truth wherever it leads us.

Planetary boundaries have been quite anthropocentric, focusing upon human safety and giving relatively little attention to other species and the biosphere's needs other than serving humans. Planetary boundaries need to be set that, while including human needs, go beyond them to meet the needs of ecosystems and all their constituent species and their aggregation into a living biosphere. Planetary boundary thinking needs to be more biocentric.

I concur with Williams (2000) that what is needed is an Earth System–based conservation ethic—based upon an "Earth narrative" of natural and human history—which seeks as its objective the "complete preservation of the Earth's biotic inheritance." Humans are in no position to be indicating which species and ecosystems can be lost without harm to their own intrinsic right to exist, as well as the needs of the biosphere. For us to survive as a species, logic and reason must prevail (Williams 2000).

Those who deny limits to growth are unaware of biological realities (Vitousek 1986). There are strong indications humanity may undergo societal collapse and pull down the biosphere with it. The longer dramatic reductions in fossil fuel emissions and a halt to old-growth logging are put off, the worse the risk of abrupt and irreversible climate change becomes, and the less likely we are to survive and thrive as a species. Human survival—entirely dependent upon the natural world—depends critically upon both keeping carbon emissions below 350 ppm and maintaining at least 66% of the landscape as natural ecological core areas and agroecological transitions and buffers. Much of the world has already fallen below this proportion, and in sum the biosphere's terrestrial ecosystem loss almost certainly has been surpassed, yet it must be the goal for habitat transition in remaining relatively wild lands undergoing development such as the Amazon, and for habitat restoration and protection in severely fragmented natural habitat areas such as the Western Ghats.

The human family faces an unprecedented global ecological emergency as reckless growth destroys the ecosystems and the biosphere on which all life depends. Where is the sense of urgency, and what are proper scientific responses if in fact Earth is dying? Not speaking of worst-case scenarios—the collapse of the biosphere and loss of a living Earth, and mass ecosystem collapse and death in places like Kerala—is intellectually dishonest. We must consider the real possibility that we are pulling the biosphere down with us, setting back or eliminating complex life.

The 66% / 44% / 22% threshold of terrestrial ecosystems in total, natural core areas, and agroecological buffers gets at the critical need to maintain large and expansive ecosystems across at least 50% of the land so as to keep nature connected and fully functional. We need an approach to planetary boundaries that is more sensitive to deep ecology to ensure that habitable conditions for all life and natural evolutionary change continue. A terrestrial ecosystem boundary which protects primary forests and seeks to recover old-growth forests elsewhere is critical in this regard. In old forests and all their life lie both the history of Earth's life, and the hope for its future. The end of their industrial destruction is a global ecological imperative.

Much-needed dialogue is beginning to focus on how humanity may face systematic social and ecological collapse and what sort of community resilience is possible. There have been ecologically mediated periods of societal collapse from human damage to ecosystems in the past (Kuecker and Hall 2011). What makes it different this time is that the human species may have the scale and prowess to pull down the biosphere with them. It is fitting at this juncture for political ecologists to concern themselves with both legal regulatory measures, as well as revolutionary processes of social change, which may bring about the social norms necessary to maintain the biosphere. Rockström and colleagues (2009b) refer to the need for "novel and adaptive governance" without using the word revolution. Scientists need to take greater latitude in proposing solutions that lie outside the current political paradigms and sovereign powers.

Even the Blue Planet Laureates' remarkable analysis (Brundtland et al. 2012), which notes the potential for climate change, ecosystem loss, and inequitable development patterns neither directly states nor investigates in depth the potential for global ecosystem collapse, or discusses revolutionary responses. UNEP (2012) notes abrupt and irreversible ecological change, which they say may impact life-support systems, but are not more explicit regarding the profound human and ecological implications of biosphere collapse, or the full range of sociopolitical responses to such predictions. More scientific investigations are needed regarding alternative governing structures optimal for pursuit and achievement of bioregional, continental, and global sustainability if we are maintain a fully operable biosphere forever. An economic system based upon endless growth that views ecosystems necessary for planetary habitability primarily as resources to be consumed cannot exist for long.
Planetary boundaries offer a profoundly difficult challenge for global governance, particularly as increased scientific salience does not appear to be sufficient to trigger international action to sustain ecosystems (Galaz et al. 2012). If indeed the safe operating space for humanity is closing, or the biosphere even collapsing and dying, might not discussion of revolutionary social change be acceptable? Particularly, if there is a lack of consensus by atomized actors, who are unable to legislate the required social change within the current socioeconomic system. By not even speaking of revolutionary action, we dismiss any means outside the dominant growth-based oligarchies.

In the author's opinion, it is shockingly irresponsible for Earth System scientists to speak of geoengineering a climate without being willing to academically investigate revolutionary social and economic change as well. It is desirable that the current political and economic systems should reform themselves to be ecologically sustainable, establishing laws and institutions for doing so. Yet there is nothing sacrosanct about current political economy arrangements, particularly if they are collapsing the biosphere. Earth requires all enlightened and knowledgeable voices to consider the full range of possible responses now more than ever.

One possible solution to the critical issues of terrestrial ecosystem loss and abrupt climate change is a massive and global, natural ecosystem protection and restoration program—funded by a carbon tax—to further establish protected large and connected core ecological sustainability areas, buffers, and agro-ecological transition zones throughout all of Earth's bioregions. Fossil fuel emission reductions must also be a priority. It is critical that humanity both stop burning fossil fuels and destroying natural ecosystems, as fast as possible, to avoid surpassing nearly all the planetary boundaries.

In summation, we are witnessing the collective dismantling of the biosphere and its constituent ecosystems which can be described as ecocidal. The loss of a species is tragic, of an ecosystem widely impactful, yet with the loss of the biosphere all life may be gone. Global ecosystems when connected for life's material flows provide the all-encompassing context within which life is possible. The miracle of life is that life begets life, and the tragedy is that across scales when enough life is lost beyond thresholds, living systems die.

## Politics

**Clean Debt Ceiling vote will pass**

BLOOMBERG 9 – 20 – 13 Senate Budget Chief Sees Republican Yield on Debt Lifting, <http://www.bloomberg.com/news/2013-09-19/senate-budget-chief-sees-republican-yield-on-debt-lifting.html>

Republicans seeking to curb President Barack Obama’s health-care law probably will capitulate to demands from Democrats to enact a “clean” bill raising the nation’s debt ceiling, the Senate’s top Democratic budget writer said.

“I see no deals on the debt ceiling,” Senator Patty Murray of Washington state, who leads the Budget Committee, said in an interview on Bloomberg Television’s “Political Capital with Al Hunt” airing this weekend.

“The downside of not paying our bills is our credit-rating tanks,” Murray said. “That affects every family, every business, every community. It affects Main Street. It affects Wall Street.”

Murray said she also expects Republicans to relent on their demands for stripping spending from Obama’s health plan as part of action on a spending bill needed to keep the government running after Sept. 30.

Republicans led by House Speaker John Boehner of Ohio have clashed with Obama over the debt ceiling, with the lawmakers demanding changes to spending programs as a condition of raising the $16.7 trillion federal borrowing limit.

Republicans “will come together with some mishmash policy of everything in the bag they’ve ever promised” to anti-tax Tea Party activists, though “they haven’t been able to get the votes for anything yet,” said Murray, 62, fourth-ranking Democrat in the Senate’s leadership.

**Plan kills Obama’s agenda**

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 276-77]

One of the mechanisms by which congressional opposition influences presidential cost-benefit calculations is by sending signals of American disunity to the target state. Measuring the effects of such congressional signals on the calculations of the target state is always difficult. In the case of Iraq it is exceedingly so, given the lack of data on the non-state insurgent actors who were the true “target” of the American occupation after the fall of the Hussein regime. Similarly, in the absence of archival documents, such as those from the Reagan Presidential Library presented in chapter 5, it is all but impossible to measure the effects of congressional signals on the administration’s perceptions of the military costs it would have to pay to achieve its objectives militarily.

By contrast. measuring the domestic political costs of congressional opposition, while still difficult, is at least a tractable endeavor. Chapter 2 posited two primary pathways through which congressional opposition could raise the political costs of staying the course militarily for the president. First. high-profile congressional challenges to a use of force can affect real or anticipated public opinion and bring popular pressures to bear on the president to change course. Second, congressional opposition to the president’s conduct of military affairs can compel him to spend considerable political capital in the military arena to the detriment of other major items on his programmatic agenda. On both of these dimensions, congressional opposition to the war in Iraq appears to have had the predicted effect.

