# 1ac – adv 1

**Contention one is multilat**

**Multilat leads to global coop and power sharing—it creates shared framework of interaction changes the way states interpret global politics**

**Pouliot 11**—Professor of Poli Sci @ McGill University [Vincent Pouliot, “Multilateralism as an End in Itself,” International Studies Perspectives (2011) 12, 18–26]

Because it rests on open, nondiscriminatory debate, and the routine exchange of viewpoints, the multilateral procedure introduces three key advantages that are gained, regardless of the specific policies adopted, and tend to diffuse across all participants. Contrary to the standard viewpoint, according to which a rational preference or functional imperative lead to multilateral cooperation, here it is the systematic practice of multilateralism that creates the **drive to cooperate**. At the theoretical level, the premise is that it is not only what people think that explains what they do, but also what they do that determines what they think (Pouliot 2010). Everyday multilateralism is a self-fulfilling practice for at least three reasons.

First, the joint practice of multilateralism creates mutually recognizable patterns of action among global actors. This process owes to the fact that practices structure social interaction (Adler and Pouliot forthcoming).2 Because they are meaningful, organized, and repeated, practices generally convey a degree of mutual intelligibility that allows people to develop social relations over time. In the field of international security, for example, the practice of deterrence is premised on a limited number of gestures, signals, and linguistic devices that are meant, as Schelling (1966:113) put it, to ‘‘getting the right signal across.’’ The same goes with the practice of multilateralism, which rests on a set of political and social patterns that establish the boundaries of action in a mutually intelligible fashion. These structuring effects, in turn, allow for the development of **common frameworks for appraising global events**. Multilateral dialog serves not only to find joint solutions; it also makes it possible for various actors to zoom in on the definition of the issue at hand—a particularly important step on the global stage.

The point is certainly not that the multilateral procedure leads everybody to agree on everything—that would be as impossible as counterproductive. Theoretically speaking, there is room for skepticism that multilateralism may ever allow communicative rationality at the global level (see Risse 2000; Diez and Steans 2005). With such a diverse and uneven playing field, one can doubt that discursive engagement, in and of itself, can lead to common lifeworlds. Instead, what the practice of multilateralism fosters is the emergence of a **shared framework of interaction**—for example, a common linguistic repertoire—that allows global actors to make sense of world politics in mutually recognizable ways. Of course, they may not agree on the specific actions to be taken, but at least they can build on an established pattern of political interaction **to deal with the problem at hand**—sometimes even **before it emerges in acute form**. In today’s pluralistic world, that would already be a considerable achievement.

In that sense, multilateralism may well be a constitutive practice of what Lu (2009) calls ‘‘political friendship among peoples.’’ The axiomatic practice of principled and inclusive dialog is quite apparent in the way she describes this social structure: ‘‘**While conflicts**, especially over the distribution of goods and burdens, **will inevitably arise, under conditions of political friendship among peoples, they will be negotiated within** a global background context of norms and **institutions based on mutual recognition**, equity in the distribution of burdens and benefits **of global cooperation**, **and power-sharing** in the institutions of global governance rather than domination by any group’’ (2009:54–55). In a world where multilateralism becomes an end in itself, this ideal pattern emerges out of the structuring effects of axiomatic practice: take the case of NATO, for instance, which has recently had to manage, through the multilateral practice, fairly strong internal dissent (Pouliot 2006). While clashing views and interests will never go away in our particularly diverse world, as pessimists are quick to emphasize (for example, Dahl 1999), the management of discord is certainly made easier by shared patterns of dialog based on mutually recognizable frameworks.

Second, the multilateral procedure typically ensures a remarkable level of moderation in the global policies adopted. In fact, a quick historical tour d’horizon suggests that actors engaged in multilateralism tend to avoid radical solutions in their joint decision making. Of course, the very process of uniting disparate voices helps explain why multilateralism tends to produce median consensus. This is not to say that the multilateral practice inevitably leads to lowest common denominators. To repeat, because it entails complex and often painstaking debate before any actions are taken, the multilateral procedure forces involved actors to devise and potentially share similar analytical lenses that, in hindsight, make the policies adopted seem inherently, and seemingly ‘‘naturally,’’ moderate. This is because the debate about what a given policy means takes place before its implementation, which makes for a much smoother ride when decisions hit the ground. This joint interpretive work, which constitutes a crucial aspect of multilateralism, creates outcomes that are generally perceived as inherently reasonable. Participation brings inherent benefits to politics, as Bachrach (1975) argued in the context of democratic theory. Going after the conventional liberal view according to which actors enter politics with an already fixed set of preferences, Bachrach observes that most of the time people define their interests in the very process of participation. The argument is not that interests formed in the course of social interaction are in any sense more altruistic. It rather is that the nature and process of political practices, in this case multilateralism, matter a great deal in shaping participants’ preferences (Wendt 1999). In this sense, not only does the multilateral practice have structuring effects on global governance, but it is also constitutive of what actors say, want, and do (Adler and Pouliot forthcoming).

Third and related, multilateralism lends legitimacy to the policies that it generates by virtue of the debate that the process necessarily entails. There is no need here to explain at length how deliberative processes that are inclusive of all stakeholders tend to produce outcomes that are generally considered more socially and politically acceptable. In the long run, the large ownership also leads to more efficient implementation, because actors feel invested in the enactment of solutions on the ground. Even episodes of political failure, such as the lack of UN reaction to the Rwandan genocide, can generate useful lessons when re-appropriated multilaterally—think of the Responsibility to Protect, for instance.3 From this outlook, there is no contradiction between efficiency and the axiomatic practice of multilateralism, quite the contrary. The more multilateralism becomes the normal or self-evident practice of global governance, the more benefits it yields for the many stakeholders of global governance. In fact, multilateralism as an end in and of itself could generate even more diffuse reciprocity than Ruggie had originally envisioned. Not only do its distributional consequences tend to even out, **multilateralism as a global governance routine** also **creates self-reinforcing dynamics and new focal points for strategic interaction. The axiomatic practice of multilateralism helps define problems in commensurable ways and craft moderate solutions** with wide-ranging ownership—three processual benefits that further strengthen the impetus for multilateral dialog. Pg. 21-23

**Only legitimacy can foster ALLIANCE FORMATION and changes the INCENTIVE MODEL of adversaires**

**Gilber 08** (Douglas M Gibler 8, Department of Political Science University of Alabama, Tuscaloosa “The Costs of Reneging: Reputation and Alliance Formation” The Journal of Conflict Resolution, Vol. 52, No. 3, June, pp. 426-454)

More sophisticated treatments of the reputation logic have been produced by formal theorists, both in economics and in political science. In economics, the ability of firm reputation to deter competition has been well analyzed (see Kreps and Wilson, 1982; Wilson, 1989; and Weigelt and Camerer, 1988), **and political scientists have adopted these theories as tools in understanding the types of signals leaders can send** (see for example, Alt, Calvert, and Humes, 1988; Ordeshook, 1986; and Wagner, 1992). Sartori (2002) and Guisinger and Smith (2002) **probably go furthest in arguing that leaders and their envoys have incentives to develop certain types of reputations in order to overcome the uncertainty endemic to crisis diplomacy**. In these models, a reputation for honesty allows the sender to credibly give information that would otherwise be “cheap talk”, and thus, leaders may concede less important issues, without bluffing, in order to maintain a reputation for honesty when more important issues arise (Sartori, 2002: 122).

The sum argument of these statements and theoretical treatments is clear. **Decision-makers** argue and **act**, at least in part**, based on reputations**. Traditional deterrence theory suggests reputations should be pursued by leaders as important and manipulable tools, which are useful in future crises**. Formal theorists agree; reputations provide valuable information** when the costs of signaling are low.

**Material power is irrelevant – locking ourselves within the multilateral system is key to solve great power wars.**

**Finnemore 09** (Martha Finnemore 9, professor of political science and international affairs at George Washington University, January 2009, “Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn’t All It’s Cracked Up to Be,” World Politics, Volume 61, Number 1)

**Legitimacy is**, by its nature, a **social and relational** phenomenon. **One’s position or power cannot be legitimate in a vacuum**. The concept only has meaning in a particular social context. Actors, even **unipoles, cannot create legitimacy unilaterally**. Legitimacy can only be given by others. It is conferred either by peers, as when great powers accept or reject the actions of another power, or by those upon whom power is exercised. Reasons to confer legitimacy have varied throughout history. Tradition, blood, and claims of divine right have all provided reasons to confer legitimacy, although in contemporary politics conformity with [End Page 61] international norms and law is more influential in determining which actors and actions will be accepted as legitimate. 9

Recognizing the legitimacy of power does not mean these others necessarily like the powerful or their policies, but it implies at least tacit acceptance of the social structure in which power is exercised. One may not like the inequalities of global capitalism but still believe that markets are the only realistic or likely way to organize successful economic growth. One may not like the P5 vetoes of the Security Council but still understand that the United Nations cannot exist without this concession to power asymmetries. **We can see the importance of legitimacy by thinking about its absence**. **Active rejection of social structures and the withdrawal of recognition of their legitimacy create a crisis**. In domestic politics, regimes suffering legitimacy crises face resistance, whether passive or active and armed. **Internationally, systems suffering legitimacy crises tend to be violent and noncooperative**. Post-Reformation Europe might be an example of such a system. **Without at least tacit acceptance of power’s legitimacy**, **the wheels of international social life get derailed**. **Material force alone remains to impose order, and order creation or maintenance by that means is difficult**, **even under unipolarity**. Successful and stable orders require the grease of some legitimation structure to persist and prosper.10

**The social and relational character of legitimacy** thus **strongly colors the nature of any unipolar order** **and the kinds of orders a unipole can construct**. **Yes, unipoles can impose their will, but only to an extent**. **The willingness of others to recognize the legitimacy of a unipole’s actions and defer to its wishes or judgment shapes the character of the order that will emerge**. **Unipolar power without any underlying legitimacy** will have a very particular character. The unipole’s policies **will meet with resistance, either active or passive, at every turn**. Cooperation will be induced only through material quid pro quo payoffs. Trust will be thin to nonexistent. This is obviously an expensive system to run and few unipoles have tried to do so.

**US respect for norms, treaties, and multilateralism solves global problems, multiple scenarios for great power conflict. The alternative is global anarchy**

**Kromah 9** (Lamii Moivi Kromah, Department of International Relations University of the Witwatersrand, February 2009, “The Institutional Nature of U.S. Hegemony: Post 9/11”, http://wiredspace.wits.ac.za/bitstream/handle/10539/7301/MARR%2009.pdf)

