# 1NC v. Michigan KM

## 1NC Politics

#### Obama’s pressure on lawmakers will hold off a new sanctions bill now – a sufficient amount of lawmakers are willing to wait for negotiations to fail or not

Michael **Bowman, 1/23** Support Slipping for Iran Sanctions in US Senate, January 23, 2014, http://www.voanews.com/content/support-slipping-for-iran-sanctions-in-senate/1836453.html

CAPITOL HILL — More Democratic senators are quietly signaling their opposition to a bill that spells out new sanctions against Iran if negotiations to limit the country’s nuclear program do not yield a final accord. The bill retains bipartisan support in both houses of Congress, but passage is seen as increasingly unlikely in the Democratic-led Senate amid an intense lobbying effort by the Obama administration to hold off on sanctions while international negotiations proceed. Senators Patty Murray and Elizabeth Warren are the latest Democrats to announce their opposition to the Iran sanctions bill currently before Congress. In a letter to constituents in Washington state, Murray said “the administration should be given time to negotiate a strong verifiable comprehensive agreement” on Iran’s nuclear program. At the same time, she pledged to work “to swiftly enact sanctions” if the talks ultimately fail. Similarly, a spokeswoman for Warren says the Massachusetts senator “does not support imposing additional sanctions through new legislation while diplomatic efforts to achieve a long-term agreement are ongoing.” The sanctions bill has 16 Democratic co-sponsors, near-unanimous support among Republicans, and the backing of politically potent pro-Israeli U.S. lobbying groups. But 11 Senate committee chairs, including Murray, currently oppose the bill. Among Democrats who signed on to the measure late last year, some have grown less vocal in their defense and promotion of the measure in recent weeks. Senate Majority Leader Harry Reid has neither explicitly promised a vote on the bill, nor ruled it out. Congressional expert William Galston of the Brookings Institution says pressure from President Barack Obama appears to be swaying a growing number of Democratic lawmakers. “The White House is determined to prevent this from happening," he said. "The administration believes in the marrow of its bones that the executive branch is the lead negotiator in the matter and that it deserves a chance to conduct its own foreign policy." Iran says any new sanctions would violate last year’s interim nuclear accord and spell the end of negotiations.

**Defending his war power’s derails Obama’s domestic agenda because he is forced to defend himself – that trades off with other priorities**

**Kriner, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Permanent Iran deal is coming --- it’ll solve prolif and result in real concessions

Golnaz **Esfandiari 11/24**/13, writer @ Radio Free Europe citing Karim Sadjadpour, an Iran expert @ the Carnegie Endowment for International Peace, and Ali Vaez, senior Iran analyst @ the International Crisis Group, “Road To Permanent Iran Deal Is Long, Time Is Short,” http://www.rferl.org/content/iran-nuclear-deal-analysis-us-obama-eu/25178532.html

...Or Building Block?¶ ¶ But at the end of the day, says Karim Sadjadpour, an Iran expert at the Carnegie Endowment for International Peace, the accord gives Obama room to maneuver. "It helps ensure Obama's two overarching goals vis-a-vis Iran -- don't allow them to get the bomb, and don't bomb them," he says.¶ ¶ Ali Vaez, a senior Iran analyst at the International Crisis Group, concurs, saying there is now separation between Iran’s peaceful and potential military nuclear capabilities. This, he says, virtually eliminates the possibility of Iran dashing to assemble a nuclear weapon without prompt detection and response by the international community.¶ ¶ "Like hurdling track and field, springing over the first obstacle does not guarantee victory," he says. "But without it the race is lost."¶ ¶ Hibbs says both sides have bought six months to deflate tensions and build some trust, although, he notes, that is not a lot of time.¶ ¶ "Iran for the first time in a decade has agreed to suspend the most provocative of its nuclear activities," Hibbs says. "And if both sides can figure out how to match Iranian cooperation with sanctions-lifting, the two sides can create enough space to settle the longer-term issues at the end of the tunnel: how much enrichment, the future of the Arak project, long-term [International Atomic Energy Agency] verification."

#### that spills over and goes nuclear

Edelman 11

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” Foreign Affairs, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.¶ There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.¶ n-player competition¶ Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war

## 1NC

#### Restrictions are prohibitions on action --- the aff isn’t

Jean **Schiedler-Brown 12**, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

William **Conner 78,** former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### Violation – the aff isn’t a reduction in drones AT ALL – they just change the process through which drone strikes are conducted

#### Vote neg---

#### Neg ground---only prohibitions on particular authorities guarantee links to every core argument like flexibility and deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

## 1NC

**The Executive branch should**

**-publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.**

**The United States Congress should**

**-enact a resolution and issue a white paper stating that, in the conduct of its oversight it has reviewed ongoing targeted killing operations and determined that the United States government is conducting such operations in full compliance with relevant laws, including but not limited to the Authorization to Use Military Force of 2001, covert action findings, and the President’s inherent powers under the Constitution.**

#### The CP’s the best middle ground---preserves the vital counter-terror role of targeted killings while resolving all their downsides

Daniel **Byman 13**, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, July/August 2013, “Why Drones Work,” Foreign Affairs, Vol. 92, No. 4

