### 1AC – Warming

#### Contention 1 is Warming

#### Warming agreements are failing in the status quo – U.S. leadership is key to jumpstart negotiations and lead to a grand bargain

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[Lenore, The Age (Melbourne, Australia), Earth summit revisited: is the movement doomed to be an endless talkfest? 6/16/12, l/n]

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The meeting will seek to agree to start talks on a set of "sustainable development goals" - targets for rich and poor countries alike to take effect in 2015 when the "millennium goals" announced in 2000 reach their expiry date. Sustainable development goals sound pretty waffly, but according to Professor Stephen Howes, of the Australian National University's Crawford School, the millennium goals were at least useful in holding governments to account on promises such as levels of spending on overseas aid - and sustainable development goals could serve a similar purpose. But even an agreement to try to reach an agreement on such goals could founder on the perennial north-south divide. According to The Hindu newspaper, the Indian government's strategy for the Rio summit is to "prevent any attempt to pin down specific goals or targets regarding sustainable development". Indian Prime Minister Manmohan Singh will reportedly oppose even a decision on what "themes" any goals might cover. At the first Rio meeting, the gap between developed and developing countries was recognised in the climate change convention, which effectively promised that rich countries would act first, and when poor countries did do something, the rich countries would pay. It is a principle that has gridlocked climate talks for decades, and to which the developing world remains wedded despite huge geopolitical shifts over the past two decades. And at this meeting the developing countries will also have greater numbers and clout. George Bush senior attended last time as the US president, but President Barack Obama is sending Secretary of State Hillary Clinton to lead the American team. Deeply mired in Europe's financial woes, neither British Prime Minister David Cameron nor German Chancellor Angela Merkel is going either. But the leaders of India, Russia, China and, of course, host nation Brazil are all going to be there. Professor Howes says part of the reason multilateral decision-making is at such a low point is that in this era of global political transition there is no superpower to take the lead. "For most environmental problems that have been successfully tackled, the United States played a leading role, for example on ozone. Now we don't get a lot of US leadership on environmental problems and we have China emerging as the world's largest emitter. They are starting to take the problem more seriously but are unwilling to take the lead," he says. "It is symptomatic of the geopolitical transition. You have a once dominant superpower being challenged and an emerging superpower that is not willing to take on a global leadership role." In such a situation, grand legally binding deals become impossible. Messy "bottom up" pacts on goals or targets or unilateral pledges that taken together might add up to something are the best negotiators can hope for, and even they are difficult to achieve. Which might be why another objective of the Rio Summit is to reform the bodies through which the United Nations makes decisions on the environment, institutions that frequently end up mired in endless talkfests, in part because they require complete consensus to act on anything.

#### Court action to undo the harmful judicially created national security exemption in NEPA is crucial to solving global climate change – through transnational legal norms, and credibility in climate negotiations

**Gormley 10** (Neil Gormley, J.D., 2009, Harvard Law School, “Standing in the Way of Cooperation: Citizen Standing and Compliance with Environmental Agreements,” Summer 2010, West Northwest Journal of Environmental Law & Policy, 16 Hastings W.-N.W. J. Env. L. & Pol'y 397)