A final major gain to the United States from the Pax Americana has perhaps been less widely appreciated. It nevertheless proved of great significance in the short as well as in the long term: the pervasive cultural influence of the United States. This dimension of power base is often neglected. After World War II the authoritarian political cultures of Europe and Japan were utterly discredited, and the liberal democratic elements of those cultures revivified. The revival was most extensive and deliberate in the occupied powers of the Axis, where it was nurtured by drafting democratic constitutions, building democratic institutions, curbing the power of industrial trusts by decartelization and the rebuilding of trade unions, and imprisoning or discrediting much of the wartime leadership; post war reconstruction of Germany and Japan exhibit all these features. Moderates were giving a great voice in the way government business was done Constitutions in these countries were changed and amended to ensure democratic practices and martial elites were prosecuted. American liberal ideas largely filled the cultural void. The effect was not so dramatic in the "victor" states whose regimes were reaffirmed (Britain, the Low and Scandinavian countries), but even there the United States and its culture was widely admired. The upper classes may often have thought it too "commercial," but in many respects American mass consumption culture was the most pervasive part of America's impact. American styles, tastes, and middle-class consumption patterns were widely imitated, in a process that' has come to bear the label "coca-colonization."34 After WWII the U.S. established organizations such as the United Nations, NATO and others. In each these new regimes it make Germany a member and eventual an integral partner. Germany's freedom of movement has been limited by domestic institutional constraints overlain by a dense network of external institutional constraints on autonomous decision making in the domains of security and economy. Thus a powerful combination of constitutional design, membership in integrative international institutions and the continued division of Germany achieved the post-war American objective of 'security for Germany and security from Germany'.35 Others are even more sanguine about the prospect of an active German hegemony. One body of literature, such as Simon Bulmer and William E. Paterson, 'Germany in the European Union: Gentle Giant or Emergent Leader?' International Affairs, 72 (1996), 9-32., focuses upon the constraining effects of Germany's 'exaggerated multilateralism' or a reliance upon 'indirect institutional power'." The institutionalization of German power has produced an empowered but non-threatening Germany that sets the European agenda and dominates the institutional evolution of the European Union (EU) and its governance structures.36 The cornerstone of German security policy is the perpetuation of NATO, including the maintenance of U.S. forces in Europe and the U.S. nuclear guarantee. In 1994 German Chancellor Helmut Kohl described the U.S. presence as an "irreplaceable basis for keeping Europe on a stable footing," and that sentiment is echoed routinely by high German officials. German participation in the Western European Union and the Eurocorps has been based on the presumption that European military forces must be integrated into NATO rather than standing as autonomous units.37For industrial societies, the Second World War destroyed more wealth than it created because it disrupted the global trade on which wealth had come to depend. No longer could states gain in wealth by seizing territory and resources from each other as they had done during the mercantilist period in the seventeenth and eighteenth century. WWII broke the world power of the Western European states. Even without the advent of nuclear weapons, it drove home the lesson of the First World War that the major European states could no longer wage war amongst themselves without bringing about the political and physical impoverishment of their societies, and perhaps destroying them completely. By 1945 it was clear that all out war had become an irrational instrument in relations among major powers. Almost no conceivable national objective short of lastditch survival justified the costs of undertaking it. This lesson was as manifestly true for revolutionary workers’ states like the Soviet Union as it was for conservative, bourgeois, capitalist states like Britain and France.38 A final major gain to the United States from the benevolent hegemony has perhaps been less widely appreciated. It nevertheless proved of great significance in the short as well as in the long term: the pervasive cultural influence of the United States.39 This dimension of power base is often neglected. After World War II the authoritarian political cultures of Europe and Japan were utterly discredited, and the liberal democratic elements of those cultures revivified. The revival was most extensive and deliberate in the occupied powers of the Axis, where it was nurtured by drafting democratic constitutions, building democratic institutions, curbing the power of industrial trusts by decartelization and the rebuilding of trade unions, and imprisoning or discrediting much of the wartime leadership. American liberal ideas largely filled the cultural void. The effect was not so dramatic in the "victor" states whose regimes were reaffirmed (Britain, the Low and Scandinavian countries), but even there the United States and its culture was widely admired. The upper classes may often have thought it too "commercial," but in many respects American mass consumption culture was the most pervasive part of America's impact. American styles, tastes, and middle-class consumption patterns were widely imitated, in a process that' has come to bear the label "coca-colonization."40 After WWII policy makers in the USA set about remaking a world to facilitate peace. The hegemonic project involves using political and economic advantages gained in world war to restructure the operation of the world market and interstate system in the hegemon's own image. The interests of the leader are projected on a universal plane: What is good for the hegemon is good for the world. The hegemonic state is successful to the degree that other states emulate it. Emulation is the basis of the consent that lies at the heart of the hegemonic project.41 Since wealth depended on peace the U.S set about creating institutions and regimes that promoted free trade, and peaceful conflict resolution. U.S. benevolent hegemony is what has kept the peace since the end of WWII. The upshot is that U.S. hegemony and liberalism have produced the most stable and durable political order that the world has seen since the fall of the Roman Empire. It is not as formally or highly integrated as the European Union, but it is just as profound and robust as a political order, Kant’s Perpetual Peace requires that the system be diverse and not monolithic because then tyranny will be the outcome. As long as the system allows for democratic states to press claims and resolve conflicts, the system will perpetuate itself peacefully. A state such as the United States that has achieved international primacy has every reason to attempt to maintain that primacy through peaceful means so as to preclude the need of having to fight a war to maintain it.42 This view of the post-hegemonic Western world does not put a great deal of emphasis on U.S. leadership in the traditional sense. U.S. leadership takes the form of providing the venues and mechanisms for articulating demands and resolving disputes not unlike the character of politics within domestic pluralistic systems.43 **America as a big and powerful state has an incentive to organize and** manage a political order that is considered legitimate by the other states. It is not in a hegemonic leader's interest to preside over a global order that requires constant use of material capabilities to get other states to go along. Legitimacy exists when political order is based on reciprocal consent. It emerges when secondary states buy into rules and norms of the political order as a matter of principle, and not simply because they are forced into it. But if a hegemonic power wants to encourage the emergence of a legitimate political order, it must articulate principles and norms, and engage in negotiations and compromises that have very little to do with the exercise of power.44 So should this hegemonic power be called leadership, or domination? Well, it would tend toward the latter. Hierarchy has not gone away from this system. Core states have peripheral areas: colonial empires and neo-colonial backyards. Hegemony, in other words, involves a structure in which there is a hegemonic core power. The problem with calling this hegemonic power "leadership" is that leadership is a wonderful thing-everyone needs leadership. But sometimes I have notice that leadership is also an ideology that legitimates domination and exploitation. In fact, this is often the case. But this is a different kind of domination than in earlier systems. Its difference can be seen in a related question: is it progressive? Is it evolutionary in the sense of being better for most people in the system? I think it actually is a little bit better. The trickle down effect is bigger-it is not very big, but it is bigger.45 It is to this theory, Hegemonic Stability that the glass slipper properly belongs, because both U.S. security and economic strategies fit the expectations of hegemonic stability theory more comfortably than they do other realist theories. We must first discuss the three pillars that U.S. hegemony rests on structural, institutional, and situational. (1) Structural leadership refers to the underlying distribution of material capabilities that gives some states the ability to direct the overall shape of world political order. Natural resources, capital, technology, military force, and economic size are the characteristics that shape state power, which in turn determine the capacities for leadership and hegemony. If leadership is rooted in the distribution of power, there is reason to worry about the present and future. The relative decline of the United States has not been matched by the rise of another hegemonic leader. At its hegemonic zenith after World War II, the United States commanded roughly forty five percent of world production. It had a remarkable array of natural resource, financial, agricultural, industrial, and technological assets. America in 1945 or 1950 was not just hegemonic because it had a big economy or a huge military; it had an unusually wide range of resources and capabilities. This situation may never occur again. As far as one looks into the next century, it is impossible to see the emergence of a country with a similarly commanding power position. (2) Institutional leadership refers to the rules and practices that states agree to that set in place principles and procedures that guide their relations. It is not power capabilities as such or the interventions of specific states that facilitate concerted action, but the rules and mutual expectations that are established as institutions. Institutions are, in a sense, self-imposed constraints that states create to assure continuity in their relations and to facilitate the realization of mutual interests. A common theme of recent discussions of the management of the world economy is that institutions will need to play a greater role in the future in providing leadership in the absence of American hegemony. Bergsten argues, for example, that "institutions themselves will need to play a much more important role.46 Institutional management is important and can generate results that are internationally greater than the sum of their national parts. The argument is not that international institutions impose outcomes on states, but that institutions shape and constrain how states conceive and pursue their interests and policy goals. They provide channels and mechanisms to reach agreements. They set standards and mutual expectations concerning how states should act. They "bias" politics in internationalist directions just as, presumably, American hegemonic leadership does. (3) Situational leadership refers to the actions and initiatives of states that induce cooperation quite apart from the distribution of power or the array of institutions. It is more cleverness or the ability to see specific opportunities to build or reorient international political order, rather than the power capacities of the state, that makes a difference. In this sense**, leadership really is expressed in a specific individual-in a president or foreign minister-as he or she sees a new opening, a previously unidentified passage forward, a new way to define state interests, and thereby transforms existing relations**. Hegemonic stability theorists argue that international politics is characterized by a succession of hegemonies in which a single powerful state dominates the system as a result of its victory in the last hegemonic war.47 Especially after the cold war America can be described as trying to keep its position at the top but also integrating others more thoroughly in the international system that it dominates. It is assumed that the differential growth of power in a state system would undermine the status quo and lead to hegemonic war between declining and rising powers48, but I see a different pattern: the U.S. hegemonic stability promoting liberal institutionalism, the events following 9/11 are a brief abnormality from this path, but the general trend will be toward institutional liberalism. Hegemonic states are the crucial components in military alliances that turn back the major threats to mutual sovereignties and hence political domination of the system. Instead of being territorially aggressive and eliminating other states, hegemons respect other's territory. They aspire to be leaders and hence are upholders of inter-stateness and inter-territoriality.49 The nature of the institutions themselves must, however, be examined. They were shaped in the years immediately after World War II by the United States. The American willingness to establish institutions, the World Bank to deal with finance and trade, United Nations to resolve global conflict, NATO to provide security for Western Europe, is explained in terms of the theory of collective goods. It is commonplace in the regimes literature that the United States, in so doing, was providing not only private goods for its own benefit but also (and perhaps especially) collective goods desired by, and for the benefit of, other capitalist states and members of the international system in general. (Particular care is needed here about equating state interest with "national" interest.) Not only was the United States protecting its own territory and commercial enterprises, it was providing military protection for some fifty allies and almost as many neutrals. Not only was it ensuring a liberal, open, near-global economy for its own prosperity, it was providing the basis for the prosperity of all capitalist states and even for some states organized on noncapitalist principles (those willing to abide by the basic rules established to govern international trade and finance). While such behaviour was not exactly selfless or altruistic, certainly the benefits-however distributed by class, state, or region-did accrue to many others, not just to Americans.50 For the truth about U.S. dominant role in the world is known to most clear-eyed international observers. And the truth is that the benevolent hegemony exercised by the United States is good for a vast portion of the world's population. It is certainly a better international arrangement than all realistic alternatives. To undermine it would cost many others around the world far more than it would cost Americans-and far sooner. As Samuel Huntington wrote five years ago, before he joined the plethora of scholars disturbed by the "arrogance" of American hegemony; "A world without U.S. primacy will be a world with more violence and disorder and less democracy and economic growth than a world where the United States continues to have more influence than any other country shaping global affairs”.51 I argue that the overall American-shaped system is still in place. It is this macro political system-a legacy of American power and its liberal polity that remains and serves to foster agreement and consensus. This is precisely what people want when they look for U.S. leadership and hegemony.52 If the U.S. retreats from its hegemonic role, who would supplant it, not Europe, not China, not the Muslim world –and certainly not the United Nations. Unfortunately, the alternative to a single superpower is not a multilateral utopia, but the anarchic nightmare of a New Dark Age. Moreover, the alternative to unipolarity would not be multipolarity at all. It would be ‘apolarity’ –a global vacuum of power.53 Since the end of WWII the United States has been the clear and dominant leader politically, economically and military. But its leadership as been unique; it has not been tyrannical, its leadership and hegemony has focused on relative gains and has forgone absolute gains. The difference lies in the exercise of power. The strength acquired by the United States in the aftermath of World War II was far greater than any single nation had ever possessed, at least since the Roman Empire. America's share of the world economy, the overwhelming superiority of its military capacity-augmented for a time by a monopoly of nuclear weapons and the capacity to deliver them--gave it the choice of pursuing any number of global ambitions. That the American people "might have set the crown of world empire on their brows," as one British statesman put it in 1951, but chose not to, was a decision of singular importance in world history and recognized as such.54 Leadership is really an elegant word for power. To exercise leadership is to get others to do things that they would not otherwise do. It involves the ability to shape, directly or indirectly, the interests or actions of others. Leadership may involve the ability to not just "twist arms" but also to get other states to conceive of their interests and policy goals in theory thus shifts from the ability to provide a public good to the ability to coerce other states. A benign hegemon in this sense coercion should be understood as benign and not tyrannical. If significant continuity in the ability of the United States to get what it wants is accepted, then it must be explained. The explanation starts with our noting that the institutions for political and economic cooperation have themselves been maintained. Keohane rightly stresses the role of institutions as "arrangements permitting communication and therefore facilitating the exchange of information. By providing reliable information and reducing the costs of transactions, **institutions can permit cooperation to continue even after a hegemon's influence has eroded.** Institutions provide opportunitiesfor commitment and for observing whether others keep their commitments. Such opportunities are virtually essential to cooperation in non-zero-sum situations, as gaming experiments demonstrate. **Declining hegemony and stagnant (but not decaying) institutions may therefore be consistent with a stable provision of desired outcomes**, although **the ability to promote new levels of cooperation to deal with new problems (e.g., energy supplies, environmental protection) is more problematic**. Institutions nevertheless provide a part of the necessary explanation.56 In restructuring the world after WWII it was America that was the prime motivator in creating and supporting the various international organizations in the economic and conflict resolution field. An example of this is NATO’s making Western Europe secure for the unification of Europe. It was through NATO institutionalism that the countries in Europe where able to start the unification process. The U.S. working through NATO provided the security and impetus for a conflict prone region to unite and benefit from greater cooperation. Since the United States emerged as a great power, the new ways. This suggests a second element of leadership, which involves not just the marshalling of power capabilities and material resources. It also involves the ability to project a set of political ideas or principles about the proper or effective ordering of po1itics. It suggests the ability to produce concerted or collaborative actions by several states or other actors. Leadership is the use of power to orchestrate the actions of a group toward a collective end.55 By validating regimes and norms of international behaviour the U.S. has given incentives for actors, small and large, in the international arena to behave peacefully. The uni-polar U.S. dominated order has led to a stable international system. Woodrow Wilson’s zoo of managed relations among states as supposed to his jungle method of constant conflict. The U.S. through various international treaties and organizations as become a quasi world government; It resolves the problem of provision by imposing itself as a centralized authority able to extract the equivalent of taxes. The focus of the identification of the interests of others with its own has been the most striking quality of American foreign and defence policy. Americans seem to have internalized and made second nature a conviction held only since World War II: Namely, that their own wellbeing depends fundamentally on the well-being of others; that American prosperity cannot occur in the absence of global prosperity; that American freedom depends on the survival and spread of freedom elsewhere; that aggression anywhere threatens the danger of aggression everywhere; and that American national security is impossible without a broad measure of international security.57

thank you

**Nuclear war and extinction are inevitable absent multilateralism**

**Dyer, 4** (Gwynne, Ph.D. in War Studies – University of London and Board of Governors – Canada’s Royal Military College, “The End of War”, Toronto Star, 12-30, Lexis)

War is deeply embedded in our history and our culture, probably since before we were even fully human, but weaning ourselves away from it should not be a bigger mountain to climb than some of the other changes we have already made in the way we live, given the right incentives. And we have certainly been given the right incentives: The holiday from history that we have enjoyed since the early '90s may be drawing to an end, and another great-power war, fought next time with nuclear weapons, may be lurking in our future.. The "firebreak" against nuclear weapons use that we began building after Hiroshima and Nagasaki has held for well over half a century now. But the proliferation of nuclear weapons to new powers is a major challenge to the stability of the system. So are the coming crises, mostly environmental in origin, which will hit some countries much harder than others, and may drive some to desperation. Add in the huge impending shifts in the great-power system as China and India grow to rival the United States in GDP over the next 30 or 40 years and it will be hard to keep things from spinning out of control. **With** good luck and **good management, we may** be able to **ride out** the next half-century **without** the first-magnitude catastrophe of a **global nuclear war**, but the potential certainly exists for a major die-back of human population. We cannot command the good luck, but good **management** is something we can choose to provide. It **depends**, above all, **on** preserving and **extending the multilateral system** that we have been building since the end of World War II. The rising powers must be absorbed into a system that emphasizes co-operation and makes room for them, rather than one that deals in confrontation and raw military power. If they are obliged to play the traditional great-power game of winners and losers, then history will repeat itself and everybody loses. Our hopes for mitigating the severity of the coming environmental crises also depend on early and concerted global action of a sort that can only happen in a basically co-operative international system. When the great powers are locked into a military confrontation, there is simply not enough spare attention, let alone enough trust, to make deals on those issues, so the highest priority at the moment is to keep the multilateral approach alive and avoid a drift back into alliance systems and arms races. And there is no point in dreaming that we can leap straight into some never-land of universal brotherhood; we will have to confront these challenges and solve the problem of war within the context of the existing state system.

# 1ac – adv. 2

**Contention two is future weapons**

**The line between peaceful and military nanotech is blurred --- absent effective regulation, new nanotech weaponry will lead to extinction**

Nasu & Faunce 10 (Hitoshi Nasu: Lecturer, The Australian National University College of Law, Australia. Thomas Faunce: Associate Professor, The Australian National University College of Law and Medical School, Australia. Australian Research Council Future Fellow, “Nanotechnology and the International Law of Weaponry: Towards International Regulation of Nano- Weapons”, Journal of Law, Information and Science)

Military applications of nanotechnology will not be confined to defensive capabilities, however. Nanotechnology allows the building of conventional missiles with reduced mass and enhanced speed, small metal-less weapons made of nanofibre composites, small missiles as well as artillery shells with enhanced accuracy guided by inertial navigation systems, and armour-piercing projectiles with increased penetration capability. Although it is still highly speculative, further research could lead to the development of micro-combat robots, micro-fusion nuclear weapons, new chemical agents carried by nanoparticles, and new biological agents with self-replication capability.38

Some of the potential offensive military applications of nanotechnology could span several traditional technological compartments and blur the distinction between conventional weapons and weapons of mass destruction. The ability of nanotechnology to design and manipulate molecules with specific properties could lead to biochemicals capable of altering metabolic pathways and causing defined hostile results ranging from temporary incapacitation to death.39 Nanotechnology could also make it possible to contain and carry a minute amount of pure-fusion fuel safely until released, detonating a micro-nuclear bomb at a microspot.40 As will be shown below, it is likely that those new weapons would be subjected to prohibition and inspection under existing treaties, as long as currently available chemicals and biological agents are used in nano-size.41 However, the dual-use potential of nanotechnology and the low visibility of nanoparticles in weapons make it hard to detect their development and use as weapons

Concern has been raised about the potentially unique harmful effects of nanoweapons. At an individual level, explosives such as those using nano-energetic particles, nano-aluminum or non-metal nano-fibre composites, and nanomedicines that improve soldiers’ ability to overcome sleep deprivation,42 could cause unnecessary suffering to both combatants and non-combatants. At a larger, strategic level, the development and deployment of smaller, longer range missiles with greater precision, or new bio-chemical agents could dramatically change the balance of military power and the way in which a war is fought. Because of these concerns, there have been calls for moratoriums or bans on nanotechnology.43 Others have proposed the creation of a preventative arms control regime based on prospective scientific, technical, and military operational analysis of nanotechnology.44 **However, no** international agreement alone would be effective or even feasible in halting or controlling the development of nanotechnology without proper regulatory mechanisms that will address the right balance between military necessity, humanitarian considerations and peaceful applications of nanotechnology.

**New nanotechnology weapons are an existential risk --- it outweighs**

Treder and Phoenix 07 (Mike, consultant to the Millennium Project of the American Council for the United Nations University and to the Future Technologies Advisory Group, Chris, CRN’s directory of research,Center for Responsible Nanotechnology, Results of Our Ongoing Research, April 16, <http://www.crnano.org/overview.htm>)

Nanotech weapons would be extremely powerful and could lead to a dangerously unstable arms race. Molecular manufacturing raises the possibility of horrifically effective weapons. As an example, the smallest insect is about 200 microns; this creates a plausible size estimate for a nanotech-built antipersonnel weapon capable of seeking and injecting toxin into unprotected humans. The human lethal dose of botulism toxin is about 100 nanograms, or about 1/100 the volume of the weapon. As many as 50 billion toxin-carrying devices—theoretically enough to kill every human on earth—could be packed into a single suitcase. Guns of all sizes would be far more powerful, and their bullets could be self-guided. Aerospace hardware would be far lighter and higher performance; built with minimal or no metal, it would be much harder to spot on radar. Embedded computers would allow remote activation of any weapon, and more compact power handling would allow greatly improved robotics. These ideas barely scratch the surface of what's possible. An important question is whether nanotech weapons would be stabilizing or destabilizing. Nuclear weapons, for example, perhaps can be credited with preventing major wars since their invention. However, nanotech weapons are not very similar to nuclear weapons. Nuclear stability stems from at least four factors. The most obvious is the massive destructiveness of all-out nuclear war. All-out nanotech war is probably equivalent in the short term, but nuclear weapons also have a high long-term cost of use (fallout, contamination) that would be much lower with nanotech weapons. Nuclear weapons cause indiscriminate destruction; nanotech weapons could be targeted. Nuclear weapons require massive research effort and industrial development, which can be tracked far more easily than nanotech weapons development; nanotech weapons can be developed much more rapidly due to faster, cheaper prototyping. Finally, nuclear weapons cannot easily be delivered in advance of being used; the opposite is true of nanotech. Greater uncertainty of the capabilities of the adversary, less response time to an attack, and better targeted destruction of an enemy's visible resources during an attack all make nanotech arms races less stable. Also, unless nanotech is tightly controlled, the number of nanotech nations in the world could be much higher than the number of nuclear nations, increasing the chance of a regional conflict blowing up.

**Credibility of international legal principles of superfluous injury and non-combatants is the only way to effectively regulate future nano-weapons**

Nasu & Faunce 10 (Hitoshi Nasu: Lecturer, The Australian National University College of Law, Australia. Thomas Faunce: Associate Professor, The Australian National University College of Law and Medical School, Australia. Australian Research Council Future Fellow, “Nanotechnology and the International Law of Weaponry: Towards International Regulation of Nano- Weapons”, Journal of Law, Information and Science)