#### Losing authority would embolden the GOP on the debt ceiling fight

SEEKING ALPHA 9 – 10 – 13 [“Syria Could Upend Debt Ceiling Fight” <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>]

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.

I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.

While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling. Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues. Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.

I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011. As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%.

Investors must be prepared for this "black swan" event. Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time. Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade. I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks. The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama. Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### Destroys the global economy

DAVIDSON 9 – 15 – 13 co-founder and co-host of Planet Money, a co-production of the NYT and NPR [Adam Davidson, Our Debt to Society, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=1&>]

The Daily Treasury Statement, a public accounting of what the U.S. government spends and receives each day, shows how money really works in Washington. On Aug. 27, the government took in $29 million in repaid agricultural loans; $75 million in customs and duties; $38 million in the repayment of TARP loans; some $310 million in taxes; and so forth. That same day, the government also had bills to pay: $247 million in veterans-affairs programs; $2.5 billion to Medicare and Medicaid; $1.5 billion each to the departments of Education and Defense. By the close of that Tuesday, when all the spending and the taxing had been completed, the government paid out nearly $6 billion more than it took in.

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. Congress has imposed a strict limit on how much debt the federal government can accumulate, but for nearly 90 years, it has raised the ceiling well before it was reached. But since a large number of Tea Party-aligned Republicans entered the House of Representatives, in 2011, raising that debt ceiling has become a matter of fierce debate. This summer, House Republicans have promised, in Speaker John Boehner’s words, “a whale of a fight” before they raise the debt ceiling — if they even raise it at all.

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.

Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.

Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.

Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.

While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.

The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Global nuke wars

Kemp 10—Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace [Geoffrey Kemp, 2010, *The East Moves West: India, China, and Asia’s Growing Presence in the Middle East*, p. 233-4]

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

## 1NC drone prolif

**No reverse casual modeling internal link --- we can’t reverse the precedent that has already been set**

**Boot 11** (Max Boot, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, leading military historian and foreign-policy analyst, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, October 9, 2011, http://www.commentarymagazine.com/2011/10/09/drone-arms-race/)

The New York Times engages in some scare-mongering today about a drone arms race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.

“The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.

**The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example.** In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.

Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?

While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

**No impact --- drones are ineffective and there’s no incentive for them be used on a wide-scale --- they’ll be easily countered even if they are with limited escalation**

**Lewis 11** (Michael W. Lewis, professor of international law and the law of war at Ohio Northern University School of Law, former Navy fighter pilot, and coauthor of ‘The War on Terror and the Laws of War: A Military Perspective,’ “Unfounded Drone Fears,” Los Angeles Times, October 17, 2011, http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.

While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled.

Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are **not effective weapons** of conventional warfare. The unmanned aerial vehicles are slow and **extremely vulnerable** to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.

Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.

It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.

Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force. The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.

Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems **remote at best.**

Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.

It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.

**No Indo-Pak War – Economy and resolving disputes**

**Mahapatra 3/9**/12 (Dr Debidatta Aurobinda Mahapatra is currently associated with the Centre for Central Eurasian Studies, University of Mumbai, India. His areas of expertise include Kashmir, conflict, peace and development and South Asia., http://www.strategic-culture.org/news/2012/03/09/positive-reckoning-of-india-pakistan-relations.html)

Developments in past few weeks provide enough indication that India-Pakistan relations have changed significantly mainly owing to a sea change in the mindset of leaders of both the countries. Mutual understanding on various complex issues such as Kashmir, free trade regime and cross border trade clearly reflected the increasing pragmatic nature of relations which are no more governed by earlier rhetoric without any substance. Another perceptible change in relations is that retired diplomats and bureaucrats, as well as government officials in both the countries, have started speaking in plain language of dialogue and reconciliation with overt focus on issues of economic development and cooperation, while shelving contentious issues for the time being. Such an evolving format undoubtedly has its detractors, but their constituency has shrunk rapidly in past few months. The civilian governments in New Delhi and Islamabad appear to have developed a new understanding as to how to manage bilateral relations in a mutually beneficial framework. On 7 March 2012 one of the well known strategic think tanks in Islamabad called Institute of Strategic Studies organized a talk under the title “Pakistan’s Political and Economic Imperatives Require it to Pursue a Path Towards Normalisation of Relations with India, Even if an Acceptable Kashmir Settlement Remains Elusive for the Foreseeable Future.” Speaking on the occasion Ambassador (retd.) Najmuddin A. Sheikh one of the noted commentators of Pakistan strongly argued that both the countries can work together and engage in bilateral trade for economic development. Referring to his argument, the online Pak Observer noted, “it was vital to move the country out of the horrifying poverty levels for which non-tariff trade with India was partly the solution, along with fostering regional cooperation to promote overland trade. This would generate huge sums of money in the shape of revenue for Pakistan, create millions of jobs and increase Pakistan’s share in international trade.” At the end of the debate majority votes were in favour of strong India-Pakistan relations. Air Vice-Marshal (retd.), Shahzad Chaudhury of Pakistan while writing in Pakistan Tribune on 8 March 2012 hailed in clear terms the recent initiatives between the two countries. According to him, Pakistan “must include a genuine cost-benefit analysis that indicates the realism in actualizing some of Pakistan’s long-held objectives.” This pragmatism in relations was equally reciprocated by Indian opinion makers and officials. Indian Commerce Minister, Anand Sharma is a strong votary of synergizing India-Pakistan economic relations. He led a big delegation of Indian businessmen to Pakistan few weeks ago, which was highly appreciated by Pakistan. Some of the Indian strategic analysts have called these initiatives ‘historic.’ One of the noted Indian commentators C. Raja Mohan wrote in the Indian Express, “Despite some residual opposition, Zardari and Gilani have delivered on normalising commercial relations with India.” Currently the bilateral trade at the level of $2.7 billion appears miniscule keeping in mind the vast potentials both the countries possess. One of the significant developments that can be certainly called historic is the understanding between both the countries to go slow on the issue of Kashmir, and focus on non-contentious issues for mutual advantage. Under the initiative of Prime Minister Manmohan Singh of India and Prime Minister Yusuf Raja Gilani of Pakistan, both the countries have revived unofficial dialogue on this vexed issue after considerable gap. In this dialogue process Indian side is led by Satinder Lambah and Pakistani side is led by Riaz Khan. One of the interesting developments in this context is that both the countries have moderated their rigid positions on the issue. The speech of Prime Minister Gilani certainly magnifies this point. Last month on the Kashmir solidarity day, in which the usual tradition is to highlight the Kashmir issue with all vigour, Gilani seemed to downplay the contentious nature of the issue by using the tone of reconciliation. He openly proclaimed in Islamabad, “We want to resolve issues through dialogue, diplomacy, prudent policy and national consensus.” To the hardliners his message was very clear. He emphasized the futility of war and violence as four wars have already been fought over Kashmir but without any solution. In the 21st century, in the era of globalization and people-centric development, the Pakistani Prime Minister declared with statesmanship that ‘we cannot afford wars.’ This must be a clear message to hardliners and particularly the religious extremists who have resorted to methods of terrorist violence to address contentious issues including Kashmir.

## 1NC legitimacy

**The plan wouldn’t solve drone prolif or legitimacy --- countries would perceive secrecy and hypocrisy as a rubber stamp**

**Rona 13** (Gabor Rona, international legal director at Human Rights First, “The Pro-Rule of Law Argument Against a ‘Drone Court,’” The Hill, February 27, 2013, http://thehill.com/blogs/congress-blog/judicial/285041-the-pro-rule-of-law-argument-against-a-drone-court)

A “drone court” would be unjust because the proposed target would be unable to appear and make the case for preserving his life. A secret judicial process in which the right to life is at stake but the owner of that life has no say is an affront both to American values and international legal principles.

While doing much harm, a “drone court” would do little, if any, good. Supporters like the idea because it appears to provide some check on the President’s secretive exercise of this lethal unilateral power. But what judge would risk preventing the interception of a terrorist? What’s more likely is that the drone court would be a rubber stamp, creating only the appearance, not the reality, of justice.