The Supreme Court's approach to standing, therefore, raises serious questions about the viability of a bedrock of U.S. environmental law - the citizen suit. Cass Sunstein concluded in the wake of Lujan that "it is now [\*405] apparently the law that Article III forbids Congress from granting standing to "citizens' to bring suit." n48 At the very least, as we have seen, these developments in standing doctrine will make the burdens on citizens and environmental groups more onerous. I will argue in Part II that standing doctrine may someday present insuperable obstacles to citizen suit enforcement with respect to international environmental problems that are yet to be comprehensively addressed under U.S. law. The growing doctrinal obstacles to the enforcement of federal environmental law via citizen suit are not, of course, strictly confined to Article III standing. A wide range of justiciability doctrines deter and weaken environmental citizen suits, including the Administrative Procedure Act's bar on "programmatic" challenges to agency action, announced in Lujan v. National Wildlife Federation, n49 and the arcane distinctions in Norton v. SUWA between agency "action" and agency "inaction" for purposes of determining whether the APA permits suit. n50 Perhaps the most prominent of these developments is the Court's 2008 decision in Winter v. NRDC, which raised the bar for even successful environmental plaintiffs to obtain injunctive relief. n51 In Winter, the Court decided that the balance of the equities and the public interest weighed against granting a preliminary injunction to environmental groups seeking to force the Navy to comply with the National Environmental Policy Act. n52 Particularly in the way it characterized the harms to be balanced in that inquiry - considering the risk of a national security incident but holding the environmental plaintiffs to a standard of actual, documented, past harm to wildlife - the Court took an approach to balancing that seemed systematically to disadvantage environmental plaintiffs. Interestingly, there were echoes of the Court's environmental standing jurisprudence in its balancing-of-the-harms analysis in Winter. Though NEPA is a procedural statute, the court did not consider or weigh any procedural harms on the side of the environmental plaintiffs, focusing instead on the types of harms that environmental plaintiffs traditionally have had to rely on to establish standing - individualized scientific, recreational and aesthetic harms. n53 At oral argument, Justice Scalia went so far as to evoke explicitly the requirements of Article III standing in the [\*406] discussion of what harms count for purposes of equitable injunctions. n54 Thus Winter may yet provide a new opening for reinserting common law conceptions of injury into these complex regulatory disputes. n55 Perhaps most significantly, Winter also announced that a district court would abuse its discretion in granting an injunction to the environmental groups even if they ultimately prevailed on the merits. n56 Winter thus appears to represent another significant obstacle in the path of environmental groups trying to force executive compliance with the law. Importantly, however, the decisions in National Wildlife Federation, Norton v. SUWA and Winters are not constitutional. Given sufficient political will, Congress can smooth those obstacles to environmental citizen suits by amending the Administrative Procedure Act and Federal Rule of Civil Procedure 65(a), governing preliminary injunctions. Because the core of Article III standing doctrine is, by contrast, beyond the capacity of Congress to alter by statute, standing decisions are likely to impose the steepest costs in enforcement of environmental law in the future. This cost to effective enforcement should be borne in mind as courts decide whether to embark down any of the several avenues that exist for reconciling Article III standing and environmental citizen suits. First, courts can opt to extend the Massachusetts approach to causation and redressability to all plaintiffs, rather than confining it to states. They also might accommodate citizen suits by indulging in some slight of hand concerning the nature of the injury that is required. Courts have shown themselves willing, in the past, to sidestep standing difficulties by simply redefining the injury. n57 Thus, in Laidlaw, a "reasonable fear" of illness stemming from toxic emissions was enough to confer standing. n58 A generous application of the "reasonable fear" approach could go a long way towards getting [\*407] environmental groups into court. Finally, the most accommodating way forward, by far, would be to recognize the power of Congress to define injuries and articulate chains of causation free from the constraints of the common law. III. The Problem of Compliance The ability of citizens to access courts in order to compel executive compliance with environmental laws may have important repercussions on the international plane, because domestic enforcement bears on one of the most fundamental questions in the design of international environmental agreements - why do states comply with their commitments? International environmental problems require deep cooperation among states. Given the prevalence of physical, economic, and psychological externalities associated with environmentally harmful practices, cooperation is necessary to the realization of the mutual benefits of common solutions. n59 Negotiated agreements, of course, only facilitate cooperation if states comply with them. Furthermore, expectations about compliance will often constrain the depth of the commitments that states are willing to make - that is, the extent to which they are willing to depart from the course that they would have taken in the absence of cooperation. Just as in private contract situations, states need to be able to rely on credible commitments by other states, especially when the contemplated activities are highly reciprocal. A state party may not be willing to embark on a path of costly pollution control, for example, without highly credible commitments from peer states that they will make the same sacrifices. David Victor blames the shallowness of international environmental law generally on the failure of efforts to develop effective compliance mechanisms. n60 The risk of defection in the environmental context is generally quite high. Because of scientific and economic uncertainty, the costs and benefits of cooperation are difficult to predict and assess ex ante. Moreover, this uncertainty is magnified by the long duration of cooperation that is often necessary to deal effectively with serious environmental problems. Similarly, political economy models predict that compliance with environmental commitments will be inconsistent. n61 The costs of [\*408] environmental regulation are typically highly concentrated, so that regulated sectors - industry groups in particular - have strong incentives to oppose compliance over time. The benefits of regulation, by contrast, are typically diffuse. Beneficiaries face higher transaction costs in organizing in favor of compliance, and high levels of political mobilization may be unsustainable over the long term. As Sunstein argues, the fact that environmental commitments are concluded at all often has to do with the "availability heuristic." n62 By this reasoning, environmental regulation has more widespread appeal when environmental harms are more "cognitively available" - when vivid and salient examples are present in the popular consciousness. As the cognitive availability of environmental harms fades, popular support for costly regulatory measures - and thus for compliance with environmental agreements that compel such measures - tends to fade as well. Given these challenges, how can the advocates of international environmental cooperation ensure compliance with negotiated agreements? A wide variety of explanations have been advanced to explain observed compliance. They need not be viewed as mutually exclusive; more likely, each of these mechanisms contributes in some respect to state compliance. The leading explanations include the reputational costs of defection, n63 the perceived fairness and legitimacy of negotiated agreements, n64 social learning, n65 and administrative capacity-building, both bilateral and multilateral. n66 Transnational legal process theorists, such as Harold Koh and Anne Marie Slaughter, predict greater compliance stemming from interactions - direct and indirect - between the legal institutions, broadly understood, of different countries. n67 Other theorists are far less sanguine about the prospects for compliance with international agreements in the face of changing conditions. Goldsmith and Posner have famously argued that the discipline [\*409] of international law mistakes correlation for causation. n68 They argue that the behaviors that international lawyers take to be manifestations of opinio juris are actually no more than states acting in their own interests. Pursuit of the national interest, they suggest, happens to produce consistent behaviors, at most times and in most places, which are mistaken for legal norms. Relatedly, David Victor and Kal Raustiala have questioned whether international law - as opposed to international political processes, culminating in so-called "soft law" - contributes meaningfully to compliance. n69 They point to several instances of highly effective environmental cooperation among states on the basis of non-legally binding agreements, and reason that nations may be more likely to agree to robust monitoring regimes when the commitments at stake are not legally binding. The accounts of compliance with international law that accord the most weight to direct enforceability of commitments in domestic legal systems are liberal theories, which focus on the distinctive domestic institutions of so-called "liberal states." Thus, according to David Victor, there are certain states - liberal democracies - "in which internal public pressure [and] robust legal systems make it possible to enforce international commitments from the inside (ground-up) rather than the outside (top-down)." n70 None of these, however, pays much heed to the potential for domestic courts to play a role in escaping the compliance dilemma. Even liberal theories tend to focus instead on interest groups and on the operations of the political branches. n71 Victor identified the existence of independent judiciaries as one of three factors explaining heightened compliance with international obligations by liberal states, but left the idea unexplored. He emphasized that "more work is needed to unravel [the] conditions under which they are most effective." n72 [\*410] Oona Hathaway offers empirical support for the hypothesis that domestic legal enforcement contributes meaningfully to compliance with international obligations. n73 After reviewing a range of studies, both qualitative and quantitative, that assess compliance with human rights law, she reaches two conclusions that are relevant here. First, states that boast independent judiciaries, media, and political parties are more likely to join treaties when their human rights practices are good, and are more likely to improve their practices upon joining. n74 In other words, they take their international legal obligations seriously. Second, just as domestic enforcement contributes to international compliance, the existence of "robust domestic rule-of-law institutions" tends to strengthen domestic enforcement. n75 Hathaway concludes, therefore, that work to strengthen local rule of law serves the ultimate goal of compliance with international human rights agreements. n76 In the environmental context, the compliance-reinforcing potential of domestic enforcement mechanisms is particularly pronounced. In the United States, citizen suits have been tremendously effective at forcing executive compliance, at both the federal and state levels, with the major federal environmental statutes. James May offers this assessment: Citizen suits work; they have transformed the environmental movement, and with it, society. Citizen suits have secured compliance by myriad agencies and thousands of polluting facilities, diminished pounds of pollution produced by the billions, and protected hundreds of rare species and thousands of acres of ecologically important land. The foregone monetary value of citizen enforcement has conserved innumerable agency resources and saved taxpayers billions. n77 Citizen suits are a staple of federal environmental law: nearly every major environmental statute imparts a private right of action to citizens. n78 And nearly 75 percent of all actions to enforce domestic environmental laws take the form of citizen suits. n79 Steps to make the environmental treaty obligations of the executive branch enforceable by citizen suit, therefore, may be expected to improve compliance. [\*411] Two overarching approaches to enforcement of international commitments by citizen suit are possible. First, environmental agreements could be made to include more specific, self-executing obligations, from the outset. n80 Alternatively, international agreements could continue to adhere to the model common to the Montreal and Kyoto protocols, whereby states commit to broad quantitative reductions, only now with an additional treaty obligation to provide for private enforcement of subsequent implementing legislation in the domestic legal system. Although this latter option would leave some margin for noncompliance, that margin would be highly circumscribed. Most noncompliance with environmental obligations is not through overt repudiation at the level of the executive or national legislature, but through non-enforcement. n81 Thus, whether international environmental agreements themselves create privately enforceable rights or those provisions are instead inserted later at the time of passage of implementing legislation by the legislature, the availability of citizen suits will greatly diminish the opportunity for states subsequently to renege through inaction on their commitments. n82 The key is to harness the enforcement potential of citizen suits in service of international compliance. This strategy is further recommended by the fact that domestic courts may be particularly well-suited, in institutional terms, to the task of long-term enforcement in the environmental context. Independent judiciaries are, in part by definition, more insulated from politics than the executive and the legislature, which means that they are also insulated from some of the most dangerous biases of political actors: short-termism, tendency to undervalue low-risk events, and unwillingness to face up to catastrophic risk. n83 Yet, generally speaking, domestic courts are not so insulated from the political tenor of a country so as to fail to perceive the costs of compliance. n84 Hence, they offer a solution to the vexing trade-off between credibility and [\*412] flexibility faced by the framers of international agreements in which environmental commitments - with their uncertain long-term costs - are at issue. What a country wants is to be bound when the question is close - so as to be able to make a credible commitment - but not when, from their perspective, circumstances have changed so much as to excuse noncompliance. n85 States are understandably wary of trusting foreign or international authorities to recognize and accommodate such instances of changed circumstances. A domestic institution is more likely to do so, even in cases of true judicial independence, simply by virtue of shared background assumptions that inhere in national identity and culture. Maximizing the extent to which international environmental commitments can make use of domestic legal institutions, therefore, may allow for optimal pre-commitment strategies. In addition to being highly effective, domestic enforcement of international environmental commitments is likely to be more politically palatable, at the stage of institutional design and ratification, than the alternatives. n86 Existing international agreements in this area are notable for their lack of monitoring, sanctions, and other international oversight mechanisms. n87 In the United States, at least, concerns about loss of national sovereignty to international institutions are highly politically salient, and often carried to irrational, even paranoid, extremes. n88 Thus, political resistance to foreign and international monitoring and sanctions regimes often goes far beyond what one would expect given the simple risk that those institutions will be insufficiently attentive to national interests in hard cases. This resistance means that any achievements in international oversight often come at the expense of the depth of the commitments made. n89 In the environmental context, therefore, provision for domestic judicial enforcement of international commitments may be a Goldilocks solution: just enough precommitment, without the steep political price upfront. Such a strategy, however, is closely bound up with the difficult questions about standing doctrine that were discussed in Part I. A [\*413] hospitable doctrine of standing is among the conditions necessary for making domestic courts an effective tool in ensuring compliance with international environmental agreements. If, instead, standing doctrine continues to constrict the environmental citizen suits that make it into court, these compliance benefits will be commensurately foregone. Ironically, standing doctrine will sweep most broadly in excluding citizen enforcement in a substantive area such as environmental law where the achievement of international cooperation was already highly challenging. In a further irony, the imminence and causation requirements of restrictive standing doctrine will make domestic enforcement most difficult to attain precisely when international institutions are most in need of support from domestic sources of compliance pressure: at the early stages of cooperation to address an incipient environmental problem. Climate change is the prime example of these risks, but the mismatch between standing doctrine and the substance of international environmental cooperation is institutional; it has the potential to extend far beyond the particular problem of climate change. Other environmental regimes promise even less concrete, more diffuse, and longer-term benefits from regulation. For example, failure of states to heed commitments directed towards preserving biodiversity will often fail to implicate any plaintiffs in particular. n90 What American has an "injury-in-fact," as interpreted by Justice Scalia, when an agency fails to take action to preserve the genetic diversity of obscure insects, plant species, or microorganisms, the use value of which to humans is almost nonexistent in the short or medium term? n91 Another highly problematic example is explored by Paul Hawken, Amory Lovins and L. Hunter Lovins in Natural Capitalism. n92 Several European countries have made great strides in reducing demand for natural resources and supply of solid waste by imposing responsibility for disposal and other "full life-cycle costs" on the manufacturers of consumer durables and industrial products. But when the environmental goods and services conserved by European states are freely traded, other economies can free-ride off of their efforts. If the United States agreed by treaty to impose similar requirements on manufacturers, what citizens would have standing to challenge executive noncompliance with resulting legislation? The doctrine of Article III standing has profound and far-reaching consequences for United States participation in international regimes to address the pressing environmental problems of today and tomorrow. If standing doctrine remains restrictive, unpredictable, and immune to [\*414] alteration by Congress, the international environment will pay part of the price. IV. Credibility as Negotiating Advantage The course of United States standing doctrine, of course, will not directly influence the enforceability of internationally agreed-upon environmental rules within other countries. Therefore, one might legitimately question the extent to which a change in the domestic law of one state - even that of a hegemonic power - will meaningfully affect the prospects for effective international coordination. n93 One response to such criticism is that removing one obstacle to greater reliance on domestic enforceability in international environmental regimes is a step in the right direction. As Justice Stevens reasoned in Massachusetts v. EPA, that a step is incremental does not defeat its utility. n94 But there also is a separate, stronger response: More robust domestic enforcement will strengthen the hand of the United States in international negotiations, whether or not other countries move in the same direction. The academic literature surrounding negotiation has a tendency to analyze the concept of credibility in the context of threats. That is, in bargaining over the spoils within a zone of possible agreement, the party that is able to tie its own hands or burn its bridges (or create the credible impression of having done so), alters (or obscures) its true bottom line. By threatening to walk away from the table, that party captures a greater share of the mutual benefits from agreement. n95 But as I explain, the capacity to make credible promises is also an asset in negotiation. The weakening of domestic enforcement of environmental law renders less valuable the promises made by U.S. negotiators, n96 by the following chain of causation: More restrictive environmental standing hinders domestic judicial enforcement, which in turn makes defection by the executive more likely, which drives negotiating partners to discount the value of promised actions by the (increased) likelihood of defection, thereby [\*415] rendering U.S. promises less valuable. As a result, the U.S. is able to get less in exchange for its promises in international environmental negotiations. Many scholars, however, emphasize the value of flexibility in international agreements, particularly in situations of uncertainty. n97 An advocate of restrictive standing might, in reliance on these analyses, argue that the gain in flexibility to the United States is worth the cost in terms of lost credibility. But the hypothesized Lujan apologist would be wrong. Weakened enforcement by the domestic courts serves only to narrow the range of options available to the political branches in the international arena. Whereas a state that is able to make credible promises can calibrate the value of a promise by varying its substantive content as it wishes, a state lacking credibility is limited in what it can (effectively, credibly) promise. In other words, a state in possession of credibility can still enjoy the benefits of flexibility, but the reverse is not true. Strategies of pre-commitment like domestic enforceability may be particularly useful to hegemonic powers like the United States. Hegemons of course, have a strong interest in preservation of the status quo. While ascendant political forces in the United States have, up to the present, identified the interests of the status quo as in conflict with concerted global action to deal with environmental problems, that position may no longer be tenable. Climate change and other looming ecological crises - not the efforts to deal with them - in fact pose the greater existential threat to the current global order, and American political elites are beginning to understand the need to address them. Thus, the nominees of both major American political parties expressed strong rhetorical support for efforts to deal with climate change in 2008, and a comprehensive cap-and-trade bill passed the House, but not the Senate, in 2009. n98 For a hegemonic power to convince other states to cooperate on its terms, however, it must be able to make credible commitments. Otherwise, the world will remain all too aware of the power of the hegemon to renege after the fact. n99 The U.S.'s need for credibility on the world stage derives not only from [\*416] structural factors. Though America's image in the world has rebounded substantially since the election of President Obama, n100 it was held in much lower esteem just one year ago. n101 And its perceived flouting of international norms was an important contributor to that decline. n102 The Bush administration's salient decisions to opt out of multilateral efforts, including "unsigning" the Rome Statute of the International Criminal Court, withdrawal from the Anti-Ballistic Missile Treaty, and non-participation in the Kyoto process are unlikely to be completely overlooked by global leaders considering long-term reciprocal cooperation with the United States, Obama's recent charm offensives notwithstanding. The international community is painfully aware of the periodic willingness of the political branches - particularly the executive - in the United States to spurn international obligations when interests so dictate. Many point out, however, that these manifestations of United States "exceptionalism" consisted not in noncompliance - violation of a binding legal norm - but rather in perfectly legal decisions to opt out of international processes. n103 The point is true for what it is worth, but prominent instances of U.S. noncompliance with binding legal norms are, nonetheless, fairly easy to identify. One of these instances of noncompliance is the requirement of consular notification in the Vienna Convention on Consular Relations. n104 In Medellin v. Texas, n105 the Supreme Court held that the state of Texas was not bound to refrain from executing Ernesto Medellin, even though the United States was indisputably in breach of its obligations under that treaty. n106 Domestic considerations of federalism and procedural default, therefore, trumped international compliance, much to the dismay of Mexico and many others in the international community. n107 Domestic procedural law also, [\*417] arguably, trumped international obligations for some time in the case of the prisoners of the war on terror held at Guantanamo. With respect to those individuals, the protections of the Geneva Conventions were undone - or at least very significantly delayed - by the jurisdictional requirements of U.S. law. n108 Comprehensive treatment of these controversies is beyond the scope of this paper, but the basic point is clear: the U.S.'s prospective negotiating partners are likely to be attentive to the risk that procedural hurdles - like strict standing - will undermine U.S. compliance in the environmental arena as well. V. Conclusion Several unresolved questions about Article III standing have important implications for the viability and effectiveness of citizen suits in environmental cases. If courts continue the recent trend of allowing procedural doctrines to restrict these suits, the shift may have important international repercussions which have not yet been fully reckoned with. Most important among these is that the unavailability of domestic enforcement of environmental laws through citizen suits will tend to undermine compliance with international environmental obligations. Both the negotiating position of the United States and the prospects for effective cooperation on the most pressing environmental issues facing humanity will suffer accordingly.