3.2 International Humanitarian Law Principles and Nano-Weaponry

The international arms control treaties noted above usually concentrate on regulating or prohibiting the specified weapon’s construction aims and characteristics. General principles of international humanitarian law, on the other hand, tend to regulate the conduct of warfare by reference to the harmful effects produced by the use of means or methods of warfare.68 The general principle, for example, that ‘the right of belligerents to adopt means of warfare is not unlimited’ may have had its roots in compassion and rejection of unnecessary suffering textually manifesting in Ancient Greece and India.69 No matter how nascent this was as a legal principle before the emergence of modern international law of armed conflict, it has received widespread support amongst the leaders of nations over many years. There is now little doubt about whether this broad statement about the regulation of weaponry is a reflection of ‘elementary considerations of humanity’.70 More specifically, there are two basic principles of international humanitarian law highly relevant to nano-weaponry: one prohibiting the employment of arms, projectiles, or material ‘of a nature to cause superfluous injury’ (or ‘calculated to cause unnecessary suffering’);71 and the other prohibiting the use of weapons that indiscriminately affect **both combatants and non-combatants.**72 The principle of prohibiting superfluous injury or unnecessary suffering is central to the consideration of legality under the international law of conventional weapons, as opposed to weapons of mass destruction.73 It was first enunciated in the preamble to the 1868 St Petersburg Declaration,74 but was a rhetorical expression of the drafters’ inspiration, rather than their intention to impose legal obligations.75 It was formally adopted as a binding rule in the subsequent treaties,76 and since then has attained the status of customary international law.77 This is so irrespective of the distinction between civilian and military targets.78 The prohibition is now incorporated into the 1998 Rome Statute of the International Criminal Court as one of the criminal offences.79 This principle appears to be **principally relevant** to the **international regulation of nano-weapons** insofar as those weapons could pose novel, unnecessarily severe and long-term health and environmental impacts. The specific rules of arms control law, as they potentially apply to nanoweapons, are thus a subset of the general principles of international humanitarian law on weaponry.80 Assuming that it may not be clear whether a nano-weapon is prohibited, general humanitarian law principles then may serve as a general legal or moral basis for questioning its legality and starting negotiations which may result in its prohibition.81 Such a debate will have to take account of the ‘Martens Clause’,82 although ‘principles of humanity’ and ‘dictates of public conscience’ alone provide no firm legal basis to prohibit the use of particular weapons.83 In practice, it is likely to prove difficult to rely on general humanitarian law principles by themselves as laying down a firm legal basis for restricting the usage of nano-weapons outside a specific arms control treaty.84 In the Legality of Nuclear Weapons Opinion, for instance, the International Court of Justice was unwilling to declare the threat or use of nuclear weapons illegal in all circumstances, even though it explicitly acknowledged the applicability of the general humanitarian law principles.85 Another illustrative debate with implications for nano-weapons, concerns the legality of depleted uranium (DU) munitions.86 Concerns about the effects of the use of DU munitions were first publicly raised in relation to speculation that ‘Gulf War Syndrome’ was linked to exposure to DU, although no causal relationship was established.87 However, a recent scientific study shows that toxic chemicals that are released upon impact (arguably in the form of nanoparticles) are suspected of weakening the immune system, causing acute respiratory conditions and severe kidney problems, and increasing the chances of genetic birth defects and cancer.88 Although scientific analysis is still inconclusive, evidence against DU continues to mount,89 indicating an intrinsic illegality of DU weapons under the general principles prohibiting superfluous injury or unnecessary suffering.90 Three relevant issues potentially arise regarding the actual meaning and scope of this international humanitarian law principle against superfluous or unnecessary suffering in relation to nano-weapons. The first point concerns whether the legality of a nano-weapon should be assessed in the light of the primary intention behind its development, or by reference to the objective nature or likely outcome of its use. This debate traces its origin back to the different English texts used to translate the principle enunciated in the 1899 and 1907 Hague Regulations.91 The phrase ‘of a nature to cause’ in the 1899 text indicates the objectiveness of this criterion, whereas the term ‘calculated to cause’ in the 1907 text is more restrictively interpreted to refer to a more subjective intention by the force employing it. Although the actual text of this principle was settled with ‘of a nature to cause’ in the 1977 Additional Protocol I, there remains a disagreement about the test to be applied. Some commentators look at the primary purpose for which the new weapon is designed in order to determine whether it causes injury or suffering disproportionate to its military effectiveness.92 Others, reading it in conjunction with Article 36 of Additional Protocol I, focus on the effects of normal or expected use of the new weapon.93 Depending on which approach is taken, military applications of nanotechnology with the primary purpose of reducing civilian casualties, for example, may well be deemed illegal due to the potentially unnecessary health and environmental effects. This debate has been particularly pertinent to DU munitions, as they are primarily intended to be anti-matériel weapons, highly efficient in penetrating advanced tank armour, rather than to be anti-personnel weapons. The principle prohibiting the use of arms of a nature that causes superfluous injury or unnecessary suffering has primarily been applied in relation to **antipersonnel weapons.** It has not traditionally been used to question the legality of anti-matériel weapons that incidentally cause more severe injuries to personnel in the vicinity of the target than necessary to render them hors de combat.94 Given the changing nature of modern warfare where disabling military personnel has become less and less important, the notion of superfluous injury or unnecessary suffering incidental to the destruction of military matériel may well need to be reconsidered.95 Accordingly, **a wider interpretation of this principle** could invoke both **immediate and consequential effects** in assessing what is necessary to destroy the military matériel **when it is sought to be applied to nano-weapons.**

**Current legal resolution on the law of armed conflict lacks incorporation of strong principles of civilian provisions --- it collapses its effectiveness**

Jensen 14 (Eric Talbot Jensen, Associate Professor, Brigham Young University Law School, “THE FUTURE OF THE LAW OF ARMED CONFLICT: OSTRICHES, BUTTERFLIES, AND NANOBOTS”, 35 Michigan Journal of International Law (forthcoming 2014)

2. Emerging Law The section above has touched only briefly on some of the emerging factors regarding actors on the battlefield that will place stresses on the LOAC in future armed conflicts. Anticipating these emerging factors, the law will need to evolve to respond to technological developments and signal appropriate regulation. a. Attack The proscription dealing with civilians is against making them the object of “attack.” The meaning of attack is defined in GPI as “acts of violence against the adversary, whether in offence or in defence.”162 The strict reading of this treaty language is that civilians are only protected from acts of violence. As clearly argued by Paul Walker, most cyber activities will not reach the threshold of an attack,163 meaning they are not proscribed. Cyber (and other) activities that cause mere inconvenience are legitimate, even when directed at the civilian population.164 This argument will arise again below under means and methods of warfare because there are any number of potential or future weapons that will likely fall under the threshold of an “act of violence.” If so, as a matter of targeting, civilians are not protected from these activities that do not amount to an attack. For example, recalling the scenario from the beginning of the article, it is unclear whether the voluntary ingestion of a pill or even the inhalation of a nanobot would be considered an attack. Likewise, it is unclear that infection with a flu-like virus or even a viral gene alteration that had no effect on an individual would be considered an attack. Therefore, under the current LOAC, such activities may be permitted. One might argue that Article 51 of GPI requires that “[t]he civilian population and individual civilians shall enjoy general protection against dangers arising from military operations,”165 and “military operations” is a category much broader than “attacks.” However, even article 51 only protects civilians against “dangers,” a term that is not clearly defined and might not include flu-like symptoms. Similarly, article 57.1 states that “In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.”166 The commentary defines military operations as “any movements, manoeuvres and other activities whatsoever carried out by the armed forces with a view to combat,”167 but does not explain what it means to “spare” the population or define “constant care.”168 With the future development of weapons that will undoubtedly fit below the attack threshold of “acts of violence,” it will be important to clarify the LOAC as it pertains to targeting of civilians as actors in armed conflict. If the LOAC is designed to protect civilians from the effects of armed conflict, more detail is necessary here.

**This allows for unchecked forms of future weapon conflict --- they escalate and cause extinction --- an adjustment of the LOAC is key**

Jensen 14 (Eric Talbot Jensen, Associate Professor, Brigham Young University Law School, “THE FUTURE OF THE LAW OF ARMED CONFLICT: OSTRICHES, BUTTERFLIES, AND NANOBOTS”, 35 Michigan Journal of International Law (forthcoming 2014)

A. Places

The traditional paradigm of armed conflict assumes that at any given time, it will be readily apparent where the armed conflict is taking place, and where it is not. To put it another way, the traditional paradigm assumes clear spatial boundaries between zones of war and zones of peace.50

For the entire history of mankind, armed conflict has been confined to “breathable air” zones – the land, the surface of the ocean, and recently the air above the land in which land-based aircraft can fly. Additionally, the post-Westphalian system was built on the foundation of state sovereignty and clear demarcation and control of borders.51 Armed conflicts occurred within specific spatial and temporal limits. As a result, the laws governing armed conflict have been built around certain presumptions about where armed conflict will occur. In the future, these presumptions will no longer be true. The LOAC will have to adjust to account for the emerging factors affecting where armed conflicts take place.

1. Emerging Factors

As technology advances, armed conflict will no longer be restricted to breathable air zones**.** Instead,it will occur without respect to national borders, underground, on the seabed, in space and on celestial bodies such as the moon, and across the newly recognized domain of cyberspace.52

a.Global Conflict

The phenomena of global conflict has already begun to stress the LOAC 53 as the United States has struggled to confront a transnational non-state terrorist actor who does not associate itself with geographic boundaries. As will be discussed in Section B. Actors, the transnational linkage between otherwise unconnected individuals that will generate armed conflict is going to exponentially increase. The ability to communicate globally through social media will produce organized (armed) groups who will not be bound by geographic boundaries and will not see themselves as representing a specific geographic collective. Rather, the boundaries will revolve around affiliations, interests, and ideologies. As Mack Owens has written, “Thus multidimensional war in the future is likely to be characterized by distributed, weakly connected battlefields; unavoidable urban battles and unavoidable collateral damage exploited by the adversary’s strategic communication; and highly vulnerable rear areas. On such battlefields, friends and enemies are commingled, and there is a constant battle for the loyalty of the population.”54

This issue is amply illustrated through the U.S. practice of drone strikes on terrorists associated with al-Qaeda but not located in Afghanistan.55 The focused outcry about the U.S’s reliance on armed conflict authorities outside the geographic confines of the recognized battlefield56 highlights the current paradigm’s assumptions about the LOAC’s applications to territory. As global communications allows participants in armed conflict to be more widely dispersed across the world, it is unlikely that States will allow themselves to be attacked from transnational actors because they are not located within a specific geographic region that has been designated as the “battlefield.”

b.Seabed

Currently the seabed and even non-surface waters have seen very little armed conflict.57 Submarine vessels have engaged surface vessels but there has been almost no conflict between submarines and none from the seabed. This is likely to change dramatically with technological improvements. For example, China has developed submersibles that can reach 99.8 percent of world’s seabed.58 As more and more underwater vehicles become unmanned, the need for breathable air dissipates. Underwater drones will eventually become armed and underwater engagements will quickly follow.

Similarly, the seabed will quickly become militarized, once the need for air is erased. Not only will sensors be used to track surface and subsurface traffic, but armaments will soon follow and the seabed will become another area where States will employ weapons systems.

c. Subterranean

Similar to the seabed, the ability to place weapons systems under ground and employ them effectively against an enemy is **beginning to develop.**59 Not only will underground weapons attack surface targets, but they will also be used to create surface effects through underground explosions and other means of manipulation. This will include the creation of earthquakes, tsunamis, and other surface effects that will severely affect an enemy. This is currently an unweaponized portion of the earth,60 but it will not remain so in the future.

d.Space and Celestial Bodies

Space and the free use of space have become vital to the functioning of the modern military. In fact, “A Government Accountability Office report . . . showed major Defense space acquisition programs ‘have increased by about $11.6 billion’ – 321 percent – from initial estimates for fiscal years 2011 through 2016.”61

U.S. Air Force Gen. William Shelton, who is the head of Space Command, recently stated that “Our assured access to space and cyberspace is foundational to today’s military operations and to our ability to project power whenever and wherever needed across the planet.” 62 Similarly, Army Lt. Gen. Richard Formica stated “If the Army wants to shoot, move or communicate, it needs space.”63 Formica added that because of the Army’s dependency on these systems, they **“have to be defended.”**64

These quotes refer mostly to the use of satellites, but use of the moon and potentially other celestial bodies will soon follow.65 Space systems such as satellites can be defended and attacked both from space and from the ground. Both China and the U.S. have conducted recent anti-satellite operations and established that both have that capability.66 Space has already begun to be weaponized 67 and that trend will continue and increase in speed and lethality.

**These impacts outweigh**

**Bao 07** (Shixiu Bao, senior fellow of military theory studies and international relations at the Institute for Military Thought Studies, visiting scholar at the Virginia Military Institute, “Deterrence Revisited: Outer Space,” China Security, Winter 2007, http://www.chinasecurity.us/pdfs/Issue5full.pdf, Sawyer)

Space weapons and their use are unique from other types of weapons, whether nuclear or terrestrial conventional weapons. Although there will be a taboo on the use of space weapons, **the threshold of their use will be lower** than that of **nuclear weapons because of their conventional characteristics.** Space debris may threaten the space assets of other “third party” countries, but the level of destruction, especially in terms of human life, could be far less than nuclear weapons or potentially even conventional weapons. Therefore, the threshold of force capability required to launch an effective deterrent will inevitably be higher than for that of nuclear weapons. This unique nature of space weapons will affect the determination of the quantity and technical level of a “deterrent capability” in space.

# 1ac – solvency

**Lastly is solvency ---**

**It solves multilat ---**

**Ratifying is key to smooth transition to internationalism – it’s an apology for the other unilateral actions we have taken**

**GOOD 11** JD Northwestern University. BA Int’l Studies, American University [Rachel Good, Yes We Should: Why the U.S. Should Change Its Policy Toward the 1997 Mine Ban Treaty, Northwestern University Journal of International Human Rights, Spring, 2011, 9 Nw. U. J. Int'l Hum. Rts. 209]

VI. CONCLUSION: OBAMA SHOULD JOIN THE MINE BAN TREATY

After leaving office, President Clinton admitted that one of his biggest regrets in office was his administration's failure to sign the MBT. n226 Why? Seemingly, Clinton realized that landmines' limited military utility does not outweigh their humanitarian effect. This understanding reflects U.S. policy before and since the formulation of the MBT. The U.S. does not use, produce, or trade landmines. It reserves the right to, but does not use landmines with self-destruct or deactivation mechanisms. Landmines are not necessary for the protection of South Korea, nor can they be used in Iraq or Afghanistan without those countries violating the MBT. Finally, the U.S. has provided more humanitarian funding for mine action programs than any other nation. President Obama also has enough political support to join the Treaty. In May 2010, sixty-eight U.S. Senators sent President Obama a letter in support of the U.S. joining the MBT. n227 The U.S. refusal to join the Treaty rests solely on the U.S. military's desire to keep its stockpile of landmines, which it does not even use. The Obama administration should back the Mine Ban Treaty because it is in the best interest of the United States.

The United State's failure to join the Mine Ban Treaty illustrates American exceptionalism at its worst. Whereas the majority of states understood that the humanitarian situation caused by landmines warranted the strongest possible treaty, the United States refused to join unless other states accommodated its continued use and [\*229] stockpile of landmines. When its demands were rejected, chose to United States bow of the process rather than concede to middle-power states. n228 Since then, the U.S. has consistently developed policies in an attempt stay in line with the international norm developed by the MBT. n229 As long as the U.S. stays outside of the MBT, its landmine policies will be regarded as inadequate**.** P54 In the years since the U.S. refusal to join the Treaty, it has acted in an increasingly unilateral manner. The Bush administration's withdrawal from the Anti-Ballistic Missile Treaty and its rejection of the Kyoto Protocol, the International Criminal Court, and the Mine Ban Treaty were regarded by the international community as acts of an isolationist nation. n230 Along with the U.S.'s actions in Iraq and Afghanistan, the U.S. established a clear doctrine of global domination and exceptionalism. n231 President Obama has articulated a plan of global reintegration and has worked to restore the U.S.'s reputation as a cooperationist nation. n232 Joining the MBT would signal to the world that the Obama administration is serious about working with the international community. Since the U.S. has long opposed the MBT, the international community may regard U.S. ratification of the Treaty as an apology for its recent exceptionalist policies. Finally, the U.S. landmine policy is so close to the requirements of the MBT that joining the Treaty would not require a drastic shift in practice. The Obama administration should correct a lasting mistake of the Clinton administration by joining the MBT, and in doing so, indicate to the world community its desire to reengage and repair relationships.

**US accession sends a clear signal that gets other countries on board**

**Borman 11** (Windy Borman, researcher, Founder and CEO of DVA Productions, multi-award-winning Director and Producer, “How can we Ban Landmines?” April 5, 2011, http://www.eyesofthailand.com/2011/04/05/how-can-we-ban-landmines/)

Secondly, if we can get the United States of America to sign the Mine Ban Treaty, it would **send a clear message** to the remaining countries that all types of anti-personnel weapons (landmines, cluster bombs, etc.) are unacceptable and it would **force the other countries to step up** because they **couldn’t hide behind the U.S. any more.** As it turns out, the International Campaign to Ban Landmines (ICBL) agrees with me about the importance of getting the United States on board!-) Below is a copy of their press release: Groups Worldwide Urge the U.S. to Ban Landmines Geneva, 1 March 2011 – Civil society groups worldwide are calling on the United States to ban antipersonnel landmines immediately, said the Nobel Peace Prize-winning International Campaign to Ban Landmines (ICBL) today, as the Mine Ban Treaty turned twelve. Campaign members will meet today and throughout the month with U.S. representatives in dozens of countries to urge the U.S. to join the Mine Ban Treaty. “It is absurd that the U.S. continues to cling to a weapon that is so horrific that **only** a country like **Myanmar still uses** it,” said Sylvie Brigot, Executive Director of the International Campaign to Ban Landmines. “If nearly all of the United States’ closest military allies were able to remove antipersonnel mines from their arsenal without compromising their national security, we are confident the U.S. can as well.” The Obama Administration started a comprehensive review of its landmine policy in late 2009 to determine whether to join the Mine Ban Treaty. Officials have consulted with allies, States Parties to the treaty, international organizations, civil society including landmine survivors, and former military personnel. No date for completing the review has been made public yet. By joining the Mine Ban Treaty, the U.S. would help send a **clear signal** that all types of antipersonnel mines are unacceptable weapons, would strengthen international security, and would **spur to action** some of the other 38 states still outside the treaty.

**Joining Ottawa is necessary and sufficient – the fact that we aren’t using the weapons is that much more important.**

**RIZER 12 Prosecutor with the DOJ, criminal division, Adjunt Prof of Law – Georgetown. Purple Heart & Bronze Star for service with the Army in Iraq** [Arthur Rizer, ARTICLE: LESSONS FROM IRAQ AND AFGHANISTAN: IS IT TIME FOR THE UNITED STATES TO SIGN THE OTTAWA TREATY AND END THE USE OF LANDMINES?, Fall, 2012, Willamette Law Review, 49 Willamette L. Rev. 35]

During the apex of the fighting in the Pacific during World War II the United States military, because of the shocking level of casualties it was taking routing the Japanese from the Pacific islands, requested permission from the President to use chemical weapons. n167 President Roosevelt sent back a one sentence response: "All previous endorsements **denied**. Signed: Franklin D. Roosevelt, Commander in Chief." n168 President Roosevelt refused to use chemical weapons despite the fact his military was telling him it would save American [\*61] lives because "he saw the bigger picture, the long-term humanitarian implications, and thanks in part to his leadership, chemical weapons, which the War Department had called "the most effective weapon history has ever known,' were stigmatized and have hardly been used since." n169

It is true, chemical weapons are very "useful." n170 They not only have the potential to kill a great number of the enemy, but they also instill fear in the enemy. n171 In World War I, in which chemical weapons were used extensively, there were over one million casualties caused by the attacks, however the number of fatalities due to poisonous gas was relatively small at just over 90,000. n172 Despite the fact that victims of a gas attack had a relatively high chance of survival, with only about 7 percent of victims dying, gas still commanded the greatest fear from soldiers, making it an extremely effective military tool. n173 Nevertheless, after the war steps were taken to ban the use of chemical weapons, first with the treaty of Versailles of 1919, which focused on Germany, n174 and then with the Geneva Protocol. n175 The United States saw the horrors of chemical warfare in WWI and consequently vowed not to use chemical weapons, partly because they were deemed immoral. n176

In Iraq and Afghanistan, the enemy has taped captured American soldiers being tortured and have even released tapes of Americans [\*62] having their heads cut off while they pleaded for mercy. n177 This "tactic" is effective in some respects: the greatest fear of an American soldier in Iraq or Afghanistan is being captured, and soldiers do not make the best tactical decisions when they make them out of fear. n178 If the United States started to cut off the heads of insurgents when they were captured, it would be reasonable to conclude that people would think twice about becoming an insurgent. To take it a step further, the United States military could kill every single male in Iraq - the U.S. has enough bullets to carry out this mission and this would drastically reduce the insurgency. Yet we do not use these methods, not because they do not achieve results, but because they are illegal, and they are illegal because the international community, including the United States, has deemed them morally wrong.

