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#### A. Interpretation – Statutory restrictions require congressional action

Barron and Lederman 8 (David J. – Professor of Law, Harvard Law School, and Martin S. – Visiting Professor of Law, Georgetown University Law Center, “THE COMMANDER IN CHIEF AT THE LOWEST EBB - FRAMING THE PROBLEM, DOCTRINE, AND ORIGINAL UNDERSTANDING”, January, 121 Harv. L. Rev. 689, lexis)

2. Congress (Almost) Always Wins Under the Separation of Powers Principle. - We must also consider a related argument for congressional supremacy. This claim is based on the doctrinal test that generally governs separation of powers issues arising from clashes between the President and the Congress in the domestic setting. n149 Under this test, the "real question" the Court asks is whether the statute "impedes the President's ability to perform" his constitutionally assigned functions. n150 And even if such a potential for disruption of executive authority is present, the Court employs a balancing test to "determine whether that impact is justified by an overriding need to promote objectives within the constitutional authority of Congress." n151 Thus, under the general separation of powers principle, even a "serious impact ... on the ability of the Executive Branch to accomplish its assigned mission" might not be enough to render a statute invalid. n152 This approach appears to have a pro-congressional tilt; yet it actually does little more than relocate the dilemma it is impressed to avoid. Even under this deferential test, it is well understood that certain statutes can infringe the President's constitutionally assigned authority to exercise discretion; a statutory restriction on the pardoning of a given category of persons is an obvious example. Nothing in the application of the separation of powers test, then, explains why certain core executive powers (including merely discretionary authorities, rather than obligatory duties) cannot be infringed, even though it is generally understood that such inviolable cores might exist. For this reason, the general separation of powers principle does not actually resolve the question that arises in a Youngstown Category Three case. In all [\*739] events, the question remains whether the President possesses an illimitable reserve of wartime authority. Insofar as the separation of powers principle is thought to provide affirmative support for congressional control, it seems objectionable because it, too, fails to require the analyst to explain why the particular wartime power the President is asserting is not one that Congress can countermand. It simply asserts that it is not.

#### Statutes require legislative action

Ballentine’s 10 (Ballentine’s Law Dictionary, “Act”, 2010, lexis)

1. Verb: To perform; to fulfill a function; to put forth energy; to move, as opposed to remaining at rest; to carry into effect a determination of the will. Holt v Middlebrook (CA4 Va) 214 F2d 187, 52 ALR2d 1043. To simulate; to perform on stage, screen or television. 2. Noun: A thing done or established; a part of a play or musical comedy; a deed or other written instrument evidencing a contract or an obligation. A statute; a bill which has been enacted by the legislature into a law, as distinguished from a bill which is in the form of a law presented to the legislature for enactment.

#### B. Vote neg –

#### 1. Limits – already lots of different congressional mechanisms for each of the four areas of the topic. They allow for multiple new actors times the number of different mechanisms – explodes limits and undermines preparation and clash

#### 2. Ground – The stable locus of negative preparation for this topic is the mechanism – we lose congress disads, counterplans that compete off the phrase statutory restriction, and are lacking in answers to unpredictable process advantage

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#### Legal restraints motivated by security cement epistemologically suspect juridical warfare---that naturalizes global preemptive violence

Morrissey 11 (John Morrissey, Lecturer in Political and Cultural Geography, National University of Ireland, Galway; has held visiting research fellowships at University College Cork, City University of New York, Virginia Tech and the University of Cambridge. Liberal Lawfare and Biopolitics: US Juridical Warfare in the War on Terror, Geopolitics, Volume 16, Issue 2, 2011)

Foucault’s envisioning of a more governmentalized and securitized modernity, framed by a ubiquitous architecture of security, speaks on various levels to the contemporary US military’s efforts in the war on terror, but I want to mention three specifically, which I draw upon through the course of the paper. First, in the long war in the Middle East and Central Asia, the US military actively seeks to legally facilitate both the ‘circulation’ and ‘conduct’ of a target population: its own troops. This may not be commonly recognized in biopolitical critiques of the war on terror but, as will be seen later, the Judge Advocate General Corps has long been proactive in a ‘juridical’ form of warfare, or lawfare, that sees US troops as ‘technical-biopolitical’ objects of management whose ‘operational capabilities’ on the ground must be legally enabled. Secondly, as I have explored elsewhere, the US military’s ‘grand strategy of security’ in the war on terror — which includes a broad spectrum of tactics and technologies of security, including juridical techniques — has been relentlessly justified by a power/knowledge assemblage in Washington that has successfully scripted a neoliberal political economy argument for its global forward presence.’9 Securitizing economic volatility and threat and regulating a neoliberal world order for the good of the global economy are powerful discursive touchstones registered perennially on multiple forums in Washington — from the Pentagon to the war colleges, from IR and Strategic Studies policy institutes to the House and Senate Armed Services Committees — and the endgame is the legitimization of the military’s geopolitical and biopolitical technologies of power overseas,20 Finally, Foucault’s conceptualization of a ‘society of security’ is marked by an urge to ‘govern by contingency’, to ‘anticipate the aleatory’, to ‘allow for the evental’.2’ It is a ‘security society’ in which the very language of security is promissory, therapeutic and appealing to liberal improvement. The lawfare of the contemporary US military is precisely orientated to plan for the ‘evental’, to anticipate a 4 series of future events in its various ‘security zones’ — what the Pentagon terms ‘Areas of Responsibility’ or ‘AORs’ (see figure 1)•fl These AORs equate, in effect, to what Foucault calls “spaces of security”, comprising “a series of possible events” that must be securitized by inserting both “the temporal” and “the uncertain”. And it is through preemptive juridical securitization ‘beyond the battlefield’ that the US military anticipates and enables the necessary biopolitical modalities of power and management on the ground for any future interventionary action. AORs and the ‘milieu’ of security For CENTCOM Commander General David Petraeus, and the other five US regional commanders across the globe, the population’ of primary concern in their respective AORs is the US military personnel deployed therein. For Petraeus and his fellow commanders, US ground troops present perhaps less a collection of “juridical-political” subjects and more what Foucault calls “technical- political” objects of “management and government”.25 In effect, they are tasked with governing “spaces of security” in which “a series of uncertain elements” can unfold in what Foucault terms the “milieu”.26 What is at stake in the milieu’ is “the problem of circulation and causality”, which must be anticipated and pLanned for in terms of “a series of possible events” that need to “be regulated within a multivalent and transformable framework”.27 And the “technical problem” posed by the eighteenth-century town planners Foucault has in mind is precisely the same technical problem of 5 space, population and regulation that US military strategists and Judge Advocate General Corps (JAG) personnel have in the twenty-first century. For US military JAGs, their endeavours to legally securitize the AORs of their regional commanders are ultimately orientated to “fabricate, organize, and plan a milieu” even before ground troops are deployed (as in the case of the first action in the war on terror, which I return to later: the negotiation by CENTCOM JAGs of a Status of Forces Agreement with Uzbekistan in early October 2OO1).2 JAGs play a key role in legally conditioning the battlefield, in regulating the circulation of troops, in optimizing their operational capacities, and in sanctioning the privilege to kill. The JAG’s milieu is a “field of intervention”, in other words, in which they are seeking to “affect, precisely, a population”.29 To this end, securing the aleatory or the uncertain is key. As Michael Dillon argues, central to the securing of populations are the “sciences of the aleatory or the contingent” in which the “government of population” is achieved by the regulation of “statistics and probability”.30 As he points out elsewhere, you “cannot secure anything unless you know what it is”, and therefore securitization demands that “people, territory, and things are transformed into epistemic objects”.3’ And in planning the milieu of US ground forces overseas, JAGs translate regional AORs into legally-enabled grids upon which US military operations take place. This is part of the production of what Matt Hannah terms “mappable landscapes of expectation”;32 and to this end, the aleatory is anticipated by planning for the ‘evental’ in the promissory language of securitization. The ontology of the event’ has recently garnered wide academic engagement. Randy Martin, for example, has underlined the evental discursive underpinnings of US military strategy in the war on terror; highlighting how the risk of future events results in ‘preemption’ being the tactic of their securitization.33 Naomi Klein has laid bare the powerful event-based logic of disaster capitalism’;34 while others have pointed out how an ascendant logic of premediation’. in which the future is already anticipated and mediated”. is a marked feature of the “post-9/1 I cultural landscape”.35 But it was Foucault who first cited the import of the evental’ in the realm of biopolitics. He points to the “anti-scarcity system” of seventeenth-century Europe as an early exemplar of a new ‘evental’ biopolitics in which “an event that could take place” is prevented before it “becomes a reality”.36 To this end, the figure of ‘population’ becomes both an ‘object’, “on which and towards which mechanisms are directed in order to have a particular effect on it”, but also a ‘subject’, “called upon to conduct itself in such and such a fashion”.37 Echoing Foucault, David Nally usefully argues that the emergence of the “era of bio-power” was facilitated by “the ability of ‘government’ to seize, manage and control individual bodies and whole populations”.38 And this is part of Michael Dillon’s argument about the “very operational heart of the security dispositif of the biopolitics of security”, which seeks to ‘strategize’, ‘secure’. ‘regulate’ and ‘manipulate’ the “circulation of species Iife”.3 For the US military, it is exactly the circulation and regulation of life that is central to its tactics of lawfare to juridically secure the necessary legal geographies and biopolitics of its overseas ground presence.

#### Security politics create the enabling conditions for executive overreach and permanent warfare

Jabri 6 (Vivienne Jabri , Director of the Centre for International Relations and Senior Lecturer at the Department of War Studies, King’s College London, War, Security and the Liberal State, Security Dialogue, 37;47 )

LATE MODERN TRANSFORMATIONS are often conceived in terms of the sociopolitical and economic manifestations of change emergent from a globalized arena. What is less apparent is how late modernity as a distinct era has impacted upon our conceptions of the social sphere, our lived experience, and our reflections upon the discourses and institutions that form the taken-for-granted backdrop of the known and the knowable. The paradigmatic certainties of modernity – the state, citizenship, democratic space, humanity’s infinite capacity for progress, the defeat of dogma and the culmination of modernity’s apotheosis in the free-wheeling market place – have in the late modern era come face to face with uncertainty, unpre- dictability and the gradual erosion of the modern belief that we could indeed simply move on, assisted by science and technology, towards a condition where instrumental rationality would become the linchpin of government and human interaction irrespective of difference. Progress came to be associated with peace, and both were constitutively linked to the universal, the global, the human, and therefore the cosmopolitan. What shatters such illusions is the recollection of the 20th century as the ‘age of extremes’ (Hobsbawm, 1995), and the 21st as the age of the ever-present condition of war. While we might prefer a forgetting of things past, a therapeutic anamnesis that manages to reconfigure history, it is perhaps the continuities with the past that act as antidote to such righteous comforts. How, then, do we begin to conceptualize war in conditions where distinctions disappear, where war is conceived, or indeed articulated in political discourse, in terms of peace and security, so that the political is somehow banished in the name of governmentalizing practices whose purview knows no bounds, whose remit is precisely the banishment of limits, of boundaries and distinctions. Boundaries, however, do not disappear. Rather, they become manifest in every instance of violence, every instance of control, every instance of practices targeted against a constructed other, the enemy within and without, the all-pervasive presence, the defences against which come to form the legitimizing tool of war. Any scholarly take on the present juncture of history, any analysis of the dynamics of the present, must somehow render the narrative in measured tones, taking all factors into account, lest the narrator is accused of exaggeration at best and particular political affiliations at worst. When the late modern condition of the West, of the European arena, is one of camps, one of the detention of groups of people irrespective of their individual needs as migrants, one of the incarceration without due process of suspects, one of overwhelming police powers to stop, search and detain, one of indefinite detention in locations beyond law, one of invasion and occupation, then language itself is challenged in its efforts to contain the description of what is. The critical scholarly take on the present is then precisely to reveal the conditions of possibility in relation to how we got here, to unravel the enabling dynamics that led to the disappearance of distinctions between war and criminality, war and peace, war and security. When such distinctions disappear, impunity is the result, accountability shifts beyond sight, and violence comes to form the linchpin of control. We can reveal the operations of violence, but far more critical is the revelation of power and how power operates in the present. As the article argues, such an exploration raises fundamental questions relating to the relationship of power and violence, and their mutual interconnection in the complex interstices of disrupted time and space locations. Power and violence are hence separable analytical categories, separable practices; they are at the same time connected in ways that work on populations and on bodies – with violence often targeted against the latter so that the former are reigned in, governed. Where Michel Foucault sought, in his later writings, to distinguish between power and violence, to reveal the subtle workings of power, now, in the present, this article will venture, perhaps the distinction is no longer viable when we witness the indistinctions I highlight above The article provides an analysis of the place of war in late modern politics. In particular, it concentrates on the implications of war for our conceptions of the liberty–security problematique in the context of the modern liberal state. The first section of the article argues the case for the figure of war as analyser of the present. The second section of the article reveals the con- ditions of possibility for a distinctly late modern mode of war and its imbri- cations in politics. The final section of the article concentrates on the political implications of the primacy of war in late modernity, and in particular on possibilities of dissent and articulations of political agency. The aim through- out is to provide the theoretical and conceptual tools that might begin to meet the challenges of the present and to open an agenda of research that concentrates on the politics of the present, the capacities or otherwise of contestation and accountability, and the institutional locations wherein such political agency might emerge. The Figure of War and the Spectre of Security The so-called war against terrorism is constructed as a global war, transcend- ing space and seemingly defiant of international conventions. It is dis- tinguished from previous global wars, including the first and the second world wars, in that the latter two have, in historiography, always been analysed as interstate confrontations, albeit ones that at certain times and in particular locations peripherally involved non-state militias. Such distinc- tions from the old, of course, will be subject to future historical narratives on the present confrontation and its various parameters. What is of interest in the present discussion is the distinctly global aspect of this war, for it is the globality1 of the war against terrorism that renders it particularly relevant and pertinent to investigations that are primarily interested in the relation- ship between war and politics, war and the political processes defining the modern state. The initial premise of the present article is that war, rather than being confined to its own time and space, permeates the normality of the political process, has, in other words, a defining influence on elements con- sidered to be constitutive of liberal democratic politics, including executive answerability, legislative scrutiny, a public sphere of discourse and inter- action, equal citizenship under the law and, to follow liberal thinkers such as Habermas, political legitimacy based on free and equal communicative practices underpinning social solidarity (Habermas, 1997). War disrupts these elements and is a time of crisis and emergency. A war that has a permanence to it clearly normalizes the exceptional, inscribing emergency into the daily routines of social and political life. While the elements of war – conflict, social fragmentation, exclusion – may run silently through the assemblages of control in liberal society (Deleuze, 1986), nevertheless the persistent iteration of war into politics brings these practices to the fore, and with them a call for a rethinking of war’s relationship to politics. The distinctly global spatiality of this war suggests particular challenges that have direct impact on the liberal state, its obligations towards its citizenry, and the extent to which it is implicated in undermining its own political institutions. It would, however, be a mistake to assume that the practices involved in this global war are in any way anathema to the liberal state. The analysis provided here would argue that while it is crucial to acknowledge the transformative impact of the war against terrorism, it is equally as important to appreciate the continuities in social and political life that are the enabling conditions of this global war, forming its conditions of possibility. These enabling conditions are not just present or apparent at global level, but incorporate local practices that are deep-rooted and institu- tionalized. The mutually reinforcing relationship between global and local conditions renders this particular war distinctly all-pervasive, and poten- tially, in terms of implications, far more threatening to the spaces available for political contestation and dissent. Contemporary global politics is dominated by what might be called a ‘matrix of war’2 constituted by a series of transnational practices that vari- ously target states, communities and individuals. These practices involve states as agents, bureaucracies of states and supranational organizations, quasi-official and private organizations recruited in the service of a global machine that is highly militarized and hence led by the United States, but that nevertheless incorporates within its workings various alliances that are always in flux. The crucial element in understanding the matrix of war is the notion of ‘practice’, for this captures the idea that any practice is not just situated in a system of enablements and constraints, but is itself constitutive of structural continuities, both discursive and institutional. As Paul Veyne (1997: 157) writes in relation to Foucault’s use of the term, ‘practice is not an agency (like the Freudian id) or a prime mover (like the relation of produc- tion), and moreover for Foucault, there is no agency nor any prime mover’. It is in this recursive sense that practices (of violence, exclusion, intimidation, control and so on) become structurated in the routines of institutions as well as lived experience (Jabri, 1996). To label the contemporary global war as a ‘war against terrorism’ confers upon these practices a certain legitimacy, suggesting that they are geared towards the elimination of a direct threat. While the threat of violence perpetrated by clandestine networks against civilians is all too real and requires state responses, many of these responses appear to assume a wide remit of operations – so wide that anyone interested in the liberties associated with the democratic state, or indeed the rights of individuals and communities, is called upon to unravel the implications of such practices. When security becomes the overwhelming imperative of the democratic state, its legitimization is achieved both through a discourse of ‘balance’ between security and liberty and in terms of the ‘protection’ of liberty.3 The implications of the juxtaposition of security and liberty may be investigated either in terms of a discourse of ‘securitization’ (the power of speech acts to construct a threat juxtaposed with the power of professionals precisely to so construct)4 or, as argued in this article, in terms of a discourse of war. The grammars involved are closely related, and yet that of the latter is, para- doxically, the critical grammar, the grammar that highlights the workings of power and their imbrications with violence. What is missing from the securitization literature is an analytic of war, and it is this analytic that I want to foreground in this article. The practices that I highlight above seem at first hand to constitute differ- ent response mechanisms in the face of what is deemed to be an emergency situation in the aftermath of the events of 11 September 2001. The invasion and occupation of Iraq, the incarceration without due process of prisoners in camps from Afghanistan to Guantánamo and other places as yet un- identified, the use of torture against detainees, extra-judicial assassination, the detention and deportation – again without due process – of foreign nationals deemed a threat, increasing restrictions on refugees, their confine- ment in camps and detention centres, the construction of the movement of peoples in security terms, and restrictions on civil liberties through domestic legislation in the UK, the USA and other European states are all represented in political discourse as necessary security measures geared towards the protection of society. All are at the same time institutional measures targeted against a particular other as enemy and source of danger. It could be argued that the above practices remain unrelated and must hence be subject to different modes of analysis. To begin with, these practices involve different agents and are framed around different issues. Afghanistan and Iraq may be described as situations of war, and the incarceration of refugees as encompassing practices of security. However, what links these elements is not so much that they constitute a constructed taxonomy of dif- ferentiated practices. Rather, what links them is the element of antagonism directed against distinct and particular others. Such a perspective suggests that the politics of security, including the production of fear and a whole array of exclusionary measures, comes to service practices that constitute war and locates the discourse of war at the heart of politics, not just domes- tically, but, more crucially in the present context, globally. The implications for the late modern state and the distinctly liberal state are monumental, for a perpetual war on a global scale has implications for political structures and political agency, for our conceptions of citizenship and the role of the state in meeting the claims of its citizens,5 and for the workings of a public sphere that is increasingly global and hence increasingly multicultural. The matrix of war is centrally constituted around the element of antago- nism, having an association with existential threat: the idea that the continued presence of the other constitutes a danger not just to the well-being of society but to its continued existence in the form familiar to its members, hence the relative ease with which European politicians speak of migrants of particular origins as forming a threat to the ‘idea of Europe’ and its Christian origins.6 Herein lies a discourse of cultural and racial exclusion based on a certain fear of the other. While the war against specific clandestine organiza- tions7 involves operations on both sides that may be conceptualized as a classical war of attrition, what I am referring to as the matrix of war is far more complex, for here we have a set of diffuse practices, violence, disci- plinarity and control that at one and same time target the other typified in cultural and racial terms and instantiate a wider remit of operations that impact upon society as a whole. The practices of warfare taking place in the immediate aftermath of 11 September 2001 combine with societal processes, reflected in media representations and in the wider public sphere, where increasingly the source of threat, indeed the source of terror, is perceived as the cultural other, and specifically the other associated variously with Islam, the Middle East and South Asia. There is, then, a particularity to what Agamben (1995, 2004) calls the ‘state of exception’, a state not so much generalized and generalizable, but one that is experienced differently by different sectors of the global population. It is precisely this differential experience of the exception that draws attention to practices as diverse as the formulation of interrogation techniques by military intelligence in the Pentagon, to the recent provisions of counter-terrorism measures in the UK,8 to the legitimizing discourses surrounding the invasion of Iraq. All are practices that draw upon a discourse of legitimization based on prevention and pre-emption. Enemies constructed in the discourses of war are hence always potential, always abstract even when identified, and, in being so, always drawn widely and, in consequence, communally. There is, hence, a ‘profile’ to the state of exception and its experience. Practices that profile particular communities, including the citizens of European states, create particular challenges to the self-understanding of the liberal democratic state and its capacity, in the 21st century, to deal with difference. While a number of measures undertaken in the name of security, such as proposals for the introduction of identity cards in the UK or increasing surveillance of financial transactions in the USA, might encompass the population as a whole, the politics of exception is marked by racial and cul- tural signification. Those targeted by exceptional measures are members of particular racial and cultural communities. The assumed threat that under- pins the measures highlighted above is one that is now openly associated variously with Islam as an ideology, Islam as a mode of religious identi- fication, Islam as a distinct mode of lifestyle and practice, and Islam as a particular brand associated with particular organizations that espouse some form of a return to an Islamic Caliphate. When practices are informed by a discourse of antagonism, no distinctions are made between these various forms of individual and communal identification. When communal profiling takes place, the distinction between, for example, the choice of a particular lifestyle and the choice of a particular organization disappears, and diversity within the profiled community is sacrificed in the name of some ‘pre- cautionary’ practice that targets all in the name of security.9 The practices and language of antagonism, when racially and culturally inscribed, place the onus of guilt onto the entire community so identified, so that its indi- vidual members can no longer simply be citizens of a secular, multicultural state, but are constituted in discourse as particular citizens, subjected to particular and hence exceptional practices. When the Minister of State for the UK Home Office states that members of the Muslim community should expect to be stopped by the police, she is simply expressing the condition of the present, which is that the Muslim community is particularly vulnerable to state scrutiny and invasive measures that do not apply to the rest of the citizenry.10 We know, too, that a distinctly racial profiling is taking place, so that those who are physically profiled are subjected to exceptional measures. Even as the so-called war against terrorism recognizes no boundaries as limits to its practices – indeed, many of its practices occur at transnational, often indefinable, spaces – what is crucial to understand, however, is that this does not mean that boundaries are no longer constructed or that they do not impinge on the sphere of the political. The paradox of the current context is that while the war against terrorism in all its manifestations assumes a boundless arena, borders and boundaries are at the heart of its operations. The point to stress is that these boundaries and the exclusionist practices that sustain them are not coterminous with those of the state; rather, they could be said to be located and perpetually constructed upon the corporeality of those constructed as enemies, as threats to security. It is indeed the corporeal removal of such subjects that lies at the heart of what are constructed as counter-terrorist measures, typified in practices of direct war, in the use of torture, in extra-judicial incarceration and in judicially sanctioned detention. We might, then, ask if such measures constitute violence or relations of power, where, following Foucault, we assume that the former acts upon bodies with a view to injury, while the latter acts upon the actions of subjects and assumes, as Deleuze (1986: 70–93) suggests, a relation of forces and hence a subject who can act. What I want to argue here is that violence is imbricated in relations of power, is a mode of control, a technology of governmentality. When the population of Iraq is targeted through aerial bombardment, the consequence goes beyond injury and seeks the pacifica- tion of the Middle East as a political region. When legislative and bureaucratic measures are put in place in the name of security, those targeted are categories of population. At the same time, the war against terrorism and the security discourses utilized in its legitimiza- tion are conducted and constructed in terms that imply the defence or protection of populations. One option is to limit policing, military and intel- ligence efforts through the targeting of particular organizations. However, it is the limitless construction of the war against terrorism, its targeting of particular racial and cultural communities, that is the source of the challenge presented to the liberal democratic state. In conditions constructed in terms of emergency, war permeates discourses on politics, so that these come to be subject to the restraints and imperatives of war and practices constituted in terms of the demands of security against an existential threat. The implications for liberal democratic politics and our conceptions of the modern state and its institutions are far-reaching,11 for the liberal democratic polity that considers itself in a state of perpetual war is also a state that is in a permanent state of mobilization, where every aspect of public life is geared towards combat against potential enemies, internal and external. One of the most significant lessons we learn from Michel Foucault’s writ- ings is that war, or ‘the distant roar of battle’ (Foucault, 1977: 308), is never quite so distant from liberal governmentality. Conceived in Foucaultian terms, war and counter-terrorist measures come to be seen not as discontinuity from liberal government, but as emergent from the enabling conditions that liberal government and the modern state has historically set in place. On reading Foucault’s renditions on the emergence of the disciplinary society, what we see is the continuation of war in society and not, as in Hobbes and elsewhere in the history of thought, the idea that wars happen at the outskirts of society and its civil order. The disciplinary society is not simply an accumulation of institutional and bureaucratic procedures that permeate the everyday and the routine; rather, it has running through its interstices the constitutive elements of war as continuity, including confrontation, struggle and the corporeal removal of those deemed enemies of society. In Society Must Be Defended (Foucault, 2003) and the first volume of the History of Sexuality (Foucault, 1998), we see reference to the discursive and institutional continuities that structurate war in society. Reference to the ‘distant roar of battle’ suggests confrontation and struggle; it suggests the ever-present construction of threat accrued to the particular other; it suggests the immediacy of threat and the construction of fear of the enemy; and ultimately it calls for the corporeal removal of the enemy as source of threat. The analytic of war also encompasses the techniques of the military and their presence in the social sphere – in particular, the control and regulation of bodies, timed pre- cision and instrumentality that turn a war machine into an active and live killing machine. In the matrix of war, there is hence the level of discourse and the level of institutional practices; both are mutually implicating and mutually enabling. There is also the level of bodies and the level of population. In Foucault’s (1998: 152) terms: ‘the biological and the historical are not con- secutive to one another . . . but are bound together in an increasingly com- plex fashion in accordance with the development of the modern technologies of power that take life as their objective’. What the above suggests is the idea of war as a continuity in social and political life. The matrix of war suggests both discursive and institutional practices, technologies that target bodies and populations, enacted in a complex array of locations. The critical moment of this form of analysis is to point out that war is not simply an isolated occurrence taking place as some form of interruption to an existing peaceful order. Rather, this peaceful order is imbricated with the elements of war, present as continuities in social and political life, elements that are deeply rooted and enabling of the actuality of war in its traditional battlefield sense. This implies a continuity of sorts between the disciplinary, the carceral and the violent manifestations of government.