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

#### Solves---the combination of executive disclosure and Congressional support boosts accountability and legitimacy

Gregory **McNeal 13**, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Perhaps the most obvious way to add accountability to the targeted killing process is for someone in government to describe the process the way this article has, and from there, defend the process. The task of describing the government’s policies in detail should not fall to anonymous sources, confidential interviews, and selective leaks. Government’s failure to defend policies is not a phenomenon that is unique to post 9/11 targeted killings. In fact, James Baker once noted "In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…"519 Publicly defending the process is a natural fit for public accountability mechanisms. It provides information to voters and other external actors who can choose to exercise a degree of control over the process. However, a detailed public defense of the process also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). However, the Executive branch, while wanting to reveal information to defend the process, similarly recognizes that by revealing too much information they may face legal accountability mechanisms that they may be unable to control, thus their caution is understandable (albeit self-serving).520 It’s not just the Executive branch that can benefit from a healthier defense of the process. Congress too can bolster the legitimacy of the program by specifying how they have conducted their oversight activities. The best mechanism by which they can do this is through a white paper. That paper could include: A statement about why the committees believe the U.S. government's use of force is lawful. If the U.S. government is employing armed force it's likely that it is only doing so pursuant to the AUMF, a covert action finding, or relying on the President's inherent powers under the Constitution. Congress could clear up a substantial amount of ambiguity by specifying that in the conduct of its oversight it has reviewed past and ongoing targeted killing operations and is satisfied that in the conduct of its operations the U.S. government is acting consistent with those sources of law. Moreover, Congress could also specify certain legal red lines that if crossed would cause members to cease believing the program was lawful. For example, if members do not believe the President may engage in targeted killings acting only pursuant to his Article II powers, they could say so in this white paper, and also articulate what the consequences of crossing that red line might be. To bolster their credibility, Congress could specifically articulate their powers and how they would exercise them if they believed the program was being conducted in an unlawful manner. Perhaps stating: "The undersigned members affirm that if the President were to conduct operations not authorized by the AUMF or a covert action finding, we would consider that action to be unlawful and would publicly withdraw our support for the program, and terminate funding for it." A statement detailing the breadth and depth of Congressional oversight activities. When Senator Feinstein released her statement regarding the nature and degree of Senate Intelligence Committee oversight of targeted killing operations it went a long way toward bolstering the argument that the program was being conducted in a responsible and lawful manner. An oversight white paper could add more details about the oversight being conducted by the intelligence and armed services committees, explaining in as much detail as possible the formal and informal activities that have been conducted by the relevant committees. How many briefings have members attended? Have members reviewed targeting criteria? Have members had an opportunity to question the robustness of the internal kill-list creation process and target vetting and validation processes? Have members been briefed on and had an opportunity to question how civilian casualties are counted and how battle damage assessments are conducted? Have members been informed of the internal disciplinary procedures for the DoD and CIA in the event a strike goes awry, and have they been informed of whether any individuals have been disciplined for improper targeting? Are the members satisfied that internal disciplinary procedures are adequate? 3) Congressional assessment of the foreign relations implications of the program. The Constitution divides some foreign policy powers between the President and Congress, and the oversight white paper should articulate whether members have assessed the diplomatic and foreign relations implications of the targeted killing program. While the white paper would likely not be able to address sensitive diplomatic matters such as whether Pakistan has privately consented to the use of force in their territory, the white paper could set forth the red lines that would cause Congress to withdraw support for the program. The white paper could specifically address whether the members have considered potential blow-back, whether the program has jeopardized alliances, whether it is creating more terrorists than it kills, etc. In specifying each of these and other factors, Congress could note the types of developments, that if witnessed would cause them to withdraw support for the program. For example, Congress could state "In the countries where strikes are conducted, we have not seen the types of formal objections to the activities that would normally be associated with a violation of state's sovereignty. Specifically, no nation has formally asked that the issue of strikes in their territory be added to the Security Council's agenda for resolution. No nation has shot down or threatened to shoot down our aircraft, severed diplomatic relations, expelled our personnel from their country, or refused foreign aid. If we were to witness such actions it would cause us to question the wisdom and perhaps even the legality of the program."

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Kenneth **Anderson 13,** Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties. Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership. If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature. Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Terrorists will target the food supply

Austin 4 James D. Zirin, LLP – Sydney Austin and Staff – Council on Foreign Relations, Washington Times, 12-27-2004, Lexis

The food supply is an attractive terrorist target. Food production accounts for 13 percent of gross domestic product; the food industry employs 18 percent of all U.S. workers; and agricultural exports are twice the total of other industries at $140 billion a year. The economic, not to say human, impact of an agro-attack could be devastating. As a stark reminder of our vulnerability, when just one Holstein in Washington came down with mad cow a year ago, 30 nations promptly banned importation of U.S. beef. The potential for disruption, panic and erosion of confidence in the government is self-evident. Such an attack, moreover, is relatively easy to accomplish. According to a Rand Institute report to the defense secretary published earlier this year, there is a large smorgasbord of freely available agents to choose from. The Office International des Epizooites lists at least 15 pathogens with the potential to cripple agricultural production or trade. None are the focus of U.S. livestock immunization programs. Unlike bioterrorism, agroterrorists take very little risk handling the pathogens, which generally are not harmful to humans. Very little training is required to prepare or administer the disease agent and no special wizardry to weaponize it. Indeed, because of our agricultural concentration, a small amount of pathogen could have a high terror yield. As the Rand report notes, "no issue of weaponization ... needs to be addressed because the animals themselves are the primary vector for pathogenic transmission." Finally, it is virtually impossible to trace an act of agroterrorism to the perpetrator unless it is admitted. The very fact the infection was intentional, as opposed to an accident, may be unprovable.

#### Agro-terrorism destroys genetic diversity

Dudley 2 JP Dudley, Institute of Arctic Biology – U Alaska Fairbanks, and M.H. Wolford, Not Kurt, Chair – Office International des Epizooties Working Group on Wildlife Diseases, Portugal, Bioweapons, Bioterrorism, and Biodiversity, 2002, http://www.oie.int/eng/publicat/rt/2....%20DUDLEY.pdf

Military and terrorist applications of biotechnology are threats to more than just human lives and human societies; certain bioweapon diseases present a very real danger to agricultural ecosystems, wildlife faunas and wildlife habitats. Genetically modified zoonotic and epizootic diseases (plague, tularemia, anthrax) and cultivated diseases of livestock (foot and mouth disease IFMD], rinderpest, brucellosis) are potentially very serious threats to livestock, wildlife and endangered species populations. There are concerns that plant diseases developed for use against cereal crops, opium poppies (Papaver somnferum), and coca (Eiythrnxylon spp.) (e.g. Fusarium spp. and Pleospora papaveraceae) might infect and proliferate among non-target plant species (35). The genetic diversity of local crop varieties and traditional livestock breeds is a critically important asset of global agriculture that may be subject to severe damage from deliberate or accidental bioweapon releases.