A basic canon of military tactics, observed in Sun-Tzu's The Art of War, is to always take the high ground. n179 From the high ground you can better observe the enemy coming and attack the enemy at a greater distance. In the context of landmines, the high ground is also the moral high ground. n180 The U.S. could gain goodwill in the global community **by making some concessions to international opinion**. The United States has been at the forefront of criticizing despotic regimes such as China, Iran, and Burma, it has supported the regime change in Libya and Egypt, and it supports a change in Syria but ironically the United States shares the distinction of maintaining the use of landmines with the very countries it accuses of engaging in cruel military tactics. n181 It is remarkable to look at many of the other 35 countries that haven't joined the Ottawa Protocol and to realize that the United States is a member of this gang of infamy.

[\*63] In many ways **the United States has painted itself into a corner**. The attitude of many other countries could be expressed as **"how dare you lecture us on morality when you will not join something as simple as the Ottawa Treaty."** Indeed, many believe that this credibility gap is hurting the United States on strategic levels, making the lost moral high ground more powerful than the landmines themselves. n182

There should be no illusion that joining the treaty would result in an idyllic world, with elimination of IEDs in Iraq and Afghanistan or a reduced threat from North Korea. However, the United States stands little chance of persuading the world to act more morally **if we refuse to act in this area** ourselves. As Senator Leahy stated, the United States should lead in stigmatizing these indiscriminate weapons so "the political price of using them **serves as a deterrent.** Will some rebel groups or rogue nations continue to defy the international norm? **Undoubtedly the answer is yes**. But by setting an example and using our influence we can reduce their numbers significantly to the benefit of our troops and the innocent."

**Signing solves relations with allies – demonized, excluded, and lack support because of our refusal to ratify**

**RIZER 12 Prosecutor with the DOJ, criminal division, Adjunt Prof of Law – Georgetown. Purple Heart & Bronze Star for service with the Army in Iraq** [Arthur Rizer, ARTICLE: LESSONS FROM IRAQ AND AFGHANISTAN: IS IT TIME FOR THE UNITED STATES TO SIGN THE OTTAWA TREATY AND END THE USE OF LANDMINES?, Fall, 2012, Willamette Law Review, 49 Willamette L. Rev. 35]

President Clinton stated that one of his biggest disappointments was that he could not sign the Ottawa Treaty. n203 He went on to lament that the United States has done more "to get rid of land mines than any country in the world by far. We spend half of the money the world spends on de-mining [and we] have destroyed over a million of [\*67] our own mines." n204 The primary reason that he did not sign the Treaty was because it was "unfair to the United States and to our Korean allies in meeting our responsibilities along the DMZ in South Korea." n205 At the same time it must have been understood by the Clinton administration that while the United States was supporting one ally by not joining the Treaty, it was also alienating many more. n206

Particularly in Iraq and Afghanistan, would joining the treaty today make soldiers safer tomorrow? If the way to measure safety is the number of IED attacks, the answer is probably "no." However, there has been much turmoil concerning the lack of international support for war in Iraq, and this lack of support was a major contributing factor to difficulties seen there. n207 This might seem like a disingenuous question because one can never know if the United States would have received more international support in Iraq, and even Afghanistan, if it had joined the Ottawa Treaty or other popular international treaties for that matter. Traditionally, the United States of America has been viewed among its allies as a virtuous country, **but we have lost** some of our **prestige because of our position on landmines.** n208

Moreover, one provision of the Treaty provides that "each State Party undertakes never under any circumstances [to] ... assist, encourage or induce, in any way, anyone to **engage** in any activity prohibited to a State Party under this Convention." Consequently, many signing states have expressed concern about participating with the United States in military operations because of they fear such participation could be seen as a violation of the treaty if the United States used APLs during the exercise. n209

[\*68] Director Barlow, when describing the allies of the United States and their reaction to the U.S. refusal to join the Treaty, said that "we have dismayed our allies with this, and maybe we deserve the criticism a little. However, **we have been demonized on this issue** - **accused of exclusivity, exceptionalism, typical American superiority, and just being indifferent**." n210 As a result of the United States' refusal, some nations have "been downright rude" to American representatives. n211 Director Barlow recounted an incident where the American Ambassador was forced to leave the floor of a review conference by the Norwegian Ambassador - the latter accusing the United States of not paying for the right to be there. n212 Yet national security decisions should not be made based on whether other nations will have opportunities to embarrass us. Director Barlow believes the United States, having "left ourselves out of the discussion," has thus limited its influence in this area. n213 "We were the leaders in this area, [but now] there are review conferences and expert committees that we cannot participate in. We could be part of the solution but **instead we have locked ourselves out** and hurt our national security by alienating our allies over a weapon we don't even use." n214

Ultimately, it is true that the security that will be acquired from joining the Ottawa Treaty will not manifest itself immediately - it is highly unlikely that a terrorist organization will discontinue plotting against America simply because the United States has forsaken landmines. However, by amplifying our reputation with our allies the United States will reap security benefits in the future.

**Obama not ratifying is a slap in the face of multilateralism – it signals that the Bush era neocon policies will be the default**

**BOLTON 09 PhD - London School of Economics** [Matthew Bolton, The Guardian, Obama follows Bush on landmines, http://www.theguardian.com/commentisfree/cifamerica/2009/nov/26/obama-landmine-ban-treaty]

In two weeks' time, Barack Obama will accept the Nobel peace prize in Oslo for his "extraordinary efforts to strengthen international diplomacy and co-operation between peoples" and his commitment to "disarmament and arms control negotiations".

Yet on Tuesday, as Americans' attentions were turning to the Thanksgiving holidays, a state department spokesman, Ian Kelly, quietly announced that the Obama administration would not sign the international antipersonnel landmine ban. He also said that the Bush-era landmine policy, a regression from Bill Clinton's position, "remains in effect".

"It is painful that President Obama has chosen to reject the mine ban treaty just weeks before he joins the ranks of Nobel peace laureates, including the International Campaign to Ban Landmines," said Steve Goose, arms division director at Human Rights Watch, summing up the disappointment felt by many at Obama's decision.

The announcement comes just days before more than 150 signatory countries of the mine ban treaty meet in Cartegena, Colombia to review progress toward eradicating the threat of landmines in the world's current and former war zones.

Last year, landmines and other similar devices killed or injured more than 5,000 people, over 60% of whom were civilians and 28% children. **By failing to take a strong stand against landmines**, the US will appear to condone this human tragedy **and make it easier for China, Russia, Iran and other non-signatories to the ban to shirk their responsibilities.**

Anti-landmine campaigners and liberal activists had hoped Obama would use the landmine and cluster munitions bans to **demonstrate a new commitment to multilateralism**, humanitarianism and disarmament. During the campaign he had hinted, though not committed himself to, a more progressive stand than Bush had taken.

Instead, Obama's administration has endorsed his predecessor's unilateral repudiation of the treaty. **This has outraged the anti-landmine movement**, both in the US and globally.

The International Campaign to Ban Landmines, a coalition of hundreds of NGOs, churches and grassroots organisations worldwide, "strongly condemned" the decision; its US counterpart called the announcement "shocking".

"We cannot understand this shameful decision and we definitely cannot understand President Obama's decision to continue with the Bush policy," said Jody Williams, Nobel co-laureate for her role in the landmine ban. "This decision is a slap in the face to landmine survivors, their families and affected communities everywhere."

While the US has not used landmines since 1991, it has stockpiles of some 10m antipersonnel mines and 7.5m anti-vehicular mines, and has used cluster bombs, which leave behind explosive "duds" that act as de facto mines, in Kosovo, Afghanistan and Iraq.

Obama's apparent approval of a hawkish Bush administration policy has also angered his base supporters, who had hoped his election would usher in an era of liberal, multilateral and gentler foreign policy.

When veteran Democratic senator Patrick Leahy of Vermont endorsed Obama's presidential run in 2008, he told reporters it was because we needed a president who could "reintroduce America to the world". However, this week, Leahy did not hold back in his criticism of Obama.

"The United States is the most powerful nation on earth. We don't need these weapons and most of our allies have long ago abandoned them," said Leahy. "It is a lost opportunity for the United States to show leadership instead of joining with China and Russia and impeding progress."

On Wednesday, in the face of this criticism, the Obama administration seemed to backpedal slightly, saying that a policy review on landmine issues was still continuing. Landmine activists have called on the administration to engage and consult with outside experts, Nato allies who are members of the treaty and organisations working to clear landmines.

As a Nobel peace laureate and the leader of the world's most powerful nation, Obama has a duty to live up to his responsibilities to protect civilians in current and former war zones.

Obama's misstep must serve as a wake up call for concerned liberal citizens in the US and around the world. Just because Obama shares our language, and probably our ideals, if he doesn't feel political pressure from the left, his administration will be tempted to avoid a backlash from the right by maintaining hawkish and unilateralist Bush-era policies.

**We solve future weapons**

**US ratification is the only way to solve international leadership and codify a legal framework that halts global landmine use --- status quo signing still leaves the credibility of the precedent utterly destroyed**

**Holbrook 09** (Trevor Holbrook, MA, International Relations, Weber University, Thailand, “U.S. Policy Recommendation: Ottawa Convention on Anti-Personnel Landmines,” American University, Center for Human Rights and Humanitarian Law, Human Rights Brief, No. 17, 2009)

This article examines the consequences of the U.S. refusal to sign the Ottawa Convention and examines the implications of its continued refusal for the Ottawa Convention and customary international law. The United States has historically been a global leader and advocate for human rights and humanitarianism. In order to maintain this position, the United States must acknowledge the trend within the international community toward human security and protection and remain at, or at least near, the forefront of human rights law and IHL. Furthermore, **continued U.S. refusal undermines the Ottawa Convention,** which like other international law instruments, garners validity through consensus and mutual agreement. Without the support of the world’s dominant power, the Ottawa Convention cannot become customary international law; thus U.S. refusal provides leeway for rogue states to **continue the use and production of persistent landmines.** Ottawa Convention The Ottawa Convention is considered unique in that the global humanitarian community mobilized states in the effort to ban a weapon that was actively in use throughout the world. Eleven years after opening for ratification, the Convention has 156 States Parties, and international trade in landmines has virtually ceased.11 Civilian casualties are almost seventy percent below levels reported in the early 1990s.12 While several key states such as China, Russia, India, and the United States have not signed the Convention, very few states have used landmines in the last several years as a result of increasing stigmatization. Non-signatories to the Convention are very reluctant to use mines because of the high political costs involved. In the past five years, the only governments to deploy landmines were Russia, Myanmar, and Nepal; all of whom used the mines within their own borders to fight insurgencies.13 In terms of international law, the Ottawa Convention has been noted for its role in successfully incorporating the concepts of human security into the international legal framework. By using humanitarian advocacy and involving NGOs in the process, the Convention is the first treaty to eliminate a tool used for the protection of national security in favor of enhancing human security. The preamble to the Convention highlights this humanitarian focus in stating its purpose: T]o put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenseless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement, believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines. . . . 14 While the Convention establishes specific timetables and guidelines for disarmament, the most important provisions are those that require states to clear all mines from their territories and ensure an ongoing commitment to assist victims and threatened populations.15 Furthermore, reservations16 are not permitted under any circumstances, preventing states from maintaining any existing minefields or stockpiles. U.S. Landmine Policy and Its Implications The U.S. government has defended its decision not to sign the Ottawa Convention based on a number of factors. First, the United States is, by a considerable margin, the world’s largest financial donor to humanitarian mine action, contributing over $1.2 billion to activities in fifty countries since 1993. This funding supports mine clearance training and work, local mine risk education, victim assistance, mine-affected area surveys, and destruction of stockpiles. In many ways, these U.S. efforts surpass the requirements of the Ottawa Convention. Second, the United States has committed to using only detectable, non-persistent landmines that will self-detonate or lose power after a short period of time.17 Although landmines have not been used in any U.S. conflict since the 1991 Gulf War, the U.S. government still views landmines as an indispensable military tool.18 Third, the U.S. government argues that the Ottawa Convention focuses too specifically on anti-personnel landmines while ignoring other unexploded ordnance (UXO).19 The United States maintains that the most effective method of controlling the UXO threat to civilians is the creation and implementation of responsible guidelines for their production, use, and subsequent removal. The Convention has been criticized for ignoring the dangers related to anti-tank mines, cluster munitions, and other UXOs.20 Fourth, the United States perceives the “mine-free” target of the Ottawa Convention to be an inefficient and misguided goal. The intention of the comprehensive clearance goal is to increase the international focus on mine clearance, while ensuring that areas and villages are not overlooked. The United States supports a “mine-impact free” goal which will eliminate the threat of landmines in populated areas and transportation routes,21 the method which it argues allows for the most cost-effective clearance of mine threats. Finally, the U.S. government has refused to sign the Ottawa Convention because it does not allow for reservations. According to the United States, the unique situation in the demilitarized zone (DMZ) of the Korean peninsula requires the use of antipersonnel landmines in order to deter North Korean forces from entering South Korea. Without landmines, a substantially higher number of troops and weaponry would be required in Korea and more lives would be at risk. As a result, the United States has determined that the military necessity of landmines outweighs the humanitarian benefits of a total ban on anti-personnel landmines. Because the United States has been a strong advocate for universal human rights in the past and initiated the call for a landmine ban, it has been widely criticized for its refusal to accede to the Ottawa Convention. The government clearly needs to balance its competing expectations and requirements, but the landmine issue has become politically volatile. The ICRC argues that landmines are not an indispensable military weapon and that their value is dramatically outweighed by their post-conflict effects. The stigmatization of mine use has made their political costs prohibitive. As international law moves into the arena of human security, the United States cannot afford to sacrifice its position in international affairs and international law to defend a marginally useful military tool. In order to examine the reasons behind U.S. landmine policy, it is important to contrast the prominent military and humanitarian viewpoints on the issue. The military viewpoint stresses the value of anti-personnel landmines in conflict situations. They are considered “force multipliers” because they allow for the protection of larger areas with fewer troops. During military operations, active battlefields are viewed in terms of tactics and strategic objectives. Traditionally, marginal efforts aim to minimize “collateral damage” to civilians during wartime, while most concentrate on the main strategic objectives. The United States maintains that the responsible use of landmines in conflict situations is proportionately acceptable, in terms of military value, weighed against the potential danger to civilians. The humanitarian viewpoint, on the other hand, focuses on the short- and long-term effects that landmines and other UXOs have on civilian populations. The ICRC conducted a study of the military effectiveness of landmine use and found that the weapons were generally used in violation of international law and that their use had **minimal effects on the outcome of the conflicts.**23 Because the responsible use of landmines requires substantial effort and organization, the ICRC concluded that armed forces are generally unable to follow IHL when marking and mapping landmines. Furthermore, because military operations focus on battlefield tactics, they often neglect to consider the post-conflict consequences when planting mines. In other words, battlefields often return to their use as crop fields, soccer fields, or playgrounds when conflicts end. The humanitarian viewpoint acknowledges the numerous and considerable effects that landmine presence can have on post-conflict recovery and development.24 The presence of both viewpoints is evident in the complex and contradictory arguments found in U.S. landmine policy. The United States claims that, by remaining outside of the restrictions and requirements of the Ottawa Convention, it has more freedom to dedicate efforts toward the greatest humanitarian threats from all types of UXOs.25 However, this rationalization fails to recognize the value of international solidarity and collective commitment. The primary purpose of the Ottawa Convention is to highlight the importance of human security under IHL by banning the use of anti-personnel landmines. The United States acknowledges the existence of humanitarian threats from UXOs, but has failed to recognize the importance of the Ottawa Convention in the legal process toward eliminating those threats. As illustrated by the recent Convention on Cluster Munitions,26 the international community intends to eliminate the humanitarian threat of persistent and indiscriminate weapons through the introduction of human security into international law. While both the United States and the international community claim to be concerned with reaching the same goal, the U.S. has chosen to take a slow, incremental approach in opposition to the international majority. As a result of 12 years of competing priorities and lack of determination, the United States is **preventing the full eradication of the** humanitarian **landmine threat.**27 Though it seems that the trend toward human security in international law will continue to move forward without the support of the United States, the refusal of such a dominant world power stands in the way of the Ottawa Convention becoming customary international law and **significantly hampers** the international protection of all victims from the threat of indiscriminate remnants of war. U.S. Policy Options The policy that the United States chooses to follow regarding the Ottawa Convention has important implications, both for human security and post-conflict development in future conflict areas and for the **framework of international law.** Over the last 15 years, U.S. landmine policy has reverted from a progressive to an increasingly ostracized stance. From its current position, the United States could follow one of three possible courses of action regarding landmine policy: (1) continued adherence to the current policy; (2) movement toward the standards set out on the Ottawa Convention with an exception for the Korean peninsula; or (3) accession to the Ottawa Convention. If it adheres to the current policy, the United States will continue to support humanitarian mine action on its own terms by identifying high-risk areas and considering the costs and benefits of removing landmines in remote areas. Continued support for mine clearance training, mine risk education, and victim assistance will continue to exceed the guidelines set out by the Ottawa Convention. The military will produce and stockpile non-persistent, detectable landmines and **retain the right** to deploy them in conflict. While it is highly unlikely that the United States would use landmines in future conflict due to the political consequences, the option will remain. Following this policy will keep the United States at odds with the global humanitarian movement and the international community, and will **prevent greater acceptance** of human security and protection into international law. The Ottawa Convention will remain partially effective and, although landmines will become increasingly stigmatized, their **use by rogue states and non-state actors will continue** to inflict suffering and obstruct development.28 As the human security concept moves toward the elimination of additional indiscriminate weapons and tactics to prevent the suffering of innocent civilians, the United States will be seen as supporting inhumane warfare as the government continues to focus strictly on national security. The second option would move U.S. policy in the direction of the Ottawa Convention mine ban, while maintaining an exception for the situation in the Korean DMZ. The goals of the Ottawa Convention would be strengthened to a small degree, as U.S. disapproval of landmine use will further stigmatize the weapon. Aside from Korea, it is unlikely that the United States would use landmines in future conflicts due to the growing stigmatization. Therefore, producing and stockpiling these weapons serves only to comfort military officials. However, it is unlikely that additional countries would accede to the Convention, preferring instead to declare their own exceptions for continued use. Such a trend of exceptions would mean that the landmine ban would not be considered customary international law. The third and most favorable option is a U.S. commitment to accede to the Ottawa Convention before the end of the current presidential term in 2012. The military would be allowed the next three years to develop alternative technology, while maintaining access to current stockpiles in the meantime. The Convention requires States Parties to remove all landmines in the territories they control within ten years, allowing the United States until 2022 to replace landmines in the Korean DMZ with alternative weapons. By rejoining the rest of the progressive international community, the United States could **renew its commitment to human rights** and IHL and cooperate in **constructing future treaties** focused on human security. With the United States as a State Party to the Ottawa Convention, the ban on landmine use would approach customary international law. With the full commitment of donor countries, the humanitarian threat of landmines would be significantly mitigated. Countries remaining outside of the Convention would **come under increased pressure to accede,** reducing the threat of landmine use to mostly nonstate actors. Because of the grave humanitarian threat posed by landmine use and UXOs, the United States must acknowledge that the civilian costs far outweigh their military value, and that international solidarity is the best path to their eradication. Conclusion While the purpose of the Ottawa Convention is clearly in line with the U.S. mission to support human rights and humanitarian action around the world, perhaps the most important reason for accession to the Convention are the treaty’s implications for the future of international law. While the United States has supported the elimination of civilian landmine threats over the last twenty years, it has also continued to insist on the tactical military importance of indiscriminate anti-personnel landmines and has developed its policy based heavily on the military viewpoint. This insistence flies in the face of the international community’s acknowledgement of the disproportionate humanitarian effect of such weapons and the successful introduction of the human security concept into international law. Accession to the Convention is in the best long-term interest of the United States, allowing it to stay near the forefront of international law. Possessing the technology and capability to develop new weaponry, the United States must find an alternative to landmine use in Korea. The cost of ignoring the international consensus in order to maintain a fifty-year-old war zone is short-sighted and in opposition to U.S. goals to spread freedom and improve international security.