#### Our alternative is to refuse technical debates about war powers in favor of subjecting the 1ac’s discourse to rigorous democratic scrutiny – politics is the only way to solve – not the law

Rana 12 (Aziz Rana, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417)

But this mode of popular involvement comes at a key cost. Secret information is generally treated as worthy of a higher status than information already present in the public realm—the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed,197 its status as secret masks these problems and allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism; it also means that security judgments may be more ‘Hobbesian’—marked fundamentally by epistemological uncertainty as opposed to verifiable fact—than policymakers admit. If the objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this meahn for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars-emphasizing new statutory frameworks or greater judicial assertiveness-is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants-danger too complex for the average citizen to comprehend independently-it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that it remains unclear which popular base exists in society to raise these questions. Unless such a base fully emerges, we can expect our prevailing security arrangements to become ever more entrenched.

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#### The United States federal judiciary should apply Public Law 112-95 Title 3 Subsection B as prohibiting the use of drones for targeted killing operations of suspected or known terrorists on United States soil

#### CP is competitive – statutory restrictions on executive war authority means Congress

Fisher 7 (Louis, Specialist, Constitutional Law Law Library, Library of Congress, "The Power of Congress to End a War," 1/30, lexis)

Contemporary Statutory Restrictions¶ Congress has often enacted legislation to restrict and limit military operations by the President, selecting both appropriations bills and authorizing legislation to impose conditions and constraints. The Congressional Research Service recently prepared a lengthy study that lists these statutory provisions. A major cutoff of funds occurred in 1973, when Congress passed legislation to deny funds for the war in Southeast Asia. After President Nixon vetoed the bill, the House effort to override failed on a vote of 241 to 173, or 35 votes short of the necessary two-thirds majority. A lawsuit by Representative Elizabeth Holtzman asked the courts to determine that President Nixon could not engage in combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization. A federal district court held that Congress had not authorized the bombing of Cambodia. Its inability to override the veto and the subsequent adoption of an August 15 deadline for the bombing could not be taken as an affirmative grant of legislative authority: "It cannot be the rule that the President needs a vote of only one-third plus one of either House in order to conduct a war, but this would be the consequence of holding that Congress must override a Presidential veto in order to terminate hostilities which it had not authorized." Appellate courts mooted the case because the August 15 compromise settled the dispute between the two branches and terminated funding for the war.¶ Through its power to authorize programs and appropriate funds, Congress can define and limit presidential military actions. Some claim that the power of the purse is an ineffective and impractical method of restraining presidential wars. Senator Jacob Javits said that Congress "can hardly cut off appropriations when 500,000 American troops are fighting for their lives, as in Vietnam." The short answer is that Congress can, and has, used the power of the purse to restrict and terminate presidential wars. If Congress is concerned about the safety of American troops, those lives are not protected by voting additional funds for a war it does not support.¶ A proper and responsible action, when war has declining value or purpose, is to reevaluate the commitment by placing conditions on appropriations, terminating funding, moving U.S troops to a more secure location, and taking other legislative steps. There is one central and overriding question: Is the continued use of military force in the nation's interest? If not, then U.S. soldiers need to be safely withdrawn and redeployed. Answering that difficult question is not helped by speculation about whether congressional action might "embolden the enemy."¶ Other examples of congressional intervention can be cited. In 1976, Congress prohibited the CIA from conducting military or paramilitary operations in Angola and denied any appropriated funds to finance directly or indirectly any type of military assistance to Angola. In 1984, Congress adopted the Boland Amendment to prohibit assistance of any kind to support the Contras in Nicaragua. No constitutional objection to this provision was ever voiced publicly by President Reagan, the White House, the Justice Department, or any other agency of the executive branch.¶ Congress has options other than a continuation of funding or a flat cutoff. In 1986, Congress restricted the President's military role in Central America by stipulating that U.S. personnel "may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those land areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua." In 1991, when Congress authorized President George H. W. Bush to use military force against Iraq, the authority was explicitly linked to UN Security Council Resolution 678, which was adopted to expel Iraq from Kuwait. Thus, the legislation did not authorize any wider action, such as using U.S. forces to invade and occupy Iraq. In 1993, Congress established a deadline for U.S. troops to leave Somalia. No funds could be used for military action after March 31, 1994, unless the President requested an extension from Congress and received prior legislative priority.¶ Conclusions¶ In debating whether to adopt statutory restrictions on the Iraq War, Members of Congress want to be assured that legislative limitations do not jeopardize the safety and security of U.S. forces. Understandably, every Member wants to respect and honor the performance of dedicated American soldiers. However, the overarching issue for lawmakers is always this: Is a military operation in the nation's interest? If not, placing more U.S. soldiers in harm's way is not a proper response. Members of the House and the Senate cannot avoid the question or defer to the President. Lawmakers always decide the scope of military operations, either by accepting the commitment as it is or by altering its direction and purpose. In a democratic republic, that decision legitimately and constitutionally resides in Congress.

#### Judicial restrictions solve and the executive complies

Bradley and Morrison 13 (Curtis and Trevor, Prof of Law @ Duke + Prof of Law @ Columbia, "PRESIDENTIAL POWER, HISTORICAL PRACTICE, AND ¶ LEGAL CONSTRAINT," http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5451&context=faculty\_scholarship)

Insisting on a sharp distinction between the law governing presidential authority that is subject to judicial review and the law that is not also ¶ takes for granted a phenomenon that merits attention—that Presidents ¶ follow judicial decisions.118 That assumption is generally accurate in the ¶ United States today. To take one relatively recent example, despite disagreeing with the Supreme Court’s determination in Hamdan v. Rumsfeld ¶ that Common Article 3 of the Geneva Conventions applies to the war on ¶ terror, the Bush Administration quickly accepted it.119 But the reason why ¶ Presidents abide by court decisions has a connection to the broader issue¶ of the constraining effect of law. An executive obligation to comply with ¶ judicial decisions is itself part of the practice-based constitutional law of the ¶ United States, so presidential compliance with this obligation may ¶ demonstrate that such law can in fact constrain the President. This is ¶ true, as we explain further in Part III, even if the effect on presidential ¶ behavior is motivated by concerns about external political perceptions ¶ rather than an internal sense of fidelity to law (or judicial review).120¶ A final complication is that, with respect to issues of presidential ¶ power, there are few situations in which the prospect of judicial review is ¶ actually zero. If the Supreme Court can decide Bush v. Gore121 and the war ¶ on terror cases, it can decide a lot.122 Areas of presidential power that ¶ typically see little judicial involvement might become areas of greater ¶ involvement under certain conditions. Moreover, the likelihood of ¶ judicial review is probably affected by the extent to which courts perceive ¶ the President to be stretching traditional legal understandings. As a ¶ result, it might be more accurate to describe the constitutional law of ¶ presidential power as judicially underenforced, rather than unenforceable. Even outside the separation of powers area, there is an extensive ¶ literature on the legal status of underenforced constitutional norms. For ¶ a variety of reasons, including justiciability limitations, immunity ¶ doctrines, and judicial deference to coordinate institutions, it has long ¶ been understood that the Constitution is not fully enforced by the courts. ¶ Nevertheless, courts and scholars commonly accept that judicially ¶ underenforced constitutional norms retain the status of law beyond the ¶ extent of judicial enforcement.123

### 1NC

#### Obama is successfully peeling off Democratic votes to stave off the Iran sanctions bill – but the fight isn’t over and bill supporters are looking for new openings

Omestad 2/18/14 (Thomas, Foreign Policy, "Icebergs Ahead," lexis)

American Politics. Similarly, Obama is bound by political fights at home. Any long-term nuclear deal with Iran will have to run a political gauntlet on Capitol Hill, where mistrust of Iran has only grown ever since the 1979 U.S. Embassy hostage crisis following Iran's revolution. "Moving toward a final agreement, the internal politics of the United States will be critical," said the European official.¶ A warning flare of sorts has gone up in the form of an Iran sanctions bill introduced by Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL) after the interim deal was reached. For now, the administration has gotten a reprieve. White House opposition has peeled off some Senate Democratic support. Menendez changed course on Feb. 6 and asked[5] that no vote take place for now. An influential lobby supporting the bill, the American Israel Public Affairs Committee, did likewise.¶ The episode nonetheless is a reminder of political uncertainties on the American side of the nuclear talks.¶ Fifty-nine senators have signed on as sponsors of the bill, which backers term a "diplomatic insurance policy" to strengthen Washington's hand in negotiations. It would create a framework for new sanctions -- which could be temporarily waived by the president -- unless Iran met certain conditions, including on non-nuclear issues like terrorism and missile tests. It also calls on the United States to support Israel if it strikes Iranian nuclear sites in "legitimate self-defense." Einhorn calls some of its provisions "poison pills."¶ The proposal ran head-on into the White House strategy to wall off the nuclear talks from the other disputes with Iran, which have inspired their own sanctions. The interim deal bars new nuclear-related sanctions on Iran during its six months in force. Administration officials charged that new sanctions would derail the talks and, as one put it, "undermine the sanctions regime that we have built so meticulously over the course of the last several years." Similarly, Zarif told[6] journalist Robin Wright that talks are "dead" if new sanctions materialize. Obama, who is said to be more engaged in internal Iran discussions than he has been in the nuclear dispute with North Korea, vowed to veto the bill if it reaches him.¶ Current and former officials insist that ample leverage with Iran already exists. "Iran is still facing crippling sanctions. Iran already has a tremendous incentive to negotiate seriously," said Einhorn.¶ Yet the lead U.S. negotiator in the Iran talks, Wendy Sherman, assured edgy senators on Feb. 4, "We have made it clear to Iran that, if it fails to live up to its commitments, or if we are unable to reach agreement on a comprehensive solution, we would ask the Congress to ramp up new sanctions." No doubt, the administration could get them. Both Republicans and Democrats who are wary of the Iran talks will be watching for them to break down -- and create a new opening to act.

#### It’s a war powers fight that Obama wins – but failure commits us to Israeli strikes

**Merry 1/1** (Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy, “Obama may buck the Israel lobby on Iran”, 2014, Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.” For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House. With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto. It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement. However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control. Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.” While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.” That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars. That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

#### The plan’s a perceived loss – it saps capital and causes defections

Loomis 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Causes Israel strikes

Perr 12/24 (Jon Perr 12/24/13, B.A. in Political Science from Rutgers University; technology marketing consultant based in Portland, Oregon, has long been active in Democratic politics and public policy as an organizer and advisor in California and Massachusetts. His past roles include field staffer for Gary Hart for President (1984), organizer of Silicon Valley tech executives backing President Clinton's call for national education standards (1997), recruiter of tech executives for Al Gore's and John Kerry's presidential campaigns, and co-coordinator of MassTech for Robert Reich (2002). (Jon, “Senate sanctions bill could let Israel take U.S. to war against Iran” Daily Kos, [http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#](http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran))

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran.¶ On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates:¶ If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.¶ Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July:¶ "If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb."¶ Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come."¶ But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway.¶ Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza.¶ That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback?¶ Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### Impact is nuclear war

**Reuveny** **10** (Rafael – professor in the School of Public and Environmental affairs at Indiana University, Unilateral strike on Iran could trigger world depression, p. http://www.indiana.edu/~spea/news/speaking\_out/reuveny\_on\_unilateral\_strike\_Iran.shtml)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond. A regional war Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Replaying Nixon’s nightmare Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons, but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

## Latin America

### 1NC No Model

#### No drone wars

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

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

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

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

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

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

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

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

#### Their ev is also about surveillance drones – not targeted killing

#### Plan’s signal gets ignored

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

### Latin America Instability Answers

**No conflict in Latin America**

**Miami Herald ‘13**

(“UN, Latin American leaders stress regional cooperation for global peace” August 6)

UNITED NATIONS Hoping to improve peace and security around the world, Argentine President Cristina Fernández led a day-long Security Council meeting Tuesday where she and other leaders said regions in turmoil could learn from how Latin American and the Caribbean have settled internal conflicts.¶ “The lessons that we have learned, in terms of our regional and sub-regional organizations, (suggest) collaborating with the Security Council, with the United Nations, is a very useful way of finding solutions,” said Fernández, citing a number of resolved conflicts in South America, including the trade dispute between neighbors Colombia and Venezuela.¶ Fernandez chaired the meeting as the representative of Argentina, which has taken over the rotating chairmanship of the Security Council for August.¶ Representatives from regional organizations — the Community of Latin American and Caribbean States (CELAC), the Union of South American Nations (UNASUR), the Mercosur trading bloc, and the Organization of American States — boasted of benefits to working within the U.N. system.¶ “South America is a region in which we can say there is no risk of interstate conflicts involving threats to peace and security and extreme violence,” said Eda Rivas, Peru’s foreign minister. “However, UNASUR member states recognize that peace and security must be preserved permanently and all South Americans are convinced that the best way to do this is to strive for an integration based on respect for the fundamental principles of international law.”¶ U.N. Secretary General Ban Ki-moon praised CELAC and UNASUR and said he was pleased with last month’s U.N.-Caribbean Community meeting, which included discussions of how to tackle transnational organized crime and security.¶ But the U.N. chief stressed how cooperation with regional organizations could improve, particularly in the Middle East and Africa, where conflicts in Syria and Sudan continue to strain U.N. peacekeeping and mediation efforts.¶ “There is always room for improvement,” Ban said. “We are better at sharing information and analysis on brewing crises, but we have to work harder on swift response and long-term prevention” of regional conflict.¶ Several Latin American ministers pointed to participation in the U.N. stabilization mission in Haiti as an examples of their commitment to cooperation.¶ Haitian Foreign Minister Pierre Richard Casimir lauded the U.N. peacekeeping activities in his country.¶ “Haiti will continue to work with all those who believe the involvement of regional organizations are essential to continuing to grow the future,” Casimir said. “I trust this debate will give us food for thought in the U.N. and in regional organizations.”¶ U.S. Ambassador Samantha Power, who attended her first Security Council meeting since her confirmation last week, said the Obama administration was pleased with the coalition in Haiti.¶ “The United States applauds states around the region, including many represented in this room, for the essential support they give to Haiti through contributing troops to MINUSTAH, providing development assistance and helping build Haitian capacity,” she said.

