**1NC T**

**Restrictions on war powers create areas where the President can NOT act**

**Fisher 12**—Louis, Scholar in Residence at The Constitution Project; served for four decades at the Library of Congress, as Senior Specialist, Congressional Research Service [“Basic Principles of the War Power,” 2012, Journal of National Security Law & Policy, 5 J. Nat'l Security L. & Pol'y 319]

The second value that the Founders embraced in the Commander-in-Chief Clause is accountability. Hamilton in Federalist No. 74 wrote that the direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single hand." The power of directing war and emphasizing the common strength "forms a usual and essential part in the definition of the **executive authority**." n29 Presidential leadership is essential but it cannot operate outside legislative control. The President is subject to the rule of law, **including statutory and judicial restrictions**.

**Second strike means they don’t meet**

**COURT OF APPEALS 12** [STATE OF WASHINGTON DEPARTMENT OF HEALTH, THE COURT OF APPEALS OF THE STATE OF WASHINGTON, DIVISION I, RANDALL KINCHELOE Appellant. vs. Respondent, BRIEF OF APPELLANT, http://www.courts.wa.gov/content/Briefs/a01/686429%20Appellant%20Randall%20Kincheloe's.pdf]

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put.

The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as;

To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

**Vote Neg—Smaller predictable case list comes for Prohibitions only, and allowing modifications creates a bi-directional topic where they can IMPROVE war-fighting by the president.**

**politics**

**Iran sanctions won’t be extended**

**ABDI 11 – 15 – 13 Policy Director, National Iranian American Council** [Jamal Abdi, Tide Turns Towards Diplomacy as Key Senators Oppose New Iran Sanctions, <http://www.huffingtonpost.com/jamal-abdi/tide-turns-towards-diplom_b_4283626.html>]

President Obama and the White House have been engaged in a battle in the Senate to block the chamber from passing new sanctions that could derail ongoing negotiations with Iran. The White House has been clear: new sanctions could kill the talks and put the U.S. on a "path to war."

Groups including NIAC, FCNL, Peace Action, Americans for Peace Now, J Street, and International Campaign for Human Rights in Iran have all come out against new Senate sanctions. Groups including AIPAC and Foundation for Defense of Democracies are, as usual, advocating more sanctions. AIPAC even says they will explicitly try to kill a deal.

But it looks like the pro-diplomacy side is winning.

Senators Carl Levin, Christopher Murphy, and Dianne Feinstein have all now come out in opposition to new Iran sanctions, saying they will instead support the ongoing negotiations with Iran. And today, even Senator John McCain (R-AZ) told the BBC today he will not support new sanctions **for now**, saying, "I am skeptical of talks with Iran but willing to give the Obama administration a couple months."

Here are the three Senators who are leading the charge to protect diplomacy from a new sanctions push:

Senator Carl Levin (D-MI), Chairman of the Senate Armed Services Committee: "Whether it is a 10%, 40% or 60% chance [that the change is real], it should be tested and probed. We should not at this time impose additional sanctions."

Senator Dianne Feinstein (D-CA), Chairwoman of the Senate Select Committee on Intelligence: "I am baffled by the insistence of some senators to undermine the P5+1 talks. I will continue to support these negotiations and oppose any new sanctions as long as we are making progress toward a genuine solution."

Senator Chris Murphy (D-CT), Member of the Senate Foreign Relations Committee: "At this critical juncture in these negotiations when Iran may be on the verge of making serious concessions regarding its nuclear program, I worry it would be counterproductive for Congress to authorize a new round of sanctions, diminishing American leverage and weakening the hands of Secretary Kerry and his counterparts in the P5+1."

While the House of Representatives voted in support of new sanctions just days before Rouhani's inauguration, a recent letter calling for the Senate to support new sanctions drew less than half as many supporters as a previous letter supporting diplomacy and calling for sanctions to be traded in for Iranian nuclear concessions.

Now, it is now up to the Senate to decide whether to pass a sanctions bill opposed by the White House. The chamber has yet to advance their own bill despite prodding from hawks like Mark Kirk (R-IL) and Lindsey Graham (R-SC). The most likely path for the new sanctions was the National Defense Authorization Act, expected to be on the Senate floor next week. But with the two Senators who will manage the bill - Levin and McCain - now opposed to adding sanctions, U.S. negotiators are likely to have more space to conduct talks and secure a framework for a deal without Congressional interference.

**The standing of the executive is the crucial internal link – key to diplomacy**

**LEVERETT 11 – 7 – 13 Profs of International Relations – Penn State & American University** [Flynt Leverett and Hillary Mann Leverett, America’s Moment of Truth on Iran , <http://iranian.com/posts/view/post/23789>]

America’s Iran policy is at a crossroads. Washington can abandon its counterproductive insistence on Middle Eastern hegemony, negotiate a nuclear deal grounded in the Nuclear Non-Proliferation Treaty (NPT), and get serious about working with Tehran to broker a settlement to the Syrian conflict. In the process, the United States would greatly improve its ability to shape important outcomes there. Alternatively, America can continue on its present path, leading ultimately to strategic irrelevance in one of the world’s most vital regions—with negative implications for its standing in Asia as well.

U.S. policy is at this juncture because the costs of Washington’s post-Cold War drive to dominate the Middle East have risen perilously high. President Obama’s self-inflicted debacle over his plan to attack Syria after chemical weapons were used there in August showed that America can no longer credibly threaten the effective use of force to impose its preferences in the region. While Obama still insists “all options are on the table” for Iran, the reality is that, if Washington is to deal efficaciously with the nuclear issue, it will be through diplomacy.

In this context, last month’s Geneva meeting between Iran and the P5+1 brought America’s political class to a strategic and political moment of truth. Can American elites turn away from a self-damaging quest for Middle Eastern hegemony by coming to terms with an independent regional power? Or are they so enthralled with an increasingly surreal notion of America as hegemon that, to preserve U.S. “leadership,” they will pursue a course further eviscerating its strategic position?

The proposal for resolving the nuclear issue that Iran’s foreign minister, Javad Zarif, presented in Geneva seeks answers to these questions. It operationalizes the approach advocated by Hassan Rohani and other Iranian leaders for over a decade: greater transparency on Iran’s nuclear activities in return for recognizing its rights as a sovereign NPT signatory—especially to enrich uranium under international safeguards—and removal of sanctions. For years, the Bush and Obama administrations rejected this approach. Now Obama must at least consider it.

The Iranian package provides greater transparency on Tehran’s nuclear activities in two crucial respects. First, it gives greater visibility on the conduct of Iran’s nuclear program. Iran has reportedly offered to comply voluntarily for some months with the Additional Protocol (AP) to the NPT—which it has signed but not yet ratified and which authorizes more proactive and intrusive inspections—to encourage diplomatic progress. Tehran would ratify the AP—thereby committing to its permanent implementation—as part of a final deal.

Second, the package aims to validate Iran’s declarations that its enrichment infrastructure is not meant to produce weapons-grade fissile material. Iran would stop enriching at the near-20 percent level of fissile-isotope purity needed to fuel the Tehran Research Reactor and cap enrichment at levels suitable for fueling power reactors. Similarly, Iran is open to capping the number of centrifuges it would install—at least for some years—at its enrichment sites in Natanz and Fordo.

Based on conversations with Iranian officials and political figures in New York in September (during Rohani and Zarif’s visit to the UN General Assembly) and in Tehran last month, it is also possible to identify items that the Iranian proposal almost certainly does not include. Supreme Leader Ayatollah Seyed Ali Khamenei has reportedly given President Rohani and his diplomats flexibility in negotiating a settlement—but he has also directed that they not compromise Iran’s sovereignty. Thus, the Islamic Republic will not acquiesce to American (and Israeli) demands to suspend enrichment, shut its enrichment site at Fordo, stop a heavy-water reactor under construction at Arak, and ship its current enriched uranium stockpile abroad.

On one level, the Iranian package is crafted to resolve the nuclear issue based on the NPT, within a year. Iran’s nuclear rights would be respected; transparency measures would reduce the proliferation risks of its enrichment activities below what Washington tolerates elsewhere. On another level, though, the package means to test America’s willingness and capability to resolve the issue on this basis. It tests this not just for Tehran’s edification, but also for that of other P5+1 states, especially China and Russia, and of rising powers like India and South Korea.

America can fail the Iranian test in two ways. First, the Obama administration—reflecting America’s political class more broadly—may prove unwilling to acknowledge Iran’s nuclear rights in a straightforward way, insisting on terms for a deal that effectively suborn these rights and violate Iranian sovereignty.

**There are powerful constituencies**—e.g., the Israel lobby, neoconservative Republicans, their Democratic “fellow travelers,” and U.S.-based Iran “experts”—that oppose any deal recognizing Iran’s nuclear rights. They understand that acknowledging these rights would also mean accepting the Islamic Republic as an enduring entity representing legitimate national interests; to do so, America would have to abandon its post-Cold War pretensions to Middle Eastern hegemony.

Those pretensions have proven dangerously corrosive of America’s ability to accomplish important objectives in the Middle East, and of its global standing. Just witness the profoundly self-damaging consequences of America’s invasion and occupation of Iraq, and how badly the “global war on terror” has eviscerated the perceived legitimacy of American purposes in the Muslim world.

But, as the drama over Obama’s call for military action against Syria indicates, America’s political class remains deeply attached to imperial pretense—even as the American public turns away from it. If Washington could accept the Islamic Republic as a legitimate regional power, it could work with Tehran and others on a political solution to the Syrian conflict. Instead, Washington reiterates hubristic demands that President Bashar al-Assad step down before a political process starts, and relies on a Saudi-funded “Syrian opposition” increasingly dominated by al-Qa’ida-like extremists.

 If Obama does not conclude a deal recognizing Iran’s nuclear rights, it will confirm suspicions already held by many Iranian elites—including Ayatollah Khamenei—and in Beijing and Moscow about America’s real agenda vis-à-vis the Islamic Republic. It will become undeniably clear that U.S. opposition to indigenous Iranian enrichment is not motivated by proliferation concerns, but by determination to preserve American hegemony—and Israeli military dominance—in the Middle East. If this is so, why should China, Russia, or rising Asian powers continue trying to help Washington—e.g., by accommodating U.S. demands to limit their own commercial interactions with Iran—obtain an outcome it does not actually want?

America can also fail Iran’s test if it is unable to provide comprehensive sanctions relief as part of a negotiated nuclear settlement. The Obama administration now acknowledges what we have noted for some time—that, beyond transitory executive branch initiatives, lifting or even substantially modifying U.S. sanctions to support diplomatic progress **will take congressional action.**

 During Obama’s presidency, many U.S. sanctions initially imposed by executive order have been written into law. These bills—signed, with little heed to their long-term consequences, by Obama himself—have also greatly expanded U.S. secondary sanctions, which threaten to punish third-country entities not for anything they’ve done in America, but for perfectly lawful business they conduct in or with Iran. The bills contain conditions for removing sanctions stipulating not just the dismantling of Iran’s nuclear infrastructure, but also termination of Tehran’s ties to movements like Hizballah that Washington (foolishly) designates as terrorists and the Islamic Republic’s effective transformation into a secular liberal republic.

 The Obama administration may have managed to delay passage of yet another sanctions bill for a few weeks—but **Congressional Democrats no less than congressional Republicans have made publicly clear that they will not relax conditions for removing existing sanctions to help Obama conclude and implement a nuclear deal.** If their obstinacy holds, why should others respect Washington’s high-handed demands for compliance with its extraterritorial (hence, illegal) sanctions against Iran?

 Going into the next round of nuclear talks in Geneva on Thursday, it is unambiguously plain that Obama **will have to spend enormous political capital** to realign relations with Iran. America’s **future standing as a great power** depends significantly on his readiness to do so.

**PLAN kills the executive**

**KRINER 10**—Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, pg. 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.

**US/Iran war & Iranian prolif**

**WORLD TRIBUNE 11 – 13** – 13 [Obama said to suspend Iran sanctions without informing Congress, <http://www.worldtribune.com/2013/11/13/obama-said-to-suspend-iran-sanctions-without-informing-congress/>]

The administration has also pressured Congress to suspend plans for new sanctions legislation against Iran. The sources said the White House effort has encountered resistance from both Democrats and Republicans, particularly those in the defense and foreign affairs committees.

“I urge the White House and the Senate to learn from the lessons of the past and not offer sanctions relief in return for the false hopes and empty promises of the Iranian regime,” Rep. Ileana Ros-Lehtinen, chairwoman of the House Middle East and North Africa Subcommittee, said. “Instead, new rounds of sanctions must be implemented to gain further leverage because any misstep in calculations at this juncture will have devastating and irreversible consequences that will be difficult to correct retroactively.”

On Nov. 12, the White House warned that **additional sanctions on Iran would mean war with the United States.** White House press secretary Jay Carney, in remarks meant to intensify pressure on Congress, said sanctions **would end the prospect of any diplomatic solution** to Iran’s crisis.

“The American people do not want a march to war,” Carney said. “It is important to understand that if pursuing a resolution diplomatically is disallowed or ruled out, what options then do we and our allies have to prevent Iran from acquiring a nuclear weapon?”

Still, the Senate Banking Committee has agreed to delay any vote on sanctions legislation until a briefing by Secretary of State John Kerry on Nov. 13. The sources said Kerry was expected to brief the committee on the P5+1 talks in Geneva that almost led to an agreement with Teheran.

“The secretary will be clear that putting new sanctions in place would be a mistake,” State Department spokeswoman Jen Psaki said on Nov. 12. “We are still determining if there’s a diplomatic path forward. What we are asking for right now is a pause, a temporary pause, in sanctions.”

**Iran war escalates**

**White**, July/August 20**11** (Jeffrey—defense fellow at the Washington Institute for Near East Policy, What Would War With Iran Look Like, National Interest, p. <http://www.the-american-interest.com/article-bd.cfm?piece=982>)

A U.S.-Iranian war would probably not be fought by the **U**nited **S**tates and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the **U**nited **S**tates and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. Iran would have its own coalition. Hizballah in particular could act at Iran’s behest both by attacking Israel directly and by using its asymmetric and irregular warfare capabilities to expand the conflict and complicate the maintenance of the U.S. coalition. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; Hamas in particular could feel compelled to respond to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But their involvement would **spread the conflict** to the entire eastern Mediterranean and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

**1NC CP**

**The Office of Legal Counsel should determine that the Executive Branch lacks the authority for targeted killing as a first resort outside zones of active hostilities. The President should require the Office of Legal Counsel to publish all opinions about Executive action. The Executive Branch should comply with the suggestions by the President and the Office of Legal Counsel.**

**The Executive Branch should convene and sign onto an international convention on the regulation of the sale and military use of drones modeled off of the Convention on Certain Conventional Weapons including a provision that has a United Nations investigatory body investigate and monitor states for enforcement.**

**The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.**

Trevor W. **Morrison**, October **2010**. Professor of Law, Columbia Law School. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the  [\*1462]  legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53

The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is  [\*1463]  at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.

Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.

But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.

2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written  [\*1464]  views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.

Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might  [\*1465]  construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.

In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.

OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69

 [\*1466]  To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for  [\*1467]  disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.

The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for  [\*1468]  providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76

Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

**The CP is the only way to internationalize the legal norms of drone regulation**

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

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

**Case**

**Norms**

**1NC LOAC DA**

**The plan hinders the development of the Law of Armed Conflict**

**Blank, 13 –** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>)

B. Consequences for the Continued Development of LOAC

Uncertainty about the geographic scope of armed conflict leads to a variety of analytical and implementation challenges with regard to LOAC, human rights law, jus ad bellum, and other relevant legal regimes. The simple fact that within an armed conflict, a party to the conflict can use lethal force as a first resort, while outside an armed conflict, such deadly force may only be used as a last resort, is the starkest reminder of why such extensive attention has been focused on this question over the past few years. For the purpose of achieving LOAC’s central goal of “alleviating, as much as possible the calamities of war,”32 greater clarity regarding where an armed conflict is taking place and to where the concomitant authorities and obligations extend certainly would be a significant contribution. The international community—military lawyers, policymakers, international law scholars— should therefore address these issues head-on in a continuing effort to better understand how to apply the law most effectively and efficiently.33 Daskal’s proposal for a rules-driven new law of war framework is therefore a welcome and important contribution to the discussion and debate. At the same time, however, these efforts must stay true to the needs and goals of LOAC as a pragmatic, operationally focused body of law that is, above all, designed to work in the inherent chaos and uncertainty of armed conflict. As I have argued elsewhere, there are significant risks for the future implementation and development of LOAC as a result of conflating norms from LOAC with norms from human rights law, or of borrowing one from the other without careful delineation, including, in particular, the rules regarding surrender and capture and the different applications and purposes of proportionality in each legal regime.34 No place is this risk more profound than in relation to the legal authority to employ force against an enemy belligerent.