#### Genetic diversity prevents extinction

Fowler and Mooney 90, Cary Fowler and Pat Mooney, Rural Advancement Fund International, Shattering: Food, Politics, and the Loss of Genetic Diversity, 1990, p. ix

While many may ponder the consequences of global warming, perhaps the biggest single environmental catastrophe in human history is unfolding in the garden. While all are rightly concerned about the possibility of nuclear war, an equally devastating time bomb is ticking away in the fields of farmers all over the world. Loss of genetic diversity in ag**riculture—silent, rapid, inexorable—**is leading us to a rendezvous with extinction—to the doorstep of hunger on a scale we refuse to imagine. To simplify the environment as we have done with agriculture is to destroy the complex interrelationships that hold the natural world together. Reducing the diversity of life, we **narrow our options for the future and** render our own survival more precarious. It is life at the end of the limb. That is the subject of this book. Agronomists in the Philippines warned of what became known as southern corn leaf blight in 1061.' The disease was reported in Mexico not long after. In the summer of 1968, the first faint hint that the blight was in the United States came from seed growers in the Midwest. The danger was ignored. By the spring of 19701 the disease had taken hold in the Florida corn crop. But it was not until corn prices leapt thirty cents a bushel on the Chicago Board of Trade that the world took notice; by then it was August—and too late. By the close of the year, Americans had lost fifteen percent of their most important crop—more than a billion bushels. Some southern states lost half their harvest and many of their farmers. While consumers suffered in the grocery stores, producers were out a billion dollars in lost yield. And the disaster was not solely domestic. U.S. seed exports may have spread the blight to Africa, Latin America and Asia.

## 1NC

### Advantage CP

**The United States federal government should promote negotiations between the Association of South-East Asian Nations and China over a Code of Conduct pertaining to disputes in the East and South China Sea and the establishment of an East and South China Sea information sharing center.**

#### CP solves – even if negotiations fail, it’ll foster cooperation – that calms the potential for conflict

**Glaser 2012** (Bonnie S. Glaser, Senior Fellow at the Center for Strategic and International Studies, Senior Fellow with the Freeman Chair in China Studies, senior associate with the Pacific Forum on the Center for Strategic and International Studies, text taken from article titled, “Trouble in the South China Sea,” published September 17th, 2012. Text found at [http://www.foreignpolicy.com/articles/2012/09/17/trouble\_in\_the\_south\_china\_sea]

Going forward, the United States should hew closely to its principled approach to managing the South China Sea territorial disputes and maintain its longstanding position of neutrality on those disputes. At the same time, it should emphasize the shared interests of the United States and other nations in international norms that are threatened by China's assertive policies.

The United States should also press for a legally binding framework governing claims and disputes in the South China Sea. That means urging all claimants to bring their maritime claims in conformity with the Law of the Sea treaty -- which the United States should also ratify, in order to increase the effectiveness of its efforts. Furthermore, the United States should continue to encourage China and ASEAN to initiate negotiations on a code of conduct containing a dispute settlement mechanism. **Once the process of negotiations begins,** it is likely to have a calming effect that will defuse tensions.

The smaller states of the region are anxious that the new type of major power relationship that is being discussed by Washington and Beijing will lead to increased U.S.-China cooperation at the expense of the interests of other countries, including the members of ASEAN. These concerns should be promptly dispelled, and the United States should continue to promote the centrality of ASEAN as an anchor of regional stability.

## 1NC Norms Advantage

### a/t: top level

#### Past the tipping point – norms will fail

**Brooks 13.** “Duck-Rabbits and Drones: Legal Indeterminacy in the War on Terror” Rosa Brooks. 9/28/13.<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2297&context=facpub&seiredir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fstart%3D10%26q%3Ddrone%2Bnorms%2Bchina%26hl%3Den%26as_sdt%3D0%2C18%26as_ylo%3D2013#search=%22drone%20norms%20china%22>

**Soon**, warned Qiao and Wang, **warfare will “transcend all boundaries and limits**…. [T]he battlefield will be everywhere....[and] all the boundaries lying between the two worlds of war and non-war, of military and non-military, will be totally destroyed.” **In consequence**, “visible national boundaries, invisible internet space, international law, national law, **behavioral norms,** and ethical principles **[will] have absolutely no restraining effects**.” Outside of some narrow military and intelligence circles, Unrestricted Warfare attracted very little attention at the time of its publication. Today, it looks remarkably prophetic.

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

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

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

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

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

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

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

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

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

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

#### Zero chance that U.S. self-restraint causes any other country to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire: If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them. “The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.” This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran. The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests. Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone? While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

### a/t: scs conflict

#### SCS tension inevitable but won’t escalate, even if they win a huge internal link

Michal Meidan 12, China Analyst at the Eurasia Group, 8/7/12, “Guest post: Why tensions will persist, but not escalate, in the South China Sea,” <http://blogs.ft.com/beyond-brics/2012/08/07/guest-post-why-tensions-will-persist-but-not-escalate-in-the-south-china-sea/#axzz2Cbw54ORc>

These tensions are likely to persist. And Beijing is not alone in perpetuating them. Vietnam and the Philippines, concerned with the shifting balance of powers in the region, are pushing their maritime claims more aggressively and increasing their efforts to internationalise the question by involving both ASEAN and Washington. Attempts to come up with a common position in ASEAN have failed miserably but as the US re-engages Asia, it is drawn into the troubled waters of the South China Sea.¶ Political dynamics in China – with a once in a decade leadership transition coming up, combined with electoral politics in the US and domestic constraints for both Manila and Hanoi – all augur that the South China Sea will remain turbulent. No government can afford to appear weak in the eyes of domestic hawks or of increasingly nationalistic public opinions. The risk of a miscalculation resulting in prolonged standoffs or skirmishes is therefore higher now than ever before. But there are a number of reasons to believe that even these skirmishes are unlikely to escalate into broader conflict.¶ First, despite the strong current of assertive forces within China, cooler heads are ultimately likely to prevail. While a conciliatory stance toward other claimants is unlikely before the leadership transition, China’s top brass will be equally reluctant to significantly escalate the situation, since this will send southeast Asian governments running to Washington. Hanoi and Manila also recognize that despite their need for assertiveness to appease domestic political constituencies, a direct confrontation with China is overly risky.¶ Second, military pundits in China also realize that the cost of conflict is too high, since it will strengthen Washington’s presence in the region and disrupt trade flows. And even China’s oil company CNOOC, whose portfolio of assets relies heavily on the South China Sea, is diversifying its interests in other deepwater plays elsewhere, as its attempted takeover of Nexen demonstrates.