In wartime, the president may authorize killing of members of enemy armed forces or anyone else directly participating in hostilities. In an unconventional war such as this one, where the definition of the “enemy” and its “armed forces” isn’t always clear, the president needs to disclose how he defines that enemy and determines who is a member of its armed forces or otherwise participating in its fight against the United States, so that we can have some assurance he’s not killing the wrong people. A secret court would have no special expertise in making that determination.

Outside an active armed conflict, the legal standards are different: a suspect can be targeted for death only if he poses an “imminent threat” to human life that cannot be thwarted by non-lethal means. Here a “drone court” would be especially useless. We wouldn’t want the military to have to jump through judicial hoops to thwart a truly imminent attack. If the threat is imminent, there is, by definition, no time to seek judicial review, and if there is time, the threat is, by definition, not imminent.

But a “drone court” would be worse than ineffective: it would harm national security. Throughout the “war on terror,” policies that offend international law, including the broad scope of the government's claimed authority to kill, have inhibited allies from sharing essential intelligence with the United States and damaged the country’s reputation as a beacon on human rights. **A secret court would only reinforce the perception that the U**nited **S**tates **concocts its own secret rules while insisting that other countries follow the international public ones.**

#### Not solve brooks -- miltiary

#### Heg isn’t key to global cooperation

**IKENBERRY 11** – (May/June issue of Foreign Affairs, G. John, PhD, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, “The Future of the Liberal World Order,” http://www.foreignaffairs.com/

articles/67730/g-john-ikenberry/the-future-of-the-liberal-world-order?page=show)

For all these reasons, many observers have concluded that world politics is experiencing not just a changing of the guard but also a transition in the ideas and principles that underlie the global order. The journalist Gideon Rachman, for example, says that a cluster of liberal internationalist ideas -- such as faith in democratization, confidence in free markets, and the acceptability of U.S. military power -- are all being called into question. According to this worldview, the future of international order will be shaped above all by China, which will use its growing power and wealth to push world politics in an illiberal direction. Pointing out that China and other non-Western states have weathered the recent financial crisis better than their Western counterparts, pessimists argue that an authoritarian capitalist alternative to Western neoliberal ideas has already emerged. According to the scholar Stefan Halper, emerging-market states "are learning to combine market economics with traditional autocratic or semiautocratic politics in a process that signals an intellectual rejection of the Western economic model." Today's international order is not really American or Western--even if it initially appeared that way. But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order -- benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system. In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system -- the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession -- the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it. To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive. Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

#### Shared interests and regionalization will keep the peace

Buzan 11—Professor of International Relations at London School of Economics [Barry Buzan, “A World Order Without Superpowers: Decentred Globalism,” International Relations, March 2011, 25(1) pg. 3–25]

There are many reasons to think that a regionalized international order would work quite well. The generic worry about such an order stems from the experience of most of the 20th century, when imperial powers competed with each other either over their spheres of influence or over whether one of them could dominate the whole world, and the 1930s’ experience is often cited as a warning against going down this route.45 For several reasons the danger of a struggle for global hegemony seems no longer very salient. **First**, the West is in relative decline, and **other regions are mainly defensive** in outlook, trying to maintain their political and cultural characteristics, and find their own route to modernization, against Western pressure. Nobody else obviously wants the job of global leader. **Second** any potential **global hegemon will be constrained** both by the breadth and depth of anti-hegemonism, and by the difficulty of acquiring the necessary material preponderance and social standing. **Third**, there are **no deep ideological or racist differences** to fuel conflict like those that dominated the 20th century. **Fourth**, all the great powers fear both war and economic breakdown, and have a **commitment to maintain**ing **world trade**. Nobody wants to go back to the autarchic, empire-building days of the 1930s.

In addition, a good case can be made that sufficient shared values exist to underpin a reasonable degree of global-level coexistence and cooperation even in a more regionalized international order. Logics additional to Waltz’s unit veto ideas about the proliferation of nuclear weapons46 are in play: cultural, political and economic factors can also work to produce a stable international order. The world will certainly divide on whether the move towards such an order is a good thing or not. Liberals, both in the West and elsewhere, will lament the weakening of their universalist project, and fear the rise of various parochialisms, some possibly quite nasty. Whatever its merits, a more regionalized world order would mark a retreat from universalist liberal agendas of both a political and an economic sort. The loss of hegemonic leadership would probably mean a reduction in the overall management capacity of the system, though even that is not a given. One should not underestimate the possibilities for innovation on this front once the now in-built habit of dependence on US leadership is broken. On the economic side, regions would still provide a **halfway house for economies of scale**, **and there would still be** a lot of **global trade and cooperation** on many functional matters from big science to environmental management. It is not without significance that even during the depths of the Cold War, the Americans and the Soviets were able to negotiate on common survival issues such as nuclear testing, non-proliferation and arms control. However, there would no longer be an attempt to run a financially integrated global economy.

Some in the West would be relieved to end an increasingly outdated, unsuccessful, unpopular and costly hegemony, and many in other parts of the world would be equally glad to get the West off their backs. For those who think that the tensions among a rampant global economy, a thin interstate society and a humankind still deeply divided by identities laid down centuries or millennia ago are becoming too great to handle, some retreat from the overambitions of global governance might be welcome. Perhaps the premature attempt at global governance has created more management problems than current human social and political capacities are able to solve. A less ambitious world order, with regions looking after themselves more, might well remain **peaceful and involve fewer frictions and failures**. A consensus might emerge that a period of regional-scale experiments in organizing a capitalist political economy is desirable before any return to global governance is attempted.

The big question would be whether a world regionalized in this way could still come up with the level of **global management** necessary to deal with collective problems such as climate change, crime, terrorism, trade, migration and arms control. Grounds for confidence here can be found in the degree to which a number of key institutions have been naturalized across nearly all of international society. Some of the more liberal institutions (democracy, human rights) are of course contested even at the elite level. Yet quite a few other institutions have become substantially naturalized across many populations. At the level of state elites, sovereignty, territoriality, non-intervention, diplomacy, international law, great power management, nationalism, self-determination (not all versions), popular sovereignty, progress, equality of people(s) and, up to a point, the market (more for trade and production than finance) are all pretty deeply internalized and not contested as principles. Particular instances or applications may excite controversy, but the basic institutions of a pluralist, coexistence, interstate society have wide support among states, and pretty wide support amongst peoples and transnational actors. Most liberation movements seek sovereignty. Most peoples are comfortable with nationalism, territoriality, sovereignty and the idea of progress. Most transnational actors want and need a stable legal framework. Even as Western power declines, it does not seem unreasonable to think that most of these pluralist institutions will remain in place, as too might the modest, and hopefully increasing, level of commitment to environmental stewardship.

These shared institutions provide an **important foundation for the maintenance of international order** among regional international societies. The reduced management capacity caused by weaker leadership and the removal of hegemony at the global level would to some extent be balanced by a reduced agenda of things to be managed. A world without a central hegemony would have much less Western interference in other parts of the world, and therefore might well have fewer of the type of global problems that arise from such interference, such as al Qaeda. Tensions over hegemonic interventions would decline if regions were, for better or worse, left more to handle their own affairs. There might also be a considerably more modest view of how much economic integration was desirable at the global level. A regionalized world under contemporary conditions **would not look like the 1930s**. Its interaction culture47 would be one of friends and rivals, not one of rivals and enemies. Pg. 17-19

### A2 groupthink

#### Obama avoids groupthink

**Kennedy 12** – JD from the University of Southern California Gould School of Law [Brandon Kennedy (MA in Regional Studies (Middle East) from Harvard Graduate School of Arts and Sciences), “NOTE: THE HIJACKING OF FOREIGN POLICY DECISION MAKING: GROUPTHINK AND PRESIDENTIAL POWER IN THE POST-9/11 WORLD,” Southern California Interdisciplinary Law Journal, 21 S. Cal. Interdis. L.J. 633, Spring 2012

A. Anti-Groupthink Decision-Making Practices
The Obama team adopted several decision-making practices that helped counter the groupthink that had plagued the Bush team. These practices produced a moderate level of cohesiveness, greatly limited structural organizational faults, and reduced threats that could give rise to a provocative situational context.