In the context of a specific legal framework for one particular type of conflict, the same concerns about blurring the lines between legal regimes remain. LOAC does not require an individualized threat assessment in the targeting of combatants, who are presumed hostile by dint of their status. Over time, however, the requirement for an individualized threat assessment in certain geographical zones in a new law of war framework for conflicts with transnational terrorist groups may well begin to bleed into the application of LOAC in more traditional conflicts. In essence, therefore, a carefully designed paradigm for one complex and difficult conflict scenario ultimately impacts LOAC writ large, even absent any perceived need or direct motivation for such change. Interpreting LOAC to require an individualized threat assessment for all targeting decisions—even those against the regular armed forces of the enemy state in an international armed conflict—introduces significant tactical and operational risk for soldiers not mandated or envisioned by the law.35 The same conflation problem holds true for other non-LOAC obligations that might be imported into LOAC depending on the analysis of where and how a new law of war framework were to apply. It is important to recognize, notwithstanding the focus on the operational effectiveness of LOAC in this Response, that conflation and “borrowing” offer the same challenges for the implementation of human rights law, to the extent that norms from LOAC begin to bleed into the application of human rights norms. Lastly, superimposing an artificially created framework detracts attention from—or even papers over—current challenges within LOAC, such as the identification of enemy operatives, the nature and amount of proof required for determinations of reasonableness or unreasonableness in targeting decisions, and other perennially tricky issues.

CONCLUSION

The procedural and legal protections proposed in the sort of rules-based, geographically differentiated law of war framework that Daskal proposes could certainly maximize protections for certain groups of people in certain areas during certain specific conflicts. To that end, such enhanced protections would indeed be an important contribution. However, the operational imperatives of conflict—all conflicts, not only the complex current conflict with al Qaeda and associated terrorist groups—suggest that such a framework would likely have more significant detrimental consequences through diminished clarity and predictability in the application of LOAC at all stages and unfortunate modifications in the **future development of LOAC**. Learning to accept some uncertainty in assessing the geography of conflict therefore helps to protect equally important LOAC goals and may well be a better option than it appears at first blush.

**Uniquely turns norms**

**Corn, ’13** [Geoffrey Corn, South Texas College of Law, Professor of Law and Presidential Research Professor, J.D., 2013, Geography of Armed Conflict: Why it is a Mistake to Fish for the Red Herring http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2179720]

Seeking to identify some legally mandated geographic boundary for armed conflict of any type is, thus, a genuine Red Herring.23 Armed conflict is a threat driven concept, arising when the threat necessitates resort to combat power, and extending to wherever the operational and tactical opportunity to produce a militarily valuable effect on the enemy arises. There are examples of States choosing not to expand the scope of conflicts simply because such an opportunity arose. However, other factors impact such decisions, and it would be an error to equate decisions to refrain from exercising authority with an inherent legal prohibition against such exercise.

The scope of TAC—like that of any armed conflict—must be threat driven for a reason. Admittedly, there exists a perceived and actual risk of an overzealous and overbroad assertion of LOAC–based authority to attack and disable threat operatives inherent in the combined effect of TAC as a theory of armed conflict typology and a threat–driven scope interpretation. Nonetheless, States must avoid attempts to identify or impose some per se geographic limitations on this type of armed conflict. Any authority overreach (invoking the power to incapacitate through an application of LOAC principles), triggered by extending the concept of armed conflict to transnational non-State threats, will be more effectively mitigated by focusing on the traditional dynamics of lawful wartime action and tailoring or adjusting traditional sources of LOAC authority to meet the unique challenges of this type of armed conflict. Chief among these particular challenges are, one, ensuring that the targeting process adequately accounts for the complexity of threat identification in this inherently unconventional environment; and two, ensuring that preventive detention processes sufficiently address the unique scope and nature of this type of armed conflict. Focusing on these two practical challenges will produce a better balance between national security realities and the individual interests of potential objects of State action than would be achieved by attempting to confine that action to an arbitrary “hot zone.”

**Loac key to regulate new military technology**

**Stewart, ‘11** [Darren M Stewart, Colonel, British Army; Director, Military Department, International Institute of Humanitarian Law (IIHL), “New Technology and the Law of Armed Conflict”, International Law Studies, Volume 87]

Over the centuries LOAC, in its various guises, has always had as its focus the regulation of armed conflict so as to protect the victims of war.2 During the nineteenth century, in response to both the development of military technology and the prevailing social mores of the time, LOAC rules started to become formalized and began to reflect the format that we are familiar with today.

One of the notable features of LOAC has been its evolutionary flexibility. This flexibility has allowed LOAC to evolve in a manner that adapts to the developments in both technological capabilities (means) and tactics (methods) employed in armed conflict. This has included specific measures to ban weapons3 and tactics4 when seen as appropriate. More important, LOAC has demonstrated its flexibility through the defining principles underpinning its operation. These principles— military necessity, humanity, distinction and proportionality—are of an enduring quality and provide a benchmark against which developments in technology and tactics can be assessed as to their lawfulness. When applied in the context of prevailing international mores, LOAC proves itself both flexible and responsive to changes in the armed conflict paradigm.

The changing character of weapons systems and their impact on the law is neither one-dimensional nor negative. In fact, technological advances in weaponry frequently work to enhance application of LOAC, particularly in the areas of distinction and proportionality. Challenges usually arise when such developments raise wider questions as to what are the acceptable ethical limits in the application of technology to military purposes. In this context LOAC, operating as a system regulating what is inherently a human activity within a prevailing set of international mores, becomes an important consideration.

**Extinction**

**Masciulli 11**—Professor of Political Science @ St Thomas University [Joseph Masciulli, “The Governance Challenge for Global Political and Technoscientific Leaders in an Era of Globalization and Globalizing Technologies,” Bulletin of Science, Technology & Society February 2011 vol. 31 no. 1 pg. 3-5]

What is most to be feared is enhanced global disorder resulting from the combination of **weak global regulations**; the unforeseen destructive consequences of **converging tech**nologies and economic globalization; military competition among the great powers; and the prevalent biases of short-term thinking held by most leaders and elites. But no practical person would wish that such a disorder scenario come true, given all the weapons of mass destruction (**WMD**s) available now or which will surely become available in the foreseeable future. As converging technologies united by IT, cognitive science, nanotechnology, and robotics advance synergistically in monitored and unmonitored laboratories, we may be blindsided by these future developments brought about by technoscientists with a variety of good or destructive or mercenary motives. The current laudable but problematic openness about publishing scientific results on the Internet would contribute greatly to such negative outcomes.

To be sure, if the global disorder-emergency scenario occurred because of postmodern terrorism or rogue states using biological, chemical, or nuclear WMDs, or a regional war with nuclear weapons in the Middle East or South Asia, there might well be a positive result for global governance. Such a global emergency might unite the global great and major powers in the conviction that a global concert was necessary for their survival and planetary survival as well. In such a global great power concert, basic rules of economic, security, and legal order would be uncompromisingly enforced both globally and in the particular regions where they held hegemonic status. That concert scenario, however, is flawed by the limited legitimacy of its structure based on the members having the greatest hard and soft power on planet Earth.

At the base of our concerns, I would argue, are human proclivities for narrow, short-term thinking tied to individual self-interest or corporate and national interests in decision making. For globalization, though propelled by technologies of various kinds, “remains an essentially human phenomenon . . . and the main drivers for the establishment and uses of disseminative systems are hardy perennials: profit, convenience, greed, relative advantage, curiosity, demonstrations of prowess, ideological fervor, malign destructiveness.” These human drives and capacities will not disappear. Their “manifestations now extend considerably beyond more familiarly empowered governmental, technoscientific and corporate actors to include even individuals: terrorists, computer hackers and rogue market traders” (Whitman, 2005, p. 104).

In this dangerous world, if people are to have their human dignity recognized and enjoy their human rights, above all, to life, security, a healthy environment, and freedom, we need new forms of comprehensive global regulation and control. Such **effective global leadership** **and governance** with robust enforcement powers **alone can adequately respond to destructive current global problems, and prevent new ones**. However, successful human adaptation and innovation to our current complex environment through the social construction of effective global governance will be a daunting collective task for global political and technoscientific leaders and citizens. For our global society is caught in “the whirlpool of an accelerating process of modernization” that has for the most part “been left to its own devices” (Habermas, 2001, p. 112). We need to progress in human adaptation to and innovation for our complex and problematical global social and natural planetary environments through global governance. I suggest we need to begin by ending the prevalent biases of short-termism in thinking and acting and the false values attached to the narrow self-interest of individuals, corporations, and states.

**AT: Drone Prolif—No Escalation**

**No risk of drone wars**

Joseph **Singh 12**, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the **same principles of deterrence**, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they **don’t change the very serious risks of retaliation for an attacking state**. Any state otherwise deterred from using force abroad **will not significantly increase its power projection on account of acquiring drones**.

What’s more, the very states whose use of drones could threaten U.S. security—countries like China—**are not democratic**, which means that the possible political ramifications of the low risk of casualties resulting from drone use are **irrelevant**. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears **no evidence** of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains **fundamentally unaltered** despite their arrival in large numbers.

**1NC Precedent Answers**

**No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent**

Kenneth **Anderson 11**, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.”

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so.

But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

**AT: Armenia-Azerbaijan Scenario (Georgetown)**

**Their Clayton internal link doesn’t even attempt to say that norms solve. It concedes that arms race dynamics create inevitable incentives for drones. You should also be skeptical of a journalist’s escalation claims, given that people have been crying wolf about this conflict since 1993.**

**No reason drones are key. There have been fears of miscalculation based off sniper attacks on the border for years. The aff does nothing to resolve the Nagorno-Karabakh conflict. At best drones simply get replaced by other technology.**

**Always saber-rattling. Never war.**

Joshua **Kucera**, 12/28/**2011**. Freelance journalist specializing in Central Asia and the Caucasus. “Predicting Conflict in 2012: Karabakh? Tajikistan? Uzbekistan? Iran?” EurasiaNet, http://www.eurasianet.org/node/64765.

In Nagorno Karabakh, Jackson sees a continuation of tension, but no escalation:

Along the Line of Contact in Karabakh, the grim litany of skirmishes and deaths by sniper fire will rumble along. Both Armenia and Azerbaijan are now deploying drones along the LoC, so expect the conflict to gain a new, aerial dimension (we’ve seen the first signs already). Sabre-rattling, military exercises and soaring defence budgets will all continue, **but - as previously—don’t expect a new shooting war**.

\*Alex Jackson is an independent writer focusing on politics, security, economics and energy in the Caspian region and conducting research and analysis for a number of think tanks.

**ICG makes these escalation predictions yearly. It’s just fear-mongering.**

Marina **Ananikyan**, 9/27/**2013**. “Who pays ICG for forecasting new war in Karabakh?” PanArmenian, http://www.panarmenian.net/eng/news/170539/Who\_pays\_ICG\_for\_forecasting\_new\_war\_in\_Karabakh.

A well known International Crisis Group issued yet another analysis on the Karabakh conflict. As usual, the pessimistic ICG forecasts resumption of a war, escalation of tensions, however, being untruthful in an attempt to preserve the appearance of objectivity.

In its overview titled Armenia and Azerbaijan: A Season of Risks, the group predicts that “should a full-scale conflict between Armenia and Azerbaijan break out again, some or all of the regional powers—Russia, Turkey and Iran—could be drawn in, directly.”

“Vigorous international engagement is needed to lessen chances of violent escalation during coming weeks and months,” the Group believes, setting hopes on Russia: “Russia, which is highly influential in all aspects of the conflict and would be the most directly affected of the Minsk co-chairs by a new war, should act more decisively to broker an agreement. It could advance this by announcing a suspension of arms supplies to both sides.”

Now, about being untruthful. In its analysis, the Group says. “Peace talks on Nagorno-Karabakh bogged down in 2011, accelerating an arms race and intensifying strident rhetoric. Terms like “Blitzkrieg’’, “pre-emptive strike’’ and ‘‘total war” have gained currency with both sides’ planners.”

The truth is, Armenian side does not engage in military rhetoric, the latter being Azerbaijan’s “privilege,” with the country’s leadership missing no chance to express their aggressive moods. Armenia’s “strident rhetoric” is limited to mere expressions of readiness to resist Azeri attacks.

Same with “accelerating an arms race.” Baku is the one overtly purchasing and manufacturing inordinate amounts of weaponry, in violation of all international quotas to compensate for lack of expertise in its army, which has already been defeated once.

But back to the analysis. “An immediate concern is military miscalculation, with implications that could far exceed those of a localized post-Soviet frozen conflict, as the South Caucasus, a region where big powers meet and compete, is now also a major energy corridor. Clashes increasingly occur along the Azerbaijani-Armenian frontier far from Nagorno Karabakh, the conflict’s original focus,” the analysis says.

Now what the analysis dubs as “clashes” are incessant Azeri-staged provocations, with Baku sinking as low as shelling Armenian villages or preventing a doctor from aiding a person blown up on a mine who later bled to death, as they did only recently.

As the analysis notes, “the possibility of internal political unrest in both countries increases the uncertainty. Unrest at home might tempt leaders to deflect attention by raising military tensions or to embark on risky attempts to capitalize on their adversary’s troubles.”

Last year, Sabine Freizer, Director of the European Programs in the International Crisis Group gave yet another prediction of an oncoming war in Karabakh.

“Armenian -Azerbaijani clashes may grow into a war in the region, where BP Company and its partners invested USD 35 billion in energy projects. Both parties to the conflict maintain weak control of the line of contact. Large-scale hostilities may soon erupt by accident, as a consequence of retaliatory measures taken,” she said.

Probably reluctant to seem Cassandra-like and be slammed by Yerevan or Baku, Sabine Freizer hurried to add, “Neither Azerbaijan, nor Armenia intend to wage large-scale offensive in short terms. In case of renewal of hostilities, the war will by protracted due to militarily parity of the sides. Besides, the security guarantees issued by Russia and Turkey may get them involved,” she said, adding that Russia’s military base in Gyumri may extend Armenia assistance, with both countries being CSTO member-states and Azerbaijan having close ethnic, political and economic ties with Turkey.

Luckily, Freizer’s predictions failed to come true, similarly to previous analysis-based forecasts of the ICG. The question is, who pays the Group to issue somber predictions and escalate the tension over the issue? Because the only thing the ICG managed to achieve throughout the years is become resented - both in Armenia and Azerbaijan.

**1NC indo pak**

**The risk of miscalculation is exactly why India won’t use drones to strike in Pakistan—they will use them to deal with domestic insurgents.**

Zachary **Keck**, 8/29/**2013**. Associate Editor of The Diplomat. He has previously served as a Deputy Editor for E-IR and as an Editorial Assistant for The Diplomat. Zach has published in various outlets such as Foreign Policy, The National Interest, The Atlantic, Foreign Affairs, and World Politics Review. “India Eyes Drone-Launched Smart Bombs,” The Diplomat, http://thediplomat.com/flashpoints-blog/2013/08/29/india-eyes-drone-launched-smart-bombs/.

India is already in the drone business, and demand for UAVs from the defense and civilian sectors is expected to increase drastically in the years ahead. Currently, annual UAV sales in India stand at about US$5.2 billion; this figure will increase to US$11.6 billion over the next decade, according to the Teal Group Corporation, a U.S. aerospace consultancy firm.

A Teal Group executive told The Times of India last month that they expect India’s demand to be “50 medium-altitude, long-endurance (MALE) UAVs, 60 Navy UAVs, 70 Air Force tactical UAVs, 100 Army tactical UAVs and 980 mini-UAVs over the next decade."