**Empirically denied**

**Hartzell 2000** (Caroline A., 4/1/2000, Middle Atlantic Council of Latin American Studies Latin American Essays, “Latin America's civil wars: conflict resolution and institutional change.” http://www.accessmylibrary.com/coms2/summary\_0286-28765765\_ITM)

Latin America has been the site of fourteen civil wars during the post-World War II era, thirteen of which now have ended. Although not as civil war-prone as some other areas of the world, Latin America has endured some extremely violent and destabilizing intrastate conflicts. (2) The region's experiences with civil wars and their resolution thus may prove instructive for other parts of the world in which such conflicts continue to rage. By examining Latin America's civil wars in some depth not only might we better understand the circumstances under which such conflicts are ended but also the institutional outcomes to which they give rise. More specifically, this paper focuses on the following central questions regarding Latin America's civil wars: Has the resolution of these conflicts produced significant institutional change in the countries in which they were fought? What is the nature of the institutional change that has taken place in the wake of these civil wars? What are the factors that are responsible for shaping post-war institutional change?

### A2: Rochlin

#### Rochlin is about the 70’s and says Canada solves the impact

James Francis Rochlin (Professor of Political Science, University of British Columbia Okanagan) 1994 “Discovering the Americas” p. 130-1

While there were economic motivations for Canadian policy in Central America, security concerns were perhaps more impotant. Canada possessed an interest in promoting stability in the face of potential decline of US hegemony in the Americas. Perceptions of declining US influence in the region – which had some credibility in 1979-84 due to wildly inequitable divisions of wealth in some US client state in Latin America, in addition to political repression, underdevelopment, mounting external debt, anti-american sentiment produced by decades of subjugation to US strategic and economic interest and so on – were linked to the prospect of explosive events occurring in the hemisphere. Hence, the Cental American imbroglio was viewed as a fuse which could ignite a cataclysmic process thoughout the whole region. Analysts at the time worried that, in a worst-case scenario, instability created by a regional war, beginning in Central America and spreading elsewhere in Latin Ameica, might preoccupy Washington to the extent that the United States would be unable to perform adequately its important hegemonic role in the international arena – a concern expressed by the director of research for Canada’s Standing Committee Report on Central America. It was feared that such a predicament could generate increased global instability and perhaps even a hegemonic war. This is one of the motivation which led Canada to become involved in efforts at regional conflict resolution, such as Contradora, as will be seen in the next chapter

## Drone Industry

### No Collapse

#### Drone program sustainable

Robert Chesney 12, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, 8/29/12, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2138623>

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas.

The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a mend-it-don’t-end-it approach culminating in passage of the Military Commissions Act of 2009, which addressed a number of key objections to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is far more stable today than at any point in the past decade.51

There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of using lethal force not just in contexts of overt combat deployments but also in areas physically remote from the “hot battlefield.” Indeed, the Obama administration quickly outstripped the Bush administration in terms of the quantity and location of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also succeeded in fending off a lawsuit challenging the legality of the drone strike program (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54

The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over in the form of disruptive judicial rulings, newly-restrictive legislation, or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of cross-branch and cross-party consensus, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

#### Large public support

**Curry 2013** [Tom, National Affairs Writer, June 5, “Poll finds overwhelming support for drone strikes,” NBC News, http://nbcpolitics.nbcnews.com/\_news/2013/06/05/18780381-poll-finds-overwhelming-support-for-drone-strikes?lite]

Some members of Congress have misgivings about the use of drone strikes against suspected terrorists, but Americans surveyed in the new NBC News/Wall Street Journal overwhelmingly support drones as a weapon.

Tribesmen stand on the rubble of a building destroyed by a U.S. drone air strike, that targeted suspected al Qaeda militants in Azan of the southeastern Yemeni province of Shabwa in this file photo taken on Feb. 3, 2013.

The survey found that 66 percent of respondents favored the use of unmanned aircraft, or drones, to kill suspected members of Al Qaeda and other terrorists. Sixteen percent opposed the drone strikes, while 15 percent said they did not know enough to voice an opinion. The poll result was in line with other survey data on drone use. A NBC News/Wall Street Journal survey in February found a nearly identical level of support for drone use against overseas terrorists.

The survey found that two thirds of respondents favor the use of unmanned aircraft, or drones, to kill suspected members of al Qaeda and other terrorists.

The poll result was in line with other survey data on drone use. A Gallup survey in March found almost the identical level of support as in the NBC/WSJ poll for drone use against overseas terrorists.

#### Still will be backlash – people don’t like being watched- they only end TK

### 1NC Arctic Conflict

#### No Arctic conflict

BFP 3/8 -- The German Marshall Fund of the United States, The Federal Authorities of Belgium, Daimler, BP, OCP Foundation, Government of Latvia, Bank of America-Merrill Lynch, Government of Montenegro (Brussels Forum Partners, 2013, "Race to the Arctic," http://www.euintheus.org/wp-content/uploads/2013/03/BF-Program\_complete\_finaldraft.pdf)

Although the discovery of oil, gas, and precious minerals as well as the wish to control new global shipping lanes has revived territorial disputes among the eight Arctic nations — Canada, Denmark, Finland, Iceland, Norway, Sweden, Russia, and the United States — they are unlikely to go to war with each other. But the Arctic does stir fierce nationalist sentiment in each of these nations and some, such as Norway, Russia, or Canada, have carefully begun to militarize their presence in the region. Moreover, non-Arctic actors such as China, Japan, India, and the European Union have become increasingly vocal on Arctic-related issues and are more and more competing for diplomatic clout over the region, for instance by currently applying for observer status in the Arctic Council.

#### Arctic cooperation now

Economist 2012 (The Economist Print Edition, June 16, 2012, <http://www.economist.com/node/21556797>)

Far from violent, the development of the Arctic is likely to be uncommonly harmonious, for three related reasons. One is the profit motive. The five Arctic littoral countries, Russia, the United States (US), Canada, Denmark and Norway, would sooner develop the resources they have than argue over those they do not have. A sign of this was an agreement between Russia and Norway last year to fix their maritime border in the Barents Sea, ending a decades-long dispute. The border area is probably rich in oil; both countries are now racing to get exploration started. Another spur to Arctic co-operation is the high cost of operating in the region. This is behind the Arctic Council’s first binding agreement, signed last year, to co-ordinate search-and-rescue efforts. Rival oil companies are also working together, on scientific research and mapping as well as on formal joint ventures. The third reason for peace is equally important: a strong reluctance among Arctic countries to give outsiders any excuse to intervene in the region’s affairs. An illustration is the stated willingness of all concerned to settle their biggest potential dispute, over their maritime frontiers, according to the international Law of the Sea (LOS). Even the United States accepts this, despite its dislike for treaties—though it has still not ratified the United Nations Convention on the Law of the Sea, an anomaly many of its leaders are keen to end.

### Oil Shocks

#### No impact to oil shocks

**Khadduri**, 8/23/**2011** (Walid – former Middle East Economic Survey Editor-in-Chief, The impact of rising oil prices on the economies of importing nations, Al Arabiya News, p. http://english.alarabiya.net/views/2011/08/23/163590.html)

What is the impact of oil price shocks on the economies of importing nations? At first glance, there appears to be large-scale and extremely adverse repercussions for rising oil prices. However, a study published this month by researchers in the IMF Working Paper group suggests a different picture altogether (it is worth mentioning that the IMF has not endorsed its findings.) The study (Tobias N. Rasmussen & Agustin Roitman, "Oil Shocks in a Global Perspective: Are They Really That Bad?", IMF Working Paper, August 2011) mentions that “Using a comprehensive global dataset […] we find that the impact of higher oil prices on oil-importing economies is generally small: a 25 percent increase in oil prices typically causes GDP to fall by about half of one percent or less.” The study elaborates on this by stating that this impact differs from one country to another, depending on the size of oil-imports, as “oil price shocks are not always costly for oil-importing countries: although higher oil prices increase the import bill, there are partly offsetting increases in external receipts [represented in new and additional expenditures borne by both oil-exporting and oil-importing countries]”. In other words, the more oil prices increase, benefiting exporting countries, the more these new revenues are recycled, for example through the growth in demand for new services, labor, and commodity imports. The researchers argue that the series of oil price rallies (in 1983, 1996, 2005, and 2009) have played an important role in recessions in the United States. However, Rasmussen and Roitman state at the same time that significant changes in the U.S. economy in the previous period (the appearance of combined elements, such as improvements in monetary policy, the institution of a labor market more flexible than before and a relatively smaller usage of oil in the U.S. economy) has greatly mitigated the negative effects of oil prices on the U.S. economy. A 10 percent rise in oil prices before 1984, for instance, used to lower the U.S. GDP by about 0.7 percent over two to three years, while this figure started shrinking to no more than 0.25 percent after 1984, owing to these accumulated economic changes. This means that while oil price shocks continue to adversely impact the U.S. economy, the latter has managed, as a result of the changes that transpired following the first shock in the seventies, to overcome these shocks, and subsequently, the impact of oil price shocks has become extremely limited compared to previous periods.

#### No war

Victor 7 (David G., Professor of Law – Stanford Law School and Director – Program on Energy and Sustainable Development, “What Resource Wars?”, The National Interest, 11-12, http://www.nationalinterest.org/Article.aspx?id=16020)

If resource wars are actually rare-and when they do exist, they are part of a complex of causal factors-then much of the conventional wisdom about resource policies needs fresh scrutiny. A full-blown new strategy is beyond this modest essay, but here in the United States, at least three lines of new thinking are needed. First, the United States needs to think differently about the demands that countries with exploding growth are making on the world's resources. It must keep their rise in perspective, as their need for resources is still, on a per capita basis, much smaller than typical Western appetites. And what matters most is that the United States must focus on how to accommodate these countries' peaceful rise and their inevitable need for resources. Applied to China this means getting the Chinese government to view efficient markets as the best way to obtain resources-not only because such an approach leads to correct pricing (which encourages energy efficiency as resources become more dear), but also because it transforms all essential resources into commodities, which makes their particular physical location less important than the overall functioning of the commodity market. All that will, in turn, make resource wars even less likely because it will create common interests among all the countries with the greatest demand for resources. It will transform the resource problem from a zero-sum struggle to the common task of managing markets. Most policymakers agree with such general statements, but the actual practice of U.S. policy has largely undercut this goal. Saber-rattling about CNOOC's attempt to buy Unocal-along with similar fear-mongering around foreign control of ports and new rules that seem designed to trigger reviews by the Committee on Foreign Investment in the United States when foreigners try to buy American-owned assets-sends the signal that going out will also be the American approach, rather than letting markets function freely. Likewise, one of the most important actions in the oil market is to engage China and other emerging countries fully in the International Energy Agency-which is the world's only institution for managing the oil commodity markets in times of crisis-yet despite wide bipartisan consensus on that goal, nearly nothing is ever done to execute such a policy. Getting China to source commodities through markets rather than mercantilism will be relatively easy because Chinese policymakers, as well as the leadership of state enterprises that invest in natural resource projects, already increasingly think that way. The sweep of history points against classic resource wars. Whereas colonialism created long, oppressive and often war-prone supply chains for resources such as oil and rubber, most resources today are fungible commodities. That means it is almost always cheaper and more reliable to buy them in markets.

#### Oil prices will stabilize– no shocks

Lazzaro 12

[Joseph, U.S. Editor, served as Managing Editor of New York-based financial news web sites WallStreetEurope.com/WallStreetItalia.com, 1999-2004, and as Economics/Markets Editor for AOL’s DailyFinance.com, 2008-2011., Oil Prices: Will Crude Fall Substantially In 2013?, 10/20/12, <http://www.ibtimes.com/oil-prices-will-crude-fall-substantially-2013-850159>]

So now you know two major reasons (geopolitical risk, oil as alternative investment) why oil prices are so high today. Given the above, is there any good news on the horizon for businesses and consumers who use oil? Indeed there is. Natural gas, and in particular unconventional natural gas stemming from new hydraulic fracturing or “fracking” technology, has become a comparatively cheap, abundant source of energy in the United States, and major, new supply additions are also possible in Europe, Russia, and the Middle East. In North America, natural gas closed Friday at $3.58 per million Btus (MMBtu) – which means it sold for the oil equivalent of $20.74 per barrel. In other words, natural gas costs about one-fourth of oil, for the same amount of energy delivered. To be sure, those huge increases in natural gas’s supply are contingent on fracking technology deployed safely. In some areas, fracking has led to environmental damage and it is not appropriate for all, potential drilling areas, but if those approved fracking sites continue to produce at current rates in the United States, natural gas will continue to displace oil in factories, home heating, and displace coal (and other fuels) in electric power generation. Natural gas is also making in-roads in transportation, in the fleet vehicle market (buses, garbage trucks, short-haul delivery trucks), or where vehicles return to the same site to re-fuel. (The long-haul, 18-wheeler truck and civilian car/SUV markets will have to await the build-out of the U.S. natural gas filling station network.) In other words, natural gas will decrease U.S. oil consumption, and in the process take some pressure off global oil demand. Second, as the International Energy Agency (IEA) indicated in its latest global oil outlook, just as it has with natural gas, fracking and other, new drilling technologies applied to shale and tight formations in North America is increasing oil production. The IEA confirms what President Barack Obama has stated on the campaign trail: oil production in the U.S. has increased 13.1 percent since 2008 to 5.658 million barrels per day (bpd) in 2011, according to the U.S. Energy Information Agency, with the IEA calling the new oil drilling techniques, “a game-changer in the making.” In other words, new drilling techniques will continue to increase U.S. oil production, and will play a role in increasing international oil production, boosting global oil production by 9.3 million bpd to 102 million bpd by 2017, the IEA said. Meanwhile, global oil demand is expected to rise to 95.7 million bpd by 2017. The net result? The world’s spare capacity or “safety cushion” for oil is expected to roughly double - to 5-7 million bpd in 2017 - a safety cushion size the world has not seen since before 2003. On Supply, Demand, And Spare Capacity Hence, there’s good news on the horizon for businesses and consumers who use oil. Comparatively cheap, abundant natural gas is displacing oil in the United States for several energy uses, decreasing oil demand, and new drilling technology is increasing oil’s supply from areas previously thought to be unfeasible for oil production. Each trend is likely to continue as the decade progresses. If each trend does continue, the result will be a slow, gradual lowering of oil prices over the next five years, the IEA said.

### No I/L Enviro

#### Offshore drilling is safe

Thornley 9 (Drew – Independent policy analyst focused primarily on energy, teaches business law at Concordia University in Austin, Texas. graduated summa cum laude with a B.A. in economics from The University of Alabama in 2002 and received a J.D. from Harvard Law School in 2005, “ENERGY & ENVIRONMENTAL MYTHS”, April 2009, http://www.manhattan-institute.org/energymyths/myth8.htm)

Since 1975, offshore drilling in the Exclusive Economic Zone (within 200 miles of U.S. coasts) has a safety record of 99.999 percent, meaning that only 0.0001 percent of the oil produced has been spilled.[103] With regard to the Outer Continental Shelf (U.S. waters under federal, rather than state, jurisdiction),[104] between 1993 and 2007 there were 651 oil spills, releasing 47,800 barrels of oil. Given 7.5 billion barrels of oil produced during that period, one barrel of oil has been spilled in the OCS per 156,900 barrels produced.[105] Research published in 2000 by the U.S. Minerals Management Service (MMS)[106] documents the decreasing occurrence of crude-oil spills in the OCS. Revising previous estimates first published in 1994, the authors analyzed data through 1999 and concluded that oil-spill rates for OCS platforms, tankers, and barges continued to decline.[107] Additionally, the number of oil spills from platforms, tankers, and pipelines is small, relative to the amount of oil extracted and transported. Even so, oil spills remain an unpleasant reality of offshore oil drilling. Certainly, any amount of oil spilled into the ocean is undesirable, but offshore oil operations contribute relatively little of the oil that enters ocean waters each year. For example, **ocean floors naturally seep** more oil into the ocean than do oil-drilling accidents and oil-tanker spills combined. (However, such seepage generally does not rise to the surface or reach the coastlines and, thus, is not as apparent as oil-drilling spills.) According to the National Academies’ National Research Council, natural processes are responsible for over 60 percent of the petroleum that enters North American ocean waters and over 45 percent of the petroleum that enters ocean waters worldwide.[108] Thus, in percentage terms, North America’s oil-drilling activities spill less oil into the ocean than the global average, suggesting that our drilling is comparatively safe for the environment. Ironically, research shows that drilling can actually reduce natural seepage, as it relieves the pressure that drives oil and gas up from ocean floors and into ocean waters. In 1999, two peer-reviewed studies found that natural seepage in the northern Santa Barbara Channel was significantly reduced by oil production. The researchers documented that natural seepage declined 50 percent around Platform Holly over a twenty-two-year period, concluding that, as oil was pumped from the reservoir, the pressure that drives natural seepage dropped.[109] Offshore oil drilling is carefully monitored for environmental safety. Using **state-of-the-art technology and employing a range of procedural safeguards**, U.S. offshore drilling has a track record of minimal environmental impact. Modern oil drilling is even designed to withstand hurricanes and tropical storms. According to the MMS, 3,050 of the Gulf of Mexico’s 4,000 platforms and 22,000 of the 33,000 miles of the Gulf’s pipelines were in the direct path of either Hurricane Katrina or Hurricane Rita. The hurricanes destroyed 115 drilling platforms, damaged 52 others, and damaged 535 pipeline segments, yet “there was no loss of life and no major oil spills attributed to either storm.”[110] All forms of energy production come with risks, both to humans and to the environment. Offshore oil drilling is no exception. Spills from offshore drilling and tankers undoubtedly will continue to occur, but they **are rare and are decreasing in frequency**; and the amount of oil spilled from rigs and tankers is small, compared with the amount of oil extracted and with the amount of oil that enters ocean waters naturally from ocean floors. As technology continues to advance, and as companies find themselves accountable to a public increasingly concerned about environmental stewardship, drilling for oil in our coastal waters **will continue to be conducted in a safe and environmentally conscious manner**.

### Oceans D

**Oceans resilient**

**Kennedy 2** (Victor, Coastal and Marine Ecosystems and Global Climate Change, http://www.pewclimate.org/projects/marine.cfm)

There is evidence that marine organisms and ecosystems are resilient to environmental change. Steele (1991) hypothesized that the biological components of marine systems are tightly coupled to physical factors, allowing them to respond quickly to rapid environmental change and thus rendering them ecologically adaptable. Some species also have wide genetic variability throughout their range, which may allow for adaptation to climate change.