1. Building Moderate Cohesiveness
"Hillary and I were friends before this started ... . We had this very vituperative campaign, but, you know, she is smart and we ought to be able to do something with her." n225 After his election, Obama sought out people to fill the Cabinet and White House staff positions based on each member's experience and the different contributions they could bring to the table. While political ideology was one factor to consider, it was not elevated above other qualities. Above all, Obama seemed to want to succeed by considering all possible options, and the only way to do that was by including people who thought differently from him and who would challenge his thinking. n226

Obama thus set about to build a team that would work well together, but whose members would also engage in critical thinking and evaluate all possible options when making decisions. Obama sought to strike this balance by including both friends and political allies, such as David Axelrod and Rahm Emanuel, and also outsiders and even former rivals. n227 For example, in a somewhat controversial move, Obama chose to keep Bush's Secretary of Defense, Robert Gates, citing the importance of continuity and expertise. n228 Obama also wished to heal the wounds inflicted  [\*671]  during a bitter nomination campaign and appoint a strong Secretary of State, so he offered Hillary Clinton the post. n229 For the position of CIA Director, Obama chose Leon Panetta, who, as an outsider, would help improve the Agency's image, which had been severely tarnished due to controversial pre-Iraq War intelligence, interrogation techniques, and its domestic spying program. n230 Thus, the manner in which Obama built his decision-making group laid the foundation for avoiding groupthink.

**No risk of** great **power conflict over Africa.**

**Barrett 5** (Robert Barrett 05, PhD Military & Strategic Studies, U of Calgary, 6/1, <http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID726162_code327511.pdf?abstractid=726162&mirid=1>)

Westerners eager to promote democracy must be wary of African politicians who promise democratic reform without sincere commitment to the process. Offering money to corrupt leaders in exchange for their taking small steps away from autocracy may in fact be a way of pushing countries into anocracy. As such, world financial lenders and interventionists who wield leverage and influence must take responsibility in considering the ramifications of African nations who adopt democracy in order to maintain elite political privileges. The obvious reason for this, aside from the potential costs in human life should conflict arise from hastily constructed democratic reforms, is the fact that Western donors, in the face of intrastate war would then be faced with channeling funds and resources away from democratization efforts and toward conflict intervention based on issues of human security. This is a problem, as Western nations may be increasingly wary of intervening in Africa hotspots after experiencing firsthand the unpredictable and unforgiving nature of societal warfare in both Somalia and Rwanda. On a costbenefit basis, the West continues to be somewhat reluctant to get involved in Africa’s dirty wars, evidenced by its political hesitation when discussing ongoing sanguinary grassroots conflicts in Africa. Even as the world apologizes for bearing witness to the Rwandan genocide without having intervened, the U nited S tates, recently using the label ‘genocide’in the context of the Sudanese conflict (in September of 2004), has only proclaimed sanctions against Sudan, while dismissing any suggestions at actual intervention (Giry, 2005). Part of the problem is that traditional military and diplomatic approachs at separating combatants and enforcing ceasefires have yielded little in Africa. No powerful nations want to get embroiled in conflicts they cannot win – especially those conflicts in which the intervening nation has very little interest.

**Africa war is inevitable or empirically denied** – laundry list of examples

**Deutsch 2** Dr. Jeffrey Deutsch, founder of the Rabid Tiger Project, December 15, 2002, The Rabid Tiger Newsletter, Vol. II, No. 10, “Africa’s Horn O’Plenty (of Trouble),” <http://www.rabidtigers.com/rtn/newsletterv2n10.html>)

We must keep in mind that trouble can develop in other parts of the world on short notice. In particular, Africa is host to various conflicts, which may involve US interests. We will discuss one of the most contentious regions, the Horn of Africa (the easternmost part of Africa, south and west of the Arabian peninsula and on the Indian Ocean), in this issue. The Horn of Africa was a Cold War arena, as the US and the Soviet Union supported Ethiopia and Somalia (not necessarily respectively) in a long-running war between them. Since then, Eritrea, which comprised the whole Red Sea coastal area of Ethiopia, has seceded, leaving Ethiopia landlocked. Eritrea and Ethiopia have only been at peace for two years, and UN officials are still establishing their common boundary. Ethiopia’s borders with her neighbors the Sudan and Somalia (with whom Ethiopia is now at least officially at peace) have not yet been clarified. Somalia has been in anarchy for over a decade, and one of then-Presidents George H. W. Bush’s and Bill Clinton’s failures was a deployment of ground forces to Somalia in 1992-3 - Operation Restore Hope - in an attempt to protect humanitarian aid supplies. There is now a facade of a central government in Mogadishu, the capital, but its writ does not go very far as opposed to the will of various clans and tribes, the most powerful of which are the two effectively independent northern regions Somaliland and Puntland. Kenya, a country friendly to the US and bordering Somalia to the south, has suffered al-Qaeda attacks. Most recently, on November 28, 2002, an Israeli-owned hotel was attacked by suicide bombers, and a Tel Aviv-bound passenger plane taking off from Mombasa narrowly escaped destruction by a shoulder-fired surface-to-air missile. Meanwhile, Sudan is suffering a civil war of her own, between the Muslim rulers in the north and the non-Muslims (partly but not mainly Christian) in the south. In fact, some Muslim parties in the north have joined the rebels. Sudan’s civil war is very much a religious one: Sudan is a Muslim theocracy with many people who object to Muslim religious rule. Sudan is under the shari’a - the Islamic law, which applies to everyone (at least where the government effectively rules in the north). By contrast, Eritrea, which also has both many Muslims and some non-Muslims (especially Coptic Christian, Roman Catholic and Protestant), has a secular set of laws, with shari’a law that only applies to cases with Muslim parties. Eritrea, like Somalia (and to a smaller extent Sudan) occupies a strategic position near the Arabian peninsula. In fact, Eritrea has disputed with Yemen the ownership of certain tiny Red Sea islands. Eritrea has an air force as well as a navy, which enable her to influence events on the peninsula and possibly beyond. Eritrea also has the enmity of her neighbors Ethopia, Sudan and Yemen. Eritrea had fought for her freedom from Ethopia and won it only in 1993, and also been at war with Ethiopia from 1998 until a peace treaty was signed in December 2000. Eritrea has also been alleged to support some Sudanese insurgents. Last but not least, Eritrea’s relations with the US have cooled since the arrest of two (Eritrean) employees of the US Embassy. The employees have been jailed for over a year without trial - according to some sources because they are thought to have leaked information to the press adverse to the government of President Afworki Isaias.

#### Decline doesn’t cause war

Fettweis 11—Professor of Poli Sci @ Tulane University [Christopher J. Fettweis, “The Superpower as Superhero: Hubris in U.S. Foreign Policy,” Paper prepared for presentation at the 2011 meeting of the American Political Science Association, September 1-4, Seattle, WA, September 2011, pg. http://ssrn.com/abstract=1902154]