## 1NC Accountability Advantage

### ME War Defense

#### Middle East war would be short and small-scale

**FERGUSON 2006** (Niall, Professor of History at Harvard University, Senior Research Fellow of Jesus College, Oxford, and Senior Fellow of the Hoover Institution, Stanford, LA Times, July 24)

Could today's quarrel between Israelis and Hezbollah over Lebanon produce World War III? That's what Republican Newt Gingrich, the former speaker of the House, called it last week, echoing earlier fighting talk by Dan Gillerman, Israel's ambassador to the United Nations. Such language can — for now, at least — safely be dismissed as hyperbole. This crisis is not going to trigger another world war. Indeed, I do not expect it to produce even another Middle East war worthy of comparison with those of June 1967 or October 1973. In 1967, Israel fought four of its Arab neighbors — Egypt, Syria, Jordan and Iraq. In 1973, Egypt and Syria attacked Israel. Such combinations are very hard to imagine today. Nor does it seem likely that Syria and Iran will escalate their involvement in the crisis beyond continuing their support for Hezbollah. Neither is in a position to risk a full-scale military confrontation with Israel, given the risk that this might precipitate an American military reaction. Crucially, Washington's consistent support for Israel is not matched by any great power support for Israel's neighbors. During the Cold War, by contrast, the risk was that a Middle East war could spill over into a superpower conflict. Henry Kissinger, secretary of State in the twilight of the Nixon presidency, first heard the news of an Arab-Israeli war at 6:15 a.m. on Oct. 6, 1973. Half an hour later, he was on the phone to the Soviet ambassador in Washington, Anatoly Dobrynin. Two weeks later, Kissinger flew to Moscow to meet the Soviet leader, Leonid Brezhnev. The stakes were high indeed. At one point during the 1973 crisis, as Brezhnev vainly tried to resist Kissinger's efforts to squeeze him out of the diplomatic loop, the White House issued DEFCON 3, putting American strategic nuclear forces on high alert. It is hard to imagine anything like that today. In any case, this war may soon be over. Most wars Israel has fought have been short, lasting a matter of days or weeks (six days in '67, three weeks in '73). Some Israeli sources say this one could be finished in a matter of days. That, at any rate, is clearly the assumption being made in Washington.

### Warming turn

#### Turn—Warming

#### A) Middle East war solves it

**CETRON AND DAVIES SEPTEMBER 1 2007** (Marvin, president of Forecasting International Ltd.; Owen, former senior editor at Omni magazine and freelance writer, The Futurist)

Coal gasification. In an effort to wean the United States off foreign oil, the Department of Energy has mounted a substantial R&D program for coal gasification. A gasification pilot plant is expected toenter operation in 2010, and the zero-emissions FutureGen power plant, based on an advanced gasifier, is scheduled to begin producing electricity and hydrogen a few years later. Nothing can make coal miningenvironmentally friendly, but these technologies at least reduce thegreenhouse and respiratory impact of burning coal for power. The gasification program will be one of the first alternative energy programs to be accelerated in time of Middle Eastern war. Coupled with consumer trends toward plug-in hybrid cars, real opportunities for energy efficiency exist through coal power. [ILLUSTRATION OMITTED] \* Renewables. We can expect a much stronger push for renewable energy as well. Given the proper incentives--and a world oil shortage seems likely to qualify--solar, wind, and other renewable power technologies already have proven useful.

#### B) Extinction

**Tickell 8** [Oliver, Climate Researcher, The Guardian, 8-11, “On a planet 4C hotter, all we can prepare for is extinction”, <http://www.guardian.co.uk/commentisfree/2008/aug/11/climatechange>]

We need to get prepared for four degrees of global warming, Bob Watson told the Guardian last week. At first sight this looks like wise counsel from the climate science adviser to Defra. But the idea that we could adapt to a 4C rise is absurd and dangerous. Global warming on this scale would be a catastrophe that would mean, in the immortal words that Chief Seattle probably never spoke, "the end of living and the beginning of survival" for humankind. Or perhaps the beginning of our extinction. The collapse of the polar ice caps would become inevitable, bringing long-term sea level rises of 70-80 metres. All the world's coastal plains would be lost, complete with ports, cities, transport and industrial infrastructure, and much of the world's most productive farmland. The world's geography would be transformed much as it was at the end of the last ice age, when sea levels rose by about 120 metres to create the Channel, the North Sea and Cardigan Bay out of dry land. Weather would become extreme and unpredictable, with more frequent and severe droughts, floods and hurricanes. The Earth's carrying capacity would be hugely reduced. Billions would undoubtedly die. Watson's call was supported by the government's former chief scientific adviser, Sir David King, who warned that "if we get to a four-degree rise it is quite possible that we would begin to see a runaway increase". This is a remarkable understatement. The climate system is already experiencing significant feedbacks, notably the summer melting of the Arctic sea ice. The more the ice melts, the more sunshine is absorbed by the sea, and the more the Arctic warms. And as the Arctic warms, the release of billions of tonnes of methane – a greenhouse gas 70 times stronger than carbon dioxide over 20 years – captured under melting permafrost is already under way. To see how far this process could go, look 55.5m years to the Palaeocene-Eocene Thermal Maximum, when a global temperature increase of 6C coincided with the release of about 5,000 gigatonnes of carbon into the atmosphere, both as CO2 and as methane from bogs and seabed sediments. Lush subtropical forests grew in polar regions, and sea levels rose to 100m higher than today. It appears that an initial warming pulse triggered other warming processes. Many scientists warn that this historical event may be analogous to the present: the warming caused by human emissions could propel us towards a similar hothouse Earth.

# 2nc v. Michigan km

## Code of Conduct CP

### 2NC Solvency

#### The cp solves escalation better – communication mechanisms are more effective because dialogue is the only way to get countries to work together

**Glaser 2012** (Bonnie S. Glaser is a senior fellow with the Freeman Chair in China Studies and a senior associate with the Pacific Forum, Center for Strategic and International Studies, April, “Armed Clash in the South China Sea” <http://www.cfr.org/east-asia/armed-clash-south-china-sea/p27883>) BW

Mitigating a Regional Crisis with China

Dispatching air and naval forces to the immediate vicinity of an armed clash to defend U.S. interests and deter further escalation should always be considered an option. Such actions, however, must be balanced against the possibility that they will produce the opposite effect, encouraging an even stronger response from China and causing further escalation of a confrontation. A less risky option would be to threaten nonmilitary consequences—diplomatic and economic sanctions––to force China to back off and deter further military action. But here again such measures may only inflame hostilities and escalate the crisis. It is also doubtful in any case whether such measures would be supported by many in the region given China's economic importance.