**The Mine Ban Treaty’s precedent is uniquely key to strengthen application of laws of weaponry for future weapons**

**Greenwood 98** (Christopher, Judge of the International Court of Justice, professor of international law at the London School of Economics and a barrister who regularly appeared as counsel before the International Court of Justice, the European Court of Human Rights, the English courts, and other tribunals., “The Law of Weaponry”, International Law Studies - Volume 71 The Law of Armed Conflict: Into the Next Millennium Michael N. Schmitt & Leslie C. Green (Editors)

This stocktaking of the law of weaponry at the end of the twentieth century shows that this part of the law of armed conflict, while not one of the most effective, cannot be disregarded as an anachronism. The adoption of new treaties on weapons of real military significance, such as chemical weapons and land mines, demonstrates that it is possible to develop legal regimes which, if they are made to function properly, can have a **significant impact** in protecting the values of humanitarian law. Similarly, the Advisory Opinion on Nuclear Weapons, whatever its shortcomings, shows that the general principles of the law are capable of developing in such a way that they can be applied to new types of weapon. How then is the law likely to evolve as we enter the new millennium? The outline of two developments is already visible. First, the trend of extending the law of weaponry from international armed conflicts to conflicts within States is likely to prove irreversible. Application to such conflicts has already been the subject of **express provision in** the two latest agreements on land mines and the Chemical Weapons Convention. In addition, the logic of the position taken by the International Criminal Tribunal for the Former Yugoslavia in the Took case and the general trend towards the development of the law of internal conflicts means that most, if not all, of the law of weaponry is likely to become applicable in internal conflicts in time. There is every reason why this should be so. While arguments against extending parts of the law of international armed conflicts, such as those which create the special status of prisoners of war, to internal hostilities have some force, there is no compelling argument for accepting that a government may use weapons against its own citizens which it is forbidden to use against an international adversary, even in an extreme case of national self defense. Secondly, it seems probable that the concept of penal sanctions for those who violate the law of weaponry will become far more important in the future. The Chemical Weapons Convention and the 1997 Land Mines Convention both make express provision for the enactment of criminal sanctions.161 Certain violations of the principle of distinction are included in the grave breaches regime by Additional Protocol I, Article 85. Moreover, any serious violation of the laws of war is already a war crime and this would include a serious violation of one of the weaponry treaties or a general principle such as that prohibiting unnecessary suffering. However, the existence of the two ad hoc criminal tribunals and the development of their jurisprudence, together with the likelihood of a future permanent international criminal court with an extensive war crimes jurisdiction, means that these sanctions are likely to be far more significant in the future. How far this is a desirable development is another matter. While the present writer strongly supports the principle of effective criminal sanctions for violations of the law of armed conflict, it has been seen that the general principles of the law of weaponry-and, indeed, some of the specific provisions-are far from clear or easy to apply. It would be quite wrong to hold individual servicemen, especially low down the chain of command, criminally responsible for the good faith use of weapons with which their government has provided them. Moreover, the preparatory talks on the international criminal court have shown a disturbing tendency to try to use the negotiation of the Court's statute as a way of revising the substantive law on weaponry, thus risking upsetting the work of more specialized conferences. It is less easy to speculate as to what weapons might be made the subject of new agreements for the prohibition or limitation of their use. Incendiary weapons, fuel,air explosives, and napalm have all attracted considerable opprobrium over the last part of the twentieth century and are likely to face further calls for their limitation or outright prohibition. The precedent of the campaign against land mines, which attracted far greater publicity than do most developments in the law of armed conflict, suggests that future calls for changes in the law of weaponry may come as much from NGOs and public opinion as from governments. Such a change is both desirable and in keeping with the spirit of the Martens Clause. It carries the danger, however, that some of these calls will be unrealistic both in failing to recognize that States must be able to defend themselves and in the expectations which they create about what can be achieved. One of the most important issues is likely to be the future of nuclear weapons. The inconclusive Opinion of the International Court of Justice included a unanimous finding that: There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international controI.162 Although this paragraph adds little of substance to the Non-Proliferation Treaty, it has already led to calls for fresh negotiations on nuclear disarmament. In this writer's view, attempts to achieve a ban on the use of nuclear weapons are unlikely to succeed in the foreseeable future and would probably prove counter~productive in that they will block progress in other areas (as happened with attempts to reform the law of armed conflict in the 1950's). As far as the possession of nuclear weapons is concerned, a ban is likely to prove possible only if all the nuclear~weapons States (declared and undeclared) support it, and such a result could not be achieved without simultaneous progress on a range of related security issues. One of the most important developments may well prove to be the **application to new types of weaponry** of the existing general principles. The Advisory Opinion in the Nuclear Weapons case has demonstrated that these principles are capable of being applied to weapons of a kind which was beyond contemplation when those principles were first developed. The flexibility of the general principles thus makes them of broader application than the specific provisions which are all too easily overtaken by new technology. If the speed of change in military technology continues into the next century (as seems almost inevitable),163 that capacity to adapt is going to be ever more important. Take one example. Suppose that it became possible for a State to cause havoc to an enemy through the application of electronic measures or the selective planting of computer viruses which brought to a standstill whole computer systems and the infrastructure which depended upon them. Such a method of warfare would appear to be wholly outside the scope of the existing law. Yet that is not really so. The application of those measures, though not necessarily an "attack" within the meaning of Additional Protocol I because no violence need be involved,164 is still likely to affect the civilian population and possibly to cause great damage and even loss of life amongst that population. As such, it should be subject to the same principles of distinction and proportionality considered above. The application of the general principles of such forms of warfare would, however, require a measure of refinement of those principles. The place in the concept of proportionality which should be given to indirect, less immediate harm to the civilian population would have to be resolved. Similarly, if the principle of distinction is to be applied to existing, let alone new, weapons of naval warfare, a clearer assessment needs to be made of exactly what constitutes a legitimate target in naval hostilities. Both the military and humanitarian aspects of the unnecessary suffering principle need to be clarified if that principle is to have a significant impact in the assessment of new methods and means of warfare. The duty which States have to scrutinize developments in weaponry and to assess whether any new weapons or methods of warfare comply with the law 165 means that the resolution of such questions is a matter of considerable importance. In this writer's opinion, it is both more probable and more desirable that the law will develop in this evolutionary way than by any radical change. With the law of weaponry, as with most of the law of armed conflict, the most important humanitarian gain would come not from the adoption of new law but the **effective implementation of the law that we have.** That should be the priority for the next century.

**Only the plan is a sufficiently strong precedent for future weapons applications**

**Docherty 10** (Bonnie, “Ending Civilian Suffering: The Purpose, Provisions, and Promise of Humanitarian Disarmament Law”, Austrian Review of International and European Law 15: 7-44, 2010. © 2013 Koninklijke Brill NV. Printed in the Netherlands.)

The development of disarmament law’s provisions has advanced in a similar direction as its purposes. As a comparison of the 1990s case studies shows, the Mine Ban Treaty draws in part from both the Chemical Weapons Convention and CCW Amended Protocol II. The Mine Ban Treaty, however, not only adapts, merges, and strengthens precedent but also adds new obligations to realize its aim of ending civilian suffering from anti-personnel mines. In so doing, it establishes three types of provisions characteristic of disarmament instruments with a primarily humanitarian purpose: absolute preventive obligations; civilian-centered remedial measures; and cooperative approaches to implementation. By adopting such comprehensive and unqualified provisions, humanitarian disarmament has increased the **ability of international law to limit the harmful effects of weapons.**

A. Absolute Preventive Obligations

Humanitarian disarmament treaties contain absolute preventive measures, which seek to prevent civilian harm by eliminating specific weapons. Article 1 of the Mine Ban Treaty categorically bans use, production, transfer, and stockpiling of anti-personnel landmines as well as assistance with any of those activities.58 States parties may ‘never under any circumstances’ engage in these activities. The phrase ‘under any circumstances’ covers international and non-international armed conflicts as well as situations that do not rise to the level of armed conflict. Article 1(1)(b) prohibits production, transfer, and stockpiling that is either ‘direct or indirect’. The bans on transfer and assistance apply to ‘anyone’; in other words, states parties may not transfer to or assist other states parties, states not party, or non-state actors such as corporations or non-state armed groups.

The Mine Ban Treaty also requires destruction of stockpiles, which further advances the goal of eliminating anti-personnel landmines. Article 1(2) places destruction of all mines on the list of general obligations that includes the prohibitions.59 Article 4 obliges each state party to ‘destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control’. The state party must do so ‘as soon as possible but not later than four years’ after the treaty enters into force for the party.

The Mine Ban Treaty implicitly requires elimination of production facilities, another preventive measure. Although the treaty does not include a specific article dedicated to the topic, the prohibition on production can be interpreted to necessitate destruction of the facilities that produce. Article 7 on Transparency Measures supports this understanding because it mandates that states parties report on ‘the status of programs for the conversion or decommissioning of anti-personnel mine production facilities’. It thus suggests an obligation to convert or decommission.60

The Mine Ban Treaty modeled its provisions related to prevention on those in the Chemical Weapons Convention.61 The latter convention’s Article 1 on General Obligations uses almost identical language in layingout absolute prohibitions on use, production, transfer, and stockpiling. It too employs the phrase ‘never under any circumstances’ and bans direct and indirect transfer ‘to anyone’.62 The Chemical Weapons Convention provided the exact wording for the Mine Ban Treaty’s provision on assistance. It also includes among its general obligations a requirement to destroy stockpiled and abandoned chemical weapons and production facilities. While the Chemical Weapons Convention and the Mine Ban Treaty were conceived for security and humanitarian purposes, respectively, they share absolute preventive provisions.

CCW Amended Protocol II adopts a more complicated, qualifi ed, and narrow approach to prevention of civilian harm. It establishes elaborate regulations for anti-personnel mines, booby-traps, and other devices, but it does not ban them as a class. It generally prohibits use of these devices when it causes superfluous injury or unnecessary suffering, targets civilians, or **fits the definition of indiscriminate.**63 Specific technical distinctions serve as the basis for the rest of Amended Protocol II’s restrictions. While the protocol prohibits use of mines with anti-handling devices and those that are not detectable,64 it merely limits the use of other types of mines. For example, the protocol allows non-remotely delivered anti-personnel mines even without self-destruct and self-deactivation devices if they are placed in a perimetermarked and monitored area that is cleared before abandonment.65 Remotely delivered anti-personnel mines must have self-destruct and self-deactivation devices but do not require marking.66 Furthermore, while Amended Protocol II’s regulations address use, production, and transfer, they do not deal with stockpiling. These partial regulations weaken the impact of the protocol.

Amended Protocol II combined humanitarian and security purposes, but in the end they were at odds. Amended Protocol II exhibits some concern for civilians in its regulations. For example, the requirement to perimeter mark and monitor certain non-remotely delivered mines when they are laid is ‘to ensure the effective exclusion of civilians from the area’.67 Negotiating states’ interests in their own security, however, ultimately rendered impossible the absolute ban required for a comprehensive humanitarian response. Major military powers did not view landmines, which are defensive weapons, as a threat to their security; by contrast, they argued they needed mines to protect their interests and blocked efforts to produce a stronger instrument.68

The Mine Ban Treaty elevated concern for protecting civilians to a level previously reserved for maintaining security. When faced with the extensive suffering anti-personnel landmines cause, it imposed an absolute ban on use, production, transfer, and stockpiling. The Mine Ban Treaty responded to the harm infl icted by conventional weapons in the same way that security disarmament conventions had approached the threat of weapons of mass destruction, a narrower category of arms. In so doing, it opened the door to more rigorous controls of a wider class of weapons.

**The precedent of the Mine Ban Treaty is key to resolving future weapons distinctions**

Docherty 10 (Bonnie, “Ending Civilian Suffering: The Purpose, Provisions, and Promise of Humanitarian Disarmament Law”, Austrian Review of International and European Law 15: 7-44, 2010. © 2013 Koninklijke Brill NV. Printed in the Netherlands.)

C. A Humanitarian Imperative: The Mine Ban Treaty The Mine Ban Treaty, the first humanitarian disarmament instrument, took a dramatic step by defining its purpose **primarily in terms of humanitarian concerns.** Its preamble opens with a strong paragraph that highlights the extent of civilian suffering from landmines: States Parties [are d]etermined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement. This paragraph paints a vivid picture of the problem with references to numbers (mines cause hundreds of casualties per week), descriptions of effects (death and maiming), and the characterization of civilians as ‘innocent and defenceless’. Civilian victims of war are the **primary focus of the convention.** In that same paragraph, the Mine Ban Treaty takes a stronger stance against humanitarian harm than the CCW does. According to the CCW’s preamble, states parties merely ‘recall’, i.e., bear in mind, the principle of civilian protection, without pledging to take any related actions. States parties to the Mine Ban Treaty declare they are ‘determined to put an end to’ civilian suffering caused by a specific type of weapon. Two other preambular paragraphs underscore the humanitarian orientation of the Mine Ban Treaty. One paragraph highlights the importance of victim assistance, noting that states parties wish ‘to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims’. This concern for victims, most of whom are civilians, has no precedent in security or hybrid disarmament. The other paragraph ‘stress[es] the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines’. It links the treaty’s absolute ban to the principles of humanity. While the security and hybrid disarmament treaties discussed above hark back to the UN Charter, theMine Ban Treaty includes no reference to it. Instead it is based on international humanitarian law., Like the humanitarian clauses in the CCW’s preamble it refers to the limitations on means and methods of war and the **prohibition of superfluous injury** and unnecessary suffering. These rules can benefit civilians, although they were originally designed to protect soldiers.52 The Mine Ban Treaty clarifies its reasons for relying on international humanitarian law by adding a reference to the rule of distinction. Distinction is concerned specifically with minimizing civilian harm.

# 1ac – plan

**Thus the plan:**

**The United States federal government should consent to be bound by the Mine Ban Treaty to prohibit the introduction of anti-personnel landmine armed forces into hostilities.**

# \*\*\*TOPICALITY

# 2ac – topicality usaf

**1. We meet and CI--- USAF includes munitions, armor, and armor-piercing projectiles**

**Department of Military Affairs, No Date** (Department of Military Affairs, Montana State Government Official Website, http://montanadma.org/depleted-uranium)

The **United States Armed Forces** includes depleted uranium (DU) in the manufacture of certain **munitions,** armor and armor-piercing projectiles, and these were used in large scale - for the first time - during the 1991 Gulf War. Because of its radioactive qualities, there is an increasing interest in what DU is, what it is used for, and its health hazards to those who have been exposed to it.

**Authority includes equipment usage**

**Dellinger 95** - Assistant Attorney General of the US for the Office of Legal Counsel [Walter Dellinger (Professor of Law @ Duke University), “After the Cold War: Presidential Power and the Use of Military Force, 50 University of Miami Law Review 107-119 (1995).