The final and in some ways most important pathological belief generated by hubris places the United States at the center of the current era of relative peace. “All that stands between civility and genocide, order and mayhem,” explain Kaplan and Kristol, “is American power.”68 This belief is a variant of what is known as the “hegemonic stability theory,” which proposes that international peace is only possible when there is one country strong enough to make and enforce a set of rules.69 Although it was first developed to describe economic behavior, the theory has been applied more broadly, to explain the current proliferation of peace. At the height of Pax Romana between roughly 27 BC and 180 AD, for example, Rome was able to bring an unprecedented level of peace and security to the Mediterranean. The Pax Britannica of the nineteenth century brought a level of stability to the high seas. Perhaps the current era is peaceful because the United States has established a de facto Pax Americana in which no power is strong enough to challenge its dominance, and because it has established a set of rules that are generally in the interests of all countries to follow. Without a benevolent hegemon, some strategists fear, instability may break out around the globe.70 Unchecked conflicts could bring humanitarian disaster and, in today’s interconnected world, economic turmoil that could ripple throughout global financial markets. There are good theoretical and empirical reasons, however, to doubt that U.S hegemony is the primary cause of the current stability.¶ First, the hegemonic-stability argument shows the classic symptom of hubris: It overestimates the capability of the United States, in this case to maintain global stability. No state, no matter how strong, can impose peace on determined belligerents. **The U.S. military** may be the most imposing in the history of the world, but it can only police the system if the other members generally cooperate. Self-policing must occur, in other words; if other states had not decided on their own that their interests are best served by peace, then no amount of international constabulary work by the United States could keep them from fighting. The five percent of the world’s population that lives in the United States simply cannot force peace upon an unwilling ninety-five percent. Stability and unipolarity may be simply coincidental.¶ In order for U.S. hegemony to be the explanation for global stability, the rest of the world would have to expect reward for good behavior and fear punishment for bad. Since the end of the Cold War, the United States has not been especially eager to enforce any particular rules. Even rather incontrovertible evidence of genocide has not been enough to inspire action. Hegemonic stability can only take credit for influencing those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. Since most of the world today is free to fight without U.S. involvement, something else must be preventing them from doing so.71 Stability exists in many places where no hegemony is present. Ethiopia and Eritrea are hardly the only states that could go to war without the slightest threat of U.S. intervention, yet few choose to do so.¶ Second, it is worthwhile to repeat one of the most basic observations about misperception in international politics, one that is magnified by hubris: Rarely are our actions as consequential upon their behavior as we believe them to be. The ego-centric bias suggests that while it may be natural for U.S. policymakers to interpret their role as crucial in the maintenance of world peace, they are almost certainly overestimating their own importance. At the very least, the United States is probably not as central to the myriad decisions in foreign capitals that help maintain international stability as it thinks it is.¶ Third, if U.S. security guarantees were the primary cause of the restraint shown by the other great and potentially great powers, then those countries would be demonstrating an amount of **trust** in the intentions, judgment and wisdom of another that would be **without precedent in** international **history**. If the states of Europe and the Pacific Rim detected a good deal of danger in the system, relying entirely on the generosity and sagacity (or, perhaps the naiveté and gullibility) of Washington would be the height of strategic irresponsibility. Indeed it is hard to think of a similar choice: When have any capable members of an alliance virtually disarmed and allowed another member to protect their interests? It seems more logical to suggest that the other members of NATO and Japan just do not share the same perception of threat that the United States does. If there was danger out there, as so many in the U.S. national security community insist, then the grand strategies of the allies would be quite different. Even during the Cold War, U.S. allies were not always convinced that they could rely on U.S. security commitments. Extended deterrence was never entirely comforting; few Europeans could be sure that United States would indeed sacrifice New York for Hamburg. In the absence of the unifying Soviet threat, their trust in U.S. commitments for their defense would presumably be lower—if in fact that commitment was at all necessary outside of the most pessimistic works of fiction.¶ Furthermore, in order for hegemonic stability logic to be an adequate explanation for restrained behavior, allied states must not only be fully convinced of the intentions and capability of the hegemon to protect their interests; they must also trust that the hegemon can interpret those interests correctly and consistently. As discussed above, the allies do not feel that the United States consistently demonstrates the highest level of strategic wisdom. In fact, they often seem to look with confused eyes upon our behavior, and are unable to explain why we so often find it necessary to go abroad in search of monsters to destroy. They will participate at times in our adventures, but minimally and reluctantly.¶ Finally, while believers in hegemonic stability as the primary explanation for the long peace have articulated a logic that some find compelling, they are rarely able to cite much evidence to support their claims. In fact, the limited empirical data we have suggests that there is little connection between the relative level of U.S. activism and international stability. During the 1990s, the United States cut back on defense fairly substantially, spending $100 billion less in real terms in 1998 that it did in 1990, which was a twenty-five percent reduction.72 To defense hawks and other believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace,” argued Kristol and Kagan.”73 If global stability were unrelated to U.S. hegemony, however, one would not have expected an increase in conflict and violence.¶ The verdict from the last two decades is fairly plain: The world grew more peaceful while the United States cut its forces.74 No state believed that its security was endangered by a less-capable U.S. military, or at least none took any action that would suggest such a belief. **No defense establishments were enhanced** to address power vacuums; **no security dilemmas drove insecurity or arms races; no regional balancing occurred** after the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped that spending back up. The two phenomena are unrelated.¶ These figures will not be enough to convince skeptics. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability, and one could also presumably argue that spending is not the only or even the best indication of hegemony, that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not be expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered.¶ However, two points deserve to be made. First, even if it were true that either U.S. commitments or relative spending account for global pacific trends, it would remain the case that stability can be maintained at drastically lower levels. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still cut back on engagement and spending until that level is determined. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if, as many suspect, this era of global peace proves to be inherently stable because normative evolution is typically unidirectional, then no increase in conflict would ever occur, irrespective of U.S. spending.75 Abandoning the mission to stabilize the world would save untold trillions for an increasingly debt-ridden nation.¶ Second, it is also worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then surely hegemonists would note that their expectations had been justified. If increases in conflict would have been interpreted as evidence for the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the relationship between U.S. power and international stability suggests that the two are unrelated. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.¶ It requires a good deal of hubris for any actor to consider itself indispensable to world peace. Far from collapsing into a whirlwind of chaos, the chances are high that the world would look much like it does now if the United States were to cease regarding itself as God’s gladiator on earth. The people of the United States would be a lot better off as well.

# 1NR

## Heg

#### Ikenberry answers transition wars

#### Retrenchment solvestransiktions wars

MacDonald & Parent 11—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

Our findings are directly relevant to what appears to be an impending great power transition between China and the United States. Estimates of economic performance vary, but most observers expect Chinese GDP to surpass U.S. GDP sometime in the next decade or two. 91 This prospect has generated considerable concern. Many scholars foresee major conflict during a Sino-U.S. ordinal transition. Echoing Gilpin and Copeland, John Mearsheimer sees the crux of the issue as irreconcilable goals: China wants to be America’s superior and the United States wants no peer competitors. In his words, “[N]o amount of goodwill can ameliorate the intense security competition that sets in when an aspiring hegemon appears in Eurasia.” 92

Contrary to these predictions, our analysis suggests some grounds for optimism. Based on the historical track record of great powers facing acute relative decline, the United States should be able to retrench in the coming decades. In the next few years, the United States is ripe to overhaul its military, shift burdens to its allies, and work to decrease costly international commitments. It is likely to initiate and become embroiled in fewer militarized disputes than the average great power and to settle these disputes more amicably. Some might view this prospect with apprehension, fearing the steady erosion of U.S. credibility. Yet our analysis suggests that retrenchment need not signal weakness. Holding on to exposed and expensive commitments simply for the sake of one’s reputation is a greater geopolitical gamble than withdrawing to cheaper, more defensible frontiers.

Some observers might dispute our conclusions, arguing that hegemonic transitions are more conflict prone than other moments of acute relative decline. We counter that there are deductive and empirical reasons to doubt this argument. Theoretically, hegemonic powers should actually find it easier to manage acute relative decline. Fallen hegemons still have formidable capability, which threatens grave harm to any state that tries to cross them. Further, they are no longer the top target for balancing coalitions, and recovering hegemons may be influential because they can play a pivotal role in alliance formation. In addition, hegemonic powers, almost by definition, possess more extensive overseas commitments; they should be able to more readily identify and eliminate extraneous burdens without exposing vulnerabilities or exciting domestic populations.

We believe the empirical record supports these conclusions. In particular, periods of hegemonic transition do not appear more conflict prone than those of acute decline. The last reversal at the pinnacle of power was the AngloAmerican transition, which took place around 1872 and was resolved without armed confrontation. The tenor of that transition may have been influenced by a number of factors: both states were democratic maritime empires, the United States was slowly emerging from the Civil War, and Great Britain could likely coast on a large lead in domestic capital stock. Although China and the United States differ in regime type, similar factors may work to cushion the impending Sino-American transition. Both are large, relatively secure continental great powers, a fact that mitigates potential geopolitical competition. 93 China faces a variety of domestic political challenges, including strains among rival regions, which may complicate its ability to sustain its economic performance or engage in foreign policy adventurism. 94