Several less provocative responses might contain a budding crisis while avoiding further escalation. One option for the United States would be to encourage a mediated dialogue between involved parties. However, while Southeast Asian states may welcome a neutral mediator, China would probably oppose it. Thus, such an effort would likely fail.

Direct communication between military officials can be effective in de-escalating a crisis. States involved should establish communication mechanisms, include provisions for both scheduled and short-notice emergency meetings, and mandate consultation during a crisis. Emergency meetings would focus on addressing the specific provocative action that brought about the crisis. Operational hotlines, including phone lines and radio frequencies with clear protocols and points of contact, should also be set up. To be effective, hotlines should be set up and used prior to a crisis, though even then there is no guarantee that they will be used by both sides if a crisis erupts. China and Vietnam have already agreed to establish a hotline; this could be a model for other states in the region and China. The goal would not be to resolve underlying issues, but to contain tensions in the event of a minor skirmish and prevent escalation.

#### Mechanisms for cooperation already exist – the last plank of the counterplan specifically solves because an information center solves

**Glaser 2012** (Bonnie S. Glaser is a senior fellow with the Freeman Chair in China Studies and a senior associate with the Pacific Forum, Center for Strategic and International Studies, April, “Armed Clash in the South China Sea” <http://www.cfr.org/east-asia/armed-clash-south-china-sea/p27883>) BW

Promote Regional Risk-reduction Measures

The Association of Southeast Asian Nations (ASEAN) and China agreed upon multilateral risk-reduction and confidence-building measures in the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC), but have neither adhered to its provisions (for example, to resolve territorial and jurisdictional disputes without resorting to the threat or use of force) nor implemented its proposals to undertake cooperative trust-building activities. The resumption of negotiations between China and ASEAN after a hiatus of a decade holds out promise for reinvigorating cooperative activities under the DOC.

Multilaterally, existing mechanisms and procedures already exist to promote operational safety among regional navies; a new arrangement is unnecessary. The United States, China, and all ASEAN members with the exception of Laos and Burma are members of the Western Pacific Naval Symposium (WPNS). Founded in 1988, WPNS brings regional naval leaders together biennially to discuss maritime security. In 2000, it produced the Code for Unalerted Encounters at Sea (CUES), which includes safety measures and procedures and means to facilitate communication when ships and aircraft make contact. There are also other mechanisms available such as the International Maritime Organization's Regulations for Preventing Collisions at Sea (COLREGS) and the International Civil Aviation Organization's rules of the air. In addition, regional navies could cooperate in sea environment protection, scientific research at sea, search and rescue activities, and mitigation of damage caused by natural calamities.

The creation of new dialogue mechanisms may also be worth consideration. A South China Sea Coast Guard Forum, modeled after the North Pacific Coast Guard Forum, which cooperates on a multitude of maritime security and legal issues, could enhance cooperation through information sharing and knowledge of best practices. The creation of a South China Sea information-sharing center would also provide a platform to improve awareness and communication between relevant parties. The information-sharing center could also serve as an accountability mechanism if states are required to document any incidents and present them to the center.

### US Key

#### US pressure key to code of conduct success

**Glaser 2012** (Bonnie S. Glaser is a senior fellow with the Freeman Chair in China Studies and a senior associate with the Pacific Forum, Center for Strategic and International Studies, April, “Armed Clash in the South China Sea” <http://www.cfr.org/east-asia/armed-clash-south-china-sea/p27883>) BW

Third, the United States should make clear its support for risk-reduction measures and confidence-building measures among claimants in the South China Sea. The United States should continue to voice its support for full implementation of the China-ASEAN DOC and subsequent agreement on a binding code of conduct. **Beijing needs a favorable regional security environment and therefore has important incentives to work out a modus vivendi with its neighbors, but will not likely do so absent pressure**. Agreement on a binding code of conduct will require unity among all members of ASEAN and strong backing from the United States. In the meantime, cooperation should be further developed through expanded ship visits, bilateral and multilateral exercise, and enhanced counter-piracy cooperation. In addition, cooperation on energy and fisheries should be further promoted.

### AT: China Says No

#### China will say yes – also no escalation

**CSM 9-5**-2012 (“South China Sea dispute: China says it will work with neighbors” <http://www.csmonitor.com/World/terrorism-security/2012/0905/South-China-Sea-dispute-China-says-it-will-work-with-neighbors>) BW

China contends it will resolve each conflicting claim through bilateral talks, and “eventually” agree to talks with ASEAN member countries through a code of conduct, according to Mr. Yang. Yang says there is ample historic evidence to prove China’s right to the islands, and that disputes will be resolved through "direct negotiation and friendly consultation.” According to Bloomberg:

"China has sovereignty over the islands in the South China Sea and the adjacent waters. There is plenty of historical and jurisprudence evidence of that," he said.

Yang also rejected that there was any threat to international maritime commerce from the rising tensions over the disputes, something Washington has cited for the reason that peaceful settlements of the claims are a U.S. national security interest.

"The freedom and safety of navigation in the South China Sea is assured," he said. "There is no issue currently in this area nor will there ever be issues in that area in the future."

## Accountability

### 2NC No Impact

#### No escalation

#### Arab states won’t escalate

**COOK et al 2007** (Steven A., fellow at the Council on Foreign Relations; Ray Takeyh (fellow at the Council on Foreign Relations) Suzanne Maloney (senior fellow at Saban Center) June 28 2007 “Why the Iraq war won't engulf the Mideast”, International Herald Tribune

Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### No economic damage and no great power intervention

**KELLEY 2002** (Jack, national security writer for the Post-Gazette and The Blade of Toledo Pittsburgh Post Gazette, April 7)

During the Cold War, there was reason to suppose an Arab-Israeli war could spark a third world war. In those days, Israel was a client of the United States. The radical Arab states were clients of the Soviet Union. If the proxies got into a tiff, the conflict could spread to the principals. The closest we came to this was during the Yom Kippur War of 1973, when Egyptians, in a surprise attack, dealt a severe blow to Israeli defense forces. Only an airlift of M-60 tanks from U.S. bases in Germany kept Israel from being overrun. Once its initial battle losses had been replaced, Israel quickly regained the initiative, routing Egyptian and Syrian forces. Israeli troops were poised to take Cairo and Damascus. The Soviets were willing to permit the United States to restore the status quo ante. But they threatened to intervene to prevent a decisive Israeli victory. So we prevailed upon the Israelis to stop short of humiliating their enemies. The Yom Kippur War was a near thing for the world. Only three times in history have U.S. forces gone to DEFCON 1, the highest war footing. The Yom Kippur War was one of those times. Now the Cold War is over. Russia is a shadow of what we thought the Soviet Union was, and is more or less an ally in the war on terror. Radical Arabs have lost their sponsor. And Egypt has, after a fashion, switched sides. There is no longer good reason to suppose a conflict between Israelis and Palestinians would spread. Another consequence of the Yom Kippur war was the Arab oil embargo. But the oil "weapon" has lost much of its bang. We are more dependent upon foreign oil now than we were then, but less dependent on oil from the Persian Gulf, since new sources elsewhere have been developed. And Arab governments have become so dependent upon oil revenues that the loss of them would harm Arabs more than the loss of their oil would harm us.