India’s precision-guided technology is currently far more underdeveloped, but Delhi is hoping to change this in the coming years through indigenous development or imports. According to India Military Review, India’s precision attack and targeting capabilities are currently limited to laser-guided bomb (LGB) kits attached to dumb bombs.” The same source, however, forecasts that precision bombs and missiles will become much more common among Indian Naval and Air systems over the next five to ten years.

Indian defense experts The Diplomat spoke with were therefore skeptical that India’s drones will be equipped with miniaturized smart bombs any time in the immediate future.

Bharat Karnad, a Senior Fellow in National Security Studies at the Center for Policy Research in Delhi, acknowledged that “DRDO is working on a project to develop a sufficiently compact PGM to arm a drone” but said that “such a capability is immanent, not imminent.”

Yogesh Joshi, an expert on India’s strategic and missile capabilities at the School of International Studies at Jawaharlal Nehru University in Delhi, was slightly more optimistic.

“It will take them a lot of time to get where U.S. and Israel are,” Joshi told The Diplomat referring to DRDO. “However, DRDO is also benefiting a lot by collaboration with U.S. and particularly Israel. Given the fact [that the] U.S. is not as critical of India-Israel engagement as it used to be has benefited this relationship. So the progress may be much more speedy than we expect.”

Both experts also agreed that having such a capability would be useful to Delhi in a number of important areas.

Karnad, who helped draft India’s nuclear doctrine in the late 1990s, said that there is a “whole bunch of tactical and strategic military uses,” for drones armed with smart bombs, including “on the conventional military battlefield versus Pakistan and China, for deployment against terrorist training camps and staging areas/supply depots in Pakistan-occupied Kashmir, and to fight the Naxal insurgents active inside the country.”

Joshi had a similar assessment saying that the drones could be “used for fighting terrorism inside the country in remote areas of Jammu and Kashmir as well as anti-Naxal operations.”

He didn’t believe that the drones would be used to target anti-India militants inside Pakistan proper in the same way that the U.S. has used its drone fleet to carry out targeted strikes against al-Qaeda and Taliban fighters operating in Pakistan’s northwestern regions.

“I think it will be foolish to use them against militants on foreign soil,” Joshi said when asked by The Diplomat if the drones would be used inside Pakistan.

**India-Pakistan rapprochement inevitable—economic pragmatism will overwhelm historical animosity.**

Arif **Rafiq**, 8/10/**2012**. Adjunct scholar at the Middle East Institute and president of Vizier Consulting, LLC, which provides strategic guidance on Middle East and South Asian political and security issues. “India and Pakistan Eye Rapprochement,” The National Interest, http://nationalinterest.org/commentary/india-pakistan-eye-rapprochement-7316?page=1.

Darkness beset Delhi last week as India witnessed the largest blackout in world history. On two consecutive days, seven hundred million people simultaneously were without power for hours—an ignominious feat for an aspiring superpower. Today, India’s rise looks more ambiguous than it was at the height of the current global economic crisis. Declarations of India’s arrival have proven to be premature. But amid the gloom, light shines from its western border as the doors of trade with longtime rival Pakistan slowly open.

The 1947 partition of British India and three subsequent wars progressively reduced the flow of people and goods across the Pakistan-India border. Over time, historic trade routes and many border crossings were closed. Despite a host of trade barriers, bilateral commerce has continued by way of the black market and indirect routes like Dubai, adding to the costs of both consumers and manufacturers and denying Islamabad and New Delhi much-needed tax revenue.

But economic pragmatism is making its way into South Asia. In late July, India announced that it would permit foreign direct investment from Pakistan, except in sensitive industries that deal with national security. The move comes nearly a year after Pakistan granted India most-favored-nation (MFN) trading status. Bilateral trade liberalization is part of a larger normalization process that in the past thirteen years has seen its ups and downs, with alternating fits of bonhomie and scorn. A comprehensive Pakistan-India peace has been elusive, but what is clear is that the two countries are proficient in the language not only of war but also of peace. The challenge has been to enact the script of peace.

The subcontinent has seen three major attempts at Pakistan-India rapprochement since the late 1990s. In 1999, less than a year after conducting nuclear tests that shocked the world, Pakistani prime minister Nawaz Sharif and his Indian counterpart Atal Bihari Vajpayee—a leader of the Hindu nationalist Bharata Janata Party—held historic talks in Pakistan. But months after the summit, Pakistan’s army chief General Pervez Musharraf launched a daring, tactically brilliant but strategically unsound operation to seize the Kargil region of Indian-controlled Kashmir, nearly precipitating a full-scale war. Musharraf’s goal was to internationalize the Kashmir conflict, to compel foreign actors to see it as in the world’s interest to bring India to the bargaining table with Pakistan.

Musharraf did this without the consent of Sharif, whom he would overthrow by the fall of that year. But in 2002, Musharraf too began a determined effort for peace in South Asia, effectively continuing the process Sharif initiated. Courageously, he rolled back support for Kashmiri jihadis, which spurred multiple assassination attempts on him and brought about a war between the Pakistani state and its former jihadi assets that continues today. The Musharraf-led peace venture met its end as Musharraf’s political troubles grew in 2007, culminating with his resignation from the presidency the next year. But the two sides were closer to a deal than ever before. In clandestine talks, Pakistani and Indian officials drafted a “nonpaper” that articulated the broad outlines of a comprehensive peace deal, according to a report by journalist Steve Coll. As bilateral dialogue came to a halt, the 2009 terrorist attacks on Mumbai perpetrated by the Pakistan-based Lashkar-e-Taiba (LeT) brought the two countries to the brink of war once again.

Beginning last year, the pendulum has swung once again toward normalization. Pakistan has given India MFN status and allowed for the transit of Afghan-Indian trade through its territory. The Pakistani and Indian prime ministers have conversed briefly on the sidelines of global summits. Formal bilateral meetings have risen to the ministerial level. Pakistan and India have held two rounds of talks on eight issues, including on Kashmir and more resolvable disputes over the Sir Creek waterway and Siachen Glacier. In September, India’s top diplomat will head to Islamabad. Prime Minister Manmohan Singh could follow him later in November. Retired Pakistani diplomat Najmuddin Sheikh has speculated that Singh and his Pakistani counterpart could conclude agreements on Siachen and Sir Creek—gateway issues to a final resolution of Kashmir.

Sheikh’s forecast is perhaps a bit too sunny. Pakistan-India talks are moving at a glacial pace. Each side is hindered by sclerotic bureaucracies. Meanwhile, the future of the government is uncertain. An activist supreme court might disqualify a second prime minister this year. Coalition allies could abandon their leader, the Pakistan People’s Party, and compel it to call early elections in the winter. A caretaker government in the lead-up to the polls would not be able to conclude agreements with New Delhi. The process would have to be put on hold temporarily.

Despite the instability in Pakistan, the latest phase of Pakistan-India rapprochement has legs. The process was not impeded by the disqualification of Prime Minister Yousuf Raza Gilani in June. And whoever leads Pakistan’s civilian government in the coming years is likely to support peace with India. Indeed, there is a broad political consensus in Pakistan in support of normalizing relations with its neighbor to the east. Pakistan’s five largest parliamentary parties—which together hold 90 percent of its lower-house seats—all support a negotiated resolution to the Kashmir conflict and expanding trade with India. On the other side of the border, Prime Minister Singh has been a steady advocate of peace, though his voice is drowned periodically out by more strident elements in his Congress party.

So what holds back a peace settlement? First and foremost is Indian complacency. Being the larger power and in control of most of Kashmir, the status quo is more favorable to New Delhi than Islamabad. There has yet to be an Indian politician who has matched Musharraf's resolve to make concessions for the sake of a comprehensive agreement.

Second, there is the unfinished business of the Mumbai terror attacks of 2008. Pakistan has yet to conclude the trials of LeT operatives charged with involvement the terror attacks, nearly three years after they were charged, making it difficult for New Delhi to trust Islamabad.

Third is the uncertain regional outlook amid a U.S. withdrawal from Afghanistan. As American forces depart, will Pakistani jihadists set their sights on Kabul or face east toward Pakistan or India? Pakistan's leadership lacks a coherent strategy to subdue the jihadists. The default option might be to toss the jihadi hot potato in India's direction. Alternatively, Pakistan could transition actors like the LeT's Hafiz Saeed into a type of public role that resembles political activism, though this likely would produce violent splinter groups.

These impediments along the way to normalization are real. But both countries cannot dismiss the costs of maintaining the status quo. Pakistan and India are poverty-ridden countries in the world's least economically integrated region. They are tied for the lowest life expectancy in South Asia, excluding Afghanistan. Sixty-five percent of Indians and 52 percent of Pakistanis lack access to improved sanitation, according to a 2012 UNICEF report. In India, a glaring 50 percent of the population practices open defecation (double the rate in Pakistan). Pakistan's economy is expected to grow by less than 4 percent this year. And India will experience a massive drop in the rate of growth, falling below 6 percent for the first time in a decade. Both countries' economies are growing at rates below what's necessary to employ their massive young populations.

Neither India nor Pakistan can shine with the lights off. Energy starved, both would benefit from gas pipelines originating in Iran or Turkmenistan. Either one would cross Pakistan into India. With Indian doors at last open to Pakistani capital, business houses such as the Nishat Group can now invest in India's cement, retail and textile industries. Likewise, Indian venture capitalists can leverage opportunities in Pakistan's information technology sector, which needs infusions of both cash and strategic direction.

The pull of history, hard-liners and a power imbalance have kept Pakistan and India apart. Ironically, economic difficulty could be the tie that binds the neighbors together and raises the prospects of their respective populations flourishing amid a new sense of regional security.

**extra**

**U.S. drone use doesn’t set a precedent, restraint doesn’t solve it, and norms don’t apply to drones at all in the first place**

Amitai **Etzioni 13**, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

**No ‘global precedent’ is affected by anything the U.S. does---states will inevitably pursue drones**

Robert **Wright 12**, “The Incoherence of a Drone-Strike Advocate,” 11/14/12, http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.

Boot started out with this observation:

I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.

That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?

As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:

You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

**1NC afghanistan**

**Impact d**

**No impact to Afghanistan**

**Haass 09** – President, Council on Foreign Relations, former Director of the State Department's Policy Planning Staff

(Richard N. “In the Afghan War, Aim for the Middle.” Washington Post Op-Ed. http://www.cfr.org/publication/20383/in\_the\_afghan\_war\_aim\_for\_the\_middle.html)

Why does Afghanistan matter? We generally hear four arguments. First, if the Taliban returns to power, Afghanistan will again be a haven for terrorist groups. Second, if the Taliban takes over, Afghanistan will again become a human rights nightmare. Third, a perceived defeat of the United States in Afghanistan would be a blow to U.S. prestige everywhere and would embolden radicals. Fourth, an Afghanistan under Taliban control would be used by extremists as a sanctuary from which to destabilize Pakistan. None of these assumptions is as strong as proponents maintain. Afghanistan certainly matters -- the question is how much. Al-Qaeda does not require Afghan real estate to constitute a regional or global threat. Terrorists gravitate to areas of least resistance; if they cannot use Afghanistan, they will use countries such as Yemen or Somalia, as in fact they already are. No doubt, the human rights situation would grow worse under Taliban rule, but helping Afghan girls get an education, no matter how laudable, is not a goal that justifies an enormous U.S. military commitment. And yes, the taking of Kabul by the Taliban would become part of the radicals' narrative, but the United States fared well in Asia after the fall of South Vietnam, and less than a decade after an ignominious withdrawal from Beirut, the United States amassed the international coalition that ousted Saddam Hussein from Kuwait. There are and always will be opportunities to demonstrate the effectiveness of U.S. power.

**Internal link**

**Double bind – either backlash is a response to strikes outside hostilities and there’s no difference between the status quo and the plan – or no and backlash is inevitable**

**Zero impact to backlash**

**Holmes 13**—Stephen Holmes, the Walter E. Meyer Professor of Law, New York University School of Law [July 2013, “What’s in it for Obama?” The London Review of Books, http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama]

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any politically significant outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

**Allied terror coop is high now, despite frictions**

**Archick 9/4**—Kristin Archick, European affairs specialist at CRS [September 4, 2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, http://www.fas.org/sgp/crs/row/RS22030.pdf]

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. **Despite** some **frictions**, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on **C**ounter**t**errorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

**Not key to coop, Snowden and NSA should trigger the link**

**circumvention**

**Wartime will force Obama to resist. The intractable battle creates a national diversion and impairs military wartime decisions**

**Lobel 8**—Professor of Law @ University of Pittsburgh [Jules Lobel, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69, 2008, pg. 391]

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the **congressional restriction** makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly **embolden the President to ignore Congress’s strictures**. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to **ignore and violate legislative wartime enactments** whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53

The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—**wartime reality often favors a strong President who will overwhelm** both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and **ignore legislative enactments that seek to restrict their wartime authority**.

Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an **intractable dispute** over the statute’s constitutionality that **saps the nation’s energy, diverts focus** from the political issues in dispute, and **endangers the rule of law**.

Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary.

If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the **crisis, chaos, and stalemate** that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.

Moreover, the adoption of a contextual, realist approach will **undermine rather than aid the cooperation and compromise** between the political branches that is so **essential to success in wartime**. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, **modern social science research** suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This **self-serving bias** hardens each side’s position and allows the **dispute to drag on**, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

**\*\*\*Stalemate creates an antiwar congressional coalition that guts our commitment to Afghanistan**

**Lieberman 10**—Independent Democratic senator from Connecticut [Joseph I. Leiberman, “Back to a Bipartisan Foreign Policy,” Wall Street Journal, November 16, 2010, pg. http://tinyurl.com/m5z623w]

This year's midterm elections marked the first time since 9/11 that national security was not a major consideration for American voters. But it is precisely in the realm of foreign policy and national security that we may have the greatest opportunities for bipartisan **cooperation** between President Obama and resurgent Republicans in Congress.

Seizing these opportunities will require both parties to break out of a destructive cycle that has entrapped them since the end of the Cold War and caused them to depart from the principled internationalist tradition that linked Democratic presidents like Truman and Kennedy with Republican presidents like Nixon and Reagan.

During the 1990s, too many Republicans in Congress reflexively opposed President Clinton's policies in the Balkans and elsewhere. Likewise, during the first decade of the 21st century, too many Democrats came to view the post-9/11 exercise of American power under President Bush as a more pressing danger than the genuine enemies we faced in the world.

The larger truth was that the foreign policy practices and ideals of both President Clinton and Bush were within the mainstream of American history and values. And if one can see through the fog of partisanship that has continued to choke Washington since President Obama was elected in 2008, the same is true of the new administration as well.

President Obama has moved to the internationalist center on several key issues of national security. Although both parties are hesitant to acknowledge it, the story of the Obama administration's foreign policy is as much continuity as change from the second term of the Bush administration—from the surge in Afghanistan to the reauthorization of the Patriot Act, and from drone strikes against al Qaeda to a long-term commitment to Iraq.

Republicans have also stayed loyal to the internationalist policies they supported under President Bush. When they have criticized the Obama administration, it has reflected this worldview—arguing that the White House has not been committed enough in its prosecution of the war in Afghanistan or done enough to defend human rights and democracy in places like Iran and China.

The critical question now, as we look forward to the next two years, is whether this convergence of the two parties towards the internationalist center can be sustained and strengthened. There are three national security priorities where such a **consensus is urgently needed**.

The first is the war in Afghanistan. To his credit, President Obama last December committed more than 30,000 additional troops to Afghanistan as part of a comprehensive counterinsurgency campaign, despite opposition within the Democratic Party.

Having just returned from Afghanistan, I am increasingly confident that the tide there is turning in our favor, with growing signs of military progress. But as Gen. David Petraeus, the top U.S. commander in Afghanistan, has warned, success will come neither quickly nor easily, and there is still much tough fighting ahead. It is all but certain that no more than a small number of U.S. forces will be able to withdraw responsibly in July 2011, and that success in Afghanistan is going to require a **long-term commitment** by the U.S. beyond this date.

Sustaining political support for the war in Afghanistan therefore will increasingly require President Obama and Republicans in Congress to stand together. Failure to sustain this bipartisan alliance runs the risk that an **alternative coalition** will form in Congress, between **antiwar Democrats and isolationist Republicans**. That would be the **single greatest political threat** to the success of the war effort in Afghanistan, which remains critical to our security at home.