#### Courts action key to international agreements – key to international norms and leadership

Long 8 – Professor of Law @ Florida Coastal School of Law [Andrew Long, “International Consensus and U.S. Climate Change Litigation,” 33 Wm. & Mary Envtl. L. & Pol'y Rev. 177, Volume 33 | Issue 1 Article 4 (2008)

1. Enhancing U.S. International Leadership In a time of unfavorable global opinion toward the United States, explicit judicial involvement with international norms will move the United States **closer to the international community** by acknowledging the relevance of international environmental norms for our legal system. As in other contexts, explicit **judicial internalization of climate change norms would "build**[ ] **U.S. 'soft power,**' [enhance] its moral authority, and strengthen[ ] U.S. capacity for global leadership"2 °3 on climate change, and other global issues. More specifically, domestic judicial consideration of the global climate regime would reaffirm that although the United States has rejected Kyoto, we take the obligation to respect the global commons seriously by recognizing that obligation as a facet of the domestic legal system. U.S. courts' overall failure to interact with the international climate regime, as in other issue areas, has "serious consequences for their roles in international norm creation."2" As judicial understandings of climate change law converge, the early and consistent contributors to the transnational judicial dialogue will likely play the strongest role in shaping the emerging international normative consensus.2"' As Justice L'Heureux- Dube of the Canadian Supreme Court noted in an article describing the decline of the U.S. Supreme Court's global influence, "[decisions which look only inward ... have less relevance to those outside that jurisdiction." °6 Thus, if U.S. courts hope to participate in shaping the normative position on climate change adopted by judiciaries throughout the world, explicit recognition of the relationship between domestic and international law is vital. With climate change in particular, norm development through domestic application should be an important aspect of global learning. The problem requires a global solution beyond the scope of any prior multilateral environmental agreements. This provides a situation in which U.S. judicial reasoning in applying aspects of climate regime thinking to concrete problems will fall into fertile international policy soil. Accordingly, the recognition of international norms in **domestic climate change litigation may play a strengthening role in the perception of U.S. leadership**, encourage U.S. development and exportation of effective domestic climate strategies, and promote international agreements that will enhance consistency with such approaches. In short, explicit judicial discussion of international climate change norms as harmonious with U.S. law can **enhance U.S. ability to regain** a **global leadership** position on the issue and, thereby, more significantly shape the future of the international climate regime. 2. Promoting the Effectiveness of the International Response Along with promoting U.S. interests and standing in the international community, climate change litigation has a direct role to play in developing the international regime if courts directly engage that regime." 7 Just as the United States as an actor may benefit from acknowledging and applying international norms, the regime in which the actions occur will benefit through application and acceptance. Indeed, a case such as Massachusetts v. EPA that directly engages only domestic law can nonetheless be understood to impact international lawmaking by considering its actors."' More important, however, will be cases in which the domestic judiciary gives life to international agreements through direct engagement-a "role [that] is particularly important as a check on the delegitimization of international legal rules that are not enforced."" 9 Assuming, as we must in the arena of climate change, that international law can only effect significant changes in behavior through penetration of the domestic sphere, domestic litigation that employs international law not only provides an instance in which the international appears effective but, more importantly, molds it into a shape that will enable further use in domestic cases or suggest necessary changes internationally. By engaging the international, domestic cases can also provide articulation for the norms that have emerged. The precise meaning of the UNFCCC obligation that nations take measures must be hammered out on the ground. In the United States, if Congress has not acted, it is appropriate for the courts to begin this process by measuring particular actions against the standard. 3. Encouraging Consistency in Domestic Law and Policy In the absence of national climate change law and policy, explicit discussion of international sources and norms in litigation will provide a well-developed baseline for a uniform judicial approach in the domestic realm. This could occur both within and beyond the United States. Within the United States, bringing international environmental law into the mix of judicial reasoning would provide common grounding that unifies the decisions and begins to construct a more systematic preference for development of an effective legal response to international threats. Specifically, if an international climate change norm is found relevant to interpretation of a domestic statute, reference will be appropriate to that norm when future questions of interpretation of the domestic statute arise.210 Thus, to the extent that climate change cases rely upon consensus concerning the scientific evidence of climate change, future cases should use that consensus as a measuring stick for claims of scientific uncertainty.2n The same can occur with norm development. For example, had the Court in Massachusetts tied its jurisdictional or substantive holding to an identifiable norm, the opinion would have greater clarity and value as a precedent in other contexts within the United States. Outside the United States, this approach would provide value to other, more transnationally oriented domestic courts.212 This would serve a norm entrepreneurship function and likely increase agreement among domestic courts on how to approach climate change issues raised under statutes designed for other purposes. 4. Enabling a Check at the Domestic-International Interface Finally, climate change litigation has something to offer for the growth of administrative law at the interface of domestic and international law. At least two points are noteworthy. First, U.S. courts can serve a unique function of providing legal accountability for U.S. failure to honor its UNFCCC commitments.213 Although this might be achieved implicitly, arguably the approach of Massachusetts, doing so explicitly would provide a check of a different magnitude. An explicit check here would serve the purposes identified above, as well as offering the practical benefit of increasing compliance. The dualist tradition, and perhaps concerns of domestic political backlash, weigh against grounding a decision solely in the UNFCC. However, looking to it as a major point in a narrative defining the development of a partly domestic obligation to take national action for the redress of climate change would serve the same beneficial purpose. This approach has the advantage of building a significant bridge over the dualist divide between domestic and international law without ripping the Court's analysis from traditional, dualist moorings. Pg. 212-216

#### DOD compliance is perceived as ad hoc and self-interested – Court action is necessary to signal to the market a long-term commitment to energy efficiency

**Horton 11** [Laura, Doctor of Jurisprudence Candidate 2012, Golden Gate University School of Law, FUTURE FORCE SUSTAINABILITY: DEPARTMENT OF DEFENSE AND ENERGY EFFICIENCY IN A CHANGING CLIMATE, 2011 Golden Gate University Golden Gate University Environmental Law Journal Spring, 2011, L/N]

Immediately following the events of September 11, the political climate was not conducive to preserving environmental health when it would interfere with readiness training for troops **during wartime**. n130 During this time, the DOD made multiple attempts to escape from the purview of federal environmental regulations. n131 These attempts were explained in 2003 by former Defense Secretary Donald Rumsfeld as simply a way to "clarify environmental statutes which restrict access to, and sustainment of, training and test ranges essential for the readiness of our troops and the effectiveness of our weapons systems in the global war on terror." n132 Many, **even the Supreme Court**, shared the position that **national security** trumps environmental protection. n133 However, as the high-profile wars in Iraq and Afghanistan began to fade from mainstream attention, the DOD began contributing more to a public discussion on energy efficiency and various environmental problems such as climate change. Journalists, politicians, and people within the military structure itself, such as the Military Advisory Board in the CNA report, started discussing major changes in the DOD's current energy policies. n134 Mainstream media have started to pick up on the transition, [\*319] particularly in light of insurgent attacks on fuel-supply convoys in Afghanistan, where fuel is the number one DOD import. n135 Companies in the United States are being contracted to supply the troops with solar power equipment, including portable solar panels, solar chargers for electronic equipment, and other renewable technology. n136 Members of the military are hopeful that less dependence on fossil fuels will provide a safer atmosphere for soldiers by reducing the number of truck convoys that haul fuel to bases, thus reducing the number of attacks. n137 Besides providing assistance with alternative-energy projects for troops, the DOD's newfound interest in better funding for energy research and development is evident through solar installations, electric-vehicle purchases, and development of renewable fuel. n138 For example, the Army recently announced plans to develop smart microgrid technology, n139 which "can draw energy interchangeably from solar arrays and other sources to cut costs, improve logistics, and reduce troop safety risks involved in fossil fuel convoys." n140 These microgrids could potentially cut fuel consumption at an Army base by up to sixty percent. n141 The Air Force is also pursuing energy efficiency through the development of jet biofuel and has plans to certify its entire fleet to run on biofuels by 2011. n142 It is already running test flights with 50% biofuel [\*320] mixtures. n143 Since a majority of the fuel used by the DOD goes to military aircraft, n144 this could have an enormous impact on fossil-fuel use and total carbon dioxide emissions. Although there is conflicting evidence on whether biofuel production results in higher or lower total emissions, there are other studies that show the use of biofuels could reduce GHG emissions overall, since they burn cleaner and the amount of energy needed in production is decreasing. n145 Similarly, the Navy, which set a goal to have 50% of its power come from renewable sources by 2020, has been exploring the use of natural biocides to keep the hulls of ships clean. n146 Barnacles, algae and other marine biofilm, which cling to the hulls, can reduce a ship's fuel efficiency by up to 40%; therefore, keeping the hulls clean cuts down on the amount of operational fuel used in the military. n147 Not only does this particular project benefit the Navy in fuel and economic efficiency since other biocides are expensive, but it also protects sensitive marine life from the harmful chemical biocides that are normally used. n148 Small, individualized projects have also proven extremely effective. According to Dan Nolan, author of the DOD Energy Blog, the single most effective program for reducing energy consumption has been spray foam insulation of temporary structures in Iraq and Afghanistan. n149 The spray foam project has proven to be not only energy efficient but financially beneficial as well, saving the military over 100 million dollars per year. n150 In addition to seeking reduction in fossil-fuel use generally, the military is also actively reducing GHG emissions through "contracted landfill disposal, increased teleworking and less air travel." n151 Government contractors have also developed web-based GHG [\*321] inventories for Army installations that can be used to identify, quantify, and report emissions including carbon dioxide, nitrous oxide, methane, sulfur hexafluoride, hydro fluorocarbons, and per fluorocarbons. n152 C. An Ultimate Paradox As the world's largest consumer of energy, the military has a long way to go if it intends to achieve energy efficiency goals set by the government and the DOD itself. However, not everyone is convinced that the military will **follow through**, considering its **past environmental record.** n153 This skepticism is valid in light of the growing impact climate change has had on the planet and the extent to which the military has contributed to GHG emissions. n154 In addition, mistrust of the DOD's environmental record is warranted, since environmental damage from military activities still exists all over the United States n155 The suspect attitude toward military greening is akin to an attitude held by many concerning corporate "environmentalism" in the form of "**greenwashing**." n156 The military is **claiming to go "green**," and is indeed making strides in energy efficiency, while simultaneously **increasing oil** use by 1.5% annually through 2017. n157 Also, efficiency programs are limited to base installations and are not applied to **tactical** **fleets**, where much of the DOD's **fuel consumption occurs**. n158 Furthermore, little is said in any of the aforementioned reports about the many exemptions the DOD sought from numerous environmental laws over the past eight years. n159 The military is accustomed to approaching environmental protection on its own terms and is giving **mixed signals** about how [\*322] important energy efficiency will be in the near future. Consequently, there is a question as to how **self-imposed standards** such as voluntary compliance with federal energy efficiency standards, from which the DOD is otherwise exempt, will play out. n160 One example of the uncertainty of these programs can be found in a recent article in ClimateWire. n161 According to the article, the aforementioned spray foam insulation program has now been halted in the absence of advocacy for such programs. n162 The difficulty of relocating the foam tents and high disposal costs have led to the demise of spray foam use, and supporters are calling for a mandate to move forward with the project. n163 It is unclear whether the DOD will resume the program at all. The need for advocacy is especially important for the public to understand, because of the potential for **new energy technology** to transform the **civilian marketplace** as military technology finds its way into the public domain. n164 The military has begun to take the lead in energy efficiency, **drive the civilian sector** toward sustainable energy use, and push for "policy change to help make the necessary cultural shifts in how its people think about energy use and the decisions they make in all settings." n165 The more seriously the military takes energy efficiency, **the faster sustainable technology will reach the public**. For that reason, **progress on these efforts should be monitored** and documented for the public to review. A history of military brush-offs of the importance of environmental protection does not lend itself to a campaign of global stewardship. In order to win the confidence of the public, the military must demonstrate a willingness to follow through with the programs it has set in place **to lead alternative-energy development in the United States and the world.**