#### Empirics prove our argument

**LUTTWAK 2007** (Edward, senior adviser at the Centre for Strategic and International Studies, Prospect, May <http://www.prospect-magazine.co.uk/article_details.php?id=9302>)

Why are middle east experts so unfailingly wrong? The lesson of history is that men never learn from history, but middle east experts, like the rest of us, should at least learn from their past mistakes. Instead, they just keep repeating them. The first mistake is "five minutes to midnight" catastrophism. The late King Hussein of Jordan was the undisputed master of this genre. Wearing his gravest aspect, he would warn us that with patience finally exhausted the Arab-Israeli conflict was about to explode, that all past conflicts would be dwarfed by what was about to happen unless, unless… And then came the remedy—usually something rather tame when compared with the immense catastrophe predicted, such as resuming this or that stalled negotiation, or getting an American envoy to the scene to make the usual promises to the Palestinians and apply the usual pressures on Israel. We read versions of the standard King Hussein speech in countless newspaper columns, hear identical invocations in the grindingly repetitive radio and television appearances of the usual middle east experts, and are now faced with Hussein's son Abdullah periodically repeating his father's speech almost verbatim. What actually happens at each of these "moments of truth"—and we may be approaching another one—is nothing much; only the same old cyclical conflict which always restarts when peace is about to break out, and always dampens down when the violence becomes intense enough. The ease of filming and reporting out of safe and comfortable Israeli hotels inflates the media coverage of every minor affray. But humanitarians should note that the dead from Jewish-Palestinian fighting since 1921 amount to fewer than 100,000—about as many as are killed in a season of conflict in Darfur

### 2NC Turns

#### Turn—Remittances

#### A) Conflict in the Middle East undermines them

NDTV 2011 (“Japan crisis, Middle East tension to impact remittance inflow in India,” March 27, http://profit.ndtv.com/news/show/japan-crisis-middle-east-tension-to-impact-remittance-inflow-in-india-145913)

The unrest in the Arab world and catastrophic events in Japan are bound to lower the inflow of remittances by Indians. As per World Bank report, India continues to be the largest recipient of the remittances from its diaspora in 2010. RBI estimates suggest that the inflow of remittances in 2007-08 were at $ 43.5 billion which goes up to $ 46.9 billion in 2008-09 and $ 53.9 bn in 2009-10 and already $ 27 billion has been remitted to India in the April-September period of current fiscal. With 30 per cent of remittances to India coming from the Middle East region, experts fear that further escalation in the region would affect remittances. "There are people whose livelyhood is dependent on this income, and if that is stopped it will badly affect us,” said T.K Hamza, chairman of Pravasi Welfare Board. According to official figures 16,200 Indians have been evacuated from Libya after the unrest and only 2000 Indians continue to stay back. Around 25,000 Indians stay in Japan and as per government figures over 1500 have taken flight back to India and the number is likely to go up further. Egypt had over 3600 Indians, but over 750 Indians are already back. But it is not all gloom and doom. Optimists point out that this is a temporary phase and if the conflict in the Middle East does not spread, the flight of Indians back to the country may stabilise.

#### B) That causes bloody secessionism

**GRABEL 2008** (Ilene Grabel, Professor, Josef Korbel School of International Studies, University of Denver, “The Political Economy Of Remittances: What Do We Know? What Do We Need To Know?” October, <http://www.peri.umass.edu/fileadmin/pdf/working_papers/working_papers_151-200/WP184.pdf>)

In other cases, however, the political effects of remittances have been far from benign. Remittances have provided funding for civil and border wars (as we noted above in connection with the Eritrean-Ethiopian conflict) and have also provided crucial support for some secessionist movements. In the latter context, Seddon [2004, cited in Agunias, 2006] notes that remittances from the Sri Lankan Tamil diaspora contribute to the Tamil secessionist struggle, and that the Indian Hindu diaspora in the UK contributes money to extremist groups in India. There is much work that needs to be done not only to substantiate these claims, but also to investigate their broader relevance. In particular, it is important to know if remittances leverage the voice of diaspora communities (unduly) relative to those who remain at home.

#### C) Nuke war

**SHEHADI 1993** (Kamal, Research Associate at the International Institute for Strategic Studies, Ethnic Self Determination And the Break Up of States, p. 81)

This paper has argued that self-determination conflicts have direct adverse consequences on international security. As they begin to tear nuclear states apart, the likelihood of nuclear weapons falling into the hands of individuals or groups willing to use them, or to trade them to others, will reach frightening levels. This likelihood increases if a conflict over self-determination escalates into a war between two nuclear states. The Russian Federation and Ukraine may fight over the Crimea and the Donbass area; and India and Pakistan may fight over Kashmir. Ethnic conflicts may also spread both within a state and from one state to the next. This can happen in countries where more than one ethnic self-determination conflict is brewing: Russia, India and Ethiopia, for example. The conflict may also spread by contagion from one country to another if the state is weak politically and militarily and cannot contain the conflict on its doorstep. Lastly, there is a real danger that regional conflicts will erupt over national minorities and borders.

#### Turn—Chechnya

#### A) Middle East war stabilizes it and solves terrorism

**CETRON 2007** [Marvin, president of Forecasting International Ltd. in Virginia, “Worst-case scenario: the Middle East: current trends indicate that a Middle Eastern war might last for decades. Here is an overview of the most critical potential impacts”, <http://www.allbusiness.com/government/government-bodies-offices/5523341-1.html>]

Russia clearly benefits from a Middle Eastern war. In any such scenario, Europe must become even more dependent on Russian oil than it is today, and Russia grows rich. This does not represent a significant change, of course; the trends are going in that direction already. In addition, by drawing Muslim extremists to the Middle East, a war between the Sunni and Shi'ite lands is likely to bring relative stability to Chechnya and the "stans" for so long as it draws terrorist attention away from local goals. Russia can only welcome this development.