**AND, War power fights undermine US deterrence**

**Newton 12**—Professor of Law @ Vanderbilt University [Michael A. Newton, “Inadvertent Implications of the War Powers Resolution,” Case Western Reserve Journal of International Law, Vol. 45, No. 1, 2012]

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American **political will as the Achilles heel** of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to "seek the **cooperation of the Congress**. Only with that can we give the reassurance needed to **deter aggression**." 62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the "risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact."13 In his letter to Congress "consistent with the War Powers Resolution," the president reported that the strikes "were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities" and "were intended to prevent and deter additional attacks by a clearly identified terrorist threat."6 ' The following day, in a radio address to the nation, the president explained his decision to take military action, stating, "Our goals were to disrupt bin Laden's terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden's network gas."\*6 Citing "compelling evidence that the bin Laden network was poised to strike at us again" and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes. 66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.6 1

Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.6" Seeking to bolster legislative support and to better explain the strategic objectives, he explained that:

It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability behind the legitimate Government of Lebanon, and an important weight in the scales.

To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our **domestic controversy over the war powers** has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to **discount our presence** or to **intensify their attacks** in hopes of hastening our departure.

An accommodation between the President and Congress to resolve this dispute will help **dispel** those **doubts** about our staying power and strengthen our political hand." Pg. 189-190

**That risks nuclear war. Deterrence prevents Kim Jong-Un from igniting the tinder box**

**Kline 13**—Comment Editor and Writer @ National Post [Jesse Kline (Master of Journalism degree from the University of British Columbia), “Deterrence is the best way to prevent war with North Korea,” National Post, April 9, 2013, pg. http://fullcomment.nationalpost.com/2013/04/09/jesse-kline-deterrence-is-the-best-way-to-prevent-war-with-north-korea/]

Another day, another provocation from North Korea. Last week the reclusive regime threatened to launch a **nuclear strike** against the United States, blocked South Korean workers from entering the Kaesong industrial complex and evacuated the Russian and British embassies, warning Western diplomats the country could not ensure their safety in the event of war. This week, the North has reportedly moved missile launchers to its east coast and threatened to shut down the industrial complex it jointly operates with the South. On Tuesday it warned1 foreigners to get out of South Korea because of the threat of "**thermonuclear war**." This all sounds bad, but there's little reason to panic, so long as the Obama administration makes it abundantly clear that any act of war will result in the full might of the U.S. military bearing down on North Korea.

Ever since the Korean War ended in 1953, the Kim regime has been bringing the peninsula to the brink and then backing off once the international community agrees to concessions. This is especially true any time South Korea elects a new president or conducts war games with the United States—two events that have taken place in recent weeks.

Appeasement seemed like a viable option until it became apparent that the North was developing weapons of mass destruction. As it turned out, constantly giving in to the North Koreans failed to stop them from developing a nuclear weapon and only encouraged the regime to continue playing games with the international community.

The North keeps playing these game because it works. By ratcheting up the rhetoric against the U.S. and South Korea, Kim Jong-Un is able to keep his population in a constant state of fear—always worried about the enemy at the gates. He is also able to shore up support from the military and justify spending money on defence instead of feeding the population, while pressuring the international community into giving aid to the cash-strapped country.

Kim Jong-Un is moving the world to the brink of war only because past experience has shown that he'll get something out of it. The truth is that there is very little chance of North Korea deliberately starting a conflict, as the regime is surely aware that it would be crushed by the American army in a head-to-head conflict.

The U.S. has put South Korea under its nuclear umbrella—i.e., a first strike against the South would trigger an American second strike. Barack Obama has also done a fairly **good job of not showing weakness** in the face of North Korean aggression by continuing joint war games with the South and flying nuclear-capable bombers to the peninsula. The only real threat of war occurs if either side trips up. And by preparing his forces for war, Kim Jong-Un has created a situation in which one wrong move by edgy soldiers guarding the demilitarized zone could **ignite the tinder box**.

Yet there is no reason to believe that standard deterrence mechanisms will not work in this situation. During the Cold War there was a very real threat of nuclear war between the United States and the Soviet Union, but it was prevented largely because of deterrence programs such as MAD (Mutually Assured Destruction). Other nuclear-armed rivals such as India and Pakistan have also prevented war using the same principals.  Kim Jong-Un may appear crazy, but there's no indication that he has a death wish.

However, as former U.S. secretary of state Henry Kissinger once said, "Deterrence requires a combination of power, the will to use it, and the assessment of these by the potential aggressor. Moreover, deterrence is the product of those factors and not the sum. **If any one of them is zero, deterrence fails**."

The North Koreans are betting that the American publicare in no mood for war, following Iraq and Afghanistan. And although war should be prevented at all costs, there probably would be support in the U.S. for the kind of fight the Americans are best at: Go in, kick ass and get out—nation building be damned. Flying B-2 bombers to Korea indicated that Washington was in no mood for games, but the announcement Sunday that the Pentagon will be delaying a planned missile test sends the opposite signal.

In order for deterrence to work, Washington has to be abundantly clear that any act of war will provoke a swift, and deadly, American response. And that any nuclear weapon—detonated anywhere in the world—using North Korean technology will result in Washington turning Pyongyang into a wasteland.

So long as Kim Jong-Un and his cronies believe there is a real and credible threat from the United States, there is very little to worry about. Cancelling planned displays of American firepower and not being explicit about U.S. support for countries such as South Korea and Japan, will only **embolden North Korea**—making the **powder keg more likely to blow**.

**link**

**Restricting targeted killing as a first resort outside active hostilities collapses counter-terrorism by signaling availability of safe havens**

Geoffrey **Corn 13**, Professor of Law and Presidential Research Professor, South Texas College of Law, 5/16/13, Statement before the Senate Armed Services Committee, CQ Congressional Testimony, lexis

3. What is the geographic scope of the AUMF and under what circumstances may the United States attack belligerent targets in the territory of another country?

In my opinion, there is no need to amend the AUMF to **define the geographic scope of military operations** it authorizes. On the contrary, I believe doing so would **fundamentally undermine** the efficacy of U.S. counter-terror military operations by **overtly signaling to the enemy** exactly **where to pursue safe-haven** and **de facto immunity** from the reach of U.S. power. This concern is similar to that associated with explicitly defining co- belligerents subject to the AUMF, although I believe it is substantially more significant. It is an operational and tactical axiom that insurgent and non-state threats rarely seek the proverbial "toe to toe" confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved **disastrous**, and ostensibly caused the dispersion of operational capabilities that then necessitated the co-belligerent assessment. Imposing an **arbitrary geographic limitation** of the scope of military operations against this threat would therefore be inconsistent with the strategic objective of preventing future terrorist attacks against the United States.

I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term "hot battlefield." This notion of a "hot" battlefield is, in my opinion, **an operational and legal fiction**. Nothing in the law of armed conflict or military doctrine defines the meaning of "battlefield." Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat -including key vulnerabilities - is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic "box", have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a "hot" battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become "hot" when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack.

I do not, however, intend to suggest that it is proper to view the entire globe as a battlefield in the military component of our struggle against al Qaeda, or that threat dynamics are the only considerations in assessing the scope of military operations. Instead, complex considerations of policy and diplomacy have and must continue to influence this assessment. However, suggesting that the proper scope of combat operations is **dictated by a legal conception of "hot" battlefield** is **operationally irrational** and **legally unsound**. Accordingly, placing **policy limits** on the scope of combat operations conducted pursuant to the legal authority provided by the AUMF is both logical and appropriate, and in my view has been a cornerstone of U.S. use of force policy since the enactment of the AUMF. In contrast, interpreting the **l**aw **o**f **a**rmed **c**onflict to place **legal limits** on the scope of such operations to "hot" battlefields, or **imposing such a legal limitation** in the terms of the AUMF, **creates a perverse incentive for the belligerent enemy** by allowing him to **dictate when and where he will be subject to lawful attack**.

I believe this balance between legal authority and policy and diplomatic considerations is reflected in what is commonly termed **the "unable or unwilling" test** for assessing when attacking an enemy belligerent capability in the territory of another country is permissible. First, it should be noted that the legality of an attack against an enemy belligerent is determined exclusively by the law of armed conflict when the country where he is located provides consent for such action (is the target lawful within the meaning of the law and will attack of the target comply with the targeting principles of distinction, proportionality and precautions in the attack). In the unusual circumstance where a lawful object of attack associated with al Qaeda and therefore falling within the scope of the AUMF is identified in the territory of another country not providing consent for U.S. military action, **policy and diplomacy play a decisive role** in the attack decision-making process. Only when the U.S. concludes that the country is **unable or unwilling to address the threat** will attack be authorized, which presupposes that the nature of the target is determined to be sufficiently significant to warrant a non-consensual military action in that territory. I believe **the Executive is best positioned to make these judgments**, and that to date they have been made judiciously. I also believe that imposing a statutory scope limitation would **vest terrorist belligerent operatives with the benefits of the sovereignty of the state they exploit for sanctuary**. It strikes me as far more logical to continue to allow the President to address these sovereignty concerns through diplomacy, focused on the strategic interests of the nation.

**ac**

**They don’t solve their internal link ev about ethnic tensions**

**Laundry list of alt causes to Afghan instability**

**Kjaernet and Torjeson 8** – \*Research Fellow in the Energy Programme and the Department of Russia and Eurasia at the Norwegian Institute of International Affairs and Senior Research Fellow at the Norwegian Institute of International Affairs (Heidi and Stina, “Afghanistan and Regional Instability: A Risk Assessment”, Norwegian Institute of International Affairs, http://english.nupi.no/Publications/Books-and-reports/2008/Afghanistan-and-regional-instability-A-risk-assessment)

The regional context of Afghanistan poses a range of challenges for the country’s stabilisation process: Pakistan Pakistan’s central government has lacked control of developments in the areas bordering Afghanistan (Baluchistan, the Federally Administered Tribal Areas and the North-West Frontier Province), making President Musharraf unable to implement the US-encouraged crackdown on Pakistani Taleban supporters. The Pakistani border areas have become a key source of weapons, equipment and new recruits for anti-government militant groups in Afghanistan, while Pakistan–Afghanistan bilateral relations remain, as so often before, strained. The Pakistani election results from February 18 2008 give grounds for cautious optimism. Nevertheless, the serious challenges stemming from Pakistan will continue in the short to medium term for Afghanistan. Iran–US tensions The standoff between Iran and the USA over Iran’s nuclear programme has introduced difficulties in Iran–Afghan relations. Iran remains an important supporter of the Western-backed Hamid Karzai government. Nevertheless, in the face of US pressure, Iran is beginning to demonstrate, according to some reports, its ability to destabilise Afghanistan and derail Washington’s Afghan campaign, as a means of enhancing its overall leverage regarding the USA.1 Geopolitical rivalries Geopolitical rivalries in the region preclude any optimal co-ordination of support to Afghanistan by neighbours and great powers. These tensions include the long-standing conflict between India and Pakistan as well as the serious Russian and Chinese unease over the US and NATO military presence in the region. Regional trade difficulties Security concerns and post-Soviet bureaucratic inertia prevent Afghanistan’s northern neighbours from fully endorsing the vision, promoted by the USA and other nations, of Afghanistan’s economic recovery being facilitated by denser integration into regional trade and communication links. Uzbekistan The government of Uzbekistan is highly authoritarian and deeply unpopular. Large-scale political and social upheaval remains one likely future scenario for the country. Upheaval in Uzbekistan would pose a serious challenge to the stability of Afghanistan’s northern and western territories, including Mazar-e-sharif and possibly Meymaneh, where Norwegian troops are stationed. The German-run ISAF base located in Termez in Uzbekistan near the Uzbekistan–Afghanistan border, and Mazar-e-sharif would be particularly vulnerable in case of upheaval in Uzbekistan. Drugs Drugs production and trafficking constitute one of Afghanistan’s central domestic challenges, but drugs trafficking can also be seen as a regional problem. The large-scale criminal activities and incomes associated with regional drug flows are undermining the states of the region: in this way Afghanistan’s neighbours – Tajikistan and Kyrgyzstan in particular – are becoming weaker, more criminalised, more unstable and less able to act as constructive partners for Afghanistan. Water Afghanistan’s northern neighbours have a lengthy history of water disputes. If Afghanistan in the medium or long term decides to claim its legitimate share of the region’s water resources – as it may well do in order to further its economic development – then water-sharing in the region will become even more difficult. Bilateral and multilateral relations between and among the Central Asian states have been severely strained at times, although fully fledged ‘water wars’ have remained a remote prospect.

**Afghanistan Stable**

**Old doesn’t matter – conceded structurally okay**

**Others will fill in to solve stability.**

**Prashad ‘9** (Vijay, George and Martha Kellner Chair of South Asian History – Trinity College, GazetteNET, “Don't escalate Afghanistan war, reach out to country's neighbors”, 12-5, http://www.gazettenet.com/2009/12/05/dont-escalate-afghanistan-war?SESSf793588a8482ac7b45e5aa116b4d4c76=gnews)

Instead, the U.S. backed one group of nasty warlords (the Northern Alliance) against the Taliban, throwing to the wind the progressive forces within Afghan society. The SCO was also disregarded. This was a costly mistake. The SCO continues to have influence in the region. This summer, elements in the Taliban insurgency sent a letter to the SCO, asking it to intervene against the occupation. Of course the SCO is sitting on its hands, but it is able. The regional solution will be difficult, given that it would have to scrub off the effects of 30 years of warfare. Right after the Taliban fled in 2001, the U.S. convened a "donor's conference" in Bonn, where Europe, Japan and the U.S. gathered to promise money for the reconstruction of the country. No one invited the SCO players. This has not changed. Europe, Japan and the U.S., the countries with the least legitimacy in Afghanistan are the ones calling the shots. Rather than conference calls with Brussels (the NATO headquarters), Paris, London and Kabul (with the shaky government of Karzai), the Obama administration should have called a political conference of the SCO, to see what it would have taken to hand over the Afghan imbroglio to them. The SCO met in Bishkek (capital of Kyrgyzstan) on Nov. 24 to discuss the problem of the region, and made all kinds of suggestions. None of these are operational till the U.S.-NATO forces withdraw from Kabul. China is the only power in the region with the wealth and expertise to genuinely rebuild Afghanistan (people might criticize its development policy in Africa, but mark this: Chinese investment enters countries in Africa without IMF-type conditionalities and Chinese engineers and managers live in modest conditions, not creating the kind of high-overhead NGO lifestyles of the European and U.S. humanitarian workers). The U.S. media has portrayed the escalation of the occupation in a very simplistic fashion: Either the U.S. solves the problem, or the Taliban returns. This is a false choice, one that assumes that only the U.S. can act, the White Knight riding in to save the world. Others are ready. But they don't want to act unless they have a commitment that the U.S. is not going to use their blood and treasure to build its empire.

**Afghanistan will stay stable**

**Sediqi 12** [Rafi, "Nato Says New Framework Assures Afghan Stability After 2014," 10-16, <http://tolonews.com/en/afghanistan/7967-nato-says-new-framework-assures-afghan-stability-after-2014->]

Some Nato forces will remain in Afghanistan after 2014, assuring ongoing stability as the alliance moves from a combat role to a training mission, Nato-led Isaf spokesman Brig. Gen. Gunter Katz said in Kabul on Monday. Addressing fears of rising insecurity once foreign forces leave in 2014, Katz emphasised the ongoing support of the international community towards Afghan security forces. "**Afghanistan will stay stable** after 2014. The commitment from the international community at the Chicago and Tokyo summit shows that Afghanistan will be supported in the future as well," Katz said at a briefing in Kabul. Nato civilian spokesman Dominic Medley made similar remarks, saying that the framework for Nato's post-2014 engagement in Afghanistan was decided on last week in Brussels. "Nato defence ministers and the ministers from potential operational partners concluded the first stage of planning for that new mission. This will guide the military experts as they take the planning process forward. It is expected to agree on a detailed outline early next year, and to complete the plan well before the end of 2013," Medley said Monday in Kabul. "This new mission will not be a combat mission. It will be a mission to train, advise and assist," he added. He pointed out that Afghan security forces are already responsible for security of 75 percent of the Afghan people and that they will lead all the military operations by the first half of 2013. "International community and Nato are committed towards Afghanistan and promised billions of dollars to the country. Afghan forces will be supported in the future and their training mission will continue," Medley added. The Nato office in Kabul also introduced new senior civilian envoy to replace Simon Gass who completed his term last month.