### Oil Spills No Impact

#### -- No impact to oil spills

Craig 5 (Robert, Associate Professor of Law and Dean's Fellow – Indiana University School of Law, Spring, 20 J. Land Use & Envtl. Law 333, Lexis)

Despite the obviousness of **oil spills**, however, they **are a relatively small ocean pollution problem.** While the world's oceans receive about 3.25 million tons of oil each year, the majority of that oil comes from street runoff instead of tanker spills. 82 Accidental spills and shipping are responsible for **only about 12 percent** of all marine pollution, while offshore oil and gas drilling and mining are responsible for another 1 percent. 83 Instead, 77 percent of all marine pollution comes from land-based sources - 44 percent from land-based water pollutant and 33 percent from land-based air pollution. 84 As Nancy Knowlton at the Center for Marine Biodiversity at the Scripps Institution of Oceanography has summarized: The most obvious problems stem from our propensity to view dilution as the solution to pollution. Human numbers continue to grow, as do per capita amounts of waste, and much of this waste ultimately finds its way into the ocean. Some waste is toxic, some carries human pathogens, and some alters marine food chains in ways detrimental to human well-being. 85 Land-based air pollution can arise from both natural events, such as desert sand storms and dust storms, and human-caused events, such as forest fires and industrial air pollution. This pollution can acidify ocean waters, increase the concentration of heavy metals and other toxic pollutants in the oceans, and increase sedimentation of the oceans, blocking sunlight, interfering with photosynthesis, and smothering coastal ecosystems such as coral reef. 86 Land-based water pollution can also carry toxics and sediment into the seas, causing similar problems. 87 In addition, toxic pollutants, in combination with rising sea temperature, "are lowering the natural resistance of marine organisms to infections." 88 Thus, for example, organochloride pollution has been linked to "the mass mortality of Mediterranean monk seals off the coast of Mauritania, which died after becoming infected with a distemper virus of dolphins." 89

### Enviro Thumper

#### oil in the Gulf of Mexico now

Pirillo 8 (Chris, Tech Analyst, Is Offshore Oil Drilling a Good or Bad Idea?, http://chris.pirillo.com/is-offshore-oil-drilling-a-good-or-bad-idea/)

The greenies (environmentalists) are saying that fish and oceanic life is at an extreme risk by the pollution that the drilling platforms are putting into the water. In the Gulf of Mexico, there are about 3,700 oil drilling platforms, and roughly 3,200 of them lie off the Louisiana coast. According to environmentalists, this would severely affect the commercial fishing industry, but is has not to date. Louisiana produces one-third of America’s commercial fisheries with no major oil spill ever. Nevertheless, environmentalists still say that drilling in the Outer Continental Shelf (OCS), will severely harm ocean life, when in fact, it has been proven that urban runoff and sewage treatment plants dump twelve times more petroleum into the ocean than the thousands of drilling platforms that reside in the Gulf. Mark Ferrulo is an environmental activist in Florida that has been quoted saying that Louisiana’s coast is “the nation’s toilet”, but most of the Red Snapper that is served in Florida’s restaurants are caught off Louisiana’s coast. The Gulf of Mexico has never been healthier. For example, off the Louisiana-Texas boarder lays The Flower Garden Coral reefs. They are unlike any of the Florida Keys reefs in the fact that they are surrounded by dozens of platforms that have been in operation for fifty years and are thriving. According to G.P. Schmahl, a Federal biologist who has worked in both places, “The Flower Gardens are much healthier, and more pristine than anything in the Florida Keys. It was a surprise to me, and I think it’s a surprise to most people”. With natural oil seeps polluting our oceans at an enormous rate, something needs to be done to control it or stop it all together. There is actually more oil seeping naturally into the Gulf of Mexico than is spilled by rigs and pipelines. There has been a moratorium on oil drilling in the Santa Barbara bay for thirty-eight years. In that time, an estimated nine hundred barrels of crude oil has leaked from the drilling platforms. In comparison, the natural seeps have leaked an estimated two million barrels. Not only does this represent a $280 million dollar economic loss at today’s prices, it represents a serious environmental and public health problem.

#### That’s a hotspot

DOI 12 (US Department of Interior, Bureau of Ocean Energy Management, June, “Proposed Final Outer Continental Shelf Oil & Gas Leasing Program 2012-2017,” http://www.boem.gov/uploadedFiles/BOEM/Oil\_and\_Gas\_Energy\_Program/Leasing/Five\_Year\_Program/2012-2017\_Five\_Year\_Program/PFP%2012-17.pdf)

A recent report (CCSP (2009)) identifies areas along the Atlantic and GOM coasts as undergoing relatively rapid inundation and landscape changes because of the 169 prevalence of low lying coastal lands. The report identified submergence hotspots where, because of local subsidence, the rate of rise of sea level relative to the land is expected to be higher than in other parts of the area. Sea-level rise hotspots include coastal Louisiana adjacent to the Central GOMpProgram area. Because these submergence hot spots occur as a result of local geologic factors, it is possible in these cases to assign climate change-elevated environmental sensitivity to specific OCS program areas.

### NG

**Plan kills gas prices**

**Farzad 12** (Roben, Bloomberg Businessweek contributor, “High Oil Prices Cut the Cost of Natural Gas,” Bloomberg Businessweek, 4-19-12, <http://www.businessweek.com/articles/2012-04-19/high-oil-prices-cut-the-cost-of-natural-gas>)

There’s an unprecedented price gap in the energy patch. Oil has traded above $100 a barrel since February, while natural gas prices have dropped below $2 per million British thermal units—from $4.85 in June of last year. A divergence like this “has never happened before,” says Duane Grubert, an energy analyst with Susquehanna Financial Group. The last time natural gas prices were this low, in 2002, oil was at $20 a barrel. In a departure from their traditional relationship, high oil prices are helping keep gas prices down. Natural gas producers are cutting production in hopes of bringing down supplies and therefore increasing prices. The industrywide gas rig count fell by 23 last week, to 624, the lowest in 10 years, according to driller Baker Hughes (BHI). Yet production keeps growing. It is projected to average 69.2 billion cubic feet per day in 2012, up from an average 66.2 billion cubic feet per day last year, according to the Energy Information Administration. And supplies keep growing. The EIA predicts natural gas in storage will reach a record 4.1 trillion cubic feet by October, compared with 2.5 trillion cubic feet now. One reason: **Oil drillers produce gas as a byproduct**, and with oil prices high, oil drilling is in gear. “It’s very attractive to drill for oil, so that will continue,” says Grubert. “Associated gas from oil wells will **offset reduced** **drilling** specifically for natural gas.” The warm winter, which reduced demand for natural gas used for heating, also helped keep supplies high. Gas pumped as a byproduct of oil and other liquids will represent 75 percent of the increase in natural gas production this year and as much as 90 percent next year, according to Barclays (BCS) research. Such byproducted output, as it is called, will probably keep rising as long as oil remains above $75 a barrel, the bank says. The gas glut comes as the industry is banking on the future of hydraulic fracturing, or fracking. The American Natural Gas Alliance reckons that the boom in the exploitation of shale natural gas could represent 60 percent of U.S. natural gas production by 2035, compared with 27 percent in 2010. But that prediction assumes natural gas prices will be high enough to make fracking profitable. When ExxonMobil (XOM) announced its $41 billion acquisition of fracking specialist XTO Energy in December 2009, natural gas was at $5.33 per mbtu. The U.S. Department of Energy had forecast an average price of $3.17 per mbtu for 2012. Seven Canadian natural gas producers have seen their credit lines reduced because of the falling value of their natural gas reserves. Less credit means less money available to invest in exploration and drilling. Shareholders are feeling the pain as well. Chesapeake Energy (CHK), the second-largest gas producer in the U.S. after ExxonMobil, has seen its stock fall 50 percent since August 2011. Shares of Canada’s largest producer, Encana (ECA), have fallen 50 percent in 11 months. The price of natural gas is “ridiculously bullish for U.S. consumers,” says Raymond James (RJF) analyst J. Marshall Adkins. “But the producers? At $5 natural gas, everyone was making great money. At $2, it’s hard to make any profit.” The bottom line: Gas produced as a byproduct of oil drilling will represent 75 percent of the increase in gas production this year, helping to keep prices low.

#### That kills Australia LNG

**Bivona 13** (Jordo, “Will This Big LNG Bet Pay Off?,” 1-24-13, <http://beta.fool.com/jordobivona/2013/01/24/will-big-lng-bet-pay/22422/>)

Chevron (NYSE: CVX) recently reported two new natural gas discoveries off the coast of Australia – The Pinhole-1 and The Arnhem-1. This brings the number of Australian natural gas discoveries for Chevron to 19 in the last three years. George Kirkland, Chevron’s vice chairman, said “Chevron Australia’s ongoing success offshore of Western Australia is a result of our long-term commitment to exploring and developing the region. The Carnarvon Basin is a world-class hydrocarbon basin, and these discoveries underscore the quality of our Australian portfolio and our technical competence." These discoveries play into Chevron’s long-term plan to focus more on rapidly industrializing Asia and less on Europe and North America, where economic growth and energy demand is stagnating. Prior to this discovery, Chevron had announced the $43 billion Gorgon natural gas project along with a $29 billion Wheatstone Australian natural gas project. Chevron has invested a large sum of money in Australia because it plans to supply natural gas to customers in Australia and the **Asia-Pacific region**. Most of the new production is targeted at Asian economies, where demand for natural gas is expected to show a sharp growth over the next few years. Its biggest customer will be Japan were natural gas prices are around 16.5, close to 5 times higher than in the United States. Japan is the biggest importer of natural gas in the world, and its demand for natural gas has increased as a result of the 2011 Fukushima earthquake that put some of its nuclear reactors off-line. Chevron has already inked a number of LNG sales with Japanese companies. It has already managed to sell 3.1 million tons of LNG annually to Tokyo Electric Power and 800,000 tons of LNG a year to Kyushu Electric Power. Chevron Eyes North American LNG While Chevron still has big plans for development in Australia, it recently turned towards developing and exporting LNG from North America. Chevron announced that it would buy into Canada’s Kitimat LNG project along with Apache (APA) from Encana (ECA) and EOG Resources (EOG). Chevron plans to transport relatively cheap North American natural gas to Asia-Pacific customers. Kirkland said, "It is ideally situated to meet rapidly growing demand for reliable, secure, and cleaner-burning fuels in Asia, which are projected to approximately double from current levels by 2025.” The Kitimat project has had nothing but problems, and Encana and EOG finally bowed out after they were unable to find secure offtake customers in Asia. Chevron also has problems in Australia in the way of massive cost overruns. It is my belief that the company made big bets in Australia and Canada with the hope of selling cheap natural for **high prices** in Asia, because they had no other avenues in which to increase revenues. In North America and Europe economic growth is flat. As a result of new extraction methods, North American oil prices are flat and natural gas prices are low. Chevron’s price to earnings growth ratio (PEG) is 902 because its earnings are slowing. That compares to BP (NYSE: BP), ExxonMobil (NYSE: XOM) and ConocoPhillips (COP), with PEG ratios of 4.38, 3.83 and 1.92 respectively. Chevron's profit margin of 10.7% is still higher than BP at 4.75%, Exxon Mobil at 10.4%, and ConocoPhillips at 4.5%, but without some sort of catalyst, that advantage might not last. BP was downgraded by RBC Capital Markets to Sector Perform due to limited upside in its target price and the potential for near term risk. Islamist militants recently attacked the In Amenas plant jointly operated in eastern Algeria by BP, Statoil (STO), and state oil company Sonatrach. BP is not sure when operations at the plant will continue. Meanwhile, ExxonMobil announced that it will develop the Hebron oil field offshore the Canadian province of Newfoundland and Labrador. Exxon plans to recover over 700 million barrels of oil, which is up from previous estimates. Exxon expects to begin production in late 2017. The Hebron oil field is designed for daily output of 150,000 barrels. Positives Chevron, the second-largest U.S. oil company, said its fourth-quarter profit would be "notably higher" than the previous quarter as oil and gas output bounced back and it booked a $1.4 billion gain on an asset transaction. The company also announced that it is close to bringing its refinery in Richmond, California back on-line. The refinery, which processes 245,000 barrels of crude oil per day, was put out of operation by a fire on August 6th. Negatives Chevron could be forced to deliver more bad news about its Gorgon gas project on top of yesterday's announcement that costs at the company's massive liquefied natural gas venture in Western Australia have blown out by $9 billion to $52bn thanks to a soaring wages bill, logistics problems, and bad weather. The additional bad news was that the projects first LNG target date was pushed to the first quarter of 2015, from a previous date of late 2014. Conclusion Chevron has made a **big bet** by investing in LNG facilities in Australia and Canada. The idea was to enter into the Asia-Pacific market and increase revenues and net income (In the third quarter Chevron’s revenues were down by 10% and its net income was down by 45%). Unfortunately, the progress of both of these projects has been slow. Neither the Australian facility, nor the Canadian facility is likely to begin shipping LNG before 2015. That brings me to Chevron’s bigger problem. The main reason for developing these projects was to take advantage of the high selling prices for natural gas in Asia. However, in recent months, **Asian companies** have been **stepping up the pressure** to buy natural gas at reduced prices. For instance, Japanese firm Kansai Electric made a deal to buy LNG at the much lower U.S. **Henry Hub price**. This development could be a blow to Chevron’s plans for the future. If they were forced to sell natural gas at the Henry Hub rate their margins (operating margin 15.7 and profit margin 10.7) would be negatively affected. The jury is still out on Chevron’s big bet, but from my point of view, it does not look good.

**Allows Chinese fill-in – destroys US-Aussie Relations**

**Treadgold 13** (Tim, “China Shoehorns Its Way Into The U.S.-Australia Relationship,” 2-19-13, <http://www.forbes.com/sites/timtreadgold/2013/02/19/china-shoehorns-its-way-into-the-u-s-australia-relationshiship/>)

History and money **link the U.S. and Australia** but that’s not stopping **China** from **shoehorn**ing its way into the relationship at a business a level, as well as in laying the foundations for a push to replace the U.S. in a region it regards as its backyard and a critical supplier of raw materials. A deal last week in one of the mining world’s least loved commodities highlighted the optimistic view China has of future demand for minerals, while the size of two diplomatic posts in Australia’s natural resources capital, Perth, does the same job. The commodity which attracted a $468 million investment by two arms of CITIC (formerly the China International Trust and Investment Corporation) was aluminum, particularly the mineral which eventually becomes the light metal, alumina. Target of the CITIC plunge into aluminium, the worst performing metal of the past 10 years, was an Australian affiliate of the Dow 30 member, Alcoa, with Citic Resources Holdings snapping up 7.8% stake in ASX-listed Alumina Ltd and Citic Group taking a 5.2% interest. Alumina’s major asset is a 40% stake in Alcoa World Alumina and Chemicals, a company which operates three low-cost alumina refineries in Western Australia as well as having a share in aluminum smelters around the world. The Chinese investment plunge into Alumina sends a number of **signals**, including an obvious demonstration of China’s ongoing demand for basic raw materials to feed its factories, and a willingness to upset what has been, until now, a cozy **U.S.-Australian** business arrangement. At a diplomatic level the picture becomes even clearer, though to see it you need to pay a visit to the Western Australian consulates of the U.S. and China. Perhaps because the U.S. is a country which places less emphasis on big government and more on business the U.S. legation is a relatively small affair, tucked away on the 4th floor of a non-descript building in Perth. It is there, in the same building that houses the Greek consulate, that visitors are under-whelmed by an entry area lined with metal lockers and a sign saying the facility is undergoing renovations. A mile to the north, in the heart of the bustling East Perth residential and commercial precinct can be found the three-storey Chinese consulate, topped with four big satellite dishes, and linked to an accommodation block and a curious building addition which is below ground height. If size matters, the Chinese have made a bold statement with a presence that is at least 10-times that of the U.S., right down to flag size with an enormous red banner of the People’s Republic flapping proudly in the morning breeze while at the U.S. consulate a much smaller Stars and Stripes hangs alongside the Greek flag – with the proximity to that economic basket case hopefully not an omen. What needs to be remembered when looking at the imposing white-tiled, purpose built and very Chinese piece of architecture erected in a busy part of Perth is that it is just a consulate. The Chinese embassy, which is about the same size, is in the Australian capital, Canberra. With its Perth building, China is making a statement in a region that has developed important trade links with Western Australia the major supplier of iron ore to China, an important energy supplier in the form of liquefied natural gas, plus a range of other minerals, including titanium dioxide and alumina. “Oh, they’ve got a big presence here,” is how one of the secretaries at the U.S. consulate described the Chinese position in Western Australia. It’s more than U.S. consulate workers who are aware of the Chinese push into the heart of Australia’s raw materials industry which is the dominant source of the country’s export income. Last August, the chairman and president of the Export-Import Bank of the U.S. (Exim), Fred P. Hochberg, dropped into Perth to deliver a “keen to do business” message that was interpreted locally as an example of the **competition between China and the U.S**. for Australia’s attention. Hochberg’s message, reported at the time, was simple: “U.S. investment is frankly far greater than any Chinese investment in Australia,” he said. “So maybe the Chinese investment is the bright new kid on the block but it pales in terms of what U.S. investment has been”. The Exim bank president is correct, but the key words in his comment are at the end of his statement “what U.S. investment HAS BEEN”. For Australia, the challenge is how to walk the fine line which separates a close friend, ally and military partner for almost a century from the **commercial pull** of **Chinese demand** for the country’s raw materials.

**Aussie-US relations key to solve North Korean aggression**

**AUSMIN 11** (U.S. Department of State, Australia-United States Ministerial Consultations Joint Communiqué, San Francisco, CA, 9-15-11, Media Note, Office of the Spokesperson, <http://usrsaustralia.state.gov/us-oz/2011/09/15/communique.html>)

We underscore the growing importance of the Asia-Pacific region. The U.S.-Australia alliance is key to **peace and security** in the region, further fostering Asia’s tremendous economic growth. We recognize the need to work together to shape the evolving strategic landscape that connects the Indian and the Pacific Oceans. We value the dialogue on East Asia undertaken by our two governments, and express a joint commitment to continue this and other **strategic dialogue**s. In this context, we have decided **on** the following shared objectives to guide our countries’ ongoing cooperative and individual work in the Asia-Pacific: Japan Support the U.S.-Japan alliance, which is critical to peace and security in East Asia, and the developing Australia-Japan defense and security relationship, and take steps to further increase interoperability and training opportunities among the three countries. Enhance trilateral policy coordination among Australia, Japan, and the United States on a range of regional and global security issues through the Trilateral Strategic Dialogue and the trilateral Security and Defense Cooperation Forum. Strengthen coordination with Japan on regional and global development and assistance efforts. Republic of Korea Continue to work closely with the Republic of Korea (ROK) on defense and security issues, including international peacekeeping operations, anti-piracy, counter-proliferation, counter-terrorism, and humanitarian assistance and disaster relief. Work closely with the ROK to ensure stability on the Korean Peninsula and deter further provocations by North Korea. **North Korea** Continue to urge North Korea to improve inter-Korean relations and regional stability by demonstrating through concrete actions that it is committed to enter into **serious negotiations** through the Six-Party process. **Deter provocations** by North Korea through enhanced training and integration with the Republic of Korea and Japan. Work to implement the goals of a complete, and verifiable denuclearization of North Korea, including its uranium enrichment program, through irreversible steps, and through the Six Party process; resolution of issues related to proliferation, ballistic missiles, illicit activities, and humanitarian concerns, including the matter of abductions by North Korea; and full implementation of UN Security Council resolutions and the September 2005 Joint Statement of the Six-Party Talks.

**Nuclear war**

**Smith 13** (Matt Smith, CNN, “U.S. lawmaker questions North Korean leader's 'stability',” 3-17-13,

<http://www.cnn.com/2013/03/17/us/north-korea/index.html>)

(CNN) -- A top U.S. congressman expressed concern about the "stability" of North Korean leader Kim Jong Un after months of provocative statements and behavior from the nuclear-armed communist state. "You have a 28-year-old leader who is trying to **prove himself** to the military, and the military is **eager to** have a **saber-rattl**ing for their own self-interest," said Rep. Mike Rogers, the chairman of the House Intelligence Committee. "And the combination of that is proving to be **very, very deadly**." North Korea launched a satellite into orbit atop a long-range rocket in December, conducted its third nuclear weapons test in February and announced earlier this month that it was abandoning the 1953 armistice that ended the Korean War. On Saturday, it announced that it would not negotiate with the United States over its nuclear program, challenging arguments that its weapons program was a bargaining chip that might be traded away for economic benefits. Rogers, R-Michigan, told CNN's State of the Union that North Korea "certainly" has the missile capability to strike the United States. Analysts say North Korea is years away from being able to accurately deliver a nuclear weapon atop a long-range missile. But Rogers said the fact that the North is willing to **openly threaten** the United States with a **nuclear attack** "is problem enough." This is very, very concerning, as we just don't know the **stability** of their leader -- again, 28 years old," Rogers said. "We're just not confident that we know he wouldn't take those steps." Pyongyang disregarded numerous warnings to conduct February's test and threatened afterward that it was prepared to launch a **pre-emptive nuclear strike** to defend itself. The U.N. Security Council stiffened sanctions on the North after the test, with its leading ally, China, making the vote unanimous. The North has also renewed its threats toward South Korea, warning of "strong physical countermeasures" after the sanctions vote. Kim is the grandson of Kim Il Sung, the founder of the North Korean state. He rose to power in December 2011, after the death of his father, Kim Jong Il. Victor Cha, a longtime North Korea analyst at the Center for Strategic and International Studies in Washington, said the North's recent actions have fueled debate about whether Kim "really is fully in charge, or whether the military is in charge." "The three top military generals that were with him when his father died are all gone now, and we don't know what happened to them," Cha said on CNN's Fareed Zakaria GPS. "That could be a sign of him taking control, but it could also be a sign of some real churn inside the system where some people don't like the fact that a 28-year-old is now running the country." And Donald Gregg, a former adviser to then-Vice President George H.W. Bush and former U.S. ambassador to South Korea, said North Korean contacts he has met recently told him "that they have given up on their diplomats, and the military is now in control." "What they want is **to talk** about moving from the now-disbanded armistice agreement to the creation of a **peace treaty**," Gregg told GPS. "That's what they want to talk about, and anyone who is willing to talk about that, they will listen to. Anyone who wants to talk about what they call the old way, which was give up your nuclear weapons and then we'll talk, is going to get nowhere."