#### B) Nuke terrorism against Moscow

**DOWLE 2005** (Mark, Teaches at the Graduate School of Journalism at Berkeley, California Monthly, September, <http://www.alumni.berkeley.edu/Alumni/Cal_Monthly/September_2005/COVER_STORY-_Berkeleys_Big_Bang_Project_.asp>)

One thing was stressed. Moscow is a feasible target for a terrorist nuclear attack. It is the capital of a fractious nation with a ruthless interior enemy, the Chechens, who have more than once proven their willingness to kill large numbers of Russian civilians. The country has had difficulty containing its own fissionable material. And a domestic terrorist in possession of a nuclear device would not have to cross an international border to reach Moscow. Moreover, Chechen rebels are mostly Muslim and aligned with al-Qaeda, which has expressed interest in obtaining a nuclear device.

#### C) Extinction

**DOWLE 2005** (Mark, Teaches at the Graduate School of Journalism at Berkeley, California Monthly, September, <http://www.alumni.berkeley.edu/Alumni/Cal_Monthly/September_2005/COVER_STORY-_Berkeleys_Big_Bang_Project_.asp>)

In the scenario presented by the BBP team, Vladimir Putin survives the attack. He is traveling in southern Russia when it happens and returns to find his entire military high command and most of his key ministries annihilated. He immediately institutes martial law, although most of the officers prepared to administer it are gone. In public briefings, Putin struggles to persuade his country and the world that there remains a chain of command, although that’s unlikely to be the case. He is by all indications a confident, thoughtful, and level-headed leader, unlikely to lash out. But many officers in the Russian military, and more than a few powerful civilians, harbor deep, residual post-Cold War distrust of America. More than a few surviving Russian military leaders still believe that the August 2000 sinking of the Kursk nuclear submarine in the Barents Sea somehow involved the United States Navy. Such people could be persuaded with relative ease that America was complicit in a nuclear attack, which almost certainly will surface as a conspiracy theory in Russia and elsewhere in the world. If we didn’t set it off, we knew it was coming and could have stopped it. Adding fuel to the scenario of a possible Russian reprisal against the United States has been the recent decline of relations between the two nations as the Bush administration has castigated Putin for human rights violations. Russia, in turn, has leaned more heavily toward China in trade and the two nations have been conducting joint military operations. Putin will be pressed to subdue suspicious military leaders, many of them in distant reaches of the country and in virtual possession of loaded nukes. If Putin were killed by the Big Bang, a question one member of the BBP posits, the post-attack likelihood of political instability and nuclear retaliation becomes even greater. One goal of the BBP team was to search for ways to quickly convince surviving Russian leaders that they would have no grounds for retaliating against the West. With that danger in mind, Harold Smith made a strategic decision. He brought two well-known Russians into the project’s deliberations—Nobel Laureate Zhores Alferov and Alexei Arbatov, a popular member of the Duma and, according to Smith, “the smartest man in Russia.” Their presence was meant to counteract a Russian general from waving the Big Bang report as “proof’’ that the U.S. Department of Defense had foreknowledge of just such an attack. If they are not too near ground zero when the Big Bang occurs, one or both of them could assure their fellow citizens that the BBP report is what it is—the product of an essential, collaborative exercise in theoretical, long-range, post-terrorist planning, in which they participated. The Berkeley team also stressed concerns about profiteering from collapsed markets, exploiting “holes of ungoverned spaces’’ by terrorist organizations seeking sanctuary, starting other wars between longtime adversaries, or taking advantage of Russia’s weakened international position.

#### Turn—Ukraine

#### A) War won’t escalate but it creates demand for weapons

#### Continuing instability in the Middle East will guarantee strong Ukrainian arms exports

**UKRAINIAN TIMES 2011** (“Ukraines Export Potential On World Arms Market Estimated At $8 Billion,” April 6, lexis)

Recently, 120 Ukrainian design bureaus, research institutes and plants participated in the arms and military equipment exhibition IDEX in the United Arab Emirates. Representatives of Middle-East and North-African countries took a keen interest in Ukrainian armored vehicles. At the same time, a delegation from Azerbaijan paid special attention to Ukrainian anti-tank complexes and the tank Oplot that made its debut abroad. Representatives of the Kuwaiti Defense Ministry focused on products made by the state design bureau Luch. After its participation in the exhibition Kharkov tank constructors expect to make bulk deliveries of the modernized tank T-72B to one of the countries in the Middle East. For the first time, the Sevastopol-based ship repairing enterprise Sorius showcased its capabilities at IDEX. The dynamics of the rearmament of Middle-East countries has now peaked. By 2015 about $100 billion will be expended on defense needs in that region. According to experts, today Poland, Serbia and Ukraine, together with Italy, Canada, China and the Netherlands, are among big exporters such as the United States, Britain and Russia. Ukraines export potential on the world arms market is estimated at some $8 billion.

#### B) That’s key to Ukrainian economic recovery

**STACK 3-17-2010** (Business New Europe, “Ukraine’s defence sector apprehensive over pro-Russian foreign policy,” <http://grahamstack.wordpress.com/2010/03/17/ukraines-defence-sector-apprehensive-over-pro-russian-foreign-policy/>)

Ukraine’s annus horibilis of 2009 did not extend to its defence sector. In fact, being almost entirely dependent on exports, with state procurement playing a negligible role, the 60% devaluation of the hryvnia proved a major competitiveness booster – and output accordingly grew by 58%, probably making Ukraine the world’s sixth biggest arms exporter. The success of 2009 was down to a string of big-ticket export contracts: to modernize Antonov An-32 military cargo planes for India worth $400m; to deliver 100 Antonov AI-20 5 engines to India worth $110m; to deliver Zubr air-cushion landing ships to China, worth $315m; and to supply to Iraq six Antonov An-32 worth $100m and to supply 420 BTR-4 armoured personnel carriers for $400m. The largest output growth was reported by aircraft builders (77%), shipbuilders (71%) and armaments (16%). With Ukraine desperately needing to diversify its economy away from commodities, like Russia it is turning to the defence industry as the most likely candidate. The sector has been whittled down to a core of competitive companies – down from nearly 2,000 Soviet Ukrainian defence companies to 300 today, of which only 60 have a real mid-term strategy, according to Valentin Badrak of the Centre for Army, Conversion and Disarmament. According to former top Defence Ministry official Oleksiy Melnyk, it is not yet clear whether the new Ukrainian defence minister, Mykhailo Yezhel, will be able to source greater budget funds for defence spending and shift defence expenditure from personnel to weapons systems, which would stimulate the defence sector and the overall economy. This is the policy that Russia has pursued, and one that Melnyk advocates for Ukraine. With fiscally conservative Mykolai Azarov installed as prime minister, however, Melnyk thinks it unlikely it will be implemented, leaving Ukraine’s defence sector reliant on exports for the foreseeable future.