**Regional cooperation stabilizes Afghanistan**

**Daily Regional Times 12** ["Trilateral Summit: Trio urges collective efforts for peace, stability in Afghanistan," 12-13, Vol VII, No 474, Lexis]

President Asif Ali Zardari, Turkish President Abdullah Gul and Afghan President Hamid Karzai had joint meeting with Turkish Prime Minister Reccep Tayyip Erdogan, ahead of the 7th Trilateral Summit at the Cankaya Presidential Palace, here Wednesday. According to a President House statement, President Asif Ali Zardari while appreciating the Turkish leadership for the constructive role in regional peace and stability, said that ensuring peace and stability in Afghanistan and the wider region is a matter of urgent priority for Pakistan, Afghanistan and Turkey. He said the presence of the leadership of three countries at the Trilateral Summit meeting reflects collective desire to contribute towards shared objectives of peace and stability in Afghanistan and the region. The President said, "Pakistan firmly believe that peace and stability in Afghanistan is in our own national interest and therefore Pakistan supports all efforts aimed at ensuring peace and stability in Afghanistan." Highlighting the importance of connectivity in the economic integration, President Zardari urged the need for greater linkages and initiating more connectivity projects like Gul Train besides enhanced routes for trade which, he said, was crucial for regional progress and prosperity. Turkish Prime Minister Recep Tayyip Erdogan assured that Turkey would continue to play its constructive role and contribute towards peace and development in Afghanistan and in the wider region. Later Turkish President Abdullah Gul hosted lunch for his Pakistani and Afghan counterparts and the accompanying delegations. Hina Rabbani Khar, Foreign Minister, Arbab Alamgir. Minister for Communications, Imtiaz Safdar Warraich, Minister of State for Interior, Hamid Yar Hiraj, Minister of State and Chairman ERRA, General Ashfaq Parvez Kayani, Chief of Army Staff, Lt. General Zaheer-ul-Islam, DG, ISI, Jalil Abbas Jilani, Foreign Secretary, Muhammad Arif Azeem, Khawaja Muhammad Siddique Akbar, Secretary Interior and Ambassador Muhammad Haroon Shaukat were also present during the lunch.

**2NC Backlash**

**1AC and 2AC are more spin then real internal links – even if they win all of their backlash argument, there is no reason that the backlash would be on Afghanistan which is a zone of active hostilities**

**2NC AT: Domestic Backlash**

**Obama doesn’t care about Domestic backlash – not running for reelection and most people don’t know or care about drones – people care more about what’s happening in the news – that’s their politics thumpers**

**The government won’t take up that backlash**

**Wittes 13**—Benjamin Wittes, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution [February 27, 2013, “In Defense of the Administration on Targeted Killing of Americans,” www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/]

This view has currency among European allies, among advocacy groups, and in the legal academy. Unfortunately for its proponents, it has no currency among the three branches of government of the United States. The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force and despite many opportunities, has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency—much less to clarify that the AUMF does not, any longer, authorize the use of military force at all. Congress has been repeatedly briefed on U.S. targeting decisions, including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. Not only has it taken neither of these steps, but Congress has also funded the relevant programs. Moreover, as I noted above, Congress’s recent reaffirmation of the AUMF in the 2012 NDAA with respect to detention, once again contains no geographical limitation. There is, in other words, a **consensus** among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

**Empirics are overwhelming**

**Chesney 12**—Robert Chesney, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, and Cofounder of the Lawfare Blog [“Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” August 29, 2012, U Texas School of Law, Public Law and Legal Theory Research Paper No. 227]

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas. The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a **mend-it-don’t-end-it approach** culminating in passage of the Military Commissions Act of 2009, **which addressed a number of key objections** to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is **far more stable today** than at any point in the past decade.51 There have been strong elements of **cross-party continuity** between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of **using lethal force** not just in contexts of overt combat deployments but also in **areas physically remote from the “hot battlefield.**” Indeed, the Obama administration **quickly outstripped the Bush administration in terms of the quantity and location** of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in it

s efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also **succeeded in fending off a lawsuit challenging the legality of the drone strike program** (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54 The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism **no longer seemed likely to spill over in the form of disruptive judicial rulings, newly restrictive legislation**, or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of **cross-branch and cross-party consensus**, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

**2NC AT: International Backlash**

**Allied coop increasing –**

**They need us more than we need them**

**Perry and Dodds 13**—Nick Perry, AP Correspondent for New Zealand and the South Pacific, and Paisley Dodds, London Bureau Chief for AP [July 16, 2013, “Experts Say US Spy Alliance Will Survive Snowden,” http://www.military.com/daily-news/2013/07/16/experts-say-us-spy-alliance-will-survive-snowden.html]

WELLINGTON, New Zealand—Britain needed U.S. intelligence to help thwart a major terror attack. New Zealand relied on it to send troops to Afghanistan. And Australia used it to help convict a would-be bomber. All feats were the result of a spying alliance known as Five Eyes that groups together five English-speaking democracies, and they point to a vital lesson: American information is **so valuable**, experts say, that **no amount of global outrage** over secret U.S. surveillance powers would cause Britain, Canada, Australia and New Zealand to ditch the Five Eyes relationship. The broader message is that the revelations from NSA leaker Edward Snowden are unlikely to stop or even slow the global growth of secret-hunting—an increasingly critical factor in the security and prosperity of nations. "Information is like gold," Bruce Ferguson, the former head of New Zealand's foreign spy agency, the Government Communications Security Bureau, told The Associated Press. "If you don't have it, you don't survive." The Five Eyes arrangement underscores the value of this information—as well as the limitations of the information sharing. The collaboration began during World War II when the allies were trying to crack German and Japanese naval codes and has endured for more than 70 years. The alliance helps avoid duplication in some instances and allows for greater penetration in others. The five nations have agreed not to spy on each other, and in many outposts around the world, Five Eyes agencies work side by side, allowing for information to be shared quickly. But Richard Aldrich, who spent a decade researching a book on British surveillance, said some Five Eyes nations have spied on each other, violating their own rules. The five countries "generally know what's in each other's underwear drawers so you don't need to spy, but occasionally there will be issues when they don't agree"—and when that happens they snoop, Aldrich said. In Five Eyes, the U.S. boasts the most advanced technical abilities and the biggest budget. Britain is a leader in traditional spying, thanks in part to its reach into countries that were once part of the British Empire. Australia has excelled in gathering regional signals and intelligence, providing a window into the growing might of Asia. Canadians, Australians and New Zealanders can sometimes prove useful spies because they don't come under the same scrutiny as their British and American counterparts. "The United States doesn't share information," said Bob Ayers, a former CIA officer, "**without** an expectation of **getting something in return**." Britain is home to one of the world's largest eavesdropping centers, located about 300 kilometers (186 miles) northwest of London at Menwith Hill. It's run by the NSA but hundreds of British employees are employed there, including analysts from Britain's eavesdropping agency, the Government Communications Headquarters—or GCHQ. Australia is home to Pine Gap, a sprawling satellite tracking station located in the remote center of the country, where NSA officials work side-by-side with scores of locals. The U.S. also posts three or four analysts at a time in New Zealand, home to the small Waihopai and Tangimoana spy stations. The intelligence-sharing relationship enabled American and British security and law enforcement officials to thwart a major terror attack in 2006—the trans-Atlantic liquid bomb plot to blow up some 10 airliners. The collaboration, sometimes called ECHELON, takes place within strict parameters. Two U.S. intelligence officials, who spoke on condition of anonymity because they weren't authorized to speak about the program to the news media, said only U.S. intelligence officers can directly access their own vast database. A Five Eyes ally can ask to cross-check, say, a suspicious phone number it has independently collected to see if there is any link to the U.S., the officials said. But the ally must first show the request is being made in response to a potential threat to Western interests. Ferguson said that in New Zealand, cooperation with the U.S. improved markedly after the Sept. 11, 2001, terrorist attacks. Still, he said, his agency was kept on a need-to-know basis. He said he never knew what information was being provided to other Five Eyes nations, and none of the countries would have shared all their intelligence anyway. Ferguson said a small country like New Zealand benefited by a ratio of about **five-to-one** in the information it received compared to what it provided. He said that as chief of the defense force, a role he held before taking over the spy agency in 2006, he could never have sent troops to Afghanistan without the on-the-ground intelligence provided by the U.S. and other allies. He said New Zealand continues to rely on Five Eyes information for most of its overseas deployments, from peacekeeping to humanitarian efforts. The intelligence is vital, he added, for thwarting potential cyber threats. In Australia, prosecutors in 2009 used evidence from a U.S. informant who had been at a terrorist training camp in Pakistan to help convict one of nine Muslim extremists found guilty of planning to bomb an unspecified Sydney target. The Australian Security Intelligence Organisation wrote in an email to The AP that "intelligence sharing between countries is critical to identifying and preventing terrorism and other transnational security threats." Canada's Department of National Defence had a similar response, saying it "takes an active role in building relationships with allies. Collaborating with the personnel of the Five Eyes community in support of mutual defense and security issues is part of this relationship building." Both agencies declined requests to provide more specific information. In the decades since World War II, the allies have formed various other intelligence allegiances, although few as comprehensive or deep as Five Eyes. While the Snowden revelations will test the relationship, it has **survived tests in the past**. New Zealand has long asserted an independent foreign policy by banning nuclear ships, and some are now calling for the country to go further and opt out of Five Eyes. Lawmaker Russel Norman, co-leader of New Zealand's Green Party, is one of many people calling for a public review of the relationship. "I want to live in a free society, not a total surveillance state," he said. "The old Anglo-American gang of five no longer runs the world." But John Blaxland, a senior fellow at the Australian National University's Strategic and Defence Studies Centre, said politicians Down Under have often criticized the security relationship until they've gotten into power and been briefed on its benefits. Then, he said, they tend to go silent. "The perception is that the advantages are so great, **they'd be crazy to give it up**," he said.

**AT: Plan = Squo**

**Daskal concludes the opposite**

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

3. Additional Policy Constraints

Recent statements by administration officials suggest that while, as a matter of law, the United States continues to press a broad definition of the enemy force, its actions, as a matter of policy, are more restrained. Specifically, it focuses its targeted-killing operations on those who pose a “significant threat”57 and only as a matter of last resort. In the words of John Brennan, the United States does not seek to kill every al Qaeda member, but instead focuses its efforts on “disrupt[ing] . . . plans and . . . plots before they come to fruition,”58 and limits lethal strikes to situations in which it is the “only recourse” against the threat. 59 Brennan cites operational leaders, operatives in the midst of training for an attack, and persons who possess unique operational skills that are being leveraged for an attack.60 But no binding limits have yet been articulated, and it is not clear that they exist.61 Are the examples of possible targets exclusive or merely illustrative? How far along does the attack planning need to be? Is mere agreement to plot or plan enough? In what situations is lethal targeting considered the “only recourse”?

Of note, recent reporting suggests that the United States has launched at least one drone strike near Sana’a, the capital of Yemen, in a region readily accessible to law enforcement officials, thereby casting doubt on official assertions that lethal targeting is used as a measure of last resort, when capture is not feasible.62 Moreover, “signature strikes” reportedly were approved for use in Yemen in 2012, allowing the targeting of individuals or groups based on their pattern of activities without knowing the specific targets’ identities or roles in the organization—a practice that seems to belie a policy of individualized assessments of “significant threat.”63

**2NC Circumvention – Link**

**Daskal**

**Daskal says lots of other things are necessary to solve**

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

B. Setting the Standards

Law-of-war detention and lethal targeting outside a zone of active hostilities should be limited, not categorically prohibited. It should be focused on those threats that are clearly tied to the zone of active hostilities and other significant and ongoing threats that cannot be adequately addressed through other means. Moreover, a heightened quantum of information and other procedural requirements should apply, given the possibility and current practice of ex ante deliberation and review. Pursuant to these guiding principles, this Section proposes the adoption of an individualized threat requirement, a least-harmful-means test, and meaningful procedural safeguards for lethal targeting and law-of-war detention that take place outside zones of active hostilities.

**Daskal’s argument is aspirational not descriptive – she has a working definition but there’s no legal consensus.**

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

Commentary, political discourse, court rulings, and academic literature are rife with references to the distinction between the so-called “hot battlefield” and elsewhere. Yet despite the salience of this distinction, there is no commonly understood definition of a “hot battlefield,” let alone a common term applied by all.118 In what follows, I briefly survey the relevant treaty and case law and offer a working definition of what I call the “zone of active hostilities.” This definition takes into account such sources of law as well as the normative and practical reasons for this distinction.

**ZOAH**

**“zones of active hostilities” is a legal fiction**

**Corn, 13 -- South Texas College of Law Presidential Research Professor of Law**

[Geoffrey, former JAG officer and chief of the law of war branch of the international law division of the US Army, Lieutenant Colonel, U.S. Army (Retired), Senate Armed Services Committee Hearing, "The law of armed conflict, the use of military force, and the 2001 Authorization for Use of Military Force," Congressional Documents and Publications, 6-16-13, l/n, accessed 8-23-13, mss]

I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term "hot battlefield." This notion of a "hot" battlefield is, in my opinion, **an operational and legal fiction**. Nothing in the law of armed conflict or military doctrine defines the meaning of "battlefield."Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat -including key vulnerabilities - is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic "box", have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a "hot" battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become "hot" when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack.

2NC Solvency—Prez Not Abide

**President will not abide. Congress will inevitably fall in line**

**Bell 4**—Professor of Political Science @ Randolph-Macon College [Lauren Cohen Bell, “Following the Leaders or Leading the Followers? The US President's Relations with Congress,” Journal of Legislative Studies, Summer/Autumn, 2004, Vol. 10 Issue 2/3, pg. 193-205]

As noted ahove. Article I of the Constitution grants to the Congress the sole authority to make declarations of war. However, the president has the power to command US military personnel based on the provisions of **Article II**. Over the course of US history, the commander-in-chief power has been interpreted to permit presidents to commit troops to areas of conflict even **in the absence of a formal declaration of war**. Today, formal declarations of war are the exception rather than the rule; separation of powers expert Louis Fisher notes that through 1991 only five wars had ever been declared and that "in only one (the War of 1812) did members of Congress actually debate the merits of entering into hostilities'.'^ As Samuel Kemell and Gary Jacohson note: "[SJince 1989 U.S. armed forces have been almost continuously engaged somewhere in the world.''^

This was not always the case. Fisher points out that there is evidence of presidential restraint with regard to war-making by relating the story of President Grover Cleveland (1885-89; 1893-97), who refused to mobilise troops for a conflict with Cuba despite Congress' intention to declare war. In Fisher's account, Cleveland told the Congress: 'I will not mobilize the army ... I happen to know that we can buy the island of Cuba from Spain for $100,000,000, and a war will cost vastly more than that and will entail another long list of pensioners. It would be an outrage to declare war.''^ Yet, in the modem history of presidential-congressional relations, it is much more frequently the president who has mobilised American troops without consultation with the Congress and in the absence of a formal declaration of war. And it is clear that even when we consider Cleveland's actions, the president has been far more important to the conduct of American foreign policy than the Congress.

This circumstance led, in the aftermath of the war in Vietnam, to congressional passage of the War Powers Resolution in 1973. The War Powers Resolution (WPR) was an attempt to constrain presidential discretion with regard to committing troops oversees. Section 3 of the WPR requires that 'The president in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances".' Section 4 of the WPR gives the president 48 hours to provide a report to both Chambers of the Congress detailing the reason for committing troops, the authority under which he committed them and his prediction conceming the duration of the troops' engagement abroad.'^ Once the president has informed the Congress of the commitment of troops, and in the event that the Congress does not declare war, the WPR requires the president to end the engagement within 60 days, with the possibility of an additional 30 days' commitment in the event that the president certifies to the Congress that the additional time is necessary.^\*\* According to the Congressional Research Service (CRS), the research branch of the Library of Congress, since the War Powers Resolution was enacted over President Richard M. Nixon's 1973 veto, it has been invoked on 107 occasions (to 23 July 2003).^' Figure 2 illustrates both the absolute number of times as well as the rate of each president's exercise of war powers. As Figure 2 demonstrates, the rate of War Powers Resolution uses has continually increased since it took effect in 1974.