First, the President has the well-recognized power to deploy and redeploy United States forces. By a network of legislation, Congress has created a large standing army and given the President the means to send that force all over the world. As Attorney General (later Justice) Robert Jackson wrote, "the President's responsibility as Commander in Chief embraces the authority to command and direct the armed forces in their immediate movements and operations designed to protect the security and effectuate the defense of the United States. . . . [T]his authority undoubtedly includes the power to dispose of troops and equipment in such manner and on such duties as best to promote the safety of the country."25 . Pg. 113-14

**Targeted killing is killing in times of peace or armed conflict that eliminates individuals**

**Masters 13** (Jonathan Masters, Deputy Editor, Council on Foreign Relations, citing the UN Special Report, “Targeted Killings,” May 23, 2013, http://www.cfr.org/counterterrorism/targeted-killings/p9627#p2)

According to a UN special report on the subject, targeted killings are premeditated acts of lethal force employed by states in times of peace or during armed conflict to **eliminate** specific **individuals** outside their custody. "Targeted killing" is not a term distinctly defined under international law, but gained currency in 2000 after Israel made public a policy of targeting alleged terrorists in the Palestinian territories. The particular act of lethal force, usually undertaken by a nation's intelligence or armed services, can vary widely--from cruise missiles to drone strikes to special operations raids. The primary focus of U.S. targeted killings, particularly through drone strikes, has been on the al-Qaeda and Taliban leadership networks in Afghanistan and the remote tribal regions of Pakistan. However, U.S. operations have expanded in recent years to include countries such as Somalia and Yemen.

**We meet targeted killing**

**Canadian Landmine 12** (“Antipersonnel Landmines: “A Weapon of Mass Destruction in Slow Motion,” February 13, 2012, http://canadianlandmine.org/antipersonnel-landmines-a-weapon-of-mass-destruction-in-slow-motion)

In my previous post I outlined the movement to ban antipersonnel mines in the 1990s. After the signing of the Ottawa Treaty, countries participating destroyed stockpiles of millions of AP mines. But the treaty did not ban landmines of all types. The movement was focused primarily on this specific subset of landmines, which unlike their counterparts, **specifically target individuals** and are most devastating to innocent civilians. A significant percentage of landmine casualties are the result of antipersonnel landmines. In Mozambique from 1980-1993 for example, over eighty-percent of all landmine casualties were caused by antipersonnel mines. A more recent study looking at the impact of explosive remnants of war (ERWs) in 60 states/regions indicated that in 2010 alone, ERWs caused 4,191 causalities with landmines being the largest contributor (71%). Of the landmines causing injury or death, antipersonnel mines had the highest percentage (34%), with victim-activated IEDs (18%), anti-vehicular mines (10%), and mines of “an unspecified type,” (9%) making up the rest.

**2. No limits DA -- functional limits like authority and the xo CP check small weapons affs**

**3. Prefer it**

**a) Overlimits -- their interpretation kills one quarter of the topic -- no aff limits people without weapons, or their offense is inevitable because their interp allows for the aff to remove the people**

**b) Their interp conflates solvency with T --- Obama has interpreted USAF closely which means affs need to broaden the scope from beyond just “human forces” --- otherwise, we always lose to circumvention**

**c) Topic education -- Libya proves weaponry components are core USAF ground**

**d) Predictability -- no brightline for what weapon/machine components are topical under their interpretation, makes aff innovation impossible**

**Plan text checks --- this is a question of solvency at worst, not T**

**Reasonability -- competing interps are arbitrary and create a race to the bottom**

# 2ac – at: warfighting

**Obama just caved to Congress and restricted the NSA**

Nakashima and Miller 1/17 ( Ellen Nakashima and Greg Miller, Washington Post, “Obama calls for significant changes in collection of phone records of U.S. citizens”, <http://www.washingtonpost.com/politics/in-speech-obama-to-call-for-restructuring-of-nsas-surveillance-program/2014/01/17/e9d5a8ba-7f6e-11e3-95c6-0a7aa80874bc_story.html?tid=ts_carousel>, January 17, 2014)

President Obama on Friday made a forceful call to narrow the government’s access to millions of Americans’ phone records as part of an overhaul of surveillance activities that have raised concerns about official overreach. The president said he no longer wants the National Security Agency to maintain a database of such records. But he left the creation of a new system to subordinates and lawmakers, many of whom are divided on the need for reform. In a speech at the Justice Department, Obama ordered several immediate steps to limit the NSA program that collects domestic phone records, one of the surveillance practices that was exposed last year by former intelligence contractor Edward Snowden. Obama directed that from now on, the government must obtain a court order for each phone number it wants to query in its database of records. Analysts will be able to review phone calls that are two steps removed from a number associated with a terrorist organization instead of three. And he ordered a halt to eavesdropping on dozens of foreign leaders and governments that are friends or allies. The changes, White House officials said, mark the first significant constraints imposed by the Obama administration on surveillance programs that expanded dramatically in the decade after the Sept. 11, 2001 attacks. But the most significant change he called for, to remove the phone database from government hands, could take months if not longer to implement. And already critics from diverse camps — in Congress and outside it — are warning that what he has called for may be unworkable. Obama is retaining the vast majority of intelligence programs and capabilities that came to light over the past six months in a deluge of reports based on leaked documents. Even the most controversial capability — the government’s access to bulk telephone records, known as metadata — may well be preserved, although with tighter controls and with the records in the hands of some outside entity. The database holds phone numbers and call lengths and times, but not actual phone call content. Obama recognized that others have raised alternatives, such as the moving custodianship of the records to the phone companies or an independent third party — and that such plans face significant logistical and political hurdles. He gave subordinates including Attorney General Eric H. Holder Jr. until March 28 to develop a plan to “transition” the bulk data out of the possession of the government. Existing authorities for the phone records program are set to expire on that date, requiring a reauthorization by the Foreign Intelligence Surveillance Court (FISC). Both in his speech and in the specifics of his plan, Obama straddled competing security and civil liberties imperatives. His proposals are aimed at containing a public backlash triggered by Snowden,

but also preserving capabilities that U.S. intelligence officials consider critical to preventing another terrorist attack. [Read the text of Obama’s speech.] Reaction to Obama’s call to end the phone records collection was mixed and underscored the political challenge he faces in achieving his goal. The chairmen of the House and Senate intelligence committees issued a joint statement focusing on Obama’s remarks that “underscored the importance of using telephone metadata to rapidly identify possible terrorist plots.” Sen. Dianne Feinstein (D-Calif.) and Rep. Mike Rogers (R-Mich.) added that they have reviewed the existing NSA bulk collection program and “found it to be legal and effective,” indicating they would oppose efforts to end it. “Ending this dragnet collection will go a long way toward restoring Americans’ constitutional rights and rebuilding the public’s trust,” Sens. Ron Wyden (D-Ore.), Mark Udall (D-Colo.) and Martin Heinrich (D-N.M.) said in a joint statement. “Make no mistake, this is a major milestone in our longstanding efforts to reform the National Security Agency’s bulk collection program.” Adam B. Schiff (D-Calif.), a House Intelligence Committee member who opposes bulk collection, said he thought that ultimately the NSA would have to transition to a model in which the government seeks data from individual phone companies, without forcing the companies to hold the data for longer than they do now. But many civil liberties groups said Obama failed to advance real reform by leaving open the door to third-party storage of records and data retention mandates. “He doesn’t commit to ending the bulk data collection of telephone records,” said Anthony Romero, executive director of the American Civil Liberties Union. “He gets close to understanding the concerns, but he backs away from the real reform, which is to end the bulk data collection. He gets to the finish line, but he doesn’t cross it.” Romero said he was trying to bridge irreconcilable positions: “Clearly this is a president who wants to agree with the criticism of the bulk data collection and retention, and yet wishes to retain that power notwithstanding the serious concerns,” Romero said. “And you can’t have it both ways.” John McLaughlin, a former CIA deputy director, said Obama “was trying to find a midway here.” Obama’s dilemma, he said, is responding to dual challenges: the perception that the program might one day be abused, and the reality that al-Qaeda and its affiliates are growing stronger. “So as president, he’s got to think, ‘I don’t want to take any chances here.’ ” Obama also called on Congress to establish a panel of public advocates who can represent privacy interests before the FISC, which hears government applications for surveillance in secret. Obama has instructed Holder to reform the use of national security letters — a form of administrative subpoena used to obtain business and other records — so that the traditional gag order that accompanies them does not remain in place indefinitely. But he did not, as has been recommended by a White House review panel, require judicial approval for issuance of the letters. The president also addressed another major NSA surveillance program, which involves collection of e-mail and phone calls of foreign targets located overseas, including when they are in contact with U.S. citizens or residents. He acknowledged that the information has been valuable, but directed subordinates to develop new protections for the information collected on U.S. persons. He also said he will order that certain privacy safeguards given Americans whose data are collected be extended to foreigners, including limits on the use of the information and how long it can be kept. Accompanying his speech, Obama issued a new directive Friday that states that the United States will use signals intelligence only “for legitimate national security purposes, and not for the purpose of indiscriminately reviewing the e-mails or phone calls of ordinary people.” It says that authorities will not collect intelligence “to suppress criticism or dissent” or to give U.S. companies a competitive advantage. Unless there is a compelling national security purpose, Obama said, “we will not monitor the communications of heads of state and government of our close friends and allies.” Friendly leaders “deserve to know that if I want to learn what they think about an issue, I will pick up the phone and call them, rather than turning to surveillance,” he said. As he made the case for reforms, Obama also cautioned that “we cannot unilaterally disarm our intelligence agencies.” And he caustically criticized foreign intelligence services that “feign surprise” over disclosures of U.S. surveillance while “constantly probing our government and private sector networks and accelerating programs to listen to our conversations, intercept our e-mails or compromise our systems.” He noted that some countries that “have loudly criticized the NSA privately acknowledge that America has special responsibilities as the world’s only superpower . . . and that they themselves have relied on the information we obtain to protect their own people.” Expressing frustration at those who “assume the worst motives by our government,” Obama said at another point in his speech: “No one expects China to have an open debate about their surveillance programs, or Russia to take privacy concerns of citizens in other places into account.” But he said the United States is held to a higher standard “precisely because we have been at the forefront in defending personal privacy and human dignity.” The president’s speech comes after months of revelations about the breadth and secrecy of the NSA’s surveillance activities, based on hundreds of thousands of documents taken by Snowden. New revelations based on the documents are expected to continue this year.

# 2ac – at: kritik

**Discussing the government in the context of arms control is valuable – discussions of institutional weakness are valuable – but it is states that are building and controlling arms – so the debate needs to start there.**

MULLER 00 Director of the Peace Research Institute – Frankfurt & Prof of IR at Goethe University [Harold Muller, Compliance Politics: A Critical Analysis of Multilateral Arms Control Treaty Enforcement, The Nonproliferation Review, Summer 2000]

Finally, it is unlikely that the course of events will change without a determined effort from within international civil society. Nongovernmental organizations have proven their potential in initiating and providing the necessary momentum behind the campaign to ban anti-personnel landmines. 52 The arms control and disarmament community within the United States has also exerted considerable influence over the years, serving as a watchdog, agenda-setter and, at times, mover of issues. 53 It will be necessary for the international arms control and disarmament community to agree on a few simple and communicable objectives and to campaign around them, with a strong effort in the United States in particular. The US part of this campaign is the most important one without reliable allies on the inside of superpower politics, activities from the outside will remain insufficient.

CONCLUSION

The present situation for effective and successful compliance policy is not good. It would have been tempting to engage in a nice academic debate about institutional reform, stating with the UN Security Council and going in detail through the weaknesses of each and every international organization charged with treaty administration, then discussing the weaknesses of the compliance mechanisms in the various international agreements, and so on. The approach chosen here was different The framework developed in the first part of this viewpoint related the structure and the actors to each other only their interdependent feedback processes can produce the conditions that promise successful compliance policy. The diagnosis based on this framework showed that today’s problems lie in the actors. The remedies therefore had to address the actor problem as the top priority.

This does not mean that institutional design is not a worthy venture; it certainly is. For the broad picture, however, we have to get the priorities right. And all findings about institutional weakness should not be construed as relieving the actors, especially the leading ones, of their basic duty to play by the rules and to integrate themselves into the multilateral frameworks that need to be saved, maintained, and improved if states are to enjoy the security benefits that multilateral arms control can provide.

**No impact to our process of securitization --- it’s a process**

**Ghughunishvili 10** – Securitization of Migration in the United States after 9/11: Constructing Muslims and Arabs as Enemies Submitted to Central European University Department of International Relations European Studies In partial fulfillment of the requirements for the degree of Master of Arts Supervisor: Professor Paul Roe <http://www.etd.ceu.hu/2010/ghughunishvili_irina.pdf>

As provided by the Copenhagen School securitization theory is comprised by speech act, acceptance of the audience and facilitating conditions or other non-securitizing actors contribute to a successful securitization. The causality or a one-way relationship between the speech act, the audience and securitizing actor, where politicians use the speech act first to justify exceptional measures, has been criticized by scholars, such as Balzacq. According to him, the one-directional relationship between the three factors, or some of them, is not the best approach. To fully grasp the dynamics, it will be more beneficial to “rather than looking for a one-directional relationship between some or all of the three factors highlighted, it could be profitable to focus on the degree of congruence between them. 26 Among other aspects of the Copenhagen School’s theoretical framework, which he criticizes, the thesis will rely on the criticism of the lack of context and the rejection of a ‘one-way causal’ relationship between the audience and the actor. The process of threat construction, according to him, can be clearer if external context, which stands independently from use of language, can be considered. 27 Balzacq opts for more context-oriented approach when it comes down to securitization through the speech act, where **a single speech does not create** the **discourse,** but it is created through a long process, where context is vital. 28 He indicates: In reality, the speech act itself, i.e. literally a single security articulation at a particular point in time, will at best only very rarely explain the entire social process that follows from it. In most cases a security scholar will rather be confronted with a process of articulations creating sequentially a threat text which turns sequentially into a securitization. 29 This type of approach seems more plausible in an empirical study, as it is more likely that **a single speech will not** be able to **securitize an issue,** but it is a lengthy process, where a the audience speaks the same language as the securitizing actors and can relate to their speeches.

**Burke is wrong --- no impact**

#### Allen Buchanan 7, Professor of Philosophy and Public Policy at Duke, 2007 (Preemption: military action and moral justification, pg. 128)

The intuitively plausible idea behind the 'irresponsible act' argument is that, other things being equal, the higher the stakes in acting and in particular the greater the moral risk, the higher are the *epistemic requirements* for justified action. The decision to go to war is generally a high stakes decision par excellence and the moral risks are especially great, for two reasons. First, unless one is justified in going to war, one's deliberate killing of enemy combatants will he murder, indeed mass murder. Secondly, at least in large-scale modem war, it is a virtual certainty that one will kill innocent people even if one is justified in going to war and conducts the war in such a way as to try to minimize harm to innocents. Given these grave moral risks of going to war, quite apart from often substantial prudential concerns, some types of justifications for going to war may simply be too subject to abuse and error to make it justifiable to invoke them. The 'irresponsible act' objection is not a consequentialist objection in any interesting sense. It does not depend upon the assumption that every particular act of going to war preventively has unacceptably bad consequences (whether in itself or by virtue of contributing lo the general acceptance of a principle allowing preventive war); nor does it assume that it is always wrong lo rely on a justification which, if generally accepted, would produce unacceptable consequences. Instead, the "irresponsible act' objection is more accurately described as an agent-centered argument and more particularly an argument from moral epistemic responsibility. The 'irresponsible act' objection to preventive war is highly plausible if— but only if—one assumes that the agents who would invoke the preventive-war justification are, as it were, *on their own* in making the decision to go to war preventively. In other words, the objection is incomplete unless the context of decision-making is further specified. Whether the special risks of relying on the preventive-war justification are unacceptably high will depend, *inter alia,* upon whether the decision-making process includes effective provisions for redu­cing those special risks.

Because the special risks are at least in significant part epistemic—due to the inherently speculative character of the preventive war-justification—the epistemic context of the decision is crucial. Because institutions can improve the epistemic performance of agents, it is critical to know what the institutional context of the preventive-war decision is, before we can regard the 'irresponsible agent' objection as conclusive. Like the 'bad practice' argument, this second objection to preventive war is inconclusive because it does not consider— and rule out—the possibility that well-designed institutions for decision-making could address the problems that would otherwise make it irresponsible for a leader to invoke the preventive-war justification.

**Alt doesn’t solve**

BERNSTEIN 08 Director of the Nobel Women’s Initiative, former coordinator of the ICBL from 1998-2004 [Elizabeth Bernstein, “Still Alive and Kicking,” from, Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security, edited by Jody Williams, Stephen D. Goose, and Mary Wareham, Rowman & Littlefield Publishers] Page 46

Conclusion

The International Campaign to Ban Landmines is seen as a quintessential ex- pression of the ability of Committed civil society to play a meaningful role in resolving key issues of our times. ICBL activists have never rested on their lau- rels but constantly reaffirm their commitment to a mine-free World and are continuously forward looking, strategizing on next steps to bring the “utopian vision” of a mine-free World to complete reality through the framework of the Mine Ban Treaty.

Even in its most difficult moments at the end of 1997 and into 1998, the core of the campaign held firm and adjusted itself to its own new realities as well as to the reality ofthe newly negotiated Mine Ban Treaty and all the Work it would take to ensure the treaty made a difference to those living with the daily scourge of landmines.

Staying focused on the goal in the face of fatigue and other demanding is- sues remains a critical objective a decade on. In 2007, as the Mine Ban Treaty entered into its tenth year of existence, the ICBL’s Executive Director Sylvie Brigot described the treaty as “\_ . . a work in progress” and urged commitment By States Parties to “ . . . continue providing the political leadership and financial resources to ensure we can declare final victory in the battle against land- mines.”15 The ICBL began as a coalition of NGOs determined to reach the goal of banning antipersonnel landmines and then disband and move on to other work. Disbanding remains an objective. Not abandoning the Work until the job is done remains the focus. The ICBL has demonstrated that coalitions of independent NGOs can campaign together and achieve their goals. It has demonstrated an amazing ability to change with both the global context and as needed by its own membership.

At the same time, the campaign is really a transnational group of citizens who recognized a problem and took action to change it. Together we have proved that there is a place for “global citizen diplomacy.” Together We have shown that individual action can and does make a difference-especially when those individuals number in the thousands and tens of thousands. ICBL activists exemplify those who work for human rights writ large by accepting their responsibility to act as global citizens working for a better World.