# Block

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### Bilgin (Short-Term Fallacy)

#### Focus on short-term impacts is epistemologically bankrupt – must attend to structural conditions and root causes

Bilgin & Morton 4 [Pinar, Associate Professor of International Relations at Bilkent University, & Adam David, Lecturer in the Department of Politics and International Relations at Lancaster University, Politics, 24(3), “From ‘Rogue’ to ‘Failed’ States? The Fallacy of Short-termism,” p. 176-178]

Calls for alternative approaches to the phenomenon of state failure are often met with the criticism that such alternatives could only work in the long term whereas ‘something’ needs to be done here and now. Whilst recognising the need for immediate action, it is the role of the political scientist to point to the fallacy of ‘short-termism’ in the conduct of current policy. Short-termism is defined by Ken Booth (1999, p. 4) as ‘approaching security issues within the time frame of the next election, not the next generation’. Viewed as such, short-termism is the enemy of true strategic thinking. The latter requires policymakers to rethink their long-term goals and take small steps towards achieving them. It also requires heeding against taking steps that might eventually become self-defeating.¶ The United States has presently fought three wars against two of its Cold War allies in the post-Cold War era, namely, the Iraqi regime of Saddam Hussein and the Taliban in Afghanistan. Both were supported in an attempt to preserve the delicate balance between the United States and the Soviet Union. The Cold War policy of supporting client regimes has eventually backfired in that US policymakers now have to face the instability they have caused. Hence the need for a comprehensive understanding of state failure and the role Western states have played in failing them through varied forms of intervention. Although some commentators may judge that the road to the existing situation is paved with good intentions, a truly strategic approach to the problem of international terrorism requires a more sensitive consideration of the medium-to-long-term implications of state building in different parts of the world whilst also addressing the root causes of the problem of state ‘failure’.¶ Developing this line of argument further, reflection on different socially relevant meanings of ‘state failure’ in relation to different time increments shaping policy-making might convey alternative considerations. In line with John Ruggie (1998, pp. 167–170), divergent issues might then come to the fore when viewed through the different lenses of particular time increments. Firstly, viewed through the lenses of an incremental time frame, more immediate concerns to policymakers usually become apparent when linked to precocious assumptions about terrorist networks, banditry and the breakdown of social order within failed states. Hence relevant players and events are readily identified (al-Qa’eda), their attributes assessed (axis of evil, ‘strong’/’weak’ states) and judgements made about their long-term significance (war on terrorism). The key analytical problem for policymaking in this narrow and blinkered domain is the one of choice given the constraints of time and energy devoted to a particular decision. These factors lead policymakers to bring conceptual baggage to bear on an issue that simplifies but also distorts information.¶ Taking a second temporal form, that of a conjunctural time frame, policy responses are subject to more fundamental epistemological concerns. Factors assumed to be constant within an incremental time frame are more variable and it is more difficult to produce an intended effect on ongoing processes than it is on actors and discrete events. For instance, how long should the ‘war on terror’ be waged for? Areas of policy in this realm can therefore begin to become more concerned with the underlying forces that shape current trajectories.¶ Shifting attention to a third temporal form draws attention to still different dimensions. Within an epochal time frame an agenda still in the making appears that requires a shift in decision-making, away from a conventional problem-solving mode ‘wherein doing nothing is favoured on burden-of-proof grounds’, towards a risk-averting mode, characterised by prudent contingency measures. To conclude, in relation to ‘failed states’, the latter time frame entails reflecting on the very structural conditions shaping the problems of ‘failure’ raised throughout the present discussion, which will demand lasting and delicate attention from practitioners across the academy and policymaking communities alike.

### Legalism – Impact – Law = Violence\*\*\*

#### The laws of war are not neutral---they’re tools to sanitize violence---restrictions enable warfare because of law’s political nature

Contreras 8 (Francisco Contreras, professor of philosophy of the law at Seville U – AND - Ignacio de la RASILLA, Ph.D. candidate in international law, Graduate Institute of International Studies, Geneva, On War as Law and Law as War, Leiden Journal of International Law 21; 3) [Gender paraphrased]

If the aim of this introduction was to serve as an instrumental background against which to place the book under review, the question that ensues is that of knowing how does David Kennedy approach in his book the doctrinal polemic involving the “law of force” as the provider “of the best-known legal tools for defending and denouncing military action”?. Kennedy begins by coldly contradicting those opponents of the Bush administration “that have routinely claimed that the United States has disregarded these rules” by pointing out that both opponents and supporters of Iraq war as well as both opponents and supporters of the great panoply of US’ legal measures related to the war on terror “were playing with the same deck” in presenting “professional arguments about how recognised rules and standards, as well as recognised exceptions and jurisdictional limitations, should be interpreted”. Kennedy’s only concession in reference to the Bush administration’s legal advisers is to point out that “As professionals, these lawyers failed to advise their client adequately about the consequences of the interpretations they proposed, and about the way others would read the same texts – and their memoranda.”. Kennedy does not, thus, adopt any legal position in the detriment of other as his assessment does not pretend to persuade at the level of the world of legal validity staged in the vocabulary of the UN Charter. The extent to which that excludes Kennedy from the category of being a “true jusinternationalist” in Cançado Trindade’s previous understanding of those who actually “comply with the ineluctable duty to stand against the apology of the use of force which is manifested in our days through distinct “doctrinal” elaborations” is not for us to judge. Suffice it to note that the starting point of Kennedy’s connoted perspective on the matter is that “the law of force” is a form of “vocabulary for assessing the legitimacy” of a conduct (e.g. a military campaign) or “for defending as well as attacking the “legality” of an act (e.g. distinguishing legitimate from illegitimate targets) in which the very same law of force becomes a double-edge sword, everybody’s strategic partner and none’s in a contemporary world where “legitimacy has become the currency of power”. Thus, for Kennedy, in today’s age of “lawfare”, “to resist war in the name of law (…) is to misunderstand the delicate partnership of war and law“ because “there is little comfort in knowing that law has become the vernacular for evaluating the legitimacy of war and politics where it has done so by itself becoming a strategic instrument of war and the continuation of politics by similar means.” 3. LAW AS A MODERN LEGAL INSTITUTION Of War and Law seems animated by a certain philosophical perplexity regarding the ambiguous relation between the apparently antithetical nature of the terms appearing in its title. Since antiquity, both jurists and philosophers have taught that the law’s raison d’être is that of making social peace possible, of overcoming what would, later on, be commonly known as the Hobbesian state of nature of bellum omnium contra omnes. Kant noted that law should be perceived, first and foremost, as a pacifying tool (“the establishment of peace constitutes, not a part of, but the whole purpose of the doctrine of law”) and Lauterpacht projected that same principle to the international sphere (“the primordial duty” of international law is to ensure that “there shall be no violence among states”) . The paradox lies, of course, in that law performs its pacifying function, not by means of edifying advices, but by the threat of the use of force. In this sense, as Kennedy points out, “to use law is also to invoke violence, at least the violence that stands behind legal authority”. Hobbes himself never concealed that the State (“that mortal god, to which we owe under the immortal God our peace and defence”) would succeed in eradicating inter-individual violence precisely due to its ability to “inspire terror ; but Weber (“the State is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory”), Godwin or Kelsen have also provided support for the same proposition. This ambivalent and paradoxical relationship between law and violence (obvious in the domestic or intrastate realm) becomes even more so in the interstate domain with its classical twin antinomy of ubi ius, ibi pax and silent leges inter arma until the “law in war” emerges as a bold normative sector which dares to defy this conceptual incompatibility: even war can be regulated, be submitted to conditions and limitations. The hesitations of Kant in addressing the ius in bello or the very fact that the Latin terms ius ad bellum and ius in bello were coined, as Kolb has pointed out, in relatively recent dates seems to confirm that this has never been per se an evident aspiration. Kennedy explains his own calling as international lawyer as partly inspired by his will to participate in the law’s civilising mission as something utterly distinct from war: “We think of these rules [law in war] as coming from “outside” war, limiting and restricting the military. We think of international law as a broadly humanist and civilizing force, standing back from war, judging it as just or unjust, while offering itself as a code of conduct to limit violence on the battlefield” . In his book, he notes how this virginal confidence in the pacifying efficiency of international law (its presumed ability to forbid, limit, humanize war “from outside”) becomes progressively nuanced, eroded, almost discredited by a series of considerations. As a result, the disquieting image of the “delicate partnership of war and law” evidences progressively itself. The lawyer who attempts to regulate warfare inevitably becomes also an accomplice of it. As Kennedy put its: “The laws of force provide the vocabulary not only for restraining the violence and incidence of war –but also for waging war and deciding to go to war. […] [L]aw no longer stands outside violence, silent or prohibitive. Law also permits injury, as it privileges, channels, structures, legitimates, and facilitates acts of war” . Unable to suppress all violence, law typifies certain forms of violence as legally admissible thus “privileging” them with regard to others and investing some agents with a “privilege to kill” . Law becomes, thereby, in Kennedy’s view, not so much a tool for the restriction of war as for the legal construction of war. Elsewhere we have labelled Kennedy “a relative outsider” who, peering from the edge of the vocabulary of international law, tries to “highlight its inherent structural limits, gaps, dogmas, blind spots and biases”, as someone “specialised in speaking the unspeakable, disclosing ambivalences and asking awkward questions” . The “unspeakable”, in the case of the “law of force”, is precisely, in Kennedy’s view, this process of involuntary complicity with the very phenomenon one supposedly wants to prohibit. Prepared to “stain his hands” à la Sartre, in his attempt to humanise the military machine from within, to walk one step behind the soldier reminding him constantly, as an imaginary CNN camera, of the legal limits of the legitimate use of force, the lawyer starts to realise, in the author’s view, that he is becoming but an accessory piece of the war machine. Kennedy maintains that law, in its attempt to subject war to its rule, has been absorbed by it, and it has now become but another war instrument; law has been weaponized . Contemporary war is by definition a legally organized war: “no ship moves, no weapon is fired, no target selected without some review for compliance with regulation –not because the military has gone soft, but because there is simply no other way to make modern warfare work. Warfare has become rule and regulation” . War “has become a modern legal institution” with the result that the international lawyer finds himself before an evident instance of Marxian alienation, otherwise “the consolidation of our own products as a material power erected above us beyond our control that raises a wall in front of our expectations and destroys our calculations” . Ideas and institutions develop “a life of their own”, an autonomous, perverted dynamism. 4. AMBIGUITIES AND CONTIGENCIES OF THE CONTEMPORARY LAW OF WAR The institutional scheme and the rules about the use of force set up by the UN Charter were initially conceived as a sincere attempt to definitively overcome interstate war. The UN purpose “to save succeeding generations from the scourge of war” promised that the age of war was to be superseded by the age of collective security. The system was, as noted by Franck, a two-tiered one. The upper tier contained “a normative structure for an ideal world”. It included the absolute banning “of the use of force against the territorial integrity or political independence of any state” (art. 2.4) and a mechanism of collective (diplomatic and/or military) action against states having violated such prohibition (Articles 39 to 43). The lower tier, by contrast, represented the interim preservation of an older international legal concept (dating from the “age of war”): the individual or collective right to self-defence (Art. 51). We are, therefore, confronted to a hybrid system (“a bifurcated regime”) , halfway between the “age of war” and the “age of collective security”. A system which has supposedly failed, partly due to causes not foreseeable in 1945: the outbreak of the Cold War made the agreed action of the permanent members of the Security Council almost unthinkable; frontal interstate aggressions were replaced by more subtle techniques of indirect fight (export of insurgency, covert meddling in civil wars, etc.); the development of nuclear and chemical weapons convinced some of the necessity of defending a broader interpretation of the right to self-defence in the light of art. 51, including a “right to anticipatory self-defence”. Thus, Kennedy, can argue that “what began as an effort to monopolize force has become a constitutional regime of legitimate justifications for warfare. . For the author, the Charter, far from ensuring the dawning of an “age of collective security”, has rather become the contemporary legal language for the justification and organization of war: “it is hard to think of a use of force that could not be legitimated in the Charter’s terms”. So as to corroborate his point, Kennedy signals how “the Bush and Blair administrations argued for the [Iraq] war in terms drawn straight from the UN Charter, and they issued elaborate legal opinions legitimating the invasion in precisely those terms” . Once Kennedy has stressed, what we could term, the teleological ambiguity of the law of war, he proceeds on with his deconstructive analysis by noting a second type of ambivalence or relativity in the ius belli: the historical and political contingency of all its categories . These categories have been rightfully reconducted by N. Berman to two major questions: “What is a war? Who is a warrior?”. A shift from an initial formalist-statalist framework to, what we could label, a “factualist-pluralist” approach is observable in the treatment of these questions along the 20th century. Thus, prior to the Second World War, the ius belli granted states with the monopoly of the combatants’ privilege: states themselves determined what was a war, officially declared whether they were at war and only their regular armies were recognised the quality of combatant answering, thereby, the question of “who is a warrior?”. This standpoint was “formalist” insofar as the legal existence or inexistence of a war depended on the formal declaration of war by the states involved in the conflict according to the traditional “state of war doctrine”. But, as the 20th century advanced, states failed increasingly to issue formal declarations of war (e.g. the Japanese attack to Pearl Harbor) . Accordingly, the ius in bello had to find new empirical criteria enabling jurists to ascertain objectively the existence of a conflict (and, consequently, the applicability of its rules) irrespective of the formal recognition of a “state of war” by governments. Consequently, common Article 2 of the Geneva Conventions (1949) establishes that the Conventions are applicable to “all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them”. While this formulation was still characterized by a state bias (as it presupposed the subjects of the conflict would at any rate be states), since then, various non-governmental players have been pressing for an extension of the legal categories of “war” and “combatant” . Thus, the 1977 Protocol I to the Geneva Conventions added the “armed conflicts which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination”. This criterion seemed, however, to render the applicability of the Convention dependent on the motivations that allegedly inspire the fighters of a non-governmental guerrilla: that is, aspects that were traditionally dealt with by the ius ad bellum (the problem of the “just entitlements” in Francisco de Vitoria’s terminology) as Abraham Sofaer has noted. As a consequence, no significant progress towards the “objectivity” promised by the new “factualist-pluralist” approach seems to have been made. If the anti-colonial or anti-racist fighters are “combatants” as far as the ius in bello is concerned, should fighters struggling for other causes not be now counted as “combatants” too? Are there any limits whatsoever to those claimed causes?. This relativity applies, of course, not just to the subjects of ius in bello, but does also affect the contents of ius in bello. In view of this, Kennedy stresses that both the actual and potential subjects of the law in war will now be entitled to uphold different viewpoints as to the limits of tolerable military conduct. If, from a Western perspective, the tactics of the Afghan or Iraqi insurgences appear intrinsically perfidious (terrorists disguise themselves as civilians or use civilians as human shields, immolate in suicide attacks, shoot from mosques, etc), the insurgents would argumentatively retort that only the use of those tactics can allow them to offset the huge technological asymmetry of the opposing forces . They would also claim that, from their perspective, perfidy rather lies in bombing from an altitude of 5.000 metres (which trades the security of the pilot for the increased likelihood of “collateral damage”), checking civilians systematically in search of weapons, etc. Contemporary law in war turns out to be, in Kennedy’s formally egalitarian perspective, the legal language in which a global “conversation” about the moral limits of military conduct unfolds; a conversation in which, moreover, an increasing variety of actors, with a growing number of heterogeneous outlooks, are taking part. Kennedy’s appears as an attempt to show how the shift from formalism to realism (and from statism to pluralism) in the response to the questions “what is a war?” and “who is a warrior?” entails a blurring of the edges (once seemingly distinct) of both categories. In this sense, Of War and Law present itself as a story of the “rise and fall of a traditional legal world that sharply distinguished war from peace and in which law was itself cleanly distinguished from both morality and politics” . For the author, it is not just that formal “declarations of war” and “states of war” (which used to provide a sharp and intellectually reassuring separation line between war and “non-war”) have fallen into oblivion, but that we are witnessing what might be called “a revenge of Clausewitz” and his conspicuous formulation of war as “the continuation of politics by other means.” The use of force appears as just another area within a range of foreign policy measures at the disposal of governments. That range is a continuum, within which it is very hard to ascertain where diplomacy and politics end, and where war begins. As Kennedy notes “the point about war today […] is that these distinctions have become unglued. War and peace are far more continuous with one another than our rhetorical habits of distinction and our wish that war be truly something different would suggest” . This blurring of the war/politics boundary was already a feature of the long Cold War period: was the tug-of-war between the superpowers genuine war, or was it peace? The contraditio in terminis of the very concept “Cold War” was precisely meant to express the ambiguous nature of that situation, which went beyond the patterns of the formalist-statist ius belli. Following the termination of the Cold War, this continuity has only increased and the use of “a bit of” military force (in a new age of “distotalized” or “virtualized” war) has become another tool within the political foreign toolkit (diplomatic pressures, economic sanctions) of the great powers. Thus, the “opponents of the Iraq wars faced the immediate question –is the UN sanctions regime more or less humanitarian? More or less effective?”. In the author’s view, the final image is one where no categorial gap between the use of force and other means of state pressure exists. Today’s scenario would, therefore, be one where the referred qualitative boundary, that was before taken for granted, has simply disappeared and where considerations of efficiency, opportunity or humanity are bound to determine the state’s final choice.

### Legalism – Link – 2NC

#### -- Second is Ethics DA – their focus on procedural solutions obscures moral questions , a legalist approach focuses on what is legal and confuses that with what is right or wrong and blurs morality – this is true in the context of the plan – their selective focus on \_\_\_\_– we think things are moral because it is legal – the impact to this is constant militarism

Smith 2 – prof of phil @ U of South Florida

(Thomas, International Studies Quarterly 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroy- ing the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declara- tions of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its mem- bers have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed.