A reading of the WPR would seem to clarify the relationship between Congress and the president with regard to the exercise of national war powers. A close reading would also suggest that the president and Congress share war-making power. Yet no president has ever recognised the WPR as a constraint on his ability to move American armed forces around the globe or keep them in place as long as necessary. Moreover, **presidents rarely abide by the provisions** of the Resolution that require their consultation with the Congress. As CRS researcher Richard F. Grimmett notes, 'there has been very little consultation with Congress under the Resolution when consultation is defined to mean seeking advice prior to a decision to introduce troops'.^" And while the Congress has, from time to time, expressed its sense that troops should be withdrawn from conflicts or engagements abroad, in truth the Congress has relatively **few options for dealing with a president** that violates the WPR. Indeed, as the late presidency scholar Aaron Wildavsky notes, the Congress is much less likely to challenge presidents" foreign policy actions than it is willing to challenge presidents" domestic policy actions.'^'^ This is because presidents oversee an enormous national security apparatus and because the constituents represented by members of Congress rarely hold strong opinions on matters of foreign policy. As a result, congressional challenges to violations of the WPR consist mostly of holding oversight hearings and passing symbolic resolutions.''\* Moreover, once troops are committed abroad. Congress almost **always falls in line with the president’s vision** of the scope of the conflict and the need for a military presence. The members of Congress become **reluctant to challenge a president** who has troops on the ground and typically acquiesce to the president’s wishes when it comes to provisions for support. In this way, the president is able to exercise some **leadership over the Congress**, whose members generally find it politically **expedient to follow the president** on matters pertaining to the military or the conduct of America's relations with other countries. Pg. 200-202

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**Not Abide—Drones**

**Obama refuses to seek Congressional approval for drone use**

**Alston 11**—Professor of Law @ New York University [Philip Alston (UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010) “The CIA and Targeted Killings Beyond Borders,” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, 2011]

And fourth, the Obama administration has signaled that it does not regard the deployment of drones to a foreign country for the purposes of killing to require congressional approval unless the strikes reached an unspecified but clearly high threshold such as if "we were carpet-bombing a country using Predators." n136 Drones thus become an especially attractive  [\*328]  way for a President to undertake lethal operations in various countries without seeking the sort of authorization that might provoke a sustained and structured public debate.

**2NC Spillover**

**AT: Say Yes**

**War powers stalemate signals a lack of commitment and emboldens our adversaries**

**Kahn 2k**—Professor of Law and Humanities @ Yale Law School [Paul W. Kahn, “"War Powers and the Millennium" Faculty Scholarship Series, Paper 328, 2000, http://digitalcommons.law.yale.edu/fss\_papers/328]

With respect to foreign affairs, however, these techniques of congressional decision-making work poorly. The differentiation that marks the parties as distinct and separate, and is domestically an initial step toward compromise, serves the same differentiating function in foreign policy, but there it tends to freeze party positions. Treaties come before the Senate too late in the process for compromise to be an option, particularly when they are multiparty covenants.62 Moreover, compromises can look like concessions of U.S. interests to foreign states, rather than a distribution among competing elements of the polity. **Nor is there a great deal of pressure to compromise**. Rejecting foreign policy initiatives is a way of preserving the status quo, and preserving the international status quo is rarely a policy for which one is held politically accountable. It is hard to make an issue out of a failure to change the conditions that prevail internationally, when the country is enjoying power, prestige, and wealth. Unable to compromise, the Senate can end up doing nothing, and then treaty ratification fails. **Difference leads to stalemate, rather than to negotiation**. The problem is greatly exacerbated by the two-thirds requirement for ratification.63 This structural bias toward inaction accounts in part for the use of executive agreements in place of treaties.64 These agreements make use of some of the tactical advantages of presidential initiative. Many of the structural problems remain, however, when executive agreements require subsequent congressional approval.

If the issue involves the use of force, compromise is particularly difficult. A compromise that produces a less substantial response to a foreign policy crisis can look like a **lack of commitment**. Disagreement now threatens to appear to offer an “**exploitable weakness” to adversaries**.

Congress cannot simply give the president less of what he wants, when what he wants is a military deployment. There cannot easily be compromises on a range of unrelated issues in order to achieve support for a military deployment. While that may happen, it has the look of disregard for the national interests and of putting politics ahead of the public interest. Nor can Congress easily adopt the technique of the expert commission.65 The timeframe of a crisis usually will not allow it. More importantly, the military— particularly in the form of the Joint Chiefs of Staff—has already preempted the claim of expertise, as well as the claim to be “apolitical.” Finally, there is little room for the private lobbyist with respect to these decisions.

Congress, in short, is not capable of acting because it only knows how to reach compromise across dissensus. When disagreement looks unpatriotic, and compromise appears dangerous, **Congress is structurally disabled**. This produces the double consequence for American foreign policy of a **reluctance to participate in much of the global development of international law**—outside of those trade and finance arrangements that are in our immediate self-interest— and a congressional abdication of use of force decisions to the president.The same structural incapacities are behind these seemingly contradictory results. Pg. 27-30

**“Say Yes” is no better. It triggers US isolationism**

**Kahn 2k**—Professor of Law and Humanities @ Yale Law School [Paul W. Kahn, “"War Powers and the Millennium" Faculty Scholarship Series, Paper 328, 2000, http://digitalcommons.law.yale.edu/fss\_papers/328]

If the president is publicly accountable, then it is not necessarily the case that Congress’s failure has produced a sort of democracy deficit. Indeed, our most compelling problem today is not democratic accountability for the use of force, but Congress’s structural weakness in assessing American participation in an emerging global order. To insist that the constitutional text requires congressional approval of any commitment of American military forces that places them at risk would put the war-declaring function in the same position as the treaty-making function. The consequence would be an **effective withdrawal of American forces** from an active international role.

One unfortunate consequence of our domestic, ideological wars of the ’60s and the ’70s, and particularly of our experience over Vietnam, is an academic tendency to argue for the further democratization of use of force decisions. This is the lens through which the war-declaring power of Congress is viewed. For the reasons sketched above, however, the political and institutional underpinnings for such a view are unrealistic. More importantly, we are already at a point at which there is too much “public accountability,” given the ends for which force is deployed today. The democratization of the war powers is a Cold War agenda that no longer makes sense in a post-Cold War era. To understand this we have to investigate the changing character of the international legal order. Pg. 32

**2NC AT: Plan Solves**

**This was the link debate**

**2NC AT: Syria O/W**

**No – no fight**

**Didn’t matter**

**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 sid

es 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.

**2NC Afg**

**U-Objectives Now**

**US is positioned well t meet it core objectives is Afghanistan. Their ev is media speculation by people who are not on the ground**

**Allen et al.13**—Former Commander of the NATO International Security Assistance Force and U.S. Forces-Afghanistan (2011-2013) [General John R. Allen, USMC (Ret.); Michèle Flournoy (Co-Chair of the Board of Directors of the Center for a New American Security. Former Under Secretary of Defense for Policy from (2009-2012) & Michael O’Hanlon (Senior fellow in Foreign Policy Studies @ Brookings Institution), “Toward a Successful Outcome in Afghanistan,” Center for a New American Security, May 2013

Although media coverage of the war has led many Americans to believe that Afghanistan is a lost cause, **this is not the case**. It is true that the war has been a long, hard slog, by far the longest in U.S. history (and three times as long for Afghans as for Americans, since today’s fight logically connects back to the Soviet invasion in 1979). It is also true that the U.S./NATO-led mission has achieved only **partial results**, when measured against the initial goals of President George W. Bush during his stewardship of the war effort or the goals of President Barack Obama early in his time in office. Leaving aside former Secretary of Defense Robert Gates’ apt warning that the United States would not achieve “Valhalla” in the Hindu Kush, there have been far more fundamental problems. In particular, corruption in Kabul has remained very serious, Pakistan’s cooperation with the war effort has been fickle and the enemy has proved quite resilient.

However, the United States has wound up with a **reasonable “Plan B” for achieving its core objective** of preventing Afghanistan from once again becoming a safe haven for al Qaeda and its affiliates. This plan is not guaranteed to work, of course, and whatever its short-term gains, it cannot hold up over time unless there is at least some further progress on the broader political and strategic challenges mentioned above. But in fact, the **development of the Afghan security forces**, combined with the gradual emergence of a new generation of remarkable **Afghan reformers** working across many sectors of society, hold out great hope for this troubled land.

While the surge has not achieved everything originally envisioned, the United States can still **likely meet its fundamental objectives** by continuing to work with partners to degrade the Taliban-led insurgency and create a strong enough Afghan state to hold the country intact. President Obama has been careful to articulate a clear and limited set of objectives for Afghanistan, and these are still largely within reach—even if at greater cost and with somewhat more fragility than initially hoped. Future American policy should therefore be motivated not by a desire to cut losses but with a determination to loc in hard-fought gains.

The Security Situation

Although the Taliban insurgency remains resilient, particularly in the east and south, and though it retains its sanctuary in Pakistan, its momentum on the ground in Afghanistan has **stalled**. The insurgency is still capable of high-profile suicide bombings, small-scale attacks and intimidation tactics at the local level, but it has not succeeded in winning over Afghan **hearts and minds or expanding control** and influence over the country’s major populated areas.

Moreover, the Taliban’s shift to more brutal tactics, such as assassinations of Afghan officials and perceived government or foreign collaborators, is having a polarizing impact. Specifically, it is engendering harsh retaliation measures by some Afghan power brokers and creating the conditions for anti- Taliban uprisings. These include local movements in places such as Zhary and Panjwa’i, in western Kandahar province, and Andar, in Ghazni province between Kabul and Kandahar.

At this stage of the war, the central security question is: Have the United States and its partners degraded the Taliban enough and built the Afghan National Security Forces (ANSF) to be strong enough so the insurgency no longer poses a threat of overrunning the central government? The short answer is: yes, for the most part, **though there is still a ways to go**. Some **80 percent** of the population is now largely protected from Taliban violence, which is increasingly limited to the country’s more remote regions.

Nearly half of the country’s violence is **concentrated in just 17 of the** country’s **400** or so districts. In addition, almost all of the country’s **major cities are now secured by the Afghan security forces** rather than foreign troops—and the biggest cities have **all seen substantial** further **improvements** in security in the last year. Life is generally buzzing in these places; the war is a concern, but not the predominant reality in people’s daily lives. Pg. 5-6

Despite its promise, one cannot forget, of course, that Afghanistan will remain one of the poorest, least developed and more corrupt countries in the world for years to come. But the United States and its partners, which have invested and sacrificed so much, have a chance to ensure that the land of the Hindu Kush does not return to being a **safe haven for international terrorists** and that it stays on the path toward greater **stability**, as well as human and **economic development**. Compared to what the international community has collectively invested already, in blood and treasure, the costs associated with this future effort to lock in gains seem a wise investment. Pg. 12-14

**2NC AT: Fights Now**

**2NC AT: No Impact**

**2NC Impact Cards**

**The peninsula is tinderbox. Miscalc risks an all-out war that draws in the US and China**

**Salmon 13**—South Korea-based freelance journalist and author who has written two books on the Korean war [Andrew Salmon, “Korean nightmare: Experts ponder potential conflict,” CNN, March 27, 2013, http://tinyurl.com/jvmsmdy]

Seoul (CNN) -- It's **Asia's nightmare scenario**: War breaking out on the Korean peninsula.

With Korea lying at the heart of Northeast Asia, the world's third largest zone of economic activity after Western Europe and North America, experts say **global capital markets would suffer** devastating collateral damage, but the catastrophic loss of human life -- and potential **nuclear fallout** -- would be far, far worse.

Fortunately, no analysts believe "Korean War II" is imminent; the armistice ending the 1950-53 conflict that buried millions continues to hold, despite North Korea's nullification in March. And with regime maintenance Pyongyang's paramount policy, few think it would risk an attack.

But Kim Jong Un's experience and rationality is being questioned following his recent missile and nuclear tests, his annulment of the armistice and his bellicose vitriol -- extreme even by Pyongyang standards.

Despite annulling the armistice, a consistent Pyongyang demand has been a full peace treaty and it also wants direct talks with the United States, which Washington has resisted, preferring instead multilateral discussions.

Agreement with U.S.

Now, North Korea's actions are fueling concern; so much so that South Korea and the U.S. recently announced they had signed an agreement to firm up contingency plans should North Korea follow through on its threats.

It follows joint military exercises between the allies, which included flights by U.S. B-52 bombers over South Korea.

At the time, Pentagon spokesman George Little said the flights were to ensure the combined forces were "battle-trained and trained to employ air power to deter aggression."

Military strategists are clearly preparing for all eventualities. And it seems the South's citizens are also bracing for possible conflict.

The Asan Institute, a Seoul think tank, found that in 2012, ordinary South Koreans of all age groups believed war was more likely than not

'Invasion unlikely'

At present, a second 1950-style North Korean invasion seems unlikely, but possibilities that could **ignite the peninsula tinderbox** exist.

"I don't think any parties want **all-out war**, but scenarios to arrive at that outcome are some kind of **miscalculation** or inadvertent escalation," said Dan Pinkston, who heads the International Crisis Group's Seoul office. "The problem is that, considering recent developments, the escalation ladder has been getting shorter."

After fatal incidents in 2010, South Korea eased its rules of engagement, enabling speedier counter attacks to Northern attacks such as naval or artillery strikes.

And in February, South Korea's top general told Seoul's National Assembly of plans for **pre-emptive strikes** if intelligence indicated North Korean nuclear attack preparations.

Pre-emption is critical, given the close proximity of the two Koreas.

"Once we detect long range artillery and missiles being prepared, we would have no choice but to strike," said Kim Byung-ki, a professor at Seo

ul's Korea University; it takes only three minutes for a North Korean plane to reach Seoul, and under a minute for artillery shells to hit.

America committed

Analysts fear a limited Northern attack might provoke a Southern response, **sparking a spiral of escalation and the dreaded "big war."** With Seoul and Washington bound by treaty, America would have to commit. "Politically, the U.S. would have to be seen to support South Korea," said James Hardy, Asia Editor at defense publication IHS Jane's. "If it did not, its defense policy in Asia-Pacific would be in tatters."

North Korea's 1.1 million strong Korean People's Army, or KPA, is nearly double the size of the 640,000-person South Korean military and the 28,000 U.S. troops stationed in Korea.

Much of North Korea's military is believed to be decrepit: It lacks fuel, fields outdated equipment, and some troops are undernourished, but it wields two niche threats: special forces and artillery.

In a report in March last year, the commander of U.S. and U.N. forces in South Korea, General James Thurman, warned that North Korea has continued to improve the capabilities of the world's largest special operations force -- highly trained specialists in unconventional, high-risk missions.

Pyongyang fields 60,000 special forces, according to Gen. Thurman -- and more than 13,000 artillery pieces, most of it deeply dug in along the DMZ, and ranged on Seoul; the dense capital sprawls just 30 miles (48 kilometers) south of the border.

Moreover, with its main-force numbers and weight of firepower, the KPA might be able to concentrate offensive units with enough mass to punch across the fortified DMZ, through South Korean second echelon defenses, and barrel toward the Seoul region, an area with 24 million people.

Still, given the KPA's logistic weakness and inability to sustain battlefield operations, analysts expect an offensive lasting only three days to one week, after which Pyongyang could negotiate from a position of strength.

Commando force

Meanwhile, could South Korean forces hold long enough for U.S. troops to massively reinforce? Could U.S. forces operate effectively with their bases in Korea -- and possibly Japan, Okinawa and Guam-- under attack by KPA commandos and missiles? These are the imponderables.

Commandos would provide the KPA's spearhead, infiltrating by air, sea and probably under civilian cover to assault South Korean infrastructure and U.S. bases, degrading Seoul's command and communications capabilities and stemming U.S. reinforcements, said Kim of Korea University. Chaos would likely be increased by electronic jamming measures and cyber attacks. Meanwhile, KPA artillery could fire thousands of shells in their opening barrage, Kim estimated.