**Perm do both --- government action to human security needs reshapes institutions according to common interests of individuals and states.**

David **ROBERTS** Int’l Pol @ Ulster **‘8** *Human Insecurity* p. 180-183

But this critique is not undertaken with the intention of excluding realism from this debate. It would be profoundly uuwise to seek to marginalize the potential in realist positivist methodologies and **institutional experience**. It would also be reckless to forget their **global influence**. Other methodologies are as yet insufficiently established in realist global security architectures and thinking. Rather, it would seem intellectually healthy to **expand cooperation** **across disciplines and methodological boundaries** and to consider the roles of representation and rights more broadly in **human security** determinism. In identifying human insecurity creation within the dominant paradigm's assumptions and beliefs itself, we can no longer claim ignorance, or allow our ego defences to bypass our intellectual potential and human responsibilities. To the contrary, this work proposes the possibility of interdisciplinary alliances to **reprioritize human security** on the mainstream IR security agenda in order that we may accept and confront the institutional and structural roots of such enormous, **avoidable human catastrophes** as this work outlines. It has not been impossible to draw together different methodologies and epistemologies in a common security cause. Indeed, the basis of the quantitative data involved here reflects the positivist tradition. Already, at least one attempt has been made to broaden intellectual comprehension of wider security and its relevance to realism and IR in general. The notion of the 'security-development nexus' was expected by some to connect development issues to security debates. This relationship between economic impoverishment and international instability and insecurity has, however, proved difficult to establish and harder to sustain. The limited evidence presented in this book has affirmed relationships between economic impoverishment from international institutional edict, on the one hand, and low-intensity political instabilities at the domestic state level, on the other. But it has not demonstrated long-term damage to states' legitimacy or, on its own, led states to fail. Furthermore, no evidence assessed here indicates terrorist opportunism or interstate 'contagion', whereby one state's problems are transmitted to a neighbouring state, as in a latter-day 'domino theory'. Research is still in its early days, but there is little to sustain the role of the securitydevelopment nexus in state destabilization on its own; other factors are normally at work, such as resource finds, corruption, pre-existing ethnic tensions, greed and grievance, and so on (see also Cooper 2006; Duffield 2001). Legitimizing human security through sometimes spurious connections has not yet demonstrably helped undermine human insecurity. Retaining the development angle, however, and coupling it to legal institutions, might be a route worth considering. Although there is, as realists would rightly confirm, no overarching legal institution capable of reliably and regularly maintaining the rule of law in a state system that has no supra-governmental body, the range and capacity of cooperative international law have enjoyed some welcotne successes in areas considered out of range until very recently. Nor would a new architecture of law need to be established; emerging current practice has produced some heartening results for justice. For example, there have been trials at The Hague of dictators and despots; General Pinochet was questioned by police in London and legally harassed by Spanish judge Baltasar Garzon. Dr Henry Kissinger must consider with caution his international movements, a scenario unimaginable only recently. It is not beyond consideration that a similar, robust approach to **enforcing the basic right to life** enshrined in the UN and other constitutions could be refined, with executive decision-makers in IFIs and state legislatures becoming subject to **legal scrutiny** for failing to prevent avoidable deaths in the domains this book identifies. Hayden, for one, maintains that 'feasible alternative decisions and actions can be taken; alternative institutional schemes can be implemented which do not produce pervasive, persistent and radical inequality' (2007: 289). Given that the right to life is a basic right, should it not be protected as other essential laws are? And, given that life is being taken in the millions (since so many of these deaths are clearly avoidable), would it not be reasonable to link development to human rights and have that relationship fonnalized, enshrined and protected? Making moral arguments about human security has so far not made a sufficient difference to the daily casualties; and conceptualizing a potential realist nexus has been problematic. But if human rights were linked to development levels at which lethal human insecurity ceased, and these were taken seriously and enforced, levels of development would presumably have to rise, or those charged with achieving economic development and failing would presumably be held responsible. There is also evidence that human security itself has emerged as successful governmental policy, on the one hand, and that it has also mobilized global civil society. There is further potential, where governments can be convinced of the 'unassailable integrity' of a human security issue and mindful of the **positive benefits to such governments** **as well**, to extend aspects of this approach to the issues outlined in this work. It is said that 'the master's tools will never dismantle the master's house' (Audre Lord). But there are various approaches to challenging the 'deeply sedimented' structures involved; there are **processes of institutionalization** that may be replicated with different outcomes; and human agency is not solely negative for human insecurity. The current system is composed of ideational structure (andrarchy and neoliberalism) transmitting human agency (resulting in human insecurity) through international institutions. Already in existence are two counterparts for the reduction of human insecurity which also are recognized in the IR and social constructivism literature. Positive human agency exists in the form of the millions of people who are acting already to challenge the poverty that kills millions; in the form of the millions who confront global neoliberalism; in the form of the hundreds of millions of socially aware and responsible human beings who donate to human security and environmental causes (the two are obviously interwoven in some areas); or in the form of activists who lobby individually or in groups about what they perceive as human and social injustice. Simultaneously, this human agency forms and acts both independently of and in partnership with already extant international institutions. These may be state international bodies such as the UN or private charities like Oxfam, Medicins Sans Frontieres, and thousands of other bodies, large and small. In other words, two countervailing elements of global organization for human security are running functionally and with great effect. Where they are lacking is in **ideational hegemony**: the ability to uproot Waever's 'solidly sedimented' structures (2002: 32). It is regrettable, but this will not happen overnight. We should not, however, rule out the capacity of regimes to form additional international norms and arrangements. We are apprised already of their social construction rather than their magical appearance; it is not unreasonable to expect Conclusion 183 that the Ottawa Convention outcome that resulted in the banning of landmine use and export by a vast majority of states can be replicated. This outcome relied on a combination of global civil society campaigning; survivor activism, where, for example, Cambodian amputees travelled the Western world and described the physical conditions they experienced and the personal, social and economic ramifications of their experiences; celebrity support; media interventions; and it has also benefited from the high-profile intervention of British royalty (this list is not exhaustive). Many states involved in supporting the campaign were in part influenced by their own publics' increasing consciousness of this single issue of unchallengeable importance and moral value (other than a politician who described land mine clearance as 'politically correct'). According to Keohane, where states' governing politicians share a common interest of serving their citizens and maintaining office over non-zero-sum issues, they have shown a propensity to embark on cooperative action through institutions (1984; Murphy 2000: 798). An issue with such gravitas that might be identified as a single issue, but with a multidimensional background, such as the under-five mortality rate, is one of a number that would engage global public concern through institutional mobilization and heightened public consciousness from the ground up, without having to eliminate or otherwise transform the ideational superstructure that directly and indirectly causes such huge human insecurity in this area. While this approach does little to undo the structural determinism of the USMR, it does much to instigate international state and civil society mobilization, coordination and human security impact. If the ideational structure's hegemony of status and discourse cannot immediately be deconstructed (in the mechanistic sense), challenging its consequences from the ground upwards can not only have an impact like the Ottawa Convention (which is not without flaws), but can also expose gradually the institutional derivation from neoliberal domination of the human insecurity problem in the first instance. This is not a model for the elimination of global human insecurity, but it is a challenge to those who deny relationships between gender and security; between human agency (social construction) and lethal outcome; and between elite masculine determinism of security and the relative weakness of the boys, girls and women who experience the consequences of the hegemony of the masculine approach to securitization.

**Ours securitiziation is good**

**Extinction is categorically different than what they criticize --- our ontology/reps of fear are critical to compassion with the Other --- this solves and turns the kritik**

Macy 2k (Joanna Macy, adjunct professor at the California Institute of Integral Studies, 2000, Environmental Discourse and Practice: A Reader, p. 243)

The move to a wider ecological sense of self is in large part a function of the dangers that are threatening to overwhelm us. We are confronted by social breakdown, wars, nuclear proliferation, and the progressive destruction of our biosphere. Polls show that people today are aware that the world, as they know it, may come to an end. This loss of certainty that there will be a future is the pivotal psychological reality of our time. Over the past twelve years my colleagues and I have worked with tens of thousands of people in North America, Europe, Asia, and Australia, helping them confront and explore what they know and feel about what is happening to their world. The purpose of this work, which was first known as “Despair and Empowerment Work,” is to overcome the numbing and powerlessness that result from suppression of painful responses to massively painful realities. As their grief and fear for the world is allowed to be expressed without apology or argument and validated as a wholesome, life-preserving response, people break through their avoidance mechanisms, break through their sense of futility and isolation. Generally what they break through into is a larger sense of identity. It is as if the pressure of their acknowledged awareness of the suffering of our world stretches or collapses the culturally defined **boundaries of the self.** It becomes clear, for example, that the grief and fear experienced for our world and our common future are categorically different from similar sentiments relating to one’s personal welfare. This pain cannot be equated with dread of one’s own individual demise. Its source lies less in concerns for personal survival than in apprehensions of collective suffering – of what looms for human life and other species and unborn generations to come. Its nature is akin to the original meaning of compassion – “suffering with.” It is the distress we feel on behalf of the larger whole of which we are a part. And, when it is so defined, it serves as a trigger or getaway to a more encompassing sense of identity, inseparable from the web of life in which we are as intricately connected as cells in a larger body. This shift in consciousness is an appropriate, adaptive response. For the crisis that threatens our planet, be it seen in its military, ecological, or social aspects, derives from a dysfunctional and pathogenic notion of the self. It is a mistake about our place in the order of things. It is the delusion that the self is so separate and fragile that we must delineate and defend its boundaries, that it is so small and needy that we must endlessly acquire and endlessly consume, that it is so aloof that we can – as individuals, corporations, nation-states, or as a species – be immune to what we do to other beings.

# 2ac – at: esr cp

**Roll back -- empirics prove there's a norm erosion disad**

GOOD 11 JD Northwestern University. BA Int’l Studies, American University [Rachel Good, Yes We Should: Why the U.S. Should Change Its Policy Toward the 1997 Mine Ban Treaty, Northwestern University Journal of International Human Rights, Spring, 2011, 9 Nw. U. J. Int'l Hum. Rts. 209]

In 1998, after choosing not to join the Treaty, President Clinton signed Presidential Decision Directive 64. Under this directive, the Department of Defense was to stop using anti-personnel landmines, save for mixed munitions, n181 outside of Korea by 2003. n182 The Directive also ordered the Department of Defense to find alternatives to all anti-personnel landmines by 2006 so that the U.S. could stop using mines worldwide and join the Treaty. n183 Additionally, Clinton launched "Demining 2010," a presidential initiative dedicated to accelerating international demining efforts. n184 Through the initiative, the U.S. committed to doubling the annual budget for the Department of State's Humanitarian Demining Program from $ 40 million to $ 80 million. n185 Taken together, these polices were stepping-stones toward the U.S. joining the Mine Ban Treaty. In light of Clinton's refusal to sign the Treaty in 1997, these were the only real options the U.S. had to maintain its image as a country serious about landmines.

Three years into the Bush administration, the U.S. turned its back on ever joining the MBT. In 2004, after conducting a landmine policy review, the Bush administration announced that the U.S. would no longer seek to join the MBT. n186 Under the new policy, the U.S. would cease using all landmines, except those with self-destructing or deactivating capabilities. n187 The U.S. would continue to reserve the right to use landmines without self-destructing or deactivating devices in Korea through the end of 2010. n188 However, the U.S. transferred the landmines along the DMZ to South Korea and they are no longer classified as U.S. mines. n189 Finally, under the new landmine policy, Bush sought $ 70 million in humanitarian mine action funding--a fifty percent increase from 2003 funding level. n190 While this policy looks progressive, the MBT prohibits self-destructing or deactivating landmines. As long as the Bush administration policy is in effect, the U.S. cannot join the Treaty.

**CP fails -- ratification is key**

HERBY & LAWLAND 08 a. Coordinator of the Arms Unit in the Legal Division of the ICRC b. legal advisor in the Arms Unit of the ICRC Legal Division [Peter Herby and Kathleen Lawand, “Unacceptable Behavior: How Norms are Established,” from, Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security, edited by Jody Williams, Stephen D. Goose, and Mary Wareham, Rowman & Littlefield Publishers] Page 211

These examples show that the stigma attached to use, production, and trade in antipersonnel mines is such that most, if not all, states not party to the Mine Ban Treaty are reluctant to engage in these activities to avoid being sin- gled out. In other words, the mine ban norm is influencing the behavior of countries that have not formally adhered to it by becoming party to the Mine Ban Treaty. Since most states are respecting the ban on use, production, and trade of antipersonnel mines, does it matter then that there is no universally binding law prohibiting antipersonnel mines?

The extent to which the weapon has been stigmatized by public conscience, to the point of influencing the behavior of states not party to the treaty, is ev- idence of the strength of the antipersonnel mine ban norm. Still, the fact that a number of states not party continue to use or produce antipersonnel mines and that most continue to stockpile them means that the norm remains under constant threat of erosion. Until it becomes universally binding law, it will re- quire constant vigilance by its stakeholders, namely by states party to treaty, the ICBL, the ICRC, the UN, and other actors.

In the meantime, it is unlikely that a customary international law rule com- prehensively banning' antipersonnel mines will emerge any time soon. Based on the above-mentioned practice of states not party to the Mine Ban Treaty, if a customary law rule does emerge, it is likely to cover only certain parts of the ban, such as the prohibition to trade antipersonnel mines. In plained earlier, customary law is difficult to identify, and it typically embodies the lowest common denominator of what all states collectively recognize as legally binding. In the end, the goal of the global elimination of antipersonnel mines Will not be attained in the absence of a legally binding commitment of virtually all states to rid themselves completely of these Weapons. The most ef- fective Way to attain this goal is through the adherence of all states to the Mine Ban Treaty, and this is where future efforts should be focused.

**Links to politics**

**BRADLEY 07** Richard and Marcy Horvitz Professor of Law, Duke Law School

[Curtis A. Bradley, " Unratified **Treaties**, Domestic Politics, and the U.S. Constitution,” Harvard International Law Journal, Summer]

There has been significant academic debate over the legitimacy of **congressional**-**executive** **agreement**s. n64 Although most commentators accept that these **agreement**s are at least sometimes constitutionally valid, many commentators believe that the **congressional**-**executive** **agreement** power is narrower than the **Article II** **treaty** power. These commentators note, for example, that despite the frequent use of **congressional**-**executive** **agreement**s, presidents generally have not attempted to use them for subjects such as human rights or arms control, and the Senate has indicated that it would resist such an attempt. n65 Rather, **congressional**-**executive** **agreement**s [\*322] are most commonly used for **agreement**s relating to international trade and commerce, areas in which Congress has particularly broad authority. n66 Moreover, there are a number of examples in which presidents have used the **Article II** senatorial consent process, rather than **congressional**-**executive** **agreement**s, even though that process reduced the likelihood of legislative approval of the **treaty** -- for example, with respect to the Comprehensive Nuclear Test Ban **Treaty**. n67

Links to warfighting

**Yoo 01**, Professor of Law at University of California-Berkeley Law School

[John C., “Laws as Treaties?: The Constitutionality of Congressional-Executive Agreements,” *Michigan Law Review*, February, 99 Mich. L. Rev. 757, LN]

Interchangeability's most obvious distortion of the constitutional structure lies in the weakening of the President's formal foreign affairs powers. Article II, Section 2 declares that the President makes treaties, subject to the advice and consent of two-thirds of the Senate. The President, not the Senate, chooses to initiate the treaty process, and the President can still refuse to make a treaty even after the Senate has approved it. A statutory process for making international agreements threatens to oust the President from this constitutionally dominant position and effectively negates the President's absolute veto over foreign policy. If the agreement takes the form of a public law, then Congress can initiate the process without presidential approval, just as it can propose any statute without his consent. Even if the President unequivocally opposes an agreement and vetoes it, Congress can choose to override the presidential veto by a two-thirds vote. These structural implications of interchangeability conflict with the Constitution's centralization of foreign affairs power in the executive branch. Under United States v. Curtiss-Wright Export Corp., as well as long executive and legislative practice reaching to the very beginnings of the Republic, the President is constitutionally responsible for the conduct of foreign policy. Creating an alternate process for making international agreements, one that excludes the President, would allow Congress to pursue its own foreign policy and interfere with the executive's leadership role. This would radically alter the constitutional structure of the foreign affairs power. Interchangeability further warps the President's foreign affairs powers after the public lawmaking process ends. Statutes require the consent of both houses of Congress and the President, or two-thirds of Congress without the President, before they can be repealed. Although the Constitution does not address the issue, today most commentators, courts, and government entities believe that the President may terminate a treaty unilaterally. The President retains this authority due to his dominant constitutional position in foreign affairs and his structural superiority in conducting international relations. If the nation were to regulate certain domestic conduct by statute, the President could not terminate the rules without congressional approval. If the nation were to regulate the same conduct in concert with a treaty, however, the President enjoys the power to terminate the regulation at will. Interchangeability, however, upsets this structure in either one of two ways. On the one hand, it could mean that Congress can bind the nation to an international agreement that the President could not terminate unilaterally, which would represent a serious curtailment of the executive's foreign affairs powers. On the other hand, defenders of interchangeability might allow the President the same ability to terminate congressional-executive agreements as to terminate treaties. This, however, would provide the President with the heretofore unknown power of executive termination of statutes. This would be tantamount to granting the President a direct share of the legislative power - a result, as Professor Henry Monaghan has argued, that is at odds with our understanding of the executive power.

**Continued rogue landmine use causes soil erosion**

**Gangwar 03** Abdhesh Gangwar Coordinator Centre for Environment Education, Himalaya "Landmines - Challenges to Humanity and Environment" 20 April 2003 organized by Indian Institute of Peace, Disarmament and Environmental Protection, Nagpur, India and Global Green Peace, Srinagar, Jammu & Kashmir, India at Srinagar, India Impact of War and Landmines on Environment

Mines destroy flora and damage the soil structure, reducing soil productivity. Mines cause irreversible damage to ecosystems, including prolonged direct damage to soil through shattering and displacement, destruction of soil structure, and increased vulnerability of soil to water and wind erosion. In Vietnam landmines have dramatically reduced the soil productivity. There is 50% reduction in rice yield. Furthermore, the destruction of vegetation cover and topsoil by mines and UXO, coupled with deforestation, resulting from the use of defoliants such as "Agent Orange", has a cumulative effect. Reduced water retention in mountainous regions results in flooding and topsoil erosion on the coastal plains. The disruption to the soil structure further exacerbates the erosion problem, which leads to an increased sediment load in the drainage system. Increased sedimentation in coastal waters can adversely affect fish and prawn habitats. The extensive use of landmines accelerates deforestation. In areas where agricultural and grazing land has been mined, forests often become the only source of fuel and livelihood. Valuable forests and fruit trees are speedily striped and felled for firewood and building material.