Most important, the United States is not in free fall. Extrapolating the data into the future, we anticipate the United States will experience a “moderate” decline, losing from 2 to 4 percent of its share of great power GDP in the five years after being surpassed by China sometime in the next decade or two. 95 Given the relatively gradual rate of U.S. decline relative to China, the incentives for either side to run risks by courting conflict are minimal. The United States would still possess upwards of a third of the share of great power GDP, and would have little to gain from provoking a crisis over a peripheral issue. Conversely, China has few incentives to exploit U.S. weakness. 96 Given the importance of the U.S. market to the Chinese economy, in addition to the critical role played by the dollar as a global reserve currency, it is unclear how Beijing could hope to consolidate or expand its increasingly advantageous position through direct confrontation. In short, the United States should be able to reduce its foreign policy commitments in East Asia in the coming decades without inviting Chinese expansionism. Indeed, there is evidence that a policy of retrenchment could reap potential benefits. The drawdown and repositioning of U.S. troops in South Korea, for example, rather than fostering instability, has resulted in an improvement in the occasionally strained relationship between Washington and Seoul. 97 U.S. moderation on Taiwan, rather than encouraging hard-liners in Beijing, resulted in an improvement in cross-strait relations and reassured U.S. allies that Washington would not inadvertently drag them into a Sino-U.S. conflict. 98 Moreover, Washington’s support for the development of multilateral security institutions, rather than harming bilateral alliances, could work to enhance U.S. prestige while embedding China within a more transparent regional order. 99 A policy of gradual retrenchment need not undermine the credibility of U.S. alliance commitments or unleash destabilizing regional security dilemmas. Indeed, even if Beijing harbored revisionist intent, it is unclear that China will have the force projection capabilities necessary to take and hold additional territory. 100 By incrementally shifting burdens to regional allies and multilateral institutions, the United States can strengthen the credibility of its core commitments while accommodating the interests of a rising China. Not least among the benefits of retrenchment is that it helps alleviate an unsustainable financial position. Immense forward deployments will only exacerbate U.S. grand strategic problems and risk unnecessary clashes. 101

## legit

### Overview

#### No U arg means they have no offense on this DA

#### Their restriction triggers a fight between the President and the Court that eviscerates judicial legitimacy needed to establish a legal framework for sustainable development. That’s Devins, Fisher, and Stein

#### The impact massively outweighs the case. Failure risks the destruction of all complex life on Earth. We will cross the planetary boundaries that sustain our food production, nutrient cycling, and climate regulation. That’s Barry

#### Court’s public trust doctrine is key to sustainable development. Now is the key time. We are dangerously close to planetary boundaries

Sagarin & Turnipseed 12—Research Scientist in the Institute of the Environment @ University of Arizona & Postdoctoral Researcher @ National Center for Ecological Analysis and Synthesis, University of California, Santa Barbara [Dr. Raphael D. Sagarin & Dr. Mary Turnipseed, “The Public Trust Doctrine: Where Ecology Meets Natural Resources Management,” Annual Review of Environment and Resources. 2012. 37:473–96

We are failing to preserve ecosystems and their services on which humanity relies. Forests, freshwater sources, oceans, and the atmosphere itself are all at degraded states and may be hovering dangerously close to “planetary boundaries” (1), where they will no longer provide the services of food production, nutrient cycling, and climate regulation as they do currently. These resources are common-pool resources, meaning resources from which it is hard (i.e., costly) to exclude users but simultaneously are subject to degradation from overuse (2). It has proven difficult to devise ways of governing our sustainable use of common-pool resources.

A particular legal doctrine called the public trust doctrine (PTD), which appears in several countries but initially evolved in the United States, is appealing to environmental law and policy scholars on both philosophical and practical grounds. In its most basic interpretation, it states that certain natural resources cannot be subject to private ownership and must be held in trust for the people of a State (or US state) by the government. Governments must manage trust resources for the exclusive benefit of their citizens, both current and future, and if they fail to do so, citizens can seek remedy in the courts. Philosophically, the PTD is appealing because it provides a framework for structuring the relationship among citizens, both current and future, the governments they elect, and natural resources and the services they provide. Additionally, by protecting the rights of both current and future citizens to functioning ecosystems, the PTD is tied to the important notion in international environmental governance of intergenerational equity.

Practically, the PTD is appealing because it scales well from backyard creeks to international waters, and from resources with clear monetary value (e.g., fish) to those with more diffuse values (e.g., intact ecosystems). It is widely incorporated in US states’ law and has increasingly been used in other countries by their legislatures to prescribe a more accountable way forward for environmental governance and by their courts to prevent harm to trust resources or demand their restoration.

Achieving laws and policies that prevent overuse of natural resources is an imperative in the enduring global effort to achieve sustainable development (3). With the current global negotiations about sustainable development, climate change, and high seas governance, not to mention ongoing environmental conflicts at every level, now is an opportune time to clarify the PTD and its potential opportunities and pitfalls as a tool for more effective and sustainable natural resources management. Depending on one’s perspective, the PTD could be a powerful tool for recognizing ecological advances in law and policy or a dangerously unwieldy cudgel that threatens democracy and property rights. Those who advocate in academic discussions, court cases, legislative debates, or as delegates to international environmental conferences for an expanded PTD need to understand the many facets of the PTD concept. The vast majority of recent PTD discussion has occurred in law review journals, which have both benefits and drawbacks. Law review articles are built on extensive knowledge of legal precedent, but because they are essentially framed as arguments, they tend to rely on judicial opinions and other articles that support the commentator’s viewpoint and relegate opposing views to an unelaborated “but see . . .” citation in the footnotes. Pg. 474-475

#### Turns heg and drone prolif – court failure kills legitimacy

KNOWLES 09 Assistant Professor, New York University School of Law. [Robert Knowles, American Hegemony and the Foreign Affairs Constitution, Arizona State Law Journal, Spring, 2009, 41 Ariz. St. L.J. 87]

Moreover, the post-Cold War world has provoked a crisis in realism. n9 The United States is a global hegemon. It is unrivaled in its ability to deploy force throughout the globe, and it provides "public goods" for the world - such as the protection of sea lanes - in exchange for broad acceptance of [\*91] U.S. leadership. n10 Although realism predicts counter-balancing, no great power or coalition has yet emerged to challenge America's predominance. And despite a new round of predictions about American decline, the U.S. is still projected to have by far the largest economy and the largest military for decades. n11 Political scientists have struggled to define this American-led system, but courts and scholars of constitutional law have largely ignored it. n12 Instead, most debates about special deference have simply accepted outmoded classic realist assumptions that became conventional wisdom in the 1930s and 40s.

This Article offers a new model for assessing appropriate judicial deference in foreign affairs that takes account of American-led order. By maintaining consistent interpretation of U.S. and international law over time and providing virtual representation for other nations and non-citizens, U.S. courts bestow legitimacy on the acts of the political branches, provide public goods for the world, and increase America's soft power - all of which assist in maintaining the stability and legitimacy of the American-led hegemonic order.

#### Ecosystems outweigh and turns warming

Crist 7 [Eileen Crist, Associate Professor of Science and Technology in Society at Virginia Tech University, 2007, “Beyond the Climate Crisis: A Critique of Climate Change Discourse,” *Telos*, Volume 141, Winter, Available Online to Subscribing Institutions via Telos Press, p. 33-36]