### Perm Do Both – 2NC

#### -- Links swamp the permutation---it instrumentalizes the alternative which only masks the plan’s violent governmentality---internal contradictions means it inevitably fails

Sjoberg 13 (Laura Sjoberg, Department of Political Science, University of Florida , Gainesville The paradox of security cosmopolitanism?, Critical Studies on Security, 1:1, 29-34)

Particularly, Burke suggests that security cosmopolitanism ‘rejects a procedural faith in strongly post-Westphalian forms of government and democracy’ (p. 17) and reiterates that such an approach includes ‘no automatic faith in any one institutional design’ (p. 24). This seems to move away from one of the prominent critiques of, in Anna Agathangelou and Ling’s (2009) words, the ‘neoliberal imperium,’ as reliant on Western, liberal notions of governance to the detriment of those on whom such a form of government is imposed. Burke clearly problematizes this imposition, framing many of the serious problems in global politics as a result of ‘choices that create destructive dynamics and constraints’ (p. 15) at least in part by Western, liberal governments – characterizing modernity as culpable for insecurity. At the same time, the solution seems to be clearly situated within the discursive framework of the problem. Burke suggests that there should be a primary concern for ‘effectiveness, equality, fairness, and justice – not for states, per se, but for human beings, and the global biosphere’ (p. 24). Unless the only problem with modernity is the post- Westphalian structure of the state (which this approach does not eschew, but claims not to privilege), then this statement of values might entrench the problem. Many of the ideas of equality, fairness, and justice that come to mind with the (somewhat rehearsed) use of those words in progressive politics are inseparable from an ethos of enlightenment modernity. This may be problematic on a number of levels. First, it may fail to interrupt the series of choices that Burke suggests produce a cycle of insecurity. Second, it may fold back onto itself in the recommendations that security cosmopolitanism produces. This especially concerned me in Burke’s discussion of how to end ‘dangerous processes,’ where he places ‘greater faith in the ethical, normative, and legal suppression of dangerous processes and actions than in formalistic or procedural solutions’ (p. 24). It seems to me that there is a good argument that ‘suppression’ is itself a ‘dangerous process,’ yet Burke’s framework does not really include a mechanism for internal critique. Another problem that seems to confound security cosmopolitanism is evaluating the relationships between power, governance, and governmentality. There are certainly several ways in which Burke uses a notion of the state that distinguishes security cosmopolitanism from the mainstream neoliberal literature. For example, he characterizes the ‘state as an entity whose national survival depends on its global participation, obligations, and depen- dencies,’ (citing Burke 2013a, 5). This view of the state sees it as not only survival-seeking (in the neo-neo synthesis sense) but also dependent on its positive interactions with other states for survival. Burke’s approach to government/governance initially appears to be global rather than state-based, another potentially transformative move. For example, he sees the job of security cosmopolitanism as to ‘theorize and defend norms for the respon- sible conduct and conceptualization of global security governance’ (p. 21). At the same time, later in the article, Burke suggests entrenching the current structure of the state. His practical approach of looking for the ‘solidarity of the governing with the governed’ seems to simultaneously interrogate the current power structures and reify them. Burke says: Such a ‘solidarity of the governed’ that engages in a ‘practical interrogation of power’ ought to be a significant feature of security cosmopolitanism. At the same time, however, security cosmopolitanism must be concerned with improving the global governance of security by elites and experts. (p. 21) This attachment to the improvement of existing structures of governance seems to be at the heart of what I see as the failure of the radical potential in the idea of security cosmopolitanism. When discussing how the power dynamics between the elite and the subordinated might change, Burke suggests that ‘voluntary renunciation of the privileges and powers of both state and corporate sovereignty will no doubt be a necessary feature of such an order’ (p. 25). Relying on the voluntary renunciation of power by the powerful seems both unrealistic and not particularly theoretically innovative. This seems to be at the center of a paradox inherent in security cosmopolitanism: Faith in the Western liberal state is insidious, but the Western liberal state does not have to be. Modernity causes insecurity, but need not be discarded fully. Some universalizations are dangerous, others are benign. Dangerous processes must be stopped, even if by dangerous processes. Moral entrepreneurship is the key, but ther e is no clear foundation for what counts as moral. The security cosmopolitanism critique is inspired by consequentialism, but lacks deontological foundations despite deontological implications. Burke calls for (and indeed demands) to ‘take responsibility for it’ (p. 23) in terms of ‘both formal and moral accountability’ (p. 24). In so doing, he endorses (Booth’s vision of) ‘moral progress’ (p. 25), despite understanding the insidious deployment of various notions of moral progress by others. Security cosmopolitanism, then, is a proclamation for radical change that is initially stalled by its internal contradictions and further handicapped by its lack of capacity to enact the very sort of radical change Burke sees it as fundamental to righting the wrongs he sees in the world. The result seems to be the (potential) reification of existing governments/governmentality through what essentially appears to be a non-anthropocentric ‘human security’ which cannot be clearly distinguished from current notions of human security (p. 15). It appears to remain top-down and without clear moral foundation while claiming significant improvement over existing approaches. This appearance/seduction of improvement without real promise for change might be more insidious than the nihilism of which many post-structuralists are accused, as it seductively appears to solve a problem it does not solve.

### Framework – 2NC

#### --The rush to pragmatic legal solutions forcloses a broader set of ethical questions beyond the law---investigating the discursive frame through which juridical solutions are proposed is a prerequisite to sound legal analysis

Jones 13 (Craig Jones, PhD student at the University of British Columbia, Vancouver. Department of Geography. Scholar at the Liu Institute for Global Issues at UBC. Research update – method in the madness?, warlawspace.com/2013/09/30/research-update-method-in-the-madness/)

Steven Keeva called the First Gulf War the first ‘lawyers war’, though in fact this isn’t quite correct because lawyers were involved in Panama a couple of years earlier and – albeit in a very different way – in Vietnam too; but that’s for a later post. While the last two decades have witnessed an unprecedented rise in the provision of legal advice in operational decision making, crucial questions still remain about what military lawyers do and how they contribute to the targeting process, and I’ll get to these questions in a moment. Before asking the more theoretical questions that interest me, I have found it more useful to begin with seemingly straightforward and pragmatic questions. I use ‘seemingly’ advisedly: targeting is a very technical process and to understand the role that the lawyer plays, one first has to understand how targeting works. There is a lot of jargon; there are many different types of targeting; many different ‘phases’ and ‘rhythms’; many different rules; endless information feeds; numerous intelligence (re)sources and analyses; countless technicalities and calibrations; and, I could go on. My point is that, just as the military lawyer must learn the technical specifics of military operations (and I mean everything from RoE and ‘place-based’ knowledge to munitions and weaponeering), we, as scholars and publics, too must understand how the thing gets done if we want write and think responsibly and – I hope – critically and authoritatively about the role of the lawyer in targeting and (more broadly) the role of law in war. Of course, such proximity requires extra vigilance, else understanding quickly turns on empathizing and with it comes an apology for pragmatism – what Costas Douzinas once called the ideology of Empire. Research update – method in the madness? September 30, 2013 by jonescraig After a long radio silence – my apologies – I’m back in the UK (although whether I’m back ‘home’, I’m not so sure…). I’m here for a number of reasons, and want to thank Peter Adey and the Department of Geography at Royal Holloway University of London for hosting me as a visiting scholar for the semester. It has been an action-packed first week, and I’m glad to confirm that I’ll be giving a departmental talk, ‘The War Lawyers & The Targeting Machine’, later in the semester and will be leading a one-off guest seminar, ‘war/law/space’ (!), for the MSc Geopolitics & Security group, a bright and diverse bunch who I had the pleasure of meeting last week. The other reason I’m here is to conduct the final component of my research: to try to figure out how the Royal Air Force approaches and executes its targeting missions in Afghanistan and Iraq. For those who are new to the blog, my study is a multi-site investigation of the role that legal advice and operational law play in the conduct of lethal targeting operations. So far my focus has been on Israel and the U.S. and I have been busy (hence the silence, I think) interviewing former and current legal advisors on their practical and often nail-biting role in what is a tremendously complicated and variegated targeting process. It is impossible to condense the lawyers role into a few sentences, not least because it changes from one state/air force to another and is a highly contextual practice which also varies from one operation to the next. I have written very some preliminary notes on the U.S. and Israeli cases here and here and I promise to fill in the U.K. blanks shortly. Steven Keeva called the First Gulf War the first ‘lawyers war’, though in fact this isn’t quite correct because lawyers were involved in Panama a couple of years earlier and – albeit in a very different way – in Vietnam too; but that’s for a later post. While the last two decades have witnessed an unprecedented rise in the provision of legal advice in operational decision making, crucial questions still remain about what military lawyers do and how they contribute to the targeting process, and I’ll get to these questions in a moment. Before asking the more theoretical questions that interest me, I have found it more useful to begin with seemingly straightforward and pragmatic questions. I use ‘seemingly’ advisedly: targeting is a very technical process and to understand the role that the lawyer plays, one first has to understand how targeting works. There is a lot of jargon; there are many different types of targeting; many different ‘phases’ and ‘rhythms’; many different rules; endless information feeds; numerous intelligence (re)sources and analyses; countless technicalities and calibrations; and, I could go on. My point is that, just as the military lawyer must learn the technical specifics of military operations (and I mean everything from RoE and ‘place-based’ knowledge to munitions and weaponeering), we, as scholars and publics, too must understand how the thing gets done if we want write and think responsibly and – I hope – critically and authoritatively about the role of the lawyer in targeting and (more broadly) the role of law in war. Of course, such proximity requires extra vigilance, else understanding quickly turns on empathizing and with it comes an apology for pragmatism – what Costas Douzinas once called the ideology of Empire. Fortunately, the airforces in my study are more open and frank than is frequently assumed, and I am only repeating what my supervisor Derek Gregory first told me years ago when I say that the U.S. armed forces are prolific publishers on these matters (for the tip of the ice-berg see here). CIA and secret and classified operations are, of course, something else entirely and often so too are the RAF and Israeli Air Force. Anyhow, I am slowly reconstructing and understanding the targeting process and will be sharing any new material that I find over the coming months. In the meantime, Derek Gregory remains our best source for a critical understanding of the kill-chain (at the very least see his ‘drones’ tab here). I should also say that targeting/military language is not the only lexicon I have had to learn – or at least have tried to learn – in this project; I am also trying my best to become conversational in law and legalese. Needless to say, one wouldn’t get very far with a military lawyer who has 30 years service under his/her belt without at least some knowledge of the relevant law. As one former military lawyer for the IDF told me, “you’d have no chance; they’d eat you for breakfast”. But as it was, one or two of the lawyers invited me to breakfast not to eat (me) but to talk, and it is through such discussions that I have been realising that – surprise surprise – the text is not the practice and that what happens in the manual is one thing; the real world of military operations and legal advice, quite another. Having nearly completed the Israeli and U.S. components of my study I am now better placed to understand what the pertinent questions are. Now that I am in the U.K., I’ll be asking questions which will help me to compare the different approaches taken by the U.S., Israel and the U.K. toward legal advice and targeting. The following are some tensions which have arisen thus far: a) What is the formal and non-formal (by which I mean unspoken, implicit and de facto) role of the legal advisor? Does s/he merely (sic) advise and leave it for the commander to decide, or has the legal advisor gained an effective veto power as to whether a strike goes ahead? Many lawyers have been reticent to admit the latter, though others have assured me that it frequently takes place and that they have been personally responsible for giving the effective final word on life and death operations. b) Where should the lawyer be located? Should s/he accompany troops on potentially life-threatening missions (as is common in the U.S. Army) or should s/he stay at the military base or the Air Operations Centre (AOC) (as is common in the U.S. Air Forces)? It may be surprising to some – it certainly was to me – that U.S. legal advisors die on the battlefield while on active duty. Not in Israel, because they are not forward deployed. One U.S. lawyer spoke of going out on multiple IED de-activation missions as a way of gaining respect from soldiers whose daily life and death was marked by ‘tours’ outside of the green zone in Baghdad. There are many commentators who think lawyers have no place at what the military call the ‘tip of the spear’, but the commanders who rely on their legal advice beg to differ; to them the lawyer has been likened to a priest bringing redemption. Not quite ‘forgive me Lord for I have sinned’, but ‘advise me Lawyer so that I may not’, perhaps? c) When should the lawyer be involved? Few in the respective military establishments now doubt that military lawyers perform an important role in operations; they provide a clear legal analysis as to whether this or that action is legal and thus serve as a safety valve for the commander who is not so sure. This may or may not be a good thing and many question whether the power to decide has not been delegated away from the commander, only to be taken by a lawyer who may have little experience in military operations. But the crux of the issue here is whether legal advisors should be involved only in the planning part of the targeting process, or whether they should also be involved in time-sensitive decision making where legal calls are required in seconds, not hours and days. The cartoon parable of this, which I can’t find now, is of the military lawyer, rule book in hand ,running after the soldier onto the battlefield and the soldier asks “can I…” I am putting all of this (and much more) together to ask a different kind of question at once practical yet also political and philosophical: what effects do the military lawyer and operational law have on the targeting process? This Foucauldian inspired question seeks to understand the functioning of a legal practice and of certain legal experts in the production of a discourse which we might broadly characterize as the ‘judicialization of war’. As legal questions have come, more and more, to dominate discussions about war, I think it is worth pausing to reflect on the consequences and to ask at what cost have legal questions come to the fore? The problem with law (though clearly not everyone sees it as a problem) is that it confers legitimacy and at the political level, this legal-legitimate amalgam has come to stand in for the other questions we might be asking about war; not ‘is it legal?’ but rather ‘is it right?’ or more simply, ‘why war?’ Military lawyers are not stupid people and modern militaries are not the buffoons they may once have been; both are attuned to and tune into how publics perceive what they do, hence why the Israeli military have become social media fanatics. To paraphrase Foucault, and to borrow from Derek Gregory, modern militaries have become obsessed with the ‘conduct of their conduct’. This means that they are surprisingly reflective and reflexive about what they do and how it is represented. Representing war – or targeted killing – as legal provides lethal action with a skein of legitimacy, but what difference does the law make, and *on what difference is international law founded?* For, and at my most provocative I ask, what difference does it make to the victim of a drone strike whether or not the strike was legal? The answer for a legalistic discourse of war is that many never stop to consider that there is something beyond the law.

## LA

### Public Surveillance

#### Dictators use it inevitably and the main concern is public surveillance – the aff doesn’t solve that

Cupolo 12/22 (Diego Cupolo, Diego Cupolo is an independent journalist, photographer and author of Seven Syrians: War Accounts From Syrian Refugees, to be released in January, 2014 by 8th House Publishing. He serves as Latin America regional editor for Global South Development Magazine, “Drone Use Soars in Latin America, Remains Widely Unregulated”, <http://sandiegofreepress.org/2013/12/drone-use-soars-in-latin-america-remains-widely-unregulated/>, December 22, 2013)

Over the last decade, drones have made headlines as tools for covert bombing campaigns in the Middle East and the Horn of Africa. Yet remote-controlled warfare is just one of many functions Unmanned Aerial Vehicles (UAVs) can provide as non-lethal models become less expensive and more accessible to countries around the world. From aerial surveillance to three-dimensional geographic modeling of rugged terrains and even speedy pizza delivery service, manufacturers have begun to promote the infinite capabilities of domestic drones. At the same time, they are specifically targeting developing markets in Latin America for the martial use of drones in law enforcement and military operations. In response, human rights groups have been raising concerns over these fast-evolving technologies, citing the potential for abuse by various state agencies. Recent advancements have allowed governments to adopt and, in some cases, begin building their own UAV fleets, but regulation on domestic drone use remains non-existent throughout the Americas aside from preliminary laws adopted in Brazil, Canada and the United States. “The biggest concern presented by drones is they will become a tool for routine mass surveillance,” said Jay Stanley, a senior policy analyst for the American Civil Liberties Union. “Fleets of small, inexpensive self-launching drones could easily spread over a town, network together and provide comprehensive, 24-7 dragnet surveillance or a single high-flying drone could accomplish the same thing. This technology already exists. It’s called Wide Area Surveillance and it’s being used overseas by the US military.” Stanley was speaking at a hearing organized by the Inter-American Commission on Human Rights (IACHR) in November 2013 where human rights advocates examined the implications of unregulated drone use in Latin America. In the first event of its kind, speakers aimed to spark a wider debate on domestic UAVs while calling for guidelines on the inevitable swarm of flying robots that will soon fill our skies. Rise of the Drone Market Drones are convenient, not to mention economical. Unlike helicopters and other manned aircrafts, they require less maintenance, less fuel, and less risk to human life in potentially dangerous operations – all while drone prices drop with each passing year. “The most basic surveillance drones are small and cost about $600 from a company in Mexico,” W. Alejandro Sanchez, senior research fellow at the Council on Hemispheric Affairs (COHA), said in a phone interview. “From there, the prices get higher, but not as much as most people expect, especially when compared to the cost of a helicopter. Anyone thinking drones are financially unattainable for less developed countries hasn’t looked at the latest models.” The falling prices are opening new markets for multi-use drones around the world. Within the next 10 years, drone spending in the U.S. is expected to reach more than $89 billion as UAVs take on more civilian tasks such as pesticide spraying for agriculture, emergency medical response and humanitarian relief, according to a Bloomberg report. Speaking before the IACHR hearing, Santiago Canton, an Argentine lawyer and director of RFK Partners for Human Rights, listed off Latin American nations that have launched or announced plans to launch their own domestic drone programs. “The Argentinean army has developed its own drone technology for aerial surveillance. Brazil is the country in Latin America that has the highest number of drones, both produced nationally and purchased outside the country,” Canton said. “Bolivia has only purchased drones for its air force, and it has signed an agreement with Brazil to have Brazilian drones identify coca-producing areas. Chile has sophisticated drones and they’ve bought Iranian [drones] for their borders and for surveillance throughout their country.” In addition to the U.S., a total of 14 countries in the Western Hemisphere will soon use or develop UAVs, according to Canton. Many are doing so using Israeli drones and production techniques, as the U.S. has strict regulations on sharing military technology with foreign governments. In recent years, Israel Aerospace Industries has sold its large, 54-foot wingspan “Heron” drones to Mexico and Ecuador, where it has branches in addition to sales offices in Brazil, Colombia, and Chile. Other Israeli drone companies have made “strategic agreements” with Brazilian aircraft manufacturer Embraer to produce drones for “monitoring of ports, agricultural, forest and coastal areas, traffic, etc.,” the Christian Science Monitor reported. Some Latin American countries, including several Caribbean nations, have been allowed to launch U.S. drones in cooperation with U.S. military and other U.S. agencies for drug trafficking and border patrol operations, Canton said. “In addition to joint exercises with the United States, Colombians have manufactured and purchased [drones] and used their own technologies. They use them for their borders, operations against the FARC and also for intelligence gathering,” Canton said. “Mexican Federal Police are using drones in security operations and anti-drug trafficking. Mexico City uses them for demonstrations,” he continued. “Panama uses them to monitor drug trafficking. The Peruvian army uses drones for the Apurimac area where the Sendero Luminoso [Shining Path guerrillas] operate.” The list goes on. From Wide Area Surveillance along the U.S.-Mexico border to volcanic studies in Costa Rica and rainforest conservation programs in Belize, domestic drones are poised to play a growing role in future government and military operations. Still, Canton warns the large majority of drone usage remains under military control with no civilian oversight. “We see the chilling effect that this can have on societies,” Canton said. “When people want to have public demonstrations drones can have a chilling effect and can intimidate people from doing this.” Follow the UAV Leader For the time being, a treaty to regulate drone usage does not exist anywhere in the world. Lawmakers have only begun to talk about the issue and according to Sanchez, it is unrealistic to expect an international agreement anytime soon. “Supporters of drone technology argue that the drones operate under the umbrella of the Geneva Conventions, which were signed in 1949,” Sanchez said. “That was 64 years ago, more or less, and we have to keep up with the times.” When legislation does reach senate floors, Sanchez said he expects Latin American governments to follow U.S., Israeli and European domestic drone programs for guidelines on how to form their own UAV policies. Yet a look inside the U.S presents a mostly grounded domestic drone market due to restrictions from the Federal Aviation Administration (FAA), which prevents the majority of personal and commercial UAVs from taking flight due to the threat of mid-air collisions with manned aircrafts, among other hazards. Still, current regulations are likely to change as the U.S. congress, acting recently under pressure from UAV industry lobbyists, ordered the FAA to speed up drone integration and draft new rules by 2015. “There is a lot of pent up demand for this technology among police departments and federal agencies and, as the FAA loosens its rules, we can expect many police departments to begin using drones,” said Stanley of the ACLU. At the time of publication, legislation on drone use has been introduced in 42 states over the past year and the remaining eight states have enacted legislation. Most of these laws require police to get a search warrant before deploying a drone. “These authorizations usually impose stringent criteria and conditions on the use of drones such as a 400 foot height limit and a ban on deployment over heavily populated areas,” Stanley said. The main gray area in U.S. domestic drone regulation is along the Mexican border, where surveillance UAVs can legally operate within 100-miles of the physical borderline, Stanley said. In this region, the U.S. government employs a drone system called “Argus,” which can simultaneously videotape a 100-square kilometer area with the ability to automatically detect and follow moving pedestrians and vehicles anywhere in the surveillance area. “It’s not hard to figure out who somebody is from their movements and from their location and it’s not hard to imagine those movements and tracks could be logged into databases and stored for years,” Stanley said. Some police departments have already begun experimenting with Wide Area Surveillance systems like Argus, in Philadelphia, Baltimore and Dayton, Ohio, Stanley added. Inter-State Conflicts and the Prospect of Armed Drones As with the U.S.-Mexican boundary, drone use along border areas throughout Latin America could easily and repeatedly provoke inter-state tensions, presenting another problem with unregulated UAV use, according to Sanchez. “What happens if they find some FARC commanders hiding in Venezuela and [the Colombian] government says they do not have the time to organize an operation, but they have an armed drone they can send to eliminate these people,” Sanchez said. “How will that exacerbate inter-state tensions?” Sanchez described a scenario in 2008, where Colombian troops carried out an operation inside Ecuador to assassinate Manuel Reyes, the commander of the FARC at the time. The Colombian government did not inform Quito of the operations and the move was seen as violation of Ecuador’s sovereignty, creating tensions between Ecuador and Colombia. The same could happen with UAVs, Sanchez said. Once drones become widely established as tools for law enforcement and military operations, the probability of such incidents will only increase. The matter would be further complicated if and when Latin American governments begin deploying armed domestic drones. “Drone technology is regarded as useful to find these guerrilla fighters and, given the controversial success of armed drones by countries like the U.S., it is only a matter of time before Latin American militaries decide to follow suit and utilize drones for search-and-destroy missions in the name of national security,” Sanchez wrote in a COHA report titled Latin America Puts Forward Mixed Picture On Use of Drones in Region. “The US has been selling drones as this revolutionary technology that will make life easier, so it’s obvious that Latin American countries will be interested after seeing the hellfire missiles in Pakistan,” he added in a phone interview. With surveillance drones, governments can only locate a target. They must still send helicopters full of armed soldiers to capture or eliminate the threat and this may require a high-risk military operation. Such deployments take time and planning, which may allow targets to get away. Sanchez said there is an obvious advantage to armed drones, but raises concerns over the prospect of such technology in the hands of dictatorial governments. “There’s definitely a need for a technology that’s both cheap and can have some really positive results, but obviously there’s a possibility this technology can be used for all the wrong reasons and, unfortunately, throughout Latin America’s history, the abuse of power [has] tend[ed] to happen quite often,” Sanchez said. The Future is Now Approximately 7,500 UAVs are expected to begin operating in U.S. airspace within the next five years following the introduction of new regulations, said FAA Administrator Michael Huerta at news conference in November. He added the ultimate goal of the American drone industry is to establish a global leadership that will enable the U.S. market to set standards for the industry worldwide. Meanwhile, most Latin American countries are enjoying economic growth, which means militaries have larger budgets at their disposal to build new weapons or buy them from abroad. Security and military operations in Latin America are currently pushing global demand for drones. “Countries like Brazil want to be known as a military power and they want to show they have a vibrant domestic military industry and they can build their own weapons and produce drone technology for sale to other countries,” Sanchez said. Still, the proliferation of drone technology throughout the Americas is advancing more rapidly than regulations. After analyzing the future and present uses of UAVs in Latin American, the IACHR hearing convened with three recommendations to the international community. The first two called on the U.S. to comply with international human rights principles in their use and development of armed drones around the world. The third recommendation set forth the need to “clarify and articulate” the legal obligations of states in regard to drone use, both armed and unarmed, and called for the drafting of legislation on the matter. As time passes and falling price tags encourage more governments to employ surveillance drones, the use of armed drones will only represent the next step in the integration process, Stanley said in his closing statements. “From their uses abroad we know that armed drones can be incredibly powerful and dangerous weapons. When domestic law enforcement officers can use force from a distance it may become too easy for them to do so,” Stanley said. “When it becomes easier to do surveillance, surveillance is used more. When it becomes easier to use force, force will be used more. We have seen this dynamic not only overseas, but also domestically with less lethal weapons such as tasers.” While there is currently a broad consensus against armed drone use in the Americas, Stanley said exceptions have arisen. U.S. police departments have suggested arming UAVs with rubber bullets for riot control. At the same time, U.S. border patrols have proposed outfitting drones with “non-lethal weapons designed to immobilize targets of interest.” “There is very good reason to think that once the current controversies and public spotlight on domestic drones fades away, we will see a push for drones armed with lethal weapons,” Stanley said.