**Soil erosion leads to extinction --- unique current pressures means now is the brink**

**Piotr 13** (Skubala Piotr, Department of Ecology, University of Silesia, “Biodiversity and Ecosystem Services in Soil under Threat,” Pollution Effects & Control, Vol. 1, Issue 1, May 30, 2013, pg. 1)

The soil is a living organism of fabulous complexity. Soil systems contain some of the most species-rich communities in nature. Most authors describe soil communities as being amongst the most species-rich components of terrestrial ecosystems [1,2]. Well-developed temperate woodland soils may contain up to a thousand species of soil fauna [1]. Soil communities are described as “the poor man’s tropical rainforest” [3]. It is noteworthy that only a proportion of all the soil animal species has been described and very little is known about their role, community structure and dynamics. Research concerning soil is not purely an academic subject. The soil is the very basis of earth’s productivity. It is fundamental to agriculture and forestry, water purification and biogeochemical cycling, and is the grounding for civilization [4]. This is particularly true where human activity tends to induce irreversible disturbances. At a time when demographic pressure is too high, and when the needs of human population are intense and immense, it is wise to realize that the **soil is central to human survival.** Meanwhile, soil biology has fallen somewhat behind advances in the understanding of other types of communities [3]. Soils are still the least understood habitats on Earth, while also being among the most biologically diverse [4].

# \*\*\*POLITICS

**Especially true because they believe the plan is awesome --- it’s overwhelmingly popular and wouldn’t trigger the link**

**Stohr 2/12/14** (Rachel Stohr, Senior Associate, Managing Across Boundaries Initiative at the Stimson Center for Global Security, “Obama Administration Urged To Release Landmine Policy Review,” February 12, 2014, http://www.stimson.org/spotlight/obama-administration-urged-to-release-landmine-policy-review/)

Current US policy on landmines is consistent with the 2004 Bush administration update. Thus, when President Obama took office in 2009, he announced that the current policy would be put under review - an endeavor that is now in its fifth year. The contents of the policy review are unclear, as are any details on what has contributed to the delay in the policy's release. At a December 2012 meeting, US officials noted that there were "operational issues related to accession [to the Mine Ban Treaty] that require careful consideration," but did not provide further details as to the main issues of concern. In the five years since the review was announced, **68 Senators** and more than 200,000 Americans have written letters to Obama to support the US joining the Mine Ban Treaty. The US's continued delay in updating the ten-year-old policy stands in contrast to **overwhelming domestic** and international **support** for the prohibition of anti-personnel mines. The Mine Ban Treaty currently has 161 States Parties. All EU member states are parties, as is every member of NATO, with the exception of the United States. Even major US allies, including Afghanistan, Australia, Iraq and Japan are States Parties to the Treaty. And although the US is not party to the Mine Ban Treaty, the country has been in compliance with the Treaty's main provisions for more than 15 years. The United States has not used anti-personnel mines since the first Gulf War in 1991. Moreover, the United States has not exported anti-personnel landmines since 1992 and has not produced them since 1997. The United States has also been the single largest donor to mine action for more than a decade, contributing $134.4 million in 2012 alone. Only 36 countries, including the United States, are outside the Mine Ban Treaty, and nearly all are in de facto compliance with the Treaty's provisions. The only government use of anti-personnel mines has been undertaken by non-signatories Myanmar (Burma) and Syria. Therefore, it is evident that over the past 15 years, a global norm against the "development, production, use, otherwise acquisition, stockpiling, retention, or transfer" of anti-personnel mines has taken root. US accession to the Mine-Ban Treaty is consistent with the Obama administration's commitment to international humanitarian law, protection of civilians, arms control and disarmament, and multilateralism. It is a **bi-partisan initiative** that has had the **support of both sides of the aisle.** Moreover, the US military has not needed and will not need to use anti-personnel landmines to accomplish military objectives. The mines used now - command-detonated (man-in-the-loop) devices such as Claymore directional fragmentation munitions and the "Spider" system - are not prohibited by the Treaty. And, while an exception for Korea was not granted in the original Mine Ban Treaty negotiations, former US military leaders have publicly stated that anti-personnel mines are not crucial for the overall defense of South Korea. The mines in the DMZ belong to South Korea and thus, if the US joined the Mine Ban Treaty it would only be prohibited from assisting South Korea with the use, production, stockpiling, or transfer of anti-personnel mines, not in the overall defense of South Korea.

**The losers lose link is wrong --- Obama has tried to get the treaty done before --- the plan is perceived as him beating back the military, not a loss for him**

**Whitlock and Kessler 10** (Craig Whitlock, Glenn Kessler, Washington Post, “Senate Pushes Obama Administration to Sign Treaty Banning Land Mines,” May 8, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/05/07/AR2010050705089.html)

White House and State Department spokesmen emphasized Friday that the administration is in the midst of a comprehensive review, cutting across all affected agencies, that will not be completed for some months. But two senior U.S. officials speaking on the condition of anonymity indicated that the administration is actively looking for ways to come into compliance with the treaty without endangering national security needs. "We are asking that if you come into compliance, what would be the costs and the benefits -- and if there are costs, how can they be addressed in other ways," one senior official said. The official described the administration's review as "a herculean effort" intended to "cut through reflexive reactions" to the issue of eliminating land mines from the Pentagon's arsenal. Officials also said they welcomed the indication of **bipartisan support** represented by the Leahy letter. Another senior U.S. official, speaking on the condition of anonymity to discuss internal deliberations, said the administration is looking at what new technologies could be used to bring the United States into compliance with the treaty while also allowing it to respond to threats such as North Korea. Some military officials want to maintain the U.S. stockpile in case it is needed to slow an invasion of South Korea by the North. About 30,000 U.S. forces are stationed in the South. The Pentagon declined to say whether it would support the treaty, citing the Obama administration's review. "It would be premature at this time to provide any statement until the review is complete," said Geoff Morrell, the Pentagon press secretary. Leahy, who has fought for a land-mine ban for many years, said there was **bipartisan support** in Congress for ratifying the treaty. Ten Republicans have signed the letter to Obama, which Leahy said will be delivered to the White House next week. The lead Republican co-sponsor is Sen. George V. Voinovich (Ohio), Leahy aides said.

**Plan causes agenda crowd-out---kills the vote on Iran**

Donna Cassata 13 is AP Staff Reporter, “Health care dispute could delay Iran sanctions,” 11-15-13, <http://www.morningjournal.com/general-news/20131115/health-care-dispute-could-delay-iran-sanctions>, DOA: 1-17-14, y2k

A Senate delay over an unrelated health care issue could be the silver lining for President Barack Obama in his appeal to Congress to hold off on a new round of Iran sanctions. Republican Sen. David Vitter of Louisiana wants a vote on his measure to make lawmakers disclose which of their aides are enrolling in the president's new health care law as part of an ongoing effort to discredit "Obamacare." He wants a vote as part of the pharmaceutical bill. That could delay Senate action next week on the annual defense policy bill that is certain to attract an amendment to impose a new round of penalties on Iran. Obama has spoken to Senate Majority Leader Harry Reid and other senators in a plea to hold off on sanctions. Earlier, Samantha Power, the U.S. ambassador to the United Nations, said the administration needs more time — without new sanctions — to pursue a deal with Iran.

**Logical policy maker could vote aff and maintain their votes in the status quo. Disads must be an opportunity cost.**

# 2ac – uniqueness

**PC already spent and Reid means no bill**

**Rubin 2/11** (Jennifer Rubin, Washington Post, http://www.washingtonpost.com/blogs/right-turn/wp/2014/02/11/reid-under-fire-for-defying-majority-on-sanctions/)

The largest and most dependable pro-Israel group, Christians United for Israel, is going after Sen. Harry Reid (D-Nev.) for **bottling up a vote on Iran sanctions,** which a bipartisan majority in the Senate supports. It sent out an alert to its six-figure strong membership [UPDATE: A CUFI rep says the membership is now 1.6 million] making the case that “if this bill were ever brought for a vote, it would pass the Senate by a wide margin. But one man, Senate Majority Leader Harry **Reid, is preventing this bill from ever seeing the light of day.** We know that Harry Reid is under enormous pressure from President Obama. But this is no excuse for putting partisan politics before the security of his country and the will of the people.”

**No Capital now – and winners-win**

BISTAGNE 2 – 3 – 14 Laloyolan Contributor [Adam Bistagne, State of the Union address falls short, <http://www.laloyolan.com/opinion/state-of-the-union-address-falls-short/article_37260576-8c4c-11e3-afb2-001a4bcf6878.html>]

In 2013, a slew of problems damaged the Obama Administration: the National Security Agency (NSA) leaks by Edward Snowden, health care rollout errors and a U-6 unemployment rate that’s still over 13 percent. Obama’s 2013 was so dreadful that Julie Pace of the Associated Press asked Obama whether 2013 had been the worst year of his presidency at a White House press conference.

Obama’s State of the Union address was the first opportunity to change the tone for the coming year, to dig his feet into the ground and sway the national conversation. I think Obama’s address failed to meet these goals and instead highlighted the flaws of his time of office.

The speech was Obama’s chance to say something significant about Edward Snowden, yet he missed his opportunity. Obama had a chance to reconcile abuses of privacy with a proposal to grant Snowden amnesty. Such a 180-turn on an issue fraught with serious domestic and international problems would have helped Obama reestablish his credibility.

For American citizens, it would have provided us with some hope that our informational privacy would be protected. For the U.S.’s international allies, it would have made substantial progress in repairing torn relationships. For example, the Brazilian president turned down a White House dinner last year because of the revelations about the NSA spying, a grievous snub to the administration. In addition, the European Union-United States trade deal negotiations have also been seriously derailed by the NSA fiasco.

Only a bold, decisive move by Obama would have given him even a slight chance to repair the damage caused by the leaks. The task forces and panel recommendations have done nothing to heal the political wounds. While a drastic change is not easy in politics, I think a significant policy reform was necessary in this situation. Granting Snowden amnesty would allow progress on an E.U.-U.S. trade deal comparable to the North American Free Trade Act (NAFTA), something that would improve the American economy while providing Obama with political capital necessary to get Congress back working, if only somewhat.

Even if Congress does become more functional, Obama would likely fail on his promise to deliver higher economic growth. With millions of Americans discouraged from finding work, Obama’s promises to invest in infrastructure and research are great long-term solutions for the American economy, but will do nothing over the next year to put people back to work. When Obama entered office, he instituted a $1 trillion stimulus package to reboot the economy. He went around the country defending the stimulus package based on Keynesian economics; the fact that the economy was depressed meant the government had to increase spending.

Even though household income has stagnated during the past five years, Obama didn’t mention any serious macro-economic policies that could increase growth. Instead, Obama talked about his so-called “success” in cutting deficits, “success” that, in reality, is part of the cause of the middle class’ economic stagnation. When the government decreases spending in the economy, as when the government cuts its deficits, national income goes down. This simple behavior of an economy is a point that Obama has given up explaining to the American citizens because he has let the Republicans determine the conversation regarding government spending. Regarding macro-economic policies of the Federal Reserve System, Obama has appointed conservative members to the Board of Governors of the Federal Reserve System, appointed officials who will not promote greater economic growth.

The middle class is struggling, and that’s because the Obama administration has not pushed back against the narrative of austerity that Republicans are promoting. The State of the Union address was Obama’s chance to advocate for monetary and fiscal policy that would stimulate the economy. However, Obama chose to talk about inadequate measures for economic growth and an inadequate resolution to the NSA controversy, resulting in an inadequate State of the Union.

**---Winners win**

**THE HILL 3/20/13** [Amie Parnes and Justin Sink, Obama honeymoon may be over, <http://thehill.com/homenews/administration/289179-obama-honeymoon-may-be-over>]

The second-term honeymoon for President Obama is beginning to look like it is over.¶ Obama, who was riding high after his reelection win in November, has seen his poll numbers take a precipitous fall in recent weeks. ¶ A CNN poll released Tuesday showed Obama’s favorability rating underwater, with 47 percent approving and 50 percent disapproving of Obama’s handling of his job. ¶ Much of the president’s agenda is stuck, with climate change regulations delayed, immigration reform mired in committee negotiations and prospects for a grand bargain budget deal in limbo at best. ¶ On Tuesday, in a decision that underscored Obama’s depleting political capital, the White House watched as Senate Majority Leader Harry Reid (D-Nev.) announced only a watered-down version of Obama’s gun control proposals would be considered on the Senate floor. ¶ Republicans, sensing the sea change, are licking their chops. They point to the lack of movement on Obama’s signature issues, noting the contrast to the ambitious plans outlined in the early weeks of his second term.¶ “The president set very high goals for himself during his State of the Union, but the reality is very little of his agenda is actually moving,” Republican strategist Ron Bonjean said. “He allowed himself to get caught up in the legislative quicksand, [and] the cement is beginning to harden. “¶ History isn’t on Obama’s side. ¶ The last four presidents who won a second term all saw their poll numbers slide by mid-March with the exception of Bill Clinton, whose numbers improved in the four months following his reelection.¶ Clinton may have only been delaying the inevitable. His numbers dropped 5 points in April 1994. Even Ronald Reagan, buoyed by a dominant performance over Walter Mondale in the 1984 election, saw a double-digit erosion by this point in his second term.¶ Obama has yet to complete the first 100 days of his second term. But without a signature achievement since his reelection, he faces a crossroads that could define the remainder of his presidency. ¶ White House aides maintain that the 24-hour news cycle makes comparisons to previous presidents difficult.¶ “I think the nature of our politics now is different than Ronald Reagan’s honeymoon,” one senior administration official said. “The ebb and flow of politics doesn’t follow that model anymore.”¶ But observers say a drop in popularity is typical for second-termers.¶ “There may be some typical second-term honeymoon fade happening,” said Martin Sweet, an assistant visiting professor of political science at Northwestern University. “Honeymoon periods for incumbents are a bit more ephemeral.”¶ But like most other presidents, Sweet added, “Obama’s fate is tied to the economy.”¶ “Continuing economic progress would ultimately strengthen the president but if we are hit with a double-dip recession, then Obama’s numbers will crater,” he said.¶ The White House disputes any notion that Obama has lost any political capital in recent weeks.¶ “The president set out an ambitious agenda and he’s doing big things that are not easy, from immigration to gun control,” the senior administration official said. “Those are policies you can’t rack up easily, and no one here is naive about that.”¶ The White House is aware that the clock is ticking to push its hefty agenda, but the official added, “The clock is not ticking because of president’s political capital. The clock is ticking because there’s a timetable in achieving all of this. [Lawmakers] are not going to sign on because the president’s popular.” ¶ And administration officials believe they still have the leverage.¶ “There’s a decent amount of momentum behind all of this,” the official said. “It looks like immigration is closer [to passage] than ever before.”¶ Republican strategist Ken Lundberg argued that current budget fights “have cut short the president’s second-term honeymoon.” ¶ He said this could also hurt the president’s party, warning “the lower the president’s approval rating, the bigger the consequence for vulnerable Democrats.”¶ “Voters want solutions, and if they see the president headed down the wrong path, lockstep lawmakers will be punished in 2014,” he said.¶ Democratic strategist Chris Kofinis maintained that as long as he’s president, Obama still has the leverage.¶ “Immigration reform doesn’t get impacted by whether Obama’s poll numbers are 55 or 45,” Kofinis said. “Does it make certain things a little more difficult? Possibly. But while his numbers may have fallen, he’s still more likeable than the Republicans are on their best day.”¶ Kofinis said the real question for Obama is what kind of emphasis he’s going to place on his second term because the public will have less patience than they did during his first.¶ “The challenge in a second term is the American people look at certain things and have a higher tolerance in a second term,” he said. “When they know you’re not running for reelection again, they hold you to a higher standard.” ¶ Bonjean and other Republicans are aware that Obama could potentially bounce back from his latest slip in the polls and regain his footing.¶ “He has the opportunity to take minor legislative victories and blow them up into major accomplishments—meaning if he got something on gun control, he can tout that that was part of his agenda and the work isn’t over. If he were able to strike a grand bargain with Republicans, that’d be a legacy issue.”¶ Still, Bonjean added, “It’s not looking so good right now.”

**---Plan divides the GOP**

**DICKERSON 13 Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent** [John, , Go for the Throat!, 1/18/13 http://tinyurl.com/b7zvv4d]

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon.

Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day.

But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That **bipartisan** bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country.

The challenge for President Obama’s speech is the challenge of his second term: how to be great when the **environment stinks**. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s **partisan rancor**, the size of the problems facing government, and the limited amount of **time** before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about **bipartisanship** and cooperation can only cement his legacy if he **destroys the GOP**

. If he wants to transform American politics, he must **go for the throat**.

President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker.

How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too.

That's the old way. **He has abandoned that**. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name.

Obama’s **only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of **clarifying fights over controversial issues**, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray.

This theory of political transformation rests on the weaponization (and slight bastardization) of the work by Yale political scientist Stephen Skowronek. Skowronek has written extensively about what distinguishes transformational presidents from caretaker presidents. In order for a president to be transformational, the old order has to fall as the orthodoxies that kept it in power exhaust themselves. Obama's gambit in 2009 was to build a new post-partisan consensus. That didn't work, but by exploiting the weaknesses of today’s Republican Party, Obama has an opportunity to hasten the demise of the old order by increasing the political cost of having the GOP coalition defined by Second Amendment absolutists, climate science deniers, supporters of “self-deportation” and the pure no-tax wing.