The diminishment of life's richness began with the exodus of hunters and gatherers from Africa thousands of years ago, and deepened with the [end page 36] invention of agriculture and cities, the development of warfare, and the advent of the European voyages.24 But biodepletion accelerated enormously after the emergence of industrial civilization, and particularly since the mid-twentieth century, with billions of people not only doubling every few decades, but inclining—by force, choice, or delusion—toward a consumer culture founded on overproduction and global trade. Overproduction and global trade, in turn, require the ceaseless conversion of living beings and natural systems into dead objects, "resources," and humanized landscapes and seascapes.25 The significance of human-driven extinction can never be overstated, because it means not only the death of species but the end of their evolutionary destinies as well—of the life-forms they would or might have eventually originated. Present-day extinction is not about species blinking out sporadically; it is a global and escalating spasm of en masse losses that, the geological record reveals, is an infrequent event in Earth's natural history. Notwithstanding circulating shallow sophistry that proclaims extinction to be "natural" or "normal," anthropogenic extinction is neither natural (for countless species are disappearing from targeted onslaught or pressures far exceeding their capacity to adapt) nor normal (for this level of losses occurs rarely as a consequence of a catastrophic event). Yet, as tragic as extinction is, species are also being devastated without being annihilated: losses of distinct populations and plunges in population numbers are a blow to the vigor, ecological contributions and connectedness, and evolutionary potential of species. Today, drops of 70, 80, 90 percent, or more, of wild plants and animals, on land and in oceans, are common. Such declines mean that species hang on as relics, with shortened lifespans or committed to extinction, no longer able to play significant ecological and evolutionary roles. The nosedive of wild-animal and plant abundance foregrounds yet [end page 37] another facet of biodepletion: the simplification of ecosystems. From a landscape perspective, the decline of numbers and geographic races of wild organisms signifies constrictions of their former ranges. As populations blink out from diverse places, their place-bound contributions are lost; the losses cascade through the communities of organisms to which the extinguished populations belonged, leaving behind degraded ecosystems. While the simplification of ecosystems is often dramatically visible, it can also unfold as an incremental, barely noticeable process. And it is not that ecosystems, here and there, are occasionally suffering simplification by losing constituent locals. The biosphere is experiencing gross decline or elimination of areas that are, in certain cases, centers of diversification—most notably, tropical forests, wetlands, mangrove forests, and coral reefs everywhere. The whittling down of ecological complexity has been a global trend proceeding from the conversion of ecosystems for intensive human uses, the aforementioned population depletions, and the invasion of nonnative species. Nonnative species are the generalists hitching rides in the bustle of globalization—from the climate-change-favored fungus that is killing frogs, to millions of domestic cats preying on birds, to innumerable more.26 Human-facilitated invasions, coupled with the disappearance of natives, lead to places losing the constellation of life-forms that once uniquely constituted them. The inevitable outcome of extinction, plummeting populations, lost and simplified ecosystems, and a bio-homogenized world is not only the global demolition of wild nature, but also the halting of speciation of much complex life. The conditions for the birth of new species within a wide band of life, especially of large-bodied species that reproduce slowly, are being suspended.27 [end page 38] All these interconnected dimensions constitute what conservation biologists call the biodiversity crisis—a term that to the postmodernist rings of rhetoric, while to the broad public (insofar as it has heard anything about it) involves a largely illiterate and vague understanding of "extinction."28 Academic frivolity and public ignorance aside, the biodiversity crisis heralds a biospheric impoverishment that will be the condition and experience of all future human generations: it requires 5 to 10 million years for biodiversity to recover after a mass extinction of the current scope. In light of this fact, I submit that unless global warming unleashes appalling penalties—in which case, the climate crisis and biodepletion will merge into one devastating event for virtually all life29—the implications of humanity's impact on biodiversity are so far-reaching that they may, in reality, dwarf the repercussions of climate change. And yet, the current framing of climate change as the urgent issue encourages regarding the unwinding of biodiversity as a less critical matter than the forthcoming repercussions of global warming. Attention to the long-standing ruination of biodiversity underway is subverted in two ways in climate-change discourse: either it gets elided through a focus on anthropocentric anxieties about how climate change will specifically affect people and nations; or biodepletion is presented as a corollary of climate change in writings that closely consider how global warming will cause biodiversity losses. Climate change is undoubtedly speeding up the unraveling of life's interconnectedness and variety. But if global warming has such potential to afflict the natural world, it is because the latter's "immunity" has been severely compromised. It is on an already profoundly wounded natural world that global warming is delivering its blow. Focusing on the added blow of climate change is important, but this focus should not come at the expense of erasing from view the prior, ongoing, and climate-change-independent wounding of life on Earth.

**Legitimacy loss turns the case --- makes restriction of the president ineffective**

**Hansford 06** (Thomas Hansford, Assistant Professor of Political Science, University of South Carolina and James Spriggs, Associate Professor of Political Science, University of California, Davis, “The Politics of Precedent on the U.S. Supreme Court,” p. 18-24)

Judges promote legitimacy because they recognize that it encourages acceptance of and compliance with theirdecisions(Gibson 1989; Mon¬dak 1990, 1994; Tyler and Mitchell 1994). In our view of Supreme Court decision making, the justices value legitimacy for instrumental reasons, namely, as a means to the end of producing efficacious policy (see Epstein and Knight 1998). As discussed more fully below, court decisions are not self-executing and thus third parties must implement them before they have any real effects. **Since legitimacy encourages compliance, it enhances the power of courts and facilitates their ability to cause legal and** political change. Landes and Posner (1976, 273) make this point when stating: "No matter how willful a judge is, he is likely to follow precedent to some extent, for if he did not the practice of decision according to precedent (stare decisis, the lawyers call it) would be undermined and the precedential significance of his own decisions thereby reduced." Justice Stevens (1983, 2) reiterates this point by noting that stare decisis "obvi¬ously enhances the institutional strength of the judiciary." The significance of institutional and decisional legitimacy follows from two well-known characteristics of the judiciary. While these features apply to all courts, we will discuss them in the context relevant for our purposes-the U.S. Supreme Court. First, unlike elected officials or bureaucrats, the justices are expected to provide neutral, legal justifica¬tions for their decisions (Friedman et al. 1981; Maltz 1988). One important element of this expectation is that the justices show respect for the Court's prior decisions (Powell 1990). A recent national survey, for instance, demonstrates that the American public expects the Court to decide based on legal factors (Scheb and Lyons 2001). Nearly eighty-five percent of respondents to this survey indicated that precedent should have some or a large impact on the justices' decisions. By contrast, over seventy-three percent of respondents thought that whether judges were Democrats or Republicans should have no influence on their decisions. As these data indicate, Americans overwhelmingly believe in the idea that judges should make decisions based on neutral, legal criteria. Second, the Court lacks significant implementation powers and thus relies on its external reputation to encourage implementation of and compliance with its decisions. Alexander Hamilton pointed this idea out in Federalist 78: "The judiciary on the contrary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm for the efficacy of its judgments." The basic idea is that the Court must rely on third parties to implement its policies, and a central way to promote compliance is through fostering institutional and decisional legitimacy (see Knight and Epstein 1996). If the Court, or a particular majority opinion, is perceived as somewhat illegitimate, then the prospects for **compliance may decrease.** The power of the Court, that is, rests on its "prestige to persuade" (Ginsburg 2004, 199).

## 2AC 1 – supreme

**The plan sidesteps case and controversy, the legal cornerstone of the role of the courts --- this would wreck the judicial process**

**Vladeck 13** (Steve Vladeck, professor of law and the associate dean for scholarship at American University Washington College of Law, former senior editor of the  Journal of National Security Law & Policy, member of the American Law Institute, graduated from Yale Law School, “Why a ‘Drone Court’ Won’t Work-But (Nominal) Damages Might…” February 10, 2013, http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/)

Although the “drone court” proposals floating around vary to some degree in their (sparse) details, one of the core ideas behind them is that such a body would operate much like the FISC–with the government proceeding ex parte and in camera before the court in order to obtain something tantamount to a warrant prior to engaging in a targeted killing operation. (It would presumably defeat the purpose, after all, if the target of the putative operation had notice and an opportunity to be heard prior to the attack.) The hardest question is what, exactly, the government would be seeking judicial review of at this stage… Some possibilities, among others:

Whether the target is in fact a belligerent who can be targeted as part of the non-international armed conflict between the United States and al Qaeda and its affiliates;

Whether the target does in fact present an imminent threat to the United States and/or U.S. persons overseas (although the definition of “imminent” may depend on the answer to (1)); and

Whether it is in fact impossibxle to incapacitate the target (including by capturing him) in the relevant time frame with any lesser degree of force.

Leaving aside (for the moment) the potential separation of powers issues such review would raise, there’s a more basic problem: the possible absence of a meaningful “case or controversy” for Article III purposes.

The Supreme Court has long emphasized, as it explained in Flast v. Cohen, that one of the central purposes of Article III’s “case-or-controversy requirement” is to ensure that “the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution.” That is to say, **“adversity” is one of the cornerstones of** an Article III case or controversy, **and it would be noticeably lacking in a drone court** set up along the lines noted above.

The standard response to this concern is the observation that the same is true of the FISC–that, in most of its cases, the Foreign Intelligence Surveillance Court operates ex parte and in camera, ruling on a government’s warrant application without any adversarial process whatsoever. And time and again, courts have turned away challenges to the FISA process based upon the same argument–that the FISC violates Article III as so constituted (see, e.g., footnote 19 of the FISA Court of Review’s 2002 decision in In re Sealed Case).