**U.S. leadership on the broader green tech transition is critical to solve warming and key to economic power**

**Klarevas 9** –Louis Klarevas, Professor for Center for Global Affairs @ New York University, 12/15, “Securing American Primacy While Tackling Climate Change: Toward a National Strategy of Greengemony,” http://www.huffingtonpost.com/louis-klarevas/securing-american-primacy\_b\_393223.html

As national leaders from around the world are gathering in Copenhagen, Denmark, to attend the United Nations Climate Change Conference, the time is ripe to re-assess America's current energy policies - but within the larger framework of how a new approach on the environment will stave off global warming and shore up American primacy. By not addressing climate change more aggressively and creatively, the United States is squandering an opportunity to secure its **global primacy** for the next few generations to come. To do this, though, the U.S. must rely on innovation to help the world escape the coming environmental meltdown. Developing the key technologies that will **save the planet from global warming** will allow the U.S. to **outmaneuver potential great power rivals** seeking to replace it as the international system's hegemon. But the greening of American strategy must occur soon. The U.S., however, seems to be stuck in time, unable to move beyond oil-centric geo-politics in any meaningful way. Often, the gridlock is portrayed as a partisan difference, with Republicans resisting action and Democrats pleading for action. This, though, is an unfair characterization as there are numerous proactive Republicans and quite a few reticent Democrats. The real divide is instead one between realists and liberals. Students of realpolitik, which still heavily guides American foreign policy, largely discount environmental issues as they are not seen as advancing national interests in a way that generates relative power advantages vis-à-vis the other major powers in the system: Russia, China, Japan, India, and the European Union. ¶ Liberals, on the other hand, have recognized that global warming might very well become the **greatest challenge ever faced by (hu)mankind**. As such, their thinking often eschews narrowly defined national interests for the greater global good. This, though, ruffles elected officials whose sworn obligation is, above all, to protect and promote American national interests. What both sides need to understand is that by becoming a lean, mean, green fighting machine, the U.S. can actually bring together liberals and realists to advance a collective interest which benefits every nation, while at the same time, securing America's global primacy well into the future. To do so, the U.S. must re-invent itself as not just your traditional hegemon, but as history's first ever green hegemon. Hegemons are countries that dominate the international system - bailing out other countries in times of global crisis, establishing and maintaining the most important international institutions, and covering the costs that result from free-riding and cheating global obligations. Since 1945, that role has been the purview of the United States. Immediately after World War II, Europe and Asia laid in ruin, the global economy required resuscitation, the countries of the free world needed security guarantees, and the entire system longed for a multilateral forum where global concerns could be addressed. The U.S., emerging the least scathed by the systemic crisis of fascism's rise, stepped up to the challenge and established the postwar (and current) liberal order. But don't let the world "liberal" fool you. While many nations benefited from America's new-found hegemony, the U.S. was driven largely by "realist" selfish national interests. The liberal order first and foremost benefited the U.S. With the U.S. becoming bogged down in places like Afghanistan and Iraq, running a record national debt, and failing to shore up the dollar, the future of American hegemony now seems to be facing a serious contest: potential rivals - acting like sharks smelling blood in the water - wish to challenge the U.S. on a variety of fronts. This has led numerous commentators to forecast the U.S.'s imminent fall from grace. Not all hope is lost however. With the impending systemic crisis of global warming on the horizon, the U.S. again finds itself in a position to address a transnational problem in a way that will benefit both the international community collectively and the U.S. selfishly. The current problem is two-fold. First, the competition for oil is fueling animosities between the major powers. The geopolitics of oil has already emboldened Russia in its 'near abroad' and China in far-off places like Africa and Latin America. As oil is a limited natural resource, a **nasty zero-sum contest could be looming** on the horizon for the U.S. and its major power rivals - a contest which threatens American primacy and **global stability**. Second, converting fossil fuels like oil to run national economies is producing irreversible harm in the form of carbon dioxide emissions. So long as the global economy remains oil-dependent, greenhouse gases will continue to rise. Experts are predicting as much as a 60% increase in carbon dioxide emissions in the next twenty-five years. That likely means more devastating water shortages, droughts, forest fires, floods, and storms. In other words, if global competition for access to energy resources does not **undermine international security**, **global warming will**. And in either case, oil will be a culprit for the instability. Oil arguably has been the most precious energy resource of the last half-century. But "black gold" is so 20th century. The key resource for this century will be green gold - clean, environmentally-friendly energy like wind, solar, and hydrogen power. Climate change leaves no alternative. And the sooner we realize this, the better off we will be. What Washington must do in order to avoid the traps of petropolitics is to convert the U.S. into the world's first-ever green hegemon. For starters, the federal government must drastically increase investment in energy and environmental research and development (E&E R&D). This will require a serious sacrifice, committing upwards of $40 billion annually to E&E R&D - a far cry from the few billion dollars currently being spent. By promoting a new national project, the U.S. could develop new technologies that will assure it does not drown in a pool of oil. Some solutions are already well known, such as raising fuel standards for automobiles; improving public transportation networks; and expanding nuclear and wind power sources. Others, however, have not progressed much beyond the drawing board: batteries that can store massive amounts of solar (and possibly even wind) power; efficient and cost-effective photovoltaic cells, crop-fuels, and hydrogen-based fuels; and even fusion. Such innovations will not only provide alternatives to oil, they will also give the U.S. an edge in the global competition for hegemony. If the U.S. is able to produce technologies that allow modern, globalized societies to escape the oil trap, those nations will eventually have no choice but to adopt such technologies. And this will give the U.S. a **tremendous economic boom**, while simultaneously providing it with means of leverage that can be employed to **keep potential foes in check**. The bottom-line is that the U.S. needs to become green energy dominant as opposed to black energy independent.

**Goes nuclear**

**Khalilzad** **11**

[Zalmay Khalilzad, United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992. 2/8/11, <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>]

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation. The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions. As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression.

### 1ac- Status Competition

**American power facilitates status bargaining – our impact is supported by interdisciplinary studies**

**Wohlforth 09**

 – Professor of government @ Dartmouth College [[William C. Wohlforth](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#back), “Unipolarity, Status Competition, and Great Power War,” World Politics, Volume 61, Number 1, January 2009]