### 1NC Latin America

#### Latin Americam threats authorize international violence while criminalizing dissent – the 1AC exhibits a discourse of security that provides the rationale for global domination.

Figueredo 7 [Darío Salinas, Professor in the Graduate Program in Social Sciences at the Universidad Iberoamericana, Mexico City, specialist in Latin American Studies at the CONACYT National System of Researchers, Latin American Perspectives, Issue 152, Vol. 34 No. 1, January, “Hegemony in the Coordinates of U.S. Policy: Implications for Latin America,” Translated by Marlene Medrano, p. 95-98]

The mobilization of an external threat, real or fictitious, and the belief in its intrinsic superiority have historically been important aspects of the discourse of U.S. policy, from the notion of the “savage” Native Americans to the Monroe Doctrine and the postulates of Manifest Destiny to the Huntingtonian elaboration that, by stressing cultural differences, suggests the capacity to harbor in its historical mission the germ of a “superior culture.”¶ After 1989, U.S. hegemony, in its search for a redefinition of the enemy, found in terrorism the threat it required to further its policy. The construction of this threat has not been free of inaccuracies and exaggerations. The most blatant example is that of the “weapons of mass destruction” supposedly in the hands of the deposed Baghdad regime, which, according to Washington, represented a real threat to U.S. security but which turned out to exist only in the political laboratory of the presidential team.¶ The new geostrategic order is overwhelmingly unilateral from the point of view of the political-military, financial, and technological power of the United States. The emergent polarities are fragmented and barely sketch a relative economic and commercial hierarchy, especially with regard to China, Japan, and Germany. At the same time, various indicators suggest a decline in the U.S. economy. The dynamic of these changes has important consequences for the conceptualization of the security issue.¶ During the cold war, “security” meant the traditional “state security.” It consisted of the perception of threats superimposed on the identification of internal conflicts that were treated as “subversive threats” supported from outside. Schematically, this was the general logic of the hegemonic notion of security that involved the “containment of communism” as an ideology. A political framework referred to as “national security doctrine” served as a model for the conduct of the majority of Latin American governments. The hypothesis of “civil war,” which gave rise to the “fight against subversion,” justified the installation or survival of dictatorships.¶ Recently, others attempting to identify structural causes for the conflicts that threaten security have revised this conceptualization. The context for this redefinition is globalization and its implication of interdependence. It is in this context that we can situate terrorism as a “global threat” articulated as a component of a security policy.¶ Finally, the transition to democracy has not resulted in a substantial restructuring of the armed forces. Despite the beneficent dimensions of the political changes in terms of human rights and a democratic rearrangement of the civil-military relationship (Tulchin, 2002), there is no indication of a significant change in the doctrinal framework that guided the actions of the armed forces up to the 1980s. Although there is no homogeneity within military institutions, a conceptual and doctrinal framework is maintained as a general rule. This is an advantage for the new security strategy connected with the fight against terrorism, given that its conception continues to be part of its capacity to control the conduct of others—in other words, to orchestrate its hegemony.¶ FREE TRADE AND SECURITY¶ The post–cold-war period has been characterized by the indisputable dominance of financial capital in the development of the global economy. The free circulation of unrestricted capital constitutes the motor of the model. The globalization of markets involves privatization and deregulation of the international financial system on a primarily speculative basis. The movement of international capital has been freed from the variables of the economy whose operation remained largely beyond the control of the national authorities in charge of economic policy, variables that Treasury secretaries often refer to in terms of a “difficult environment.” The proposal to transform the Latin American region into a free-trade zone is a reflection of this climate that, since 1989 and especially since the Washington Consensus, has been deployed as the ideology of neoliberalism and then as a policy converted into action (Cademartori, 2004).¶ In fact, U.S. conceptions of security and economic-commercial policy constitute an integrated geostrategic whole; the expansion of global commerce is part of the security strategy of the United States (Salinas, 2002). The project is aimed at standardizing the development of the world in terms of criteria that favor the economic-political configuration of the principal world power (Chossudovsky, 2002). Proposals of integration are not related exclusively to commercial issues. The Free Trade Area of the Americas (FTAA), which should not be considered abandoned, and other free-trade treaties should be considered geopolitical mechanisms for developing a large-scale project of domination. These mechanisms range from the strictly economic to those concerning labor legislation, state reform, laws concerning intellectual property, the environment, natural and energy resources, knowledge, and culture. The free-trade treaties signed so far, Chile’s among them, endorse the totalizing character intended by Washington and Wall Street (Weintraub and Prado, 2005).¶ It is exactly from this angle that the core of this geostrategic conception can be appraised. Its most acute expression was in the formulation of the concept of the “preventive war,” which in the case of Iraq was carried out at the margins of international legality, confirming the unilateralism that is fundamental to decision making in the new geostrategic order.¶ Antiterrorist policy operates as a coercive force that has an impact on regimes whose margins of self-determination are most precarious. The comprehensive treatment of these challenges is expressed in the context of the fragmentation of Latin American foreign policy in the face of the pragmatic U.S. prioritization of drug trafficking, terrorism, and migration.¶ Since 9/11 the United States has attempted to implement its national security policy without much concern for the establishment of agreements. This course of action was ratified both in the Conference on Hemispheric Security in 2003 and in the meeting of secretaries of defense in 2004. Lack of concordance in the treatment of an agenda shared with the United States necessarily turns into a sounding board for a social and political imbalance that disturbs more than the surface of diplomacy. This may be responsible for the strong social pressure to reconsider military spending in the countries of Latin America given their serious deficiencies with regard to social welfare, stability, and security. In the face of this deficit, the significance of military spending as a percentage of the global product since 2001 cannot be overlooked (IISS, 2004).¶ For Latin America, a security setting excluding the United States would be unthinkable. It is appropriate, then, to identify some complications associated with this problem.¶ 1. If the principle of dissuasion no longer seems useful in the struggle against terrorism, it is clear that, despite the prioritization of military force, a policy of alliance is required. In this sense, Latin America is an essential area for the United States because of the importance of its “great southern border.” The historical influence of the United States in the area, beyond its actual strategic supremacy and the agreements already subscribed to, is the best breeding ground for a campaign in favor of validation of the concept of security embodied in the policy of “preventive war.” The demand for collaboration stems from its imperative character, which does not admit different views because those who are not friends are enemies.¶ 2. Multilateralism has lost its force, and its political-diplomatic tools have been debilitated. Although there is no concerted regional capacity to avoid the imposition of unilateralism, countertrends and doubts are arising that release new forms of interaction and collaboration, primarily in the Andes and South America (Rojas, 2003).¶ 3. The sovereignty of the other loses its legitimacy if there is a presumption in the North that under its protection terrorism is being covered up or supported or if there is suspicion concerning the construction of weapons of mass destruction. From this perspective, one of the principal dangers for the security of Latin America stems not from foreign armies or from guerrillas but from criminal organizations. The danger of this perspective is the possibility of criminalizing the social struggle that has been unleashed in the region.¶ 4. The limits of the policy have opened a space for the absolutization of “hard power”—in other words, military force—in the new model and the antiterrorist struggle. From a Latin American viewpoint, security requires a multidimensional reading that transcends the view entailed by that struggle.¶ The significance for U.S. policy assumed by the struggle against terrorism as a “war of global reach” or a “global enterprise of uncertain duration” is inseparable from the previous points (NSC, 2002). These statements are translated into the identification of threats or zones of threat in Latin America as follows:¶ 1. The “triple border” of Argentina, Brazil, and Paraguay, which has long been a path for unregulated trade on a grand scale—in other words, for contraband of all types. Similar cases include the Tabatinga-Leticia corridor on the Brazilian border with Colombia, the Lake Agrio zone between Ecuador and Colombia, and the Darien Jungle.¶ 2. The current government of Venezuela, because of its alleged support of the Colombian guerrillas and for setting a bad political example for the region as a whole. Its economic and political initiatives potentially constitute expressions of a counter-balance to hegemonic politics, which may explain the intrusive and destabilizing harassment to which it is subject.¶ 3. The Cuban government, for its alleged support of international terrorism and the meaning of its politics.¶ 4. “Latin American terrorist organizations,” among them the Revolutionary Armed Forces of Colombia and the National Liberation Army in addition to drug traffickers and paramilitaries. This point implicates Colombia and its neighboring countries, along with the Caribbean basin, as an extraordinarily significant area for U.S. security policy. The U.S. resources destined for Plan Colombia and the Andean Regional Initiative and a sordid struggle for the drug market, added to the climate of war and violence, reflect a situation with the capacity to produce dynamics that unbalance the strategic perspective of regional stability.

## Drone Industry

### Surveillance alt caus

#### Their Lowdy evidence is about privacy concerns – the plan doesn’t alleviate that so the backlash to the drone industry is inevitable

Lowdy ‘13 (Joan Lowy, “Drone industry worries about privacy backlash”, <http://bigstory.ap.org/article/drone-industry-worries-about-privacy-backlash>, March 29, 2013)

It’s a good bet that in the not-so-distant future aerial drones will be part of Americans’ everyday lives, performing countless useful functions. A far cry from the killing machines whose missiles incinerate terrorists, these generally small unmanned aircraft will help farmers more precisely apply water and pesticides to crops, saving money and reducing environmental impacts. They’ll help police departments to find missing people, reconstruct traffic accidents and act as lookouts for SWAT teams. They’ll alert authorities to people stranded on rooftops by hurricanes, and monitor evacuation flows. Real estate agents will use them to film videos of properties and surrounding neighborhoods. States will use them to inspect bridges, roads and dams. Oil companies will use them to monitor pipelines, while power companies use them to monitor transmission lines. With military budgets shrinking, drone makers have been counting on the civilian market to spur the industry's growth. But there's an ironic threat to that hope: Success on the battlefield may contain the seeds of trouble for the more benign uses of drones at home. The civilian unmanned aircraft industry worries that it will be grounded before it can really take off because of fear among the public that the technology will be misused. Also problematic is a delay in the issuance of government safety regulations that are needed before drones can gain broad access to U.S. skies. Some companies that make drones or supply support equipment and services say the uncertainty has caused them to put U.S. expansion plans on hold, and they are looking overseas for new markets. "Our lack of success in educating the public about unmanned aircraft is coming back to bite us," said Robert Fitzgerald, CEO of The BOSH Group of Newport News, Va., which provides support services to drone users. "The U.S. has been at the lead of this technology a long time," he said. "If our government holds back this technology, there's the freedom to move elsewhere ... and all of a sudden these things will be flying everywhere else and competing with us." Since January, drone-related legislation has been introduced in more than 30 states, largely in response to privacy concerns. Many of the bills are focused on preventing police from using drones for broad public surveillance, as well as targeting individuals for surveillance without sufficient grounds to believe they were involved in crimes. Law enforcement is expected to be one of the bigger initial markets for civilian drones. Last month, the FBI used drones to maintain continuous surveillance of a bunker in Alabama where a 5-year-old boy was being held hostage. In Virginia, the state General Assembly passed a bill that would place a two-year moratorium on the use of drones by state and local law enforcement. The bill must still be signed by Gov. Bob McDonnell, a Republican. The measure is supported by groups as varied as the American Civil Liberties Union on the left and the Virginia Tea Party Patriots Federation on the right. "Any legislation that restricts the use of this kind of capability to serve the public is putting the public at risk," said Steve Gitlin, vice president of AeroVironment, a leading maker of smaller drones, including some no bigger than a hummingbird Seattle abandoned its drone program after community protests in February. The city's police department had purchased two drones through a federal grant without consulting the city council. Drones "clearly have so much potential for saving lives, and it's a darn shame we're having to go through this right now," said Stephen Ingley, executive director of the Airborne Law Enforcement Association. "It's frustrating."

### 1NC Arctic

#### Your construction of the Arctic justifies increased military presence – turns conflict and causes environmental degradation

**Dittmer et al 11** -- Professors in the Departments of Geography at University College London, University of Oulu, University College London, and Royal Holloway, respectively (Jason Dittmer, Sami Moisi, Alan Ingrama, Klaus Dodds, Political Geography, 2011, “Have you heard the one about the disappearing ice? Recasting Arctic geopolitics,” http://www.uta.fi/jkk/jmc/studies/courses/reading1%20+%20arctic%20+%20moisio.pdf)

The idea of the Arctic as an open e or opening e and uncertain space also calls forth future-oriented imaginative techniques, notably scenario analysis and the booming trade in “Arctic futures” (Anderson, 2010). The rhetorical orientation of such exercises inevitably reproduces and gives free rein to divergent conceptualizations of the future. Thus, on the one hand are dystopian imaginations of the Arctic as a locus of social, political, economic, cultural and ecological disaster. While during the 1990s Arctic space was infused with political idealism and hope as the end of the Cold War seemed to open the possibility of a less explicitly territorialized governance regime (the Arctic Council), current interventions in Arctic space raise the spectres of conﬂict, environmental degradation and the “resource curse” (Emmerson, 2010). The notion of the Arctic as an open, ‘melting space’ is thus represented as posing a multi-faceted security risk. Scott Borgerson (2008) published a notably neo-realist intervention in Foreign Affairs which considered this kind of scenario in more detail; he argued that the decrease in sea ice cover is directly correlated to evidence of a new ‘scramble for resources’ in the region, involving the ﬁve Arctic Ocean coastal states and their national security interests. According to Borgerson (2008: 65), the Arctic “region could erupt in an armed mad dash for its resources”. More generally, melting ice is correlated with enhanced accessibility and hence opportunities for new actors ranging from commercial shipping to illegal migrants and terrorist groups to migrate within and beyond the Arctic. At the most extreme, neorealists have contended that Arctic installations such as pipelines or terminals might be potential targets for terrorist organizations hell-bent on undermining North American energy security (Byers, 2009). At the same time, the Arctic is also framed as a space of promise: the locus of a potential oil bonanza, new strategic trade routes and huge ﬁshing grounds (Powell, 2008a). No wonder then that the Arctic possibilities have resulted in a number of scenarios on the relationship between Arctic resources and Arctic geopolitical order. Lawson Brigham, a well known Arctic expert, has imagined an “Arctic race”, a scenario in which “high demand and unstable governance set the stage for a ‘no holds barred’ rush for Arctic wealth and resources” (described in Bennett, 2010, n.p.). This vision, which is opposite to “Arctic saga”, can be regarded as a liberal warning message. Accordingly, without new governance structures based on new international agreements, high demand in the Arctic region could lead to political chaos which could also jeopardize Arctic ecosystems and cultures. The emphasis on the economic potential of the Arctic maritime areas further highlights the dominance of future over present in contemporary geopolitical discourses. The image of disaster (as epitomised by the Exxon Valdez sinking in 1989) thus forms a counterpoint to the image of a treasure chest (the Russian ﬂagplanting in 2007).We suggest that these assertions of Arctic disaster are used to justify a strengthened military presence in Arctic waters in the name of national security along with a range of futuristic possibilities (Jensen & Rottem, 2009). Here neo-realism feeds off the idea of the Arctic as opening, shifting and potentially chaotic space. It thus has an affective as well as descriptive quality e invoking a mood change and associated “calls to arms” (Dodds, 2010). This theme of ‘fearing the future’ has emerged periodically within Canadian political discourse, with Stephen Harper’s famous “use it or lose it” dictum traceable through previous governments, which have emphasized the threat of incursion by the Soviets or the United States (Dodds, in press; Head, 1963; Huebert, 2003). The disaster argumentation (Berkman & Young, 2009) also underwrites liberal calls for a new multilateral Arctic legal agreement which would set out rules, for example, on how to exploit Arctic resources. In these representations, “multilateralism” denotes peace, prosperity, stability and environmental rescue whilst national control and interest denote increasing tension, environmental degradation and conﬂict. Arctic ‘openness’ is central to the performance of Arctic geopolitics, enabling sabre-rattling by the ﬁve Arctic Ocean coastal states. The region’s coding as a feminine space to be tamed by masculine exploits provides an arena for national magniﬁcation. The remoteness and difﬁculty of maintaining permanent occupation of the far north also makes it a space where overlapping territorial claims and competing understandings of access to transit passages can (at the moment) co-exist with relatively little chance of actual combat (Baev, 2007). As we shall see, this is particularly true of the US/Canadian arguments over the legal status of the NorthWest Passage. In this way the discursive formation of Arctic geopolitics is also bound up with neo-realist ideas about the inherent tendencies of ‘states’ towards ‘conﬂict’ over ‘resources’, ‘sovereignty’ and so on e ideas that have been subject to extensive critical deconstruction in IR and political geography, but which are being rapidly reassembled in relation to the Arctic. The Arctic is thus a space in which the foundational myths of orthodox international relations are being reasserted. It might be said that it is not just the Arctic climate that is changing, with knock on effects for state politics and international relations, but rather that the region is being reconstituted within a discursive formation that renders it amenable to neo-realist understandings and practices inconceivable for other, more inhabited regions. Accepting the premises of ‘Arctic geopolitics’ risks both obscuring the liveliness of Arctic geography (Vannini, Baldacchino, Guay, Royle, & Steinberg, 2009) and enabling the sovereign fantasy that coastal states and their civilian and military representatives have previously enjoyed security via effective territorial control and may establish it once again.