Still, questions hang over the KPA's war-worthiness. During Pyongyang parades, goose-stepping battalions display the world's finest close-order drill, but under U.S. aerial bombardment, might Kim's legions -- like Saddam Hussein's -- crack?

It seems unlikely. When North Korean troops have engaged -- notably in Yellow Sea clashes in 1999, 2002 and 2010, and in commando raids in 1968 and 1996 -- they have proven skilled and motivated.

But neither special forces nor artillery are war winners alone: They cannot seize and hold ground. The KPA's biggest weakness is the vulnerability of its main force units once they begin to maneuver.

Aerial bombardment

The U.S. and South Korea could fight a three-dimensional battle: KPA infantry and armored units would be pummeled by 24-7 U.S. aerial bombardment; its forces would also be vulnerable to heli-borne envelopment; and, because Korea is a peninsula, the North could be flanked by sea in amphibious operations.

Still, if the KPA ran the 30-mile gauntlet from the border and broke into Seoul, a city vaster than Stalingrad, it would be easy to cut off but difficult to evict. Close combat among Korea's hills and streets could prove murderous.

"They're not Saddam's army, they're likely to fight like the Japanese in the Pacific," said Pinkston, referring to Japan's last-ditch island stands of 1944-5. "They would be paranoid about what would happen if they surrendered."

Destroying North Korean artillery shelling Seoul -- much of it emplaced in tunnels that have been dug over decades -- would be another stern task. Kim noted that U.S. "bunker buster" bombs used in Iraq were originally designed for use against North Korea.

Seoul and Washington possess precision-guided munitions. Bombs or missiles bursting in bunker entrances could bury KPA artillery and air force units, analysts say. But the South Korean capital would likely take a severe pounding -- possibly with unconventional weapons.

Bio hazard

Last March, Thurman said: "If North Korea employs biological weapons, it could use highly pathogenic agents such as anthrax or the plague. In the densely populated urban terrain of the ROK, this represents a tremendous psychological weapon."

A marine or airborne landing to its rear are options to take out North Korea's gun line; the question is how much damage Seoul would suffer before such operations could be launched. KPA missiles are an additional threat: As coalition forces discovered in Gulf War I, finding and destroying mobile launchers is tremendously difficult.

Yet with U.S. air power constantly degrading KPA units, communications, headquarters and logistics nationwide, experts see no way for Pyongyang to win a sustained war. If South Korea and the U.S. attack into the North, the wild card is Beijing, with whom Pyongyang has a mutual defense treaty.

Northern Korea guards China's northeast: throughout history, a strategic flank. In 1950, with North Korea largely overrun by U.N. forces, Beijing intervened, saving the state from extinction. Pundits say Beijing would not support a Pyongyang offensive, but would defend her -- suggesting Kim's regime could survive a war, as his grandfather did.

"China will support North Korea, but only on North Korean territory," said Choi Ji-wook, head North Korea researcher at Seoul's Korea Institute of National Unification. "They will not support a North Korean army attacking South Korean territory."

Tough stance

Washington wants a tougher Chinese stance toward North Korea, but it is unclear whether Beijing's six-decade policy of support has altered significantly.

While supporting a vote to impose tougher sanctions on North Korea after its nuclear test, China recently criticized an announcement from the U.S. that it was beefing up defense systems along the U.S. West Coast.

"Bolstering missile defenses will only intensify antagonism, and it doesn't help to solve the issue," Hong Lei, a spokesman for the Chinese Ministry of Foreign Affairs, said at a regular news briefing in Beijing.

And regardless of the Chinese role, Kim Jong Un, North Korea's young leader, possesses a doomsday option: The nuclear button.

Currently, Pyongyang is not believed to have a missile-mounted nuclear warhead, but it may in years to come. Experts believe the North has rockets able to hit Japan or South Korea with air, land or sea-delivered nuclear devices or dirty bombs. If Kim detonated a nuclear device, it would guarantee apocalyptic retaliation and war crimes trials for any regime survivors -- but if all looked lost, that possibility stands.

"We've never been in a situation where a nuclear-armed country has had to make that kind of call," mused Hardy. "If the leadership is going down like the Third Reich, this kind of last gasp action is possible," added Pinkston.

Were the regime in Pyongyang overthrown by war, the positives would be extensive. South Korea would gain a land connection to the Eurasian continent; a strategic casus belli would evaporate; northern Korea could be rebuilt and its people ushered into the global community; and Northeast Asia could advance toward regional integration.

But given the destructiveness of modern weaponry and the dense populations of both Koreas, experts pray "Korean War II" never happens.

"The casualties in a short time would be unlike anything we have seen before: **hundreds of thousands in days, millions in weeks**," said Pinkston. "The fighting in Iraq, Afghanistan and Syria would **pale in comparison**."

**2NC LL**

Even if they win Indo-Pak defense, vote neg – Multiple scenarios for nuclear war

**Coes 11 –** Ben Coes 11, a former speechwriter in the George H.W. Bush administration, managed Mitt Romney’s successful campaign for Massachusetts Governor in 2002 & author, “The disease of a weak president”, The Daily Caller, http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/

The disease of a weak president usually begins with the Achilles’ heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike. In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn’t bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces.¶ But Obama’s weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons.¶ If you can only worry about preventing one foreign policy disaster, **worry about this one**. Here are a few unsettling facts to think about:¶ First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over.¶ Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, **it will happen**, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device.¶ Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India’s natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world.¶ In my book, Coup D’Etat, I consider this tin

derbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d’état. I wish it was that simple.

**LOAC**

**Overview**

**2. Conceded terminal impact global regulations risk the accidental release and weaponization of convergence technologies****, our impact is 100 million times greater than nuclear war**

**Ćirković 8**—Professor of Physics @ University of Novi Sad in Serbia and Senior Research Associate at the Astronomical Observatory of Belgrade [Milan M. Ćirković Ph.D. (Fellow of the Institute for Ethics and Emerging Technologies), “How can we reduce the risk of human extinction?,” Institute for Ethics and Emerging Technologies, September 17, 2008, pg. http://ieet.org/index.php/IEET/print/2606]

The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter. We may face even **greater risks** from emerging technologies. Advances in synthetic biology might make it possible to engineer pathogens capable of extinction-level pandemics. The knowledge, equipment, and materials needed to engineer pathogens are **more accessible than** those needed to build **nuclear weapons**. And unlike other weapons, pathogens are **self-replicating**, allowing a small arsenal to become exponentially destructive. Pathogens have been implicated in the extinctions of many wild species. Although most pandemics “fade out” by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals. The intentional or unintentional release of engineered pathogens with high transmissibility, latency, and lethality might be capable of causing human extinction. While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore’s Law.

Farther out in time are technologies that remain theoretical but might be developed this century. Molecular nanotechnology could allow the creation of self-replicating machines capable of destroying the ecosystem. And advances in neuroscience and computation might enable improvements in cognition that accelerate the invention of new weapons. A survey at the Oxford conference found that concerns about human extinction were dominated by fears that new technologies would be misused. **These emerging threats are especially challenging as they could become dangerous more quickly than past technologies, outpacing society’s ability to control them**. As H.G. Wells noted, “Human history becomes more and more a race between education and catastrophe.”

Such remote risks may seem academic in a world plagued by immediate problems, such as global poverty, HIV, and climate change. But as intimidating as these problems are, they do not threaten human existence. In discussing the risk of nuclear winter, Carl Sagan emphasized the astronomical toll of human extinction:

A nuclear war imperils all of our descendants, for as long as there will be humans. Even if the population remains static, with an average lifetime of the order of 100 years, over a typical time period for the biological evolution of a successful species (roughly ten million years), we are talking about some **500 trillion people yet to come**. By this criterion, **the stakes are one million times greater for extinction than for** the more modest **nuclear wars that kill “only” hundreds of millions** of people. There are many other possible measures of the potential loss—including culture and science, the evolutionary history of the planet, and the significance of the lives of all of our ancestors who contributed to the future of their descendants. Extinction is the undoing of the human enterprise.

There is a discontinuity between risks that threaten 10 percent or even 99 percent of humanity and those that threaten 100 percent. For disasters killing less than all humanity, there is a good chance that the species could recover. If we value future human generations, then reducing extinction risks should dominate our considerations. Fortunately, most measures to reduce these risks also improve global security against a range of lesser catastrophes, and thus deserve support regardless of how much one worries about extinction.

**2NC link**

**The plan divorces LOAC from operational concerns**

**Blank, 13 –** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>)

Two central concerns, however, arise from the prospective application of Daskal’s suggested legal framework: (­) how the lack of strategic clarity trickles down to affect operational and tactical clarity, and (­) the long-term consequences for the development and implementation of the law of armed conflict (LOAC). This Response highlights these concerns as a counterpoint to the idea of a new set of rules based on shifting geographical combat zones, even in light of the potential procedural benefits such new rules and frameworks might engender. In essence, it is important to recognize that LOAC’s constituents, as it were, include not only the strategic and policylevel decisionmakers and the suspected enemy operatives they seek to combat, but also the individual soldiers tasked with carrying out the mission and, in a broader sense, all those who will implement LOAC in the future or employ its authorities and benefit from its protections. Exploring and accounting for the purposes and functionality of LOAC from all angles is therefore a critical aspect of any discussion of LOAC’s applicability with regard to either geographical application or the formulation of situationdependent rules or parameters. Indeed, the application of LOAC—where and when it applies, and how it applies to different categories of persons and objects—is fundamental not only to the execution of military operations, but also to the planning of and training for operations, and to the enforcement of accountability for violations of the law. Divorcing considerations of LOAC’s geographical reach or its applications in different geographical areas from these three components thus introduces substantial concerns about feasibility, operational effectiveness and predictability, and risks severing the debate from LOAC’s fundamental purposes and objectives. Lost in the current discourse as well is the fact that “armed conflict” is a legal term of art, one introduced to avoid the political manipulations enabled by the earlier use of the word “war,”3 while “battlefield” is an operational euphemism for the place where armed hostilities are taking place and does not even appear as a defined term in military doctrine.4 And yet “armed conflict” and “battlefield” have become linked and have even begun to morph into a legal conception of the “battlefield” that is not based in LOAC, which does not provide specific geographic parameters for armed conflict.

**Generates legal uncertainty and blurs the lines between distinct legal frameworks**

**Blank, 13 –** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>)

II. OPERATIONAL CLARITY AND THE DEVELOPMENT OF THE LAW: CASUALTIES OF A HYBRID RULES-BASED FRAMEWORK

As Daskal aptly describes, the primary contours of the debate over the scope of the battlefield are shaped by the territorially prescribed view on one side and the broadly conceived “global battlefield” on the other.17 From a policy standpoint, the latter poses the risk of spiraling violence and a degradation of sovereignty; the former offers terrorists and other armed groups an unnecessary bonus of safe haven simply by crossing an international border. In an earlier piece, I have argued for a middle ground, based on an understanding of the relevant legal parameters that can offer guidance in analyzing the geographic space of conflict.18 In this sense, I firmly agree with the motivation behind Daskal’s effort to transcend the “impasse” seemingly created by a dichotomous, all-or-nothing view of the geography of conflict. However, attempting to navigate these thorny questions through **new binding legal frameworks** that copy and borrow from two or more distinct legal regimes poses a separate set of concerns, with the risk of more comprehensive long-term consequences.

This Part highlights two of these concerns, specifically within the context of one overarching question: would a new law of war framework apply only to conflicts with terrorist groups or to all LOAC-triggering situations? To the extent that this new framework would become the dominant framework for all conflict situations, the operational and law-development concerns discussed in this Part loom large. However, if the new framework were to apply only in the event of conflicts like that between the U.S. and al Qaeda—a conflict between a state and a transnational terrorist group— two equally significant questions arise. First, how—and by whom—would the determination be made as to whether a particular conflict situation fits within the regular LOAC framework or the new rules-based framework? The risk of additional layers of complexity, legal challenge, and uncertainty as a result of having to make this additional determination first would be great and poses a significant concern. Second, would there thus be two different standards for training and for enforcement, depending on the framework under which a particular unit was operating? Here the consequences for clarity and predictability are quite simply enormous.

A. Operational Clarity and Predictability

A central focus of debate for more than a decade has been how to apply LOAC to conflicts with terrorist groups—from how to define the conflict to how to implement the principle of distinction to the content of law of war detention. The very application of LOAC to military operations against terrorist operatives or groups depends, as the essential preliminary consideration, on the existence of an armed conflict. 19 Notwithstanding the complexities of these determinations in the context of efforts to combat transnational terrorist groups, LOAC continues to rely on clear and objective standards to assess when the law applies. Effective implementation of LOAC depends on the clarity of the legal principles, their application during the heat of battle, and their credible application post hoc in investigations and prosecutions. Moreover, commanders and their troops can best adhere to the law and carry out its central tenets when the law and the obligations it imposes are predictable and operationally logical.

The introduction of a new law of war framework for certain types of conflicts—in which the application of relevant rules depends not on established standards but on a new set of considerations drawn from multiple legal regimes—will affect the application of LOAC at all levels: training, implementation, and enforcement. First, a new framework will have implications for training generally, but the implications go well beyond the need to develop new training methods and modules. Rather, the military will have to explore and assess how to train commanders, lawyers, and troops to comply with a legal framework based on a more complex set of considerations than that established by LOAC, including factors drawn from U.S. constitutional law and other international law regimes. At this stage of training and planning, another challenge will be that of drafting and implementing rules of engagement for operations governed by the legal standards at issue here. Rules of engagement (ROE) distill law, strategy, and policy into tactical instructions for military personnel regarding when and against whom they can use force.20 LOAC forms the outer boundaries of lawfulness for conduct during armed conflict and thus is the outer framework for the rules of engagement; each military operation then has specifically designed rules of engagement to meet the operation’s particular needs. At one level, a new framework based on different legal obligations in different geographical locales does not have significant consequences for the development of ROE because there can be many specific considerations in any conflict situation that drive particularized ROE. Nonetheless, the rapidly changing nature of a conflict with terrorist groups—the nature and geographical location of the threat, and the available responses—will mean that the parameters of this new framework will also be changing—a recipe for extraordinary challenges with regard to developing and training for effective ROE.

Second, implementation in the context of a new law of war framework as proposed, based on distinctions between various zones of security needs and the shifting procedural obligations that result, poses even more significant concerns. Pragmatically, threat and the concomitant need to respond to that threat will always be the primary consideration driving the strategic, operational, and tactical calculus: “Armed conflict is a threat-driven concept, arising when the threat necessitates resort to combat power, and extending to wherever the operational and tactical opportunity to produce a militarily valuable effect on the enemy arises.”21 Divorcing a geographic analysis from this fundamental nature of military operations and decisionmaking can make the law less practical in the immediate sense, and can also, as explained below, hinder the development of the law going forward. During military operations, the law plays an essential protective role not only for those uninvolved in the conflict, but—just as importantly—for those who are fighting.22 Beyond specific provisions that protect soldiers, sailors, airmen, and Marines (such as the obligation to care for the wounded, 23 the prohibition on weapons that cause superfluous injury,24 and the protections provided for prisoners of war25), the law accomplishes this key purpose by striving for clarity and predictability. At the most basic level, soldiers need to know when and against whom they can use force. Uncertainty regarding that most fundamental aspect of wartime conduct places an extraordinary burden on the soldier and places him or her in grave danger beyond that already inherent in the nature of conflict. It may well be possible that a new law of war framework with binding rules that depend on a security calculus drawn from different geographic zones can offer more guidance for a policymaker or other decisionmaker at the highest strategic level. For the men and women directly facing the enemy, however, it muddies the waters by introducing additional considerations to the tactical and operational decisionmaking process, a process that is measured in seconds, if not less.26

**A2 just first rezort**

**Independent link – that creates operational uncertainty about what cases the norm applies in**

**Blank, 13 –** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>)

More broadly, the balance between military necessity and humanity, highlighted in Part I, is most vital in the direct implementation of LOAC during military operations. Military necessity provides the authority for a party to a conflict to use all force—within the bounds of the law—necessary to achieve the complete submission of the enemy.27 This authority extends beyond the neutralization or elimination of immediate threats to the broader purpose of defeating the enemy as an entity itself, rather than the individuals who comprise the enemy force. For this reason, the law envisions a robust and broad power to attack and disable the enemy based on the presumption that, by nature of being part of the enemy, all members of the enemy force pose a threat.28 ROE then provide parameters for and limits on that power in some situations, depending on the strategic, political, and operational needs of the mission at hand.29 If the law would now be relied upon to provide those parameters—as seems to be the effect of proposed law of war frameworks such as that which Daskal suggests—the law would apply differently in different conflicts and in different geographic areas related to the same conflict. Operationally, this effect has the potential to be a recipe for uncertainty and unpredictability, and divorces legal authority from operational practice and necessity. No less, such a framework raises the question of how the decisions are to be made regarding where different authorities can be used and where different procedural obligations must be fulfilled, all the while recognizing that conflict is a fluid and shifting environment, driven by threat perception, operational needs, the conduct of the enemy, and a range of other factors.