Second, I question the dominant view that status quo evaluations are relatively independent of the distribution of capabilities. If the status of states depends in some measure on their relative capabilities, and if states derive utility from status, then different distributions of capabilities may affect levels of satisfaction, just as different income distributions may affect levels of status competition in domestic settings. [6](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f6) Building on research in psychology and sociology, I argue that even capabilities distributions among major powers foster ambiguous status hierarchies, which generate more **dissatisfaction and clashes** over the status quo. And the more stratified the distribution of capabilities, the less likely such status competition is. Unipolarity thus generates far fewer incentives than either bipolarity or multipolarity for direct great power positional competition over status. Elites in the other major powers continue to prefer higher status, but in a unipolar system they face comparatively weak incentives to translate that preference into costly action. And the absence of such incentives matters because social status is a positional good—something whose value depends on how much one has in relation to others.[7](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f7) “If everyone has high status,” Randall Schweller notes, “no one does.”[8](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f8) While one actor might increase its status, all cannot simultaneously do so. High status is thus inherently scarce, and competitions for **status tend to be zero sum**.[9](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f9) I begin by describing the puzzles facing predominant theories that status competition might solve. Building on recent research on social identity and status seeking, I then show that under certain conditions the ways decision makers identify with the states they represent may prompt them to frame issues as positional disputes over status in a social hierarchy. I develop hypotheses that tailor this scholarship to the domain of great power politics, showing how the probability of status competition is likely to be linked to polarity. The rest of the article investigates whether there is sufficient evidence for these hypotheses to warrant further refinement and testing. I pursue this in three ways: by showing that the theory advanced here is **consistent** with what we know about large-scale patterns of **great power conflict** through **history**; by [End Page 30] demonstrating that the causal mechanisms it identifies did drive relatively secure major powers to military conflict in the past (and therefore that they might do so again if the world were bipolar or multipolar); and by showing that observable evidence concerning the major powers’ identity politics and grand strategies under unipolarity are consistent with the theory’s expectations. Puzzles of Power and War Recent research on the connection between the distribution of capabilities and war has concentrated on a hypothesis long central to systemic theories of power transition or hegemonic stability: that **major war** arises out of a **power shift** in favor of a rising state dissatisfied with a status quo defended by a declining satisfied state.[10](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f10) Though they have garnered substantial empirical support, these theories have yet to solve two intertwined empirical and theoretical puzzles—each of which might be explained by positional concerns for status. First, if the material costs and benefits of a given status quo are what matters, why would a state be dissatisfied with the very status quo that had abetted its rise? The rise of China today naturally prompts this question, but it is hardly a novel situation. Most of the best known and most consequential power transitions in history featured rising challengers that were prospering mightily under the status quo. In case after case, historians argue that these revisionist powers sought recognition and standing rather than specific alterations to the existing rules and practices that constituted the order of the day. In each paradigmatic case of hegemonic war, the claims of the rising power are hard to reduce to instrumental adjustment of the status quo. In R. Ned Lebow’s reading, for example, Thucydides’ account tells us that the rise of Athens posed unacceptable threats not to the security or welfare of Sparta but rather to its identity as leader of the Greek world, which was an important cause of the Spartan assembly’s vote for war.[11](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f11) The issues that inspired Louis XIV’s and Napoleon’s dissatisfaction with the status quo were many and varied, but most accounts accord [End Page 31] independent importance to the drive for a position of unparalleled primacy. In these and other hegemonic struggles among leading states in post-Westphalian Europe, the rising challenger’s dissatisfaction is often difficult to connect to the material costs and benefits of the status quo, and much contemporary evidence revolves around issues of recognition and status.[12](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f12) Wilhemine Germany is a fateful case in point. As Paul Kennedy has argued, underlying material trends as of 1914 were set to propel Germany’s continued rise indefinitely, so long as Europe remained at peace.[13](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f13) Yet Germany chafed under the very status quo that abetted this rise and its elite focused resentment on its chief trading partner—the great power that presented the least plausible threat to its security: Great Britain. At fantastic cost, it built a battleship fleet with no plausible strategic purpose other than to stake a claim on global power status.[14](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f14) Recent historical studies present strong evidence that, far from fearing attacks from Russia and France, German leaders sought to provoke them, knowing that this would lead to a long, expensive, and sanguinary war that Britain was certain to join.[15](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f15) And of all the motivations swirling round these momentous decisions, no serious historical account fails to register German leaders’ oft-expressed yearning for “a place in the sun.” The second puzzle is bargaining failure. Hegemonic theories tend to model war as a conflict over the status quo without specifying precisely what the status quo is and what flows of benefits it provides to states.[16](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f16) Scholars generally follow Robert Gilpin in positing that the underlying issue concerns a “desire to redraft the rules by which relations among nations work,” “the nature and governance of the system,” and “the distribution of territory among the states in the system.”[17](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f17) If these are the [End Page 32] issues at stake, then systemic theories of hegemonic war and power transition confront the puzzle brought to the fore in a seminal article by James Fearon: what prevents states from striking a bargain that avoids the costs of war? [18](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f18) Why can’t states renegotiate the international order as underlying capabilities distributions shift their relative bargaining power? Fearon proposed that one answer consistent with strict rational choice assumptions is that such bargains are infeasible when the issue at stake is indivisible and cannot readily be portioned out to each side. Most aspects of a given international order are readily divisible, however, and, as Fearon stressed, “both the intrinsic complexity and richness of most matters over which states negotiate and the availability of linkages and side-payments suggest that intermediate bargains typically will exist.”[19](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f19) Thus, most scholars have assumed that the indivisibility problem is trivial, focusing on two other rational choice explanations for bargaining failure: uncertainty and the commitment problem.[20](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f20) In the view of many scholars, it is these problems, rather than indivisibility, that likely explain leaders’ inability to avail themselves of such intermediate bargains. Yet recent research inspired by constructivism shows how issues that are physically divisible can become socially indivisible, depending on how they relate to the identities of decision makers.[21](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f21) Once issues surrounding the status quo are framed in positional terms as bearing on the disputants’ relative standing, then, to the extent that they value their standing itself, they may be unwilling to pursue intermediate bargaining solutions. Once linked to status, easily divisible issues that theoretically provide opportunities for linkages and side payments of various sorts may themselves be seen as indivisible and thus unavailable as avenues for possible intermediate bargains. The **historical record** surrounding **major wars** is **rich with evidence** suggesting that positional **concerns over status frustrate bargaining**: expensive, protracted conflict over what appear to be minor issues; a propensity on the part of decision makers to frame issues in terms of relative rank even when doing so makes bargaining harder; decision-makers’ [End Page 33] inability to accept feasible divisions of the matter in dispute even when failing to do so imposes high costs; demands on the part of states for observable evidence to confirm their estimate of an improved position in the hierarchy; the inability of private bargains to resolve issues; a frequently observed compulsion for the public attainment of concessions from a higher ranked state; and stubborn resistance on the part of states to which such demands are addressed even when acquiescence entails limited material cost. The literature on bargaining failure in the context of power shifts remains inconclusive, and it is premature to take any empirical pattern as necessarily probative. Indeed, Robert Powell has recently proposed that indivisibility is not a rationalistic explanation for war after all: fully rational leaders with perfect information should prefer to settle a dispute over an indivisible issue by resorting to a lottery rather than a war certain to destroy some of the goods in dispute. What might prevent such bargaining solutions is not indivisibility itself, he argues, but rather the parties’ inability to commit to abide by any agreement in the future if they expect their relative capabilities to continue to shift.[22](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f22) This is the credible commitment problem to which many theorists are now turning their attention. But how it relates to the information problem that until recently dominated the formal literature remains to be seen.[23](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f23) The larger point is that positional concerns for status may help account for the puzzle of bargaining failure. In the rational choice bargaining literature, war is puzzling because it destroys some of the benefits or flows of benefits in dispute between the bargainers, who would be better off dividing the spoils without war. Yet what happens to these models if what matters for states is less the flows of material benefits themselves than their implications for relative status? The salience of this question depends on the relative importance of positional concern for status among states. Do Great Powers Care about Status? Mainstream theories generally posit that states come to blows over an international status quo only when it has implications for their security or material well-being. The guiding assumption is that a state’s satisfaction [End Page 34] with its place in the existing order is a function of the material costs and benefits implied by that status.[24](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f24) By that assumption, once a state’s status in an international order ceases to affect its material wellbeing, its relative standing will have no bearing on decisions for war or peace. But the assumption is undermined by **cumulative research** **in disciplines ranging from neuroscience** and **evolutionary biology** to **economics, anthropology, sociology, and psychology** that human beings are powerfully motivated by the desire for favorable social status comparisons. This research suggests that the preference for status is a basic disposition rather than merely a strategy for attaining other goals.[25](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f25) People often seek tangibles not so much because of the welfare or security they bring but because of the social status they confer. Under certain conditions, the search for status will cause people to behave in ways that directly contradict their material interest in security and/or prosperity. Pg. 33-35

### 1ac- Empirics

#### Empirically Proven- Stable hierarchies in international politics prevents great power conflict --- the alternative is violent autocratic rise

**Kagan 12**

 (Robert – senior fellow of foreign policy at the Center on the United States and Europe, America Has Made the World Freer, Safer and Wealthier, p. http://www.brookings.edu/opinions/2012/0314\_us\_power\_kagan.aspx)

We take a lot for granted about the way the world looks today -- the widespread freedom, the unprecedented global prosperity (even despite the current economic crisis), and the absence of war among great powers. In 1941 there were only a dozen democracies in the world. Today there are more than 100. For four centuries prior to 1950, global GDP rose by less than 1 percent a year. Since 1950 it has risen by an average of 4 percent a year, and billions of people have been lifted out of poverty. The first half of the 20th century saw the two most destructive wars in the history of mankind, and in prior centuries war among great powers was almost constant. But for the past 60 years no great powers have gone to war. This is the world America made when it assumed global leadership after World War II. Would this world order survive if America declined as a great power? Some American intellectuals insist that a "Post-American" world need not look very different from the American world and that all we need to do is "manage" American decline. But that is wishful thinking. If the balance of power shifts in the direction of other powers, the world order will inevitably change to suit their interests and preferences. Take the issue of democracy. For several decades, the balance of power in the world has favored democratic governments. In a genuinely post-American world, the balance would shift toward the great power autocracies. Both China and Russia already protect dictators like Syria's Bashar al-Assad. If they gain greater relative influence in the future, we will see fewer democratic transitions and more autocrats hanging on to power. What about the free market, free trade economic order? People assume China and other rising powers that have benefited so much from the present system would have a stake in preserving it. They wouldn't kill the goose that lays the golden eggs. But China's form of capitalism is heavily dominated by the state, with the ultimate goal being preservation of the ruling party. Although the Chinese have been beneficiaries of an open international economic order, they could end up undermining it simply because, as an autocratic society, their priority is to preserve the state's control of wealth and the power it brings. They might kill the goose because they can't figure out how to keep both it and themselves alive. Finally, what about the long peace that has held among the great powers for the better part of six decades? Many people imagine that American predominance will be replaced by some kind of multipolar harmony. But multipolar systems have historically been neither stable nor peaceful. War among the great powers was a common, if not constant, occurrence in the long periods of multipolarity in the 16th, 17th, and 18th centuries. The 19th century was notable for two stretches of great-power peace of roughly four decades each, punctuated, however, by major wars among great powers and culminating in World War I, the most destructive and deadly war mankind had known up to that point. The era of American predominance has shown that there is no better recipe for great-power peace than certainty about who holds the upper hand. Many people view the present international order as the inevitable result of human progress, a combination of advancing science and technology, an increasingly global economy, strengthening international institutions, evolving "norms" of international behavior, and the gradual but inevitable triumph of liberal democracy over other forms of government -- forces of change that transcend the actions of men and nations. But there was nothing inevitable about the world that was created after World War II. International order is not an evolution; it is an imposition. It is the domination of one vision over others -- in America's case, the domination of liberal free market principles of economics, democratic principles of politics, and a peaceful international system that supports these, over other visions that other nations and peoples may have. The present order will last only as long as those who favor it and benefit from it retain the will and capacity to defend it. If and when American power declines, the institutions and norms American power has supported will decline, too. Or they may collapse altogether as we transition into another kind of world order, or into disorder. We may discover then that the United States was essential to keeping the present world order together and that the alternative to American power was not peace and harmony but chaos and catastrophe -- which was what the world looked like right before the American order came into being.

### 1ac- Kritik Pre Empt- Deterrence

Historical studies prove better than the alt’

**Moore 4**

 Director of the Center for Security Law at the University of Virginia, Honorary Editor of the American Journal of International Law (John Norton, “Solving the War Puzzle: Beyond the Democratic Peace,” page 27-31)