### A2: Add-On

#### Don’t solve- don’t limit drone use between countries

#### No signal – zenko – takes this out

**No escalation – allies won’t be drawn in and Russia will be diplomatic**

**Glashatov 7** (Oleg, “Zero Hour Approaches for Yerevan; Azerbaijan Prepares to Fight for Nagorno-Karabakh: Will There Be War?”, What the Papers Say Part A (Russia), 7-5, Lexis)

Speaking at Johns Hopkins University, US Council on Foreign Relations analyst Wayne Merry noted that Azerbaijan cannot win, even though military options for resolving the conflict are being discussed openly in Azerbaijan. In his view, Nagorno-Karabakh is an impregnable fortress, further strengthened by Armenian forces, and even the American military would have difficulty attacking that fortress. According to the analyst, this is also the prevalent view in the Pentagon. But Azerbaijan takes an entirely different view of the situation. Zakhir Orudzh, a member of the Azeri parliament's defense and security committee, says: "Armenia can only be superior to us in the capacities it gains from bilateral military agreements with Russia and participation in the CIS Collective Security Treaty Organization. For all other parameters and resources, Azerbaijan is superior to Armenia, in military terms. And don't let anyone try to intimidate Azerbaijan with the idea that conflict escalation could have serious consequences for our country. Everyone should realize that if Azerbaijan and Armenia were left to face each other alone, with no external support, we could rapidly prove that we are in the right." Armed **hostilities could resume** in several ways; in almost every scenario, they would be started either **by Azerbaijan** or by dubious international structures that specialize in promoting the West's interests in this region (such as the International Crisis Group). The most immediately relevant scenario could involve the United States attacking Iran, and Azerbaijan taking advantage of the chaos to make an attempt at sorting out the Nagorno-Karabakh problem once and for all. **However, Azerbaijan could** **hardly expect** substantial **military support** in these circumstances, **from either the United States** (**it would be too busy elsewhere)** **or Turkey** (**which might confine its participation** in the conflict **to sending volunteers**). All of the above leads to the following conclusion: **Azerbaijan is unlikely to succeed with a blitzkrieg** in the immediate future. In this situation (as in most modern conflicts), the time factor would be decisive. Moreover, if hostilities do break out, Russia's military obligations would come into effect: Armenia is an ally within the CIS Collective Security Treaty Organization. **Consequently, Moscow is likely to make every effort to see that this conflict is resolved by diplomatic** or other **means**.

#### No Incentive for Draw-In – neither U.S. nor Russia have vital interests in the region

**Empirically denied**

**Arminfo 7** (News Agency, “Arkadiy Gukasyan: Pat Situation Maybe Created In The Karabakh Negotiating Process Because Inefficiency Of Its Format”, 7-3, Lexis)

Pat situation maybe created in the Karabakh negotiating process because inefficiency of its format, the NKR President Arkadiy Gukasyan said in the Russian-Armenian (Slavonic) state University when making a report "Nagornyy Karabakh: prospects of settlement". He also added that at present the OSCE Minsk Group because of contradiction of official Baku cannot make the format of the negotiating process in line with configuration of the conflict defined by it. "The pat situation maybe created in the negotiating process because of inefficiency of its format as the Azerbaijani party is trying to persuade the world community that only Azerbaijan and Armenia are the parties to the conflict blaming the latter for the territorial pretensions. We see the way out from the created situation in returning Nagornyy Karabakh to the negotiating table, and the OSCE MG co-chairs' efforts should be directed to this goal reaching", - the NKR president said. He also added that in fact today the parties are trying to treat a decease not knowing its diagnosis. "Today **the conflict is** **20 years old**, but **they are still disputing about the participants** in the conflict and its parties: **Azerbaijan-Armenia**, Azerbaijan-Karabakh or Azerbaijan-Armenia-Karabakh. I think **this is an** absolutely **absurd situation**. I have got a formula: until Azerbaijan strives to speak only with Armenia without Nagornyy Karabakh, Azerbaijan does not strive to settle the conflict and is just propagandizing", - Arkadiy Gukasyan concluded.

## T

### AT: W/M

#### Of is exclusive

Words and Phrases 74 (Words and Phrases, 1974, v. 29)

Word of Exclusion

A deed describing a line as running within four rods of a brook excludes the stread, and means from the side of the stream, and not from the center of it. The word “of”, as well as the word “from”, is used as a term of exclusion. Haight v. Hamor, 22 A. 369, 372, 83 Me. 453.

#### President of the US refers only to the chief executive officer – excludes other components of the executive branch

Ballentine’s Law 10 (“President of the United States.”, lexis)

The chief executive officer of the federal government, the executive power being vested in him by the Constitution of the United States. Article 2, § 1. That officer of the United States Government upon whom the Constitution has conferred the executive power of the government; whom it has made the commander-in-chief of the army and navy; whom it has authorized, by and with the consent of the senate, to make treaties, and to appoint ambassadors, ministers and consuls; and whose duty it has made to take care that the laws be faithfully executed.

**The aff is an executive branch**

[**Agencies.laws.com**](file:///C%3A%5CUsers%5Cbrian%5CDesktop%5CAgencies.laws.com) **No Date** <http://agencies.laws.com/federal-aviation-administration#sthash.S68GalDY.dpuf>

The Federal Aviation Administration functions as a government agency under the Executive Branch of the United States government, which is comprised of 3 total branches; in addition to the Executive branch – which is responsible for the regulation and enforcement of operational legislation existing within the United States of America – there also exists the Legislative and Judicial Branches.

#### And this is proven by their No link to Ptix – ev says insulated from political review because its not part of legislative branch

#### Statute refers to a law enacted by congress

HILL 12 [The People's Law Dictionary by Gerald and Kathleen Hill Publisher Fine Communications, <http://dictionary.law.com/Default.aspx?selected=2010>]

statute

n. a federal or state written law enacted by the Congress or state legislature, respectively. Local statutes or laws are usually called "ordinances." Regulations, rulings, opinions, executive orders and proclamations are not statutes.

#### Require statutory language

Kershner 10 (Joshua, Articles Editor, Cardozo Law Review. J.D. Candidate (June 2011), Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615)

n17 The phrase "statutory restrictions" is used hereinafter to mean statutory language that restricts the President's powers of nomination and appointment to those individuals meeting specific criteria. Examples include gender, state of residence, and most importantly political party. n18 Since 1980, more than one hundred Presidential signing statements have specifically mentioned the Appointments Clause. See The Public Papers of the Presidents, AM. PRESIDENCY PROJECT, http://www.presidency.ucsb.edu/ws (search for "Appointments Clause"). n19 These signing statements typically invoke the authority of the Appointments Clause to argue that statutory restrictions on appointment or removal of Officers of the United States are merely advisory. For numerous examples, see id. See also infra note 175. n20 The phrase "hyper-partisan atmosphere" has been frequently used by the news media and commentators to describe the political gridlock in Washington during the first years of the Obama administration. See, e.g., Eric Moskowitz, Hundreds Brave Cold to Hear From Scott Brown, THE BOSTON GLOBE, Jan. 29, 2010, http://www.boston.com/news/local/breaking\_news/2010/01/scores\_wait\_for.html (reporting on then Senator-Elect Scott Brown explaining that "he felt the hyper-partisan atmosphere in Washington was already changing as a result of his election" ten days earlier); Editorial, Bayh Bailout No Cause to Mourn Moderation, ORANGE COUNTY REG., Feb. 17, 2010, at H, available at http://www.ocregister.com/opinion/bayh-234673-sen-one.html (describing Senator Bayh's verbal attacks on the operation of the Senate after announcing his decision not to run for reelection as "using the occasion to decry the hyperpartisan atmosphere in Washington"). n21 As political battles over delays in approving Presidential nominations continue to be the norm, it is progressively more likely that Presidents will seek to bypass the Senate in the nomination process. This could include recess appointments bypassing both the "advice and consent" of the Senate, as well as any statutory restrictions. See, e.g., Scott Wilson, Obama Considers Recess Appointments, WASH. POST, Feb. 9, 2010 ("President Obama is considering recess appointments to fill some or all of the nominations held up in the Senate. President Bush used a recess appointment to make John Bolton the U.S. ambassador to the United Nations bypassing Democrats."). n22 Statutory restrictions date back to the first Congress and continue today. See infra notes 116, 118, 122. n23 See discussion infra Part I.D and note 128. n24 The phrase "political party restrictions" is used hereinafter to mean statutory restrictions on the President's powers of nomination and appointment by political party.

### FAA has the authority now

#### the FAA can regulate drones now – this is OUR ARGUMENT – they have the authorizing authority NOW.

Electronic Frontier Foundation 12

<https://www.eff.org/foia/faa-drone-authorizations> "Drone Flights in the US"

The Federal Aviation Authority, part of the DOT, is the sole entity within the federal government responsible for authorizing domestic drone flights, providing a certification or authorization for any drone flying over 400 feet.

### T – Must Be Congress – A2: Counter-Interpretation

#### More definitional support –

#### Statutory restrictions are legislative limitations – true for war powers

Barron and Lederman 8 (David J. – Professor of Law, Harvard Law School, and Martin S. – Visiting Professor of Law, Georgetown University Law Center, “THE COMMANDER IN CHIEF AT THE LOWEST EBB - FRAMING THE PROBLEM, DOCTRINE, AND ORIGINAL UNDERSTANDING”, January, 121 Harv. L. Rev. 689, lexis)

The Bush Administration has applied this robust conception of the Commander in Chief's preclusive power on several fronts. Indeed, virtually all of the major legal flashpoints in the war on terrorism have concerned, to one degree or another, the question of the President's constitutional authority as Commander in Chief to override existing legislative constraints on his conduct of military operations. Viewed together, these assertions of preclusive power do much to undermine the notion that the congressional abdication paradigm is a useful construct for understanding contemporary war powers. For as supine as Congress is thought to be, the President has not believed it to be so completely in his sway that he could ask it to remove existing restrictions on his preferred means of prosecuting the current conflict. And thus, as the following examples demonstrate, the Administration has repeatedly asserted - and often quite publicly - a right to act in defiance of congressional limitations in a range of areas. 1. Limitations on the Power To Detain Enemy Combatants. - In two recent cases, the Supreme Court was asked whether and under what circumstances the September 2001 AUMF gave the President the authority to indefinitely detain, in military custody, U.S. citizens alleged to have some relationship to the enemy. n42 Although this issue might appear to involve a legal question pertaining solely to Categories I and II of Justice Jackson's framework in Youngstown, in fact the question was thornier because of a 1971-enacted statute, 18 U.S.C. § 4001(a), which prohibits the detention of U.S. citizens "except pursuant to an Act of Congress." n43 Recognizing this reality, the Administration sought to blunt the force of that statutory restriction by arguing that the power to detain suspected enemy "combatants" lies "at the heart of [the President's] constitutional powers as Commander in Chief." n44 Thus, it contended, a statutory limit on that power must be construed narrowly to avoid "substantial constitutional doubts." n45

#### **Statutory restrictions involve passing a statute**

Kershner 10 (Joshua, Articles Editor, Cardozo Law Review. J.D. Candidate (June 2011), Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615, lexis)

The process by which the President fills an Executive Branch position is governed by the Appointments Clause:¶ [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. n81¶ This process is divided into three phases: (1) Congress creates an Executive Branch position by statute; n82 (2) the President nominates an individual to fill the position; n83 and (3) the Senate confirms the nominee. n84 The Clause covers a specified list of positions and the generic "other Officers of the United States." n85 The Clause controls who nominates, appoints, and confirms an individual for such a position. n86 Finally, the Clause defines a separate process for inferior officers. n87 It should be noted, however, that the Appointments Clause limits but does not empower Congress to create positions. n88 That power comes from the Necessary and Proper Clause. n89¶ The House of Representatives has no role in the process of nomination and appointment and is specifically not mentioned in the [\*626] Appointments Clause. All of the powers contained in the Appointments Clause are reserved to the President, the Senate, or both. n90 The Appointments Clause makes a distinction between the power to nominate and the separate power to appoint. The power of nomination is textually reserved to the President of the United States, n91 whereas the power of appointment is shared by the President and the Senate. n92 Statutory restrictions violate the plain text of the Appointments Clause because the very act of passing a statute requires the involvement of the House of Representatives. n93¶ Statutory restrictions on the appointments process are further problematic because the Appointments Clause's power to nominate is vested solely in the President. n94 Those statutory restrictions that limit the President's power to nominate violate the plain text of the Clause. n95 Where the Constitution provides a clear procedural process, the Supreme Court has consistently applied strict principles of formalism, construing the text so as to limit, rather than expand, the powers of the various branches of government. n96¶ The Senate's role in the appointments process is the final confirmation of a nominee. n97 The "advice and consent" of the Senate applies only to the appointment power. n98 The President and the Senate have interpreted advice as non-binding guidance, and have interpreted [\*627] consent as the act of confirmation. n99 Thus, the Appointments Clause gives the Senate only the narrow function of confirming nominees. n100

#### That’s passed by the legislature – court system agrees

Administrative Office of the US Courts 13 ("statute," http://www.uscourts.gov/Common/Glossary.aspx)

Statute

A law passed by a legislature.

#### Statutory restriction means legislative limits or controls on activities

Black's Law 10 (Black's Law Dictionary Free Online Legal Dictionary 2nd Ed., "Statutory restriction," 2nd Edition Online, http://thelawdictionary.org/statutory-restriction/)

What is STATUTORY RESTRICTION?

Limits or controls that have been place on activities by its ruling legislation.

### FAA enforces DOESN’T Make

#### The FAA establishes policy via rulemaking – they have to be AUTHORIZED via acts of congress.

**Banaszewski, 98** -- B.B.A., Aviation Administration, University of North Dakota

[Denise, “'VALIDLY ADOPTED INTERPRETATIONS": DEFINING THE DEFERENCE STANDARD IN AVIATION CERTIFICATE ACTION APPEALS,” Washington Law Review, 73 Wash. L. Rev. 637, July 1998, l/n, accessed 1-23-14]

The FAA establishes and implements aviation safety policy primarily through two interrelated rulemaking processes. First, the agency is authorized by Congress to promulgate **legislative rules**, the Federal Aviation Regulations (FARs). n22 The agency promulgates legislative rules under the Administrative Procedure Act (APA). n23 Legislative rules "**carry the force of law**" and bind the public and the agency. n24 Because much regulatory language tends to be vague, the FAA must both promulgate and interpret the FARs.

### Prez Directs

#### All executive branch organizations are directed by the President

DICKINSON 11 Prof of Poli Sci at Middlebury College, formerly at Harvard, received his PhD under Neustadt. [Matthew J. Dickinson, “The Presidency and the Executive Branch,” from New Directions in the American Presidency, ed. Lori Cox Han] page 139-142

The Executive Branch: A Many-Splintered Thing

What is the executive branch? A succinct answer is that it consists of the major governmental departments and agencies responsible for carrying out the nation's laws under the president's direction. These governmental organizations generally perform some combination of three functions: carrying out essential government duties, such as defending the nation against attack or conducting international diplomacy; regulating the private sector; and transferring federal dollars to third parties. This description, however, does not begin to hint at the variegated nature of the histories, cultures, and functions of these organizations. Consider the most familiar part of the executive branch: the 15 major departments that comprise the traditional presidential "cabinet."21 As Table 9.1 indicates, these cabinet departments vary widely in size-from the Department of Defense (DoD), which employs more than 700,000 civilians, to the much smaller Department of Education with a little more than 4,000 employees-as well as in budget, with the Treasury's budget authority more than 60 times that of the Department of the Interior's.

Most importantly, of course, the missions of the departments differ. At the risk of oversimplification, some departments, like those of Defense, State, Justice, the Treasury, and Homeland Security (DHS), are responsible for handling essential national functions. Others, such as the departments for Agriculture, Commerce, Labor, Interior, Education, and Veterans Affairs, primarily provide information, subsidies, and other services to influential client groups. Finally, a third subsetthe departments for Health and Human Services, Transportation, Housing and Urban Development, and E nergy-use federal dollars to promote research and development in particular issue areas.

This broad-stroke tripartite categorization should not be taken to suggest that each department is a unified organization with a single mission. In fact, most cabinet departments contain smaller agencies that often operate with relative autonomy in the pursuit of their own specific missions. Thus, although the MMS was part of the Department of the Interior, it conducted its permitting process with little oversight from the Interior's political leadership. Indeed, Salazar's muchvaunted reforms at the outset of the Obama administration apparently had almost no effect on MMS operations.

The existence of these semi-autonomous agencies is a reminder that most of the cabinet departments, and even some of the agencies within them, are typically cobbled together from existing government bureaus and offices rather than created out of whole cloth with a single mission in mind. For example, the Department of the Interior was established in 1849 by combining the Patent Office, the Pension Office, and the General Land Office, among others.22 Similarly, the most recent cabinet addition, the DHS, was created by Congress in the aftermath of the September 11, 2001 terrorist attacks by merging portions of 24 existing government organizations. When George W. Bush signed the authorizing legislation into law, the DHS instantly became the third-largest cabinet department in terms of employees, but one that is still struggling to assimilate its constituent parts into a cohesive whole.23

Not all of these 15 departments originated with "cabinet" distinction; Agriculture was created in 1862, but did not receive cabinet status until1889. The Bureau of Labor was first established within the Department of the Interior in 1888, and did not achieve cabinet designation until 1913. Education was initially part of the Federal Security Agency, and then folded into the cabinet-level Health Education and Welfare (HEW) department in 19 53 before being hived off to form a separate Education cabinet department in 1979.24

Cabinet designation, then, is no guarantee that a department is a unified entity with a single mission. The fa<;ade of cabinet designation may conceal the existence of several agencies or bureaus, each operating with relative autonomy in pursuit of missions that are unrelated or even in tension with one another. If we are to understand what a cabinet department does, then, we must look more closely at the organizational history of its constituent elements. The MMS, for example, was established in 1982 within the Department of the Interior by combining elements of the U.S. Geological Survey, the Bureau of Land Management, and the Bureau of Indian Affairs, which dealt with the leasing of federal lands to private parties. For the most part, these agencies focused on the surveying and leasing of government lands-not on environmental issues. Knowing the MMS's origins, it is perhaps less surprising that its permitting process centered primarily on revenue generation rather than on concern for the environment.

Moreover, some of the nation's most prominent agencies, such as the CIA, the Environmental Protection Agency (EPA), and the Army Corps of E ngineers, are not located within the major cabinet departments at all. Some of these agencies, such as the EPA and the General Services Administration (GSA), employ more people and spend more money than do some of the cabinet departments. The 2010 U.S. Government Manual lists 59 such independent government organizations, in addition to several, such as the Smithsonian Institute, that have quasi-governmental stan1s. Finding a way to neatly categorize these agencies is not easy; they differ in terms of the composition of the directing authority,25 the process by which officers are appointed and removed,26 the officers' qualifications for appointment, 27 and the methods by which they are financed.28 Harold Seidman and Robert Gilmour suggest that the most te lling indicator of their significance may be the personnel pay rates of top-level executives as established by the Executive Schedule. The secretaries beading the 15 cabinet departments are paid at Executive Level I, the highest rate. Major agencies within the Executive Office of the President (EOP), such as the head of the Office of Management and Budget, are often paid at Level II, while the beads of the various independent agencies may fall anywhere from Level II down to Level V, depending on the agency's status. Beyond this, however, there is often no clear reason why one agency has cabinet rank and another does not. As Seidman and Gilmour conclude, "The differences have their roots in custom and tradition and cannot be discovered in law books."29 More importantly, despite differences in status, there is no clear di sti nction in power or authority between cabinet departments and independent agencies.

### T – Must Be Congress – A2: Reasonability

#### It’s arbitrary and undermines research

Resnick 1 Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.