Circumvention link

**Plan will be circumvented on the operational level – accountability is impossible**

**Blank, 13 –** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>)

Third, the enforcement and accountability stage of conflict introduces similar challenges as a result of the interaction of a new law of war framework with operational needs during conflict. Accountability for legal violations during armed conflict is an essential component of ensuring LOAC compliance, thus maximizing the law’s ability to protect civilians and others hors de combat and to ensure humane treatment, among other goals. Over the past few decades, the remarkable development of an international criminal jurisprudence—through the work of ad hoc tribunals, hybrid tribunals, and the International Criminal Court, among other mechanisms—has demonstrated the vital role that accountability plays in enforcing the law, in bringing justice to the victims, and, in some cases, in helping to promote reconciliation. The application of the law in the courtroom, however, must be operationally relevant in order to serve as a useful guide for commanders in future military operations. If it is not, the likelihood that the law will be seen as irrelevant or too hard to follow is unfortunately far too great and is a serious concern.30

In the specific context of a law of war framework designed to incorporate additional procedural guarantees and legal regimes in addressing targeting and detention issues across a range of geographic spaces in a transnational conflict, these accountability challenges will loom even larger. First, the relevant legal obligations will be based not only on LOAC but on additional legal regimes as well, such as human rights law or domestic constitutional law, for example. Second, the nature of those obligations and the way in which the various legal regimes relate to each other within this new law of war paradigm will change depending on where, geographically, the relevant conduct takes place. And, as noted above, , the lines between geographic areas that drive different legal obligations are not fixed during a conflict with a transnational actor but rather will shift in accordance with the nature of the threat, the state’s response, and other factors. Current cases before the military commissions in the United States already demonstrate the jurisdictional hurdles posed by a conflict whose geographic and temporal parameters are difficult to identify; 31 these challenges will be magnified exponentially if different components of the same conflict trigger different legal obligations as a result of a new framework based on a sliding scale of procedural obligations relative to geographical location and other factors. Furthermore, enforcement of LOAC always helps to guide future decisionmaking by commanders, judge advocates, and others, but the nature of an accountability process in this new law of war framework will unfortunately not foster greater clarity and predictability. Which precedents would apply in which areas, and for how long? Military commanders and other decisionmakers would be left with the unenviable task of sorting through the uncertainty of the legal precedents and judgments or might simply disregard these precedents as not applicable, an equally problematic outcome. As a result, even when a new framework offers the apparent potential for greater procedural protections or other metrics of effectiveness, if it divorces the decisionmaking and, later, the enforcement process from the operational realities of military operations, it is likely to be viewed as irrelevant or, still worse, as doing more harm than good.

**The plan mixes armed conflict and human rights frameworks – that causes noncompliance and crushes LOAC legitimacy**

Geoffrey **Corn 10**, Professor of Law and Presidential Research Professor, South Texas College of Law, 2010, “Mixing Apples and Hand Grenades: The Logical Limit of Applying Human Rights Norms to Armed Conﬂict,” International Humanitarian Legal Studies 1 (2010) 52–94

Perhaps the most critical premise of this article is that failing to recognize the existence of a logical boundary for the complementary application 8 of these two bodies of law leads to a distortion of this historic authority/restraint balance inherent in the LOAC 9 ; a distortion that will **almost inevitably be perceived as operationally illogical by armed forces**. 10 This, in turn, will produce **one of three outcomes**. The ﬁrst would be the **routine disregard of purported human rights obligations** during armed conﬂict. The second would be an **absolute resistance to any application of human rights norms** in relation to **any issues arising during armed conﬂict**. The third would be the application of regulatory norms derived from **operationally inapposite human rights instruments** based on a perceived necessity to comply with human rights during armed conﬂ ict. This third outcome is actually far from hypothetical, but instead is increasingly apparent in the conduct of operations by many NATO member armed forces, and is a trend that seems to be gaining substantial momentum with very little critical analysis of whether it will produce results that are consistent with the very nature of armed conﬂict. 11

Each of these outcomes is problematic. In the ﬁ rst instance, **noncompliance inevitably discredits the law**; in the second **the outright rejection of application of the law disables its eﬀectiveness** in situations where its application is logical and pragmatic. 12 Th e third instance might appear to be ideal to many human rights advocates. However, without careful and critical assessment of when and where human rights norms are logically applicable during armed conﬂ ict and where that logic dissipates, **the risk of overbroad application creates the potent to disable the eﬃcacy of military operations**.

**Squo policy**

**Question of law**

**Unrestrained war**

**LOAC is winning now – international community is successfully pushing back – it solves geographic norms**

**LYNCH 11 – 4 – 13 Foreign Policy Staff** [Colum Lynch, Global Push to Rein in U.S. Moves from Spying to Gitmo, <http://thecable.foreignpolicy.com/posts/2013/11/04/un_usa_nsa_gitmo>]

More than 12 years after the United States launched its global war on terrorism, testing the outer limits of international law, many of America's allies are seeking to turn back the clock to a time when targeted killings, clandestine prisons, and domestic spying were more frequently associated with rogue states than with the leader of the free world.

Here at the United Nations, foreign powers, U.N. agencies, and experts have sought to limit American espionage, impose new constraints on the use lethal drone strikes, and grant new rights for detainees locked up in the war on terror. The campaign is unfolding in obscure U.N. committees that deal with human rights, Internet governance, and other international legal issues. Increasingly, a key goal has been to impose limits on Washington's ability to act beyond its own borders.

"The unipolar moment is over," said Antonio Patriota, Brazil's U.N. ambassador, who has joined forces with his German counterpart, Peter Wittig, to push a General Assembly resolution aimed at checking the National Security Agency's sweeping surveillance powers. "**As we enter this new world there is no room for exceptionalism or unilateralism.... We need the same rules for everyone."**

The Obama administration is fighting some of these efforts, as you'd expect. But on others, the United States has expressed a willingness to accept some greater constraints on its actions. It agreed, for instance, to shelve plans to bomb Syria. It promised to curtail its spying on friendly leaders and U.N. Secretary General Ban Ki-moon, a deeply pro-American diplomat whose talking points were stolen by NSA spies before meeting with President Barack Obama, according to reports in The Guardian and the New York Times.

"There is an effort to push back by the international community," Juan Mendez, an independent U.N. human rights watchdog and former Argentine political prisoner who endured torture during that country's "Dirty War," told Foreign Policy. "I think many governments, Europeans in particular, are moving backwards from their blind support for whatever the United States did after 9/11. As a result of this, they are asserting a need to go back to basics and reinforce international human rights standards and international humanitarian law standards."

Mendez, who currently serves as a U.N. special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, is seeking to update the rules for the treatment of detainees. He has drafted a proposal to revise a code of conduct written in the 1950s -- known as the Standard Minimum Rules on the Treatment of Prisoners -- to reflect the evolution of international law over the past 60-plus years. The measures include new restrictions on the use of solitary confinement, and applies standard international guidelines for humanely treating incarcerated criminals to prisoners of war, immigrants, and patients of mental health facilities.

European governments, led by Denmark and Switzerland, have pressed this week for a U.N. General Assembly resolution that would condemn the use of torture and endorse Mendez's plans. But they have faced resistance from the United States, which maintains that applying the rules beyond the criminal justice system would go beyond the scope of Mendez's mandate. In closed-door negotiations, the United States has sought to scrub language that would apply the rules to place like Guantanamo.

"With respect to detention pursuant to **the law of armed conflict,** **existing international instruments already govern the field,**" U.S. State Department lawyer Julianna Bentes told the committee. "Extending SMRs [Standard Minimum Rules] to cover additional categories would lead to confusion in both fields, and ultimately undermine state support for the U.N. standards for crime prevention and criminal justice."

The United States still wields enormous influence at the United Nations, leading efforts in the Security Council to combat terrorism around the world. Since 9/11, the U.N. Security Council has created a raft of resolutions requiring governments to pass and enforce anti-terror laws, and imposed sanctions on individuals and entities suspected of having links to al Qaeda. Prosecuting the war on terror is one of the few things the U.N.'s five major powers -- Britain, China, France, Russia, and the United States -- consistently agree on. They have backed international peacekeeping efforts in Somalia and Mali that target Islamist militants linked to al Qaeda.

But many smaller governments are increasingly reluctant to follow Washington's lead. Other rising powers, including Brazil and Germany, are seeking to take the initiative, promoting a raft of U.N. resolutions and rules that would curtail America's powers.

**thumpers**

**Their link turn and thumper arguments just say that there are conflicts and tensions within LOAC – they have no piece of evidence about the casual effect on the way loac will develop – that uncertainty facilitates effective application of LOAC**

**Blank, 13 –** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>)

LOAC has multiple purposes that all stem from or contribute to the regulation of the conduct of hostilities and the protection of persons and objects affected by conflict. The most obvious, perhaps, is the humanitarian purpose, the focus on protecting persons who are caught up in the horrors of war. Equally important, however, is the regulation of the means and methods of warfare for the direct purpose of protecting those who are fighting—soldiers and others—from unnecessary suffering during conflict. Finally, it is crucial to recognize that the law of war does not exist to inhibit military operations or prevent war; rather, the goal of this body of law is to enable effective, moral, and lawful military operations within the parameters of the two aforementioned protective purposes.8

The Geneva Conventions, and the laws of war for centuries before that, are based on four key principles: military necessity, humanity, distinction, and proportionality.9 These key principles of LOAC not only provide the foundation for the law, but can also serve as a useful guidepost for exploring difficult challenges and finding solutions that preserve and protect the law’s core values. Military necessity recognizes that the goal of war is the complete submission of the enemy as quickly as possible; it allows any force necessary to achieve that goal as long as not forbidden by the law.10 The principle of humanity aims to minimize suffering in armed conflict; the infliction of suffering not necessary for legitimate military purposes is therefore forbidden.11 The principle of distinction requires all parties in a conflict to distinguish between those who are fighting and those who are not and target only the former when launching attacks.12 Finally, the principle of proportionality seeks to balance military goals with the protection of civilians, prohibiting attacks when the expected civilian casualties will be excessive compared to the anticipated military advantage.13

In the context of the geography of armed conflict, military necessity and humanity might help provide guidance in delineating the scope of the battlefield. Military necessity naturally suggests a broad view of the zone of combat in order to offer the most comprehensive opportunity to defeat the enemy. At first glance, the principle of humanity seems to support a broad view of the geographical scope of armed conflict as well. The Commentary to the Fourth Geneva Convention emphasizes that the drafters sought to ensure the “widest possible field of application” for LOAC’s protective goals.14 In the past, this goal of maximizing protection has been a driving force, facilitating interpretations of complicated questions regarding protected persons or other issues.15 In the context of conflicts with terrorist groups, however, this goal may not operate as effectively. Simply put, taking a broad view of the time and space dimensions in a conflict with terrorist groups could—with little imagination—lead one to conclude that a large portion of the world falls within the zone of combat, by dint of terrorist groups having a presence in many countries and terrorist attacks taking place in many countries. Although this approach would, in theory, mean that large numbers of persons might benefit from the rights and protections of LOAC, it also means that large swaths of the globe would fall within the “use of force as first resort” authority—against positively identified enemy operatives only—that LOAC grants to belligerents.16 Thus, the principle of humanity more rationally supports a narrow view of the geographic scope of conflict in this situation, a view that seeks to protect the most people by keeping conflict, and the battlefield, away from their countries altogether.

This result—a broad view of geographical application based on military necessity and a narrow view based on humanity—mirrors in some ways LOAC’s essential and inherent balancing of military necessity and humanity and ultimately leaves lingering uncertainties about how to frame the geographic scope of the battlefield. And yet, as discussed further in Section II.A, this inherent tension between military necessity and humanity, between authority and obligation, raises important cautions about attempts to delineate the contours of that balance more specifically. That is, our discomfort with a lack of geographical clarity in a conflict between a state and a transnational terrorist group may well be precisely the source of the elasticity needed to enable this balance between military necessity and humanity to be sustained in pursuit of LOAC’s core purposes.

**Case**

**Modeling**

**U.S. drone use doesn’t set a precedent, restraint doesn’t solve it, and norms don’t apply to drones at all in the first place**

Amitai **Etzioni 13**, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

**No ‘global precedent’ is affected by anything the U.S. does---states will inevitably pursue drones**

Robert **Wright 12**, “The Incoherence of a Drone-Strike Advocate,” 11/14/12, http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.

Boot started out with this observation:

I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.

That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?

As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:

You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

**Pakistan**

**India is not following the U.S. model on drones. They are developing the tech, but only for surveillance and internal use.**

Semu **Bhatt**, October **2010**. Mumbai-based independent strategic analyst and author of Cost of Conflict between India and Pakistan, and Cost of Conflict in Sri Lanka. “India's indigenous drones,” Himal South Asian, http://www.himalmag.com/component/content/article/379.html.

In recent years, the relative ‘success’ of US drones against the Taliban and al-Qaeda along the Pakistan-Afghanistan border has left the Indian Army hoping to employ similar tactics in counter-terrorism and anti-insurgency operations. However, the intended use is strictly for intelligence, reconnaissance and surveillance purposes within the borders. Accordingly, MAVs are to be made available to the army’s special and paramilitary forces of the Army, which the brass is hoping will enhance ground knowledge along India’s land and maritime borders.
India’s UAV programme became an issue of public discourse when the Home Ministry ordered a trial run of an American T-MAV over the jungles of Bastar, in Chhattisgarh, in the aftermath of the Dantewada incident in which 76 security personnel were killed in a Maoist ambush on 6 April. The trial run began in the evening of 14 April and continued until late night, during which time the UAV was checked for providing thermal images of movement on the ground as well as detection of IEDs and ammunition dumps. However, media reports said that, in certain cases of mine detection, the UAV could not pick up signals properly and only showed some disturbance on the surface. With intelligence-gathering a huge problem in the forest-covered Maoist strongholds of central India, the trial run was meant to gauge the possibility of using UAVs to forewarn troops about the exact locations and movement of the Maoist rebels. In June, media reports indicated that the central government had asked the National Technical Research Organisation (NTRO), a highly specialised technical intelligence-gathering agency that falls under India’s external intelligence agency, the Research and Analysis Wing, to deploy its six UAVs in these operations.
The trial run did not go as well as hoped, however. At an internal-security conference held in New Delhi on 28 July, a high-ranking official with the Bureau of Police Research and Development (BPRD) revealed that the security forces had not been able to acquire surveillance equipment that could penetrate the thick forest cover to give desired intelligence information. Meanwhile, the Chhattisgarh state government is said to be pushing to re-test UAVs after the monsoon this year, when the forest canopy will be even denser. In the meanwhile, the central government has decided to put on hold its move to deploy UAVs until the end of the year, given that the anti-Maoist operations slow down during the monsoons as dense forests make the movement of the security forces extremely difficult.
Still, the use of armed forces internally, unless as a last resort, is unpopular in Indian public and military circles. The deployment of armed forces not only brings with it the controversial Armed Forces Special Powers Act, but the armed forces are already overstretched with internal commitments in J&K and the Northeast. No wonder that the usually restrained chiefs of the armed forces were recently very opposed to Home Minister P Chidambaram’s statements about deployment of the armed forced in Maoist areas, as was Defence Minister A K Antony. The Defence Ministry, however, had offered no comment on the demand for the use of UAVs; but as India has no precedent for using air power for anything other than international warfare, the government will have to underline that the UAVs would be engaged only for intelligence-gathering.