As so broadly conceived, there is strong evidence that deterrence, that is, the effect of external factors on the decision to go to war, is the missing link in the war/peace equation. In my War/Peace Seminar, I have undertaken to examine the level of deterrence before the principal wars of the twentieth century.10 This examination has led me to believe that in every case the potential aggressor made a rational calculation that the war would be won, and won promptly.11 In fact, the longest period of time calculated for victory through conventional attack seems to be the roughly six reeks predicted by the German General Staff as the time necessary ) prevail on the Western front in World War I under the Schlieffen Plan. Hitler believed in his attack on Poland that Britain and France could not take the occasion to go to war with him. And he believed his 1941 Operation Barbarossa against the Soviet Union that “[w]e have only to kick in the door and the whole rotten structure will come crashing down."12 In contrast, following Hermann Goering's failure to obtain air superiority in the Battle of Britain, Hitler called off the invasion of Britain and shifted strategy to the nighttime bombing of population centers, which became known as the Blitz, in a mistaken effort to compel Britain to sue for peace. Calculations in the North Korean attackon South Korea and Hussein’s attack on Kuwait were that the operations would be completed in a matter of days. Indeed, virtually all principal wars in the twentieth century, at least those involving conventional invasion, were preceded by what I refer to as a "double deterrence absence." That is, the potential aggressor believed that they had the military force in place to prevail promptly and that nations that might have the military or diplomatic power to prevent this were not dined to intervene. This analysis has also shown that many of the perceptions we have about the origins of particular wars are flatly wrong. Anyone who seriously believes that World War I was begun by competing alliances drawing tighter should examine the al historical record of British unwillingness to enter a clear military alliance with the French or to so inform the Kaiser! Indeed, this pre-World War I absence of effective alliance and resultant war contrasts sharply with the laterrobust NATO alliance and absence of World War III.14 Considerable other evidence seems to support this historical analysis as to the importance of deterrence. Of particular note, Yale Professor Donald Kagan, a preeminent United States historian who has long taught a seminar on war, published in 1995 a superb book On the Origins of War and the Preservation of Peace.15 In this book he conducts a detailed examination of the Peloponnesian War, World War I, Hannibal's War, and World War II, among other case studies. A careful reading of these studies suggests that each war could have been prevented by achievable deterrence and that each occurred in the absence of such deterrence.16 Game theory seems to offer yet further support for the proposition that appropriate deterrence can prevent war. For example, Robert Axelrod's famous 1980s experiment in an iterated prisoner's dilemma, which is a reasonably close proxy for many conflict settings in international relations, repeatedly showed the effectiveness of a simple tit for tat strategy.17Such a strategy is at core simply a basic deterrent strategy of influencing behavior through incentives. Similarly, much of thegame-theoretic work on crisis bargaining (and danger of asymmetric information) in relation to war and the democratic peace assumes the importance of deterrence through communication of incentives.18 The well-known correlation between war and territorial contiguity seems also to underscore the importance of deterrence and is likely principally a proxy for levels of perceived profit and military achievability of aggression in many such settings. It should further be noted that the democratic peace is not the only significant correlation with respect to war and peace, although it seems to be the most robust. Professors Russett and Oneal, in recently exploring the other elements of the Kantian proposal for "Perpetual Peace," have also shown a strong and statistically significant correlation between economically important bilateral trade between two nations and a reduction in the risk of war between them. Contrary to the arguments of "dependency theorists," such economically important trade seems to reduce the risk of war regardless of the size relationship or asymmetry in the trade balance between the two states. In addition, there is a statistically significant association between economic openness generally and reduction in the risk of war, although this association is not as strong as the effect of an economically important bilateral trade relationship.° Russett and Oneal also show a modest independent correlation between reduction in the risk of war and higher levels of common membership in international organizations.20 And they show that a large imbalance of power between two states significantly lessens the risk of major war between them.21 All of these empirical findings about war also seem to directly reflect incentives; that is, a higher level of trade would, if foregone in war, impose higher costs in the aggregate than without such trade,22 though we know that not all wars terminate trade. Moreover, with respect to trade, a, classic study, Economic Interdependence and War, suggests that the historic record shows that it is not simply aggregate levels of bilateral trade that matters, but expectations as to the level of trade into the future.23 This directly implicates expectations of the war decision maker as does incentive theory, and it importantly adds to the general finding about trade and war that even with existing high levels of bilateral trade, changing expectations from trade sanctions or other factors affecting the flow of trade can directly affect incentives and influence for or against war. A large imbalance of power in a relationship rather obviously impacts deterrence and incentives. Similarly, one might incur higher costs with high levels of common membership in international organizations through foregoing some of the heightened benefits of such participation or otherwise being presented with different options through the actions or effects of such organizations. These external deterrence elements may also be yet another reason why democracies have a lower risk of war with one another. For their freer markets, trade, commerce, and international engagement may place them in a position where their generally higher level of interaction means that aggression will incur substantial opportunity costs. Thus, the "mechanism" of the democratic peace may be an aggregate of factors affecting incentives, both external as well as internal factors. Because of the underlying truth in the relationship between higher levels of trade and lower levels of war, it is not surprising that theorists throughout human history, including Baron de Montesquieu in 1748, Thomas Paine in 1792, John Stuart Mill in 1848, and, most recently, the founders of the European Union, have argued that increasing commerce and interactions among nations would end war. Though by themselves these arguments have been overoptimistic, it may well be that some level of "globalization" may make the costs of war and the gains of peace so high as to powerfully predispose to peace. Indeed, a 1989 book by John Mueller, Retreat From Doomsday,24 postulates the obsolescence of major war between developed nations (at least those nations within the "first and second worlds") as they become increasingly conscious of the rising costs of war and the rising gains of peace. In assessing levels of democracy, there are indexes readily available, for example, the Polity III25 and Freedom House 26 indexes. I am unaware of any comparable index with respect to levels of deterrence that might be used to test the importance of deterrence in war avoidance?' Absent such an accepted index, discussion about the importance of deterrence is subject to the skeptical observation that one simply defines effective deterrence by whether a war did or did not occur. In order to begin to deal with this objection and encourage a more objective methodology for assessing deterrence, I encouraged a project to seek to develop a rough but objective measure of deterrence with a scale from minus ten to plus ten based on a large variety of contextual features that would be given relative weighting in a complex deterrence equation before applying the scaling to different war and nonwar settings.28 On the disincentive side of the scale, the methodology used a weighted calculation of local deterrence, including the chance to prevent a short- and intermediate-term military victory, and economic and political disincentives; extended deterrence with these same elements; and contextual communication and credibility multipliers. On the incentive side of the scale, the methodology also used a weighted calculation of perceived military, economic, and political benefits. The scales were then combined into an overall deterrence score, including, an estimate for any effect of prospect theory where applicable.2 This innovative first effort uniformly showed high deterrence scores in settings where war did not, in fact, occur. Deterring a Soviet first strike in the Cuban Missile Crisis produced a score of +8.5 and preventing a Soviet attack against NATO produced a score of +6. War settings, however, produced scores ranging from -2.29 (Saddam Hussein's decision to invade Kuwait in the Gulf War), -2.18 (North Korea's decision to invade South Korea in the Korean War), -1.85 (Hitler's decision to invade Poland in World War II), -1.54 (North Vietnam's decision to invade South Vietnam following the Paris Accords), -0.65 (Milosevic's decision to defy NATO in Kosovo), +0.5 (the Japanese decision to attack Pearl Harbor), +1.25 (the Austrian decision, egged on by Germany, to attack Serbia, which was the real beginning of World War I), to +1.75 (the German decision to invade Belgium and France in World War I). As a further effort at scaling and as a point of comparison, I undertook to simply provide an impressionistic rating based on my study of each pre-crisis setting. That produced high positive scores of +9 for both deterring a Soviet first strike during the Cuban Missile Crisis and NATO's deterrence of a Warsaw Pact attack and even lower scores than the more objective effort in settings where wars had occurred. Thus, I scored North Vietnam's decision to invade South Vietnam following the Paris Accords and the German decision to invade Poland at the beginning of World War II as -6; the North Korean/Stalin decision to invade South Korea in the Korean War as -5; the Iraqi decision to invade the State of Kuwait as -4; Milosevic's decision to defy NATO in Kosovo and the German decision to invade Belgium and France in World War I as -2; and the Austrian decision to attack Serbia and the Japanese decision to attack Pearl Harbor as -1. Certainly even knowledgeable experts would be likely to differ in their impressionistic scores on such pre-crisis settings, and the effort at a more objective methodology for scoring deterrence leaves much to be desired. Nevertheless, both exercises did seem to suggest that deterrence matters and that high levels of deterrence can prevent future war. Following up on this initial effort to produce a more objective measure of deterrence, two years later I encouraged another project to undertake the same effort, building on what had been learned in the first iteration. The result was a second project that developed a modified scoring system, also incorporating local deterrence, extended deterrence, and communication of intent and credibility multipliers on one side of a scale, and weighing these factors against a potential aggressor's overall subjective incentives for action on the other side of the scale.3° The result, with a potential range of -5.5 to +10, produced no score higher than +2.5 for eighteen major wars studied between 1939 and the 1990 Gulf War.31 Twelve of the eighteen wars produced a score of zero or below, with the 1950-53 Korean War at -3.94, the 1965-75 Vietnam War at -0.25, the 1980-88 Iran-Iraq War at -1.53, and the 1990-91 Gulf War at -3.83. The study concluded that in more than fifty years of conflict there was "no situation in which a regime elite/decision making body subjectively faced substantial disincentives to aggressive military action and yet attacked."32

### 1ac- Kritik Pre Empt- Violence

#### Heg is the root cause of structural decline in conflict---prevents escalation of rivalries globally

**Drezner** **05**

 (Daniel – professor of international politics at the Fletcher School of Law, Gregg Easterbrook, War, and the Dangers of Extrapolation, p. http://www.danieldrezner.com/archives/002087.html)

Daily explosions in Iraq, massacres in Sudan, the Koreas staring at each other through artillery barrels, a Hobbesian war of all against all in eastern Congo--combat plagues human society as it has, perhaps, since our distant forebears realized that a tree limb could be used as a club. But here is something you would never guess from watching the news: War has entered a cycle of decline. Combat in Iraq and in a few other places is an exception to a significant global trend that has gone nearly unnoticed--namely that, for about 15 years, there have been steadily fewer armed conflicts worldwide. In fact, it is possible that a person's chance of dying because of war has, in the last decade or more, become the lowest in human history. Is Easterbrook right? He has a few more paragraphs on the numbers: The University of Maryland studies find the number of wars and armed conflicts worldwide peaked in 1991 at 51, which may represent the most wars happening simultaneously at any point in history. Since 1991, the number has fallen steadily. There were 26 armed conflicts in 2000 and 25 in 2002, even after the Al Qaeda attack on the United States and the U.S. counterattack against Afghanistan. By 2004, Marshall and Gurr's latest study shows, the number of armed conflicts in the world had declined to 20, even after the invasion of Iraq. All told, there were less than half as many wars in 2004 as there were in 1991. Marshall and Gurr also have a second ranking, gauging the magnitude of fighting. This section of the report is more subjective. Everyone agrees that the worst moment for human conflict was World War II; but how to rank, say, the current separatist fighting in Indonesia versus, say, the Algerian war of independence is more speculative. Nevertheless, the Peace and Conflict studies name 1991 as the peak post-World War II year for totality of global fighting, giving that year a ranking of 179 on a scale that rates the extent and destructiveness of combat. By 2000, in spite of war in the Balkans and genocide in Rwanda, the number had fallen to 97; by 2002 to 81; and, at the end of 2004, it stood at 65. This suggests the extent and intensity of global combat is now less than half what it was 15 years ago. Easterbrook spends the rest of the essay postulating the causes of this -- the decline in great power war, the spread of democracies, the growth of economic interdependence, and even the peacekeeping capabilities of the United Nations. Easterbrook makes a lot of good points -- most people are genuinely shocked when they are told that even in a post-9/11 climate, there has been a steady and persistent decline in wars and deaths from wars. That said, what bothers me in the piece is what Easterbrook leaves out. First, he neglects to mention the biggest reason for why war is on the decline -- there's a global hegemon called the United States right now. Easterbrook acknowledges that "the most powerful factor must be the end of the cold war" but he doesn't understand why it's the most powerful factor. Elsewhere in the piece he talks about the growing comity among the great powers, without discussing the elephant in the room: the reason the "great powers" get along is that the United States is much, much more powerful than anyone else. If you quantify power only by relative military capabilities, the U.S. is a great power, there are maybe ten or so middle powers, and then there are a lot of mosquitoes. [If the U.S. is so powerful, why can't it subdue the Iraqi insurgency?--ed. Power is a relative measure -- the U.S. might be having difficulties, but no other country in the world would have fewer problems.] Joshua Goldstein, who knows a thing or two about this phenomenon, made this clear in a Christian Science Monitor op-ed three years ago: We probably owe this lull to the end of the cold war, and to a unipolar world order with a single superpower to impose its will in places like Kuwait, Serbia, and Afghanistan. The emerging world order is not exactly benign – Sept. 11 comes to mind – and Pax Americana delivers neither justice nor harmony to the corners of the earth. But a unipolar world is inherently more peaceful than the bipolar one where two superpowers fueled rival armies around the world. The long-delayed "peace dividend" has arrived, like a tax refund check long lost in the mail. The difference in language between Goldstein and Easterbrook highlights my second problem with "The End of War?" Goldstein rightly refers to the past fifteen years as a "lull" -- a temporary reduction in war and war-related death. The flip side of U.S. hegemony being responsible for the reduction of armed conflict is what would happen if U.S. hegemony were to ever fade away. Easterbrook focuses on the trends that suggest an ever-decreasing amount of armed conflict -- and I hope he's right. But I'm enough of a realist to know that if the U.S. should find its primacy challenged by, say, a really populous non-democratic country on the other side of the Pacific Ocean, all best about the utility of economic interdependence, U.N. peacekeeping, and the spread of democracy are right out the window. UPDATE: To respond to a few thoughts posted by the commenters: 1) To spell things out a bit more clearly -- U.S. hegemony important to the reduction of conflict in two ways. First, U.S. power can act as a powerful if imperfect constraint on pairs of enduring rivals (Greece-Turkey, India-Pakistan) that contemplate war on a regular basis. It can't stop every conflict, but it can blunt a lot ofthem. Second, and more important to Easterbrook's thesis, U.S. supremacy in conventional military affairs prevents other middle-range states -- China, Russia, India, Great Britain, France, etc. -- from challenging the U.S. or each other in a war. It would be suicide for anyone to fight a war with the U.S., and if any of these countries waged a war with each other, the prospect of U.S. intervention would be equally daunting.