But insofar as the FISC operates ex parte, courts have consistently upheld its procedures against any Article III challenge by analogy to the power of Article III judges to issue search warrants–a process defended entirely by reference to the Fourth Amendment, which the Supreme Court has interpreted to require a “prior judicial judgment” (in most cases, anyway) that the government has probable cause to justify a search–that is, as a necessary compromise between effective law enforcement and individual rights. As David Barron and Marty Lederman have explained, the basic idea is “that the court is adjudicating a proceeding in which the target of the surveillance is the party adverse to the government, just as Article III courts resolve warrant applications proceedings in the context of conventional criminal prosecutions without occasioning constitutional concerns about the judicial power.” And part of why those constitutional concerns don’t arise in the context of search warrants is because the subject of the warrant will usually have an opportunity to attack the warrant–and, thus, the search–collaterally, whether in a motion to suppress in a criminal prosecution or a civil suit for damages, both of which would be after-the-fact. (FISA, too, creates a cause of action for “aggrieved persons.”)

To be sure, it’s already a bit of a stretch to argue that FISA warrants are obtained in contemplation of future criminal (or civil) proceedings (which is part of why Laurence Silberman testified against FISA’s constitutionality in 1978, and why the 1978 OLC opinion on the issue didn’t rest on this understanding in arguing for FISA’s constitutionality), and it’s even more of a stretch to make this argument in the context of the FISA Amendments Act of 2008 (the merits of which have yet to be reached by any court…).

But the critical point for now is that this is the fiction on which every court to reach the issue has relied. In contrast, there is no real argument that a “drone warrant” would be in contemplation of future judicial proceedings–indeed, the entire justification for a “drone court” is to pretermit the need for any subsequent judicial intervention. In such a context, **any such judicial process would present a serious constitutional question** not raised by FISA, especially the more that the substantive issues under review deviate from questions typically asked by courts at the ancillary search-warrant stage of a criminal investigation (e.g., the second and third questions noted above).

**The plan damages the legitimacy of the judicial system**

**Oliphant 13** (James Oliphant, Deputy Magazine Editor, National Journal, cites Gregory McNeal, a counterterrorism expert at Pepperdine University, “Vetting the Kill List,” April 4, 2013, http://www.nationaljournal.com/magazine/vetting-the-kill-list-20130404)

By and large, federal judges don’t want to be in this position. They worry about damaging the integrity of the bench. Retired Judge James Robertson, who served on the U.S. Appeals Court in Washington, argued in The Washington Post that the Constitution forbids the judiciary from issuing advisory opinions. “Federal courts rule on specific disputes between adversary parties,” he wrote. “They do not make or approve policy; that job is reserved to Congress and the executive.” The FISA court is a different animal, because approving surveillance is related to Fourth Amendment protections on search warrants.

**It will diminish the judicial branch**

**Johnson 13** (Jeh Charles Johnson, former General Counsel of the Department of Defense, “A ‘Drone Court’: Some Pros and Cons,” Keynote Address at the Center on National Security at Fordham Law School,” March 18, 2013, http://s3.documentcloud.org/documents/623760/johnson-speech-to-fordham-ls.pdf)

Meanwhile, what about the views of the judiciary itself? I know a number of federal judges who would accept this unpleasant job if asked out of a sense of duty. But many, I suspect, want the judiciary to have nothing to do with this. Former Judges Mukasey and Robertson have publicly articulated this view in emphatic terms.[9]  I can hear many in the judicial branch saying that courts exist to resolve cases and controversies between parties, not to issue death warrants based on classified, ex parte submissions. Judges don’t like arms-length ex parte submissions, because they know they are not getting two sides of the story. I’m sure they would like them even less if the decision they must make is final and irreversible. Put in a more cynical way, I can imagine many federal judges thinking “we don’t exist to provide top cover to the Executive branch for difficult decisions; foist this responsibility on us and you diminish both our branches of government.”

### A2 fisc \*\*\*

**The system is hard-wired against advisory opinions --- only the secret drone court which violates case and controversy will compromise legitimacy**

**Robertson 13** (James Robertson, a retired federal judge, served on the U.S. District Court for the District of Columbia from 1994 to 2010, “Judges Shouldn’t Decide About Drone Strikes,” Washington Post, February 15, 2013, http://www.washingtonpost.com/opinions/judges-shouldnt-decide-about-drone-strikes/2013/02/15/8dcd1c46-778c-11e2-aa12-e6cf1d31106b\_story.html)

In the wake of the recent confirmation hearing on John Brennan ’s nomination as CIA director, and the probably related “ leak ” of a Justice Department white paper on targeted killings, some politicians, pundits and professors have suggested that “kill lists,” drone strikes and targeting protocols be submitted for “independent judicial review” — essentially, that federal judges ought to be assigned the task of monitoring, mediating and approving the killer instincts of our government. This is a very bad idea.

**U.S. judges have been hard-wired against rendering “advisory opinions”** since 1793, when the first chief justice, John Jay, declined to answer George Washington’s legal questions about the status of a British ship that had been captured by the French and brought to an American port. To answer the president’s questions, Jay wrote, would violate “the lines of separation drawn by the Constitution between the three departments of the government.” Jay’s letter referred to Article II, Section 2 of the Constitution, which provides that the president “may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices” — a provision, Jay wrote, that “seems to have been purposely as well as expressly united to the executive departments.”

From that letter — itself an advisory opinion — has grown a complex but well-established and understood set of constraints on the federal courts: They are to decide only “cases” or “controversies” that are “justiciable” and “ripe” for decision. Federal courts rule on specific disputes between adversary parties. They do not make or approve policy; that job is reserved to Congress and the executive.

Nor do federal courts act ex parte — hearing one side only — or sit in a Star Chamber, like the co-opted judges of 16th-century England. The targets of a drone strike make no appearance before a judge; they have no notice of the charges against them; no lawyer; no chance to call witnesses or confront the evidence against them; no due process rights. **Their case is necessarily considered** in absentia and **in secret.** An American judge cannot do American justice in such a case. If he did, his independence would be severely compromised.

## 2AC 2 – no internal link

Yes – broader legitimacy – that’s above

## 2AC 3 + 4 – controversy doesn’t matter

Answered above

Not just a controversy arg – their ev is about unpopular decision like abortion and stuff – the plan is a fundamental constitutioan lchange in the position of the court

#### No enforcement of unpopular decisions

Ferejohn & Kramer 2—Professor of Political Science @ Stanford University & Professor of Law @ New York University [John A. Ferejohn (Senior Fellow of the Hoover Institution and Visiting Professor of Law and Politics @New York University School of Law) & Larry D. Kramer, “INDEPENDENT JUDGES, DEPENDENT JUDICIARY: INSTITUTIONALIZING JUDICIAL RESTRAINT,” New York University Law Review, October 2002, 77 N.Y.U.L. Rev. 962]

While presidents may rarely be willing to ignore openly orders of the Supreme Court, executive enforcement of politically unpopular decisions is often willfully lackluster, even in the face of widespread disregard for the Court's mandate. The failure of the desegregation cases to accomplish anything until political winds changed and a new President and Congress made civil rights enforcement a priority is well known. n66 The Court's school prayer decisions still are ignored in many parts of the country, n67 and continued resistance to Roe v. Wade has left abortion unavailable as a practical matter in many places. n68 Additional instances can easily be documented and multiplied, particularly if we look to the treatment of lower court decisions. The federal bench is quite sensitive to the danger of half-hearted executive support—as indicated, for example, by the Supreme Court's savvy handling of the remedial issue in Brown II n69—and judges are conscious that they should not take executive backing for granted.

## Legit resil

In squo, not in plan –

#### It will take a long time for legitimacy to be restored

Dutra 10—JD from Boston University School of Law [Anthony Dutra, “NOTE: MEN COME AND GO, BUT ROE ABIDES: WHY ROE V. WADE WILL NOT BE OVERRULED,” Boston University Law Review 90 B.U.L. Rev. 1261, June 2010

The legitimacy of the Court is particularly important because the Justices are appointed for life. Unlike the other branches of government, if the Court's legitimacy is undermined, it cannot be quickly restored through the elections. n132 The continued legitimacy of the Court is therefore critical because "the legitimacy of the Court must be earned over time." n133

 [\*1278]  Although judges are supposed to be immune to political pressure, the continued legitimacy of the judiciary demands that judges at least be cognizant of principles that Americans widely hold. n134 This is even more important for Supreme Court Justices. Ultimately, the Court's legitimacy will be more secure when its decisions do not seem activist, contrary to the concepts of federalism, or aligned with counter-majoritarian views. n135 The majority of Americans support a restricted right to abortion, n136 and the current status of the abortion right reflects the popular will of the American people. n137 Maintaining the status quo is critical because "the most certain consequence of overruling Roe would be a massive political upheaval." n138