#### Primacy has resulted in the lowest level of war in history – best stats prove

**Owen 2011**

(John – professor of politics at the University of Virginia, Don’t Discount Hegemony, p. www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony/)

Andrew Mack and his colleagues at the Human Security Report Project are to be congratulated. Not only do they present a study with a striking conclusion, driven by data, free of theoretical or ideological bias, but they also do something quite unfashionable: they bear good news. Social scientists really are not supposed to do that. Our job is, if not to be Malthusians, then at least to point out disturbing trends, looming catastrophes, and the imbecility and mendacity of policy makers. And then it is to say why, if people listen to us, things will get better. We do this as if our careers depended upon it, and perhaps they do; for if all is going to be well, what need then for us? Our colleagues at Simon Fraser University are brave indeed. That may sound like a setup, but it is not. I shall challenge neither the data nor the general conclusion that violent conflict around the world has been decreasing in fits and starts since the Second World War. When it comes to violent conflict among and within countries, **things have been getting better**. (The trends have not been linear—Figure 1.1 actually shows that the frequency of interstate wars peaked in the 1980s—but the 65-year movement is clear.) Instead I shall accept that Mack et al. are correct on the macro-trends, and focus on their explanations they advance for these remarkable trends. With apologies to any readers of this forum who recoil from academic debates, this might get mildly theoretical and even more mildly methodological. Concerning international wars, one version of the “nuclear-peace” theory is not in fact laid to rest by the data. It is certainly true that nuclear-armed states have been involved in many wars. They have even been attacked (think of Israel), which falsifies the simple claim of “assured destruction”—that any nuclear country A will deter any kind of attack by any country B because B fears a retaliatory nuclear strike from A. But the most important “nuclear-peace” claim has been about mutually assured destruction, which obtains between two robustly nuclear-armed states. The claim is that (1) rational states having second-strike capabilities—enough deliverable nuclear weaponry to survive a nuclear first strike by an enemy—will have an overwhelming incentive not to attack one another; and (2) we can safely assume that nuclear-armed states are rational. It follows that states with a second-strike capability will not fight one another. Their colossal atomic arsenals neither kept the United States at peace with North Vietnam during the Cold War nor the Soviet Union at peace with Afghanistan. But the argument remains strong that those arsenals did help keep the United States and Soviet Union at peace with each other. Why non-nuclear states are not deterred from fighting nuclear states is an important and open question. But in a time when calls to ban the Bomb are being heard from more and more quarters, we must be clear about precisely what the broad trends toward peace can and cannot tell us. They may tell us nothing about why we have had no World War III, and little about the wisdom of banning the Bomb now. Regarding the **downward trend in international war**, Professor Mack is friendlier to more palatable theories such as the “**democratic peace**” (democracies do not fight one another, and the proportion of democracies has increased, hence less war); the interdependence or “**commercial peace**” (states with extensive economic ties find it irrational to fight one another, and interdependence has increased, hence less war); and the notion that people around the world are more anti-war than their forebears were. Concerning the downward trend in civil wars, he favors theories of economic growth (where commerce is enriching enough people, violence is less appealing—a logic similar to that of the “commercial peace” thesis that applies among nations) and the end of the Cold War (which end reduced superpower support for rival rebel factions in so many Third-World countries). These are all **plausible mechanisms for peace**. What is more, none of them excludes any other; all could be working toward the same end. That would be somewhat puzzling, however. Is the world just lucky these days? How is it that an array of peace-inducing factors happens to be working coincidentally in our time, when such a magical array was absent in the past? The answer may be that one or more of these mechanisms reinforces some of the others, or perhaps some of them are mutually reinforcing. Some scholars, for example, have been focusing on whether economic growth might support democracy and vice versa, and whether both might support international cooperation, including to end civil wars. We would still need to explain how this charmed circle of causes got started, however. And here let me raise another factor, perhaps even less appealing than the “nuclear peace” thesis, at least outside of the United States. That factor is what international relations scholars call hegemony—specifically **American hegemony**. A theory that many regard as discredited, but that refuses to go away, is called hegemonic stability theory. The theory emerged in the 1970s in the realm of international political economy. It asserts that **for the global economy to remain open**—for countries to keep barriers to trade and investment low—**one powerful country must take the lead**. Depending on the theorist we consult, “taking the lead” entails paying for global public goods (keeping the sea lanes open, providing liquidity to the international economy), coercion (threatening to raise trade barriers or withdraw military protection from countries that cheat on the rules), or both. The theory is skeptical that international cooperation in economic matters can emerge or endure absent a hegemon. The distastefulness of such claims is self-evident: they imply that it is good for everyone the world over if one country has more wealth and power than others. More precisely, they imply that it has been good for the world that the United States has been so predominant. There is no obvious reason why hegemonic stability theory could not apply to other areas of international cooperation, including in security affairs, human rights, international law, peacekeeping (UN or otherwise), and so on. What I want to suggest here—suggest, not test—is that **American hegemony might just be a deep cause of the steady decline of political deaths in the world**. How could that be? After all, the report states that United States is the third most war-prone country since 1945. Many of the deaths depicted in Figure 10.4 were in wars that involved the United States (the Vietnam War being the leading one). Notwithstanding politicians’ claims to the contrary, a candid look at U.S. foreign policy reveals that the country is as ruthlessly self-interested as any other great power in history. The answer is that U.S. hegemony might just be a **deeper cause of the proximate causes** outlined by Professor Mack. Consider economic growth and openness to foreign trade and investment, which (so say some theories) **render violence irrational**. American power and policies may be responsible for these in two related ways. First, at least since the 1940s Washington has **prodded other countries to embrace the market capitalism** that entails economic openness and produces **sustainable economic growth**. The United States promotes capitalism for selfish reasons, of course: its own domestic system depends upon growth, which in turn depends upon the efficiency gains from economic interaction with foreign countries, and the more the better. During the Cold War most of its allies accepted some degree of market-driven growth. Second, the U.S.-led western victory in the Cold War damaged the credibility of alternative paths to development—communism and import-substituting industrialization being the two leading ones—and **left market capitalism the best model**. The end of the Cold War also involved an end to the billions of rubles in Soviet material support for regimes that tried to make these alternative models work. (It also, as Professor Mack notes, **eliminated the superpowers’ incentives to feed civil violence** in the Third World.) What we call **globalization** is **caused in part by the emergence of the United States as the global hegemon**. The same case can be made, with somewhat more difficulty, concerning the **spread of democracy**. Washington has supported democracy only under certain conditions—the chief one being the absence of a popular anti-American movement in the target state—but those conditions have become much more widespread following the collapse of communism. Thus in the 1980s the Reagan administration—the most anti-communist government America ever had—began to dump America’s old dictator friends, starting in the Philippines. Today Islamists tend to be anti-American, and so the Obama administration is skittish about democracy in Egypt and other authoritarian Muslim countries. But general U.S. material and moral support for liberal democracy remains strong.

#### US hegemony prevents global oppression and prevents more war than it causes

Jacoby 11 (Jeff – Boston Globe, graduate of George Washington University and the Boston University School of Law, “The world's best policeman”, 6/22, Washington Post, Factiva)

America may be the world's "indispensable nation," as Bill Clinton said in his second inaugural address, but most Americans, most of the time, are uncomfortable with the idea of US global hegemony. John Quincy Adams wrote long ago that America "goes not abroad in search of monsters to destroy." As the polls consistently suggest, that isolationist sentiment still resonates. But in Adams's day America was not the mightiest, wealthiest, and most influential nation on the face of the earth. Today it is. The United States is the world's only superpower, and if we shirk the role of global policeman, no one else will fill it. By nature Americans are not warmongering empire-builders; their uneasiness about dominating other countries reflects a national modesty that in many ways is admirable - and that belies the caricature of Uncle Sam as arrogant bully or "great Satan." Nevertheless, with great power come great responsibilities, and sometimes one of those responsibilities is to destroy monsters: to take down tyrants who victimize the innocent and flout the rules of civilization. If neighborhoods and cities need policing, it stands to reason the world does too. And just as local criminals thrive when cops look the other way, so do criminals on the world stage. Nazi Germany had conquered half of Europe and Japan was brutalizing much of Asia by the time America finally entered World War II. If America hadn't rescued Kuwait from Saddam Hussein in 1990, no one else would have, either. If America hadn't led NATO in halting Serbia's ethnic cleansing in Kosovo, no one else would have, either. If America hadn't faced down the Soviet Union during the long years of the Cold War, no one else would have, either - and hundreds of millions of human beings might still be trapped behind the Iron Curtain. There is no realistic alternative to America as the world's policeman. It clearly isn't a job the United Nations can do. Can an organization that makes no distinction between tyranny and democracy rein in the world's monsters? As the UN's bloody trail of failure from Bosnia to Somalia to Rwanda makes clear, UN "peacekeeping" offers no protection against predators. None of this is to say that America-as-Globocop is a perfect solution to the world's ills, nor that the United States hasn't made many grievous mistakes in its actions abroad. But as the historian Max Boot argues, "America's occasional missteps should not lead us to abdicate our indispensable role, any more than the NYPD should stop doing its vital work, simply because cops occasionally do the wrong thing. On balance, the NYPD still does far more good than harm, and so does the United States of America." To say that America must be the world's policeman is not to call for waging endless wars against all the world's bad actors. Police officers carry weapons, but they fire them only infrequently. The cops' main function is not to gun down criminals, but to suppress crime and reduce fear by patrolling the streets and maintaining a visible presence in the community. Similarly, a well-policed world is one with less combat, not more. The purpose of America's nuclear umbrella and its global network of military bases is not to foment war on all fronts, but to prevent it - by deterring aggression, maintaining the flow of commerce, and upholding human rights. We don't do it perfectly, not by a long shot. We don't always live up to our own standards, we sometimes confuse police work with social work, and we are often rewarded not with thanks but resentment. A policeman's lot is not a happy one. It is, however, essential. Our world needs a policeman. And whether most Americans like it or not, only their indispensable nation is fit for the job.

#### Kritiks are an apologist for global genocide – criticizing western action denies the sovereignty of those who can freed through American power

Shaw 1 (IR Prof – Sussex, Review of International Studies 27)

That these are indeed ‘yesterday’s visions’ is clear from the selective way in which they are used. It is a curious anti-imperialism that attacks the so-called ‘imperialism of human rights’69 but provides the defence of sovereignty to the imperialism of genocidal oppression.70 Something is wrong with the radical tradition, when as distinguished a representative as Edward Said could write of the Kosovo war that what he found ‘most distressing’ was the ‘destruction from the air’ wrought by American power71—not the genocidal massacres by Serbian forces that prompted NATO’s (admittedly problematic) response. Said has reminded us recently of what Thompson called the ‘Natopolitan’ world, in which many intellectuals were indirectly on the payroll of the CIA.72 What he did not acknowledge was its Stalinist counterpart, in which intellectuals sold their souls to the KGB and the Stasi. And there was an anti-Cold War world, in which those who refused the choice of NATO and the Warsaw Pact elaborated their ideas. Although those of us in this intellectual third world turned down the lucre of the blocs, this did not guarantee lasting validity to our ideas. In the new global era, many characteristic assumptions of the old anti-Cold War left appear increasingly as prejudices. A whole generation has not let go of a mindset, four elements of which are problematic in the new situation. Most fundamental is a residual Third Worldist ideology. According to this, Western, especially American, imperialism is the touchstone for all world politics. Said’s anachronistic conclusion about Kosovo was to ask: ‘When will the smaller, lesser, weaker peoples realize that this America is to be resisted at all costs, not pandered to or given in to naively?’73 There are strong criticisms to be made of American and NATO policies in Kosovo. However a systematic blindness lies behind the continuing belief that America is the principal problem, coupled with the failure to recognize the need for international action against genocide.74 From this viewpoint, non-Western states are potential sites of resistance, organizers of ‘underdeveloped political economies’75 which can contest the dominant form. While sovereignty in general may be regarded as a political form of capitalist social relations76, the sovereignty of non-Western states must be defended from Western power. Yet to support Serbian sovereignty over Kosovo, or Chinese over Tibet, gives sustenance to forms of colonial domination deeply mired in blood. Critics find themselves in an inversion of the double standard of which they accuse NATO: if it is right to support Timorese self-determination against Indonesian claims to sovereignty, how can the same right be denied to the Kosovans or Tibetans?77.

#### The blanket rejection of US power results in genocide

Gitlin 3 (Todd Gitlin, Writer for Mother Jones, an Investigative Activist Organization, 7/14/2003 ("Goodbye, New World Order: Keep the Global Ideal Alive", http://www.motherjones.com/commentary/gitlin/2003/07/we\_478\_01.html)

The point is that this would be a terrible time to give up on internationalism. The simple fact that the US proved victorious in Iraq does not alter the following chain of truths: To push the world toward democratic rights, power must be legitimate; it is only legitimate if it is held to be legitimate; it is very unlikely to be legitimate if it is unilateral or close to unilateral; and the wider the base of power, the more likely it is to appear legitimate. Bush may have no doubt that American armed force in the Middle East is legitimate, and right now Americans may agree, but that won't do. Common sense alone should tell us not to overreach. Even with the best intentions in the world -- which hundreds of millions doubt -- the United States is simply not up to the global mission that the Bush administration embraces. This nation hasn't the staying power, the economic strength, the knowledge, the wisdom, or the legitimacy to command the continents. It is sheerest delusion to think otherwise. Meanwhile, it is an irony of the recent past that as the United States has lost prestige, the United Nations has gained it -- at least outside our borders. For all its demonstrable flaws, it retains some credibility -- no small thing in a world growing more anarchic. Even the U. N.'s sharpest critics concede that it learns from its mistakes. Having failed miserably to stop ethnic cleansing in Bosnia and Rwanda, it started talking about the need to keep constabulary forces at the ready. Having been assigned much of the world's dirty work -- peacekeeping, public health, refugee and humanitarian aid -- its institutions accumulate the lore of experience. Resolution 1441, which the Security Council passed unanimously last year, might even be interpreted, strange to say, as a step forward in the enforcement of international law, for if the U. S. had been more adroit and patient diplomatically, the French and others could have been nudged into signing onto limited force a few months hence. In the end, the organization failed to prevent war, but its hopes have never been more necessary, its resurrection more indispensable. If internationalism is toothless, right now, that's not an argument against internationalist principle; it's an argument for implanting teeth. If what's left on the East River is nothing but a clunky hulk, there was still enough prestige left in the hulk that George W. Bush, master unilateralist, felt impelled to dally with the Security Council -- however reluctantly, however deceptively -- for months. No less a figure than his father's consigliore and former Secretary of State James W. Baker urged that course upon the president last summer. Going the Security Council route was the tribute George W. Bush paid to internationalism -- before underscoring his contempt for it by going to war on his own schedule. This is not the first time an international assembly of nation-states has failed abjectly to prove its mettle. Indeed, in 1945, the UN itself was built atop the site of an earlier breakdown. The rubble of the collapsed League of Nations, which had failed to arrest blatant aggression by Italy, Japan, and Germany, had to be cleared away before the UN could rise from the ashes. Yet rise it did. And people were inspired -- and frightened -- by it. Even as a spectral presence, the UN was substantial enough to arouse right-wingers to put up billboards urging the US to flee its clutches. Recently, George W. Bush fondly remembered those signs, conspicuous around Midland, Texas, during his early years. To Midland's America Firsters, the U. N. had a reputation as demonic as it was, to this writer, benign. In the General Assembly building, which my friends and I frequented in high school, the ceiling was left unfinished -- to signal, we were told, that world peace was unfinished. What if the symbolism was indeed a pointer toward a different order of things? It is not always easy to tell the difference between dead symbols and promising ones. Push came to shove, and the UN was mainly an intimation -- at most an inspiration. Neither as peacemaker nor peacekeeper was it the world government-in-the-making that some desired and others feared. It was a force in Korea only because the Russians agreed not to play. It was useless in Vietnam. During the endless Israel-Palestine war, it has been bootless. In the 1990s, it failed miserably to stop Serb aggression in Bosnia and Kosovo. It stood by during the Rwandan genocide, too, though its own military commander on the scene, Canadian General Romeo Dallaire, pleaded desperately for UN reinforcements. You can see why realists like to smirk and claim it's hopelessly idealistic to think that the UN could ever amount to anything more than a debating society whose main achievement has been to reserve a lot of Manhattan parking spots. Interestingly, Dallaire, who was shattered by UN failure in Rwanda, does not sneer. In retirement, he continues campaigning to strengthen world governance. "You can't on one side, say the UN is screwing it up and we're going to go to war, and on other side not give the UN the resources," he said recently. "It is not the UN that failed [in Iraq]. But it is the permanent five [members of the Security Council] in particular. If they don't want the UN to be effective, it won't be." Pause with this elementary observation a moment. The reasons for the UN's weakness are several, but not the least is that -- no surprise here -- the most powerful nations want it weak. They like the principle of national sovereignty, and then some, as the recent war amply demonstrates. It will take a long, steady, popular campaign to override the inhibitions. Campaigners might start by underscoring some modest successes. For all the impediments thrown in its way -- and not only by the US -- the UN has done constructive work. It helped restore decent governments in Cambodia, East Timor, and Bosnia. It helps keep the peace on the Golan Heights. On a thousand unnoticed fronts, it daily comes to the aid of refugees, the sick, the malnourished. A top UN official recently told me that Secretary General Kofi Annan was inches away from a partition-ending deal in long-suffering Cyprus, only to lose momentum with the distraction of the Bush-Saddam confrontation. In Afghanistan and Iraq, we need not less of the UN, but much more -- more efficient, better led, better funded. Rebuild The Destroyed Nations: Now there's an agenda for a peace movement. But much of the global movement that sprang up to oppose the Iraq war proceeded to subside into easy chants of "US Out" -- an analogue to the right wing's "US Out of the UN." This sort of short-circuit unilateralism begs the tough questions about the uses (as well as abuses) of international intervention. "US Out" resounds more ringingly if you refrain from thinking about what actual Afghans and actual Iraqis need -- constitutional rights, law enforcement, infrastructure. Protest has its time and place, but what's needed now is politics -- politics to plan the unilateralists' exit from office, **combined with practical pressure**, here and now, to solve practical problems. **We must not permit ourselves to retreat noisily into protest's good night.** Most of all, internationalism needs more than a nudge here and there -- it needs a jump-start, a riveting proof that multilateral action can change facts on the ground. Here's one idea: What if the UN and Europe decided to take on the toughest assignment? There is no more stringent test for internationalism's future than what seems the world's most intractable trauma: The endless Israel-Palestine war, which has outlasted a thousand manifestos, plans, meetings about meetings. The new postwar situation might just be promising, the Bush administration just possibly susceptible to pressure. Practical, peace-seeking Jews and Palestinians ought to get in on the pressure; so should Europeans looking for payback, not least Tony Blair. And we ought to be thinking of a practical role for a UN, or joint UN-NATO constabulary. As Tony Klug of Britain's Council for Jewish-Palestinian Dialogue has pointed out on openDemocracy.net, the two bloodied, intertwined, myopic peoples need far more than a road map: they need enforcement. Klug's idea is an international protectorate for the West Bank and Gaza. Some combination of the UN, NATO, and various national forces would play various parts. The point would be to supplant the Israeli occupation, relieve the immediate suffering, and guarantee secure borders. Such a scheme would seem to have taken leave of this earth. The U. S. won't permit it....Sharon won't permit it....The Europeans won't pay for it....The Israelis won't trust the UN, or the Palestinians, who won't trust the Israeli. But what is the alternative? More living nightmares? Occupation and massacre in perpetuity? Military enforcement on a global scale has been left to ad hoc coalitions -- sometimes with blue helmets, sometimes not. That won't do. To put human rights on the ground, avert genocides to come, and -- not incidentally -- help protect the United States from the more vengeful of empire's resentful subjects (funny, their not understanding how good our power is for them), we need a more muscular global authority -- including a global constabulary. Imagine, say, a flexible force permitted to commit, say, 10,000 troops if a simple majority, eight members, of the Security Council signed on, but expandable to 50,000 if the vote were unanimous. Wouldn't Europe have been in a stronger position to avert Bush's war if such a force had been in readiness to enforce resolutions of the Security Council? A wise superpower would know it needs to share responsibility -- which entails sharing the force that makes responsibility real. Of course such a denouement is scarcely around the corner, nor is there any guarantee that it is destined to come at all. Like the abolition of slavery, or the unity of Europe, it surely will not come without pain or error, nor will it be the work of a single generation. But again, what is the alternative? Tyranny and unilateralism; hubris and mile-high resentment. In the world as it is, effective moral force cannot preclude military force. If internationalists don't press more strongly for international law and multilateralist order, one thing is certain: we shall be left with protests, playing catch-up forever, waiting for "told you so" moments. "No" is not a foreign policy. Coupled with the properly skeptical "no" must be the transformative "yes" -- not a grudging, perfunctory afterthought, but international law with enforcers; not empire, but human rights with guns.