#### C) Nuke war

**ROMANENKO 2008** (Yuriy, Ukranian political scientist, “Ukraine is heading for a civil war,” December 1, <http://www.warandpeace.ru/en/article/view/30081/>)

Economic crisis will cause that new forces with leftist and nationalist orientation enter the scene. The crisis will lead to position radicalisation and therefore the time for leftist and rightist radicals is coming up. Their time is yet to come. Big parties and blocs formed yet during Kuchma's era will take centre stage in the course of next one and a half year. However, their time is nearing the end. Their inability to react flexibly to challenges, which have become up-to-date at disastrous speed, have directed Ukraine towards the edge of an abyss. It reminds of Spain in 1936 – 1939 to some extent and unfortunately, Ukrainian politicians have forgotten about the Spanish lesson. We are very likely to experience the battle of authoritarian projects that will include ideological components in their programs. That's why leftist parties are sure to enter the scene. These won't be classic leftist parties without real prospects, but such ones with nationalist tone. It's evident that at present, when the country's destiny has been decided on with such urgency like never before, it's necessary to react to the national question. External frameworks marked by global economic crisis and the escalation of geopolitical battle lead to self-determination. It's an either-or situation - we will decide on self-determination, we will decide on who we are and why we live in this territory and what our mission is or Ukraine will lose its subjectivity and stronger players will divide it among them. Is it possible to divide Ukraine into western and south-eastern part? Can the recognition of the Russian language as the second state language prevent this? It's possible and it depends on external factors to a large degree. If Ukraine isn't able to stabilise innerpolitical situation, sooner or later stronger neighbours, i.e. Russia and the EU, will make decision on state division. Germany and Russia have often proved that they can find a compromise as for the question of the sphere of influence division in Eastern Europe. One has also to take into account US efforts to prevent the origin of continental alliance between Germany and Russia. Therefore Washington considers it a priority that Eastern Europe remains a buffer zone between the EU and Russia. That's why the US will try to play their game in Ukraine whose task within the "divided Europe” project remains pivotal. This will spark countermeasures of Russian side, which perceives Ukrainian change into American ally to be fatal danger. If Russia and the US don't reach agreement, the war for Ukraine will be under way in the hardest and most radical shape. It means that both sides will pursue the radicalisation of the situation in Ukraine via their players. Therefore the question of Ukrainian division is connected with Ukrainian elite's capabilities of consolidating own ranks and taking responsibility for the country and creating an efficient state, also with authoritarian features in current stage if necessary, as well as with the necessity for an agreement between global players, i.e. the US and Russia. This agreement is a must because the battle for Ukraine may lead the world to a nuclear war. I'm not dramatising the situation because one has to grasp that for the US and Russia, the moment of truth has come. The US has to keep on advancing into Eurasia in order to preserve hegemony, whereas Russia mustn't allow the Americans into this room in order to survive. This has nothing in common with ideology, this is rank geopolicy. The

question of language has an operational character in this situation particularly when we consider the conditions of a great economic crisis where millions of people have been losing their jobs. It is state government problems which take first place and not official language problems. The language issue is to be solved if the Ukrainian language preserves the status of a state language and the Russian one isn't limited, which the Yushchenko administration attempts. Many people are aware that language disputes and similar questions serve solely for provoking conflicts which are supposed to conceal stealing, corruption and inefficient government. The crisis discloses the whole of these problems. In 2009, Ukraine will have to pay 60 billion dollars. Furthermore, metallurgical production has been suspended and construction industry as well as the entire country faces financial and technological collapse. What language do we want to talk about now when Ukrainian existence itself is at stake? How will the current political crisis in Ukraine end up according to you? There will be a civil war in the course of next three or four years. The war will stand for a reaction to the elite's incapability of surmounting system difficulties sharpened in the aftermath of global depression. Tymoshenko is most likely to win presidential elections and sweep aside useless figures like Yushchenko and Yanukovych. However, she isn't a builder but a destroyer. Therefore the problems will grow more severe in the context of the disputes between the US and Russia. Subsequently, non-systemic radical political forces will rise to the surface escalating the situation in the country. The probability of a civil war will reach 80 per cent in the medium term. Have you got any notion how to avoid the pending civil war? By the arrival of new players in Ukrainian policy, ideally one player. In other words, we are sure to buckle under the conditions of new world division if there's double rule in Ukraine. Strong capital failed to optimise the rule over the country. On the contrary, oligarchs, who weren't able to come to an agreement, have led the country to an eternal spiral of self-destructing fight. The existence of a single power centre, which would restore quickly the work of the effective vertical and stabilise the country, is needed. Ideally, such a force should be a political party since other institutions, which would be capable of fulfilling the task of a stabiliser, like the army in Turkey, don't exist. In other words, Ukraine is in need of its Franco, Kemal or Salazar at the moment in order to stop the process of state decay. In fact, it's about the establishment of a new state – the third republic, which will be rid of the deficiencies and traumas of contemporary Ukrainian state. This party must gain popularity quickly and after it obtains 51 per cent, it has to conduct a restart of the state. Present constitution must be abolished and a new one constituted via the Crisis Act. This would transform Ukraine into a presidential republic in which the head of state bears all responsibility for executive power. He or she should constitute the government, answer for foreign policy etc. The president is supposed to act as a sovereign who harmonises relations among diverse social groups, or rather, financial and industrial groups. The Parliament is to transform into a two chamber one and also regions will be enlarged. Thus the influence of regional barons will be enfeebled and the governability of the country improved. Following the adoption of new constitution, any amendments to it will be banned for ten or fifteen years. Concurrently, the reform of administrative and criminal law will be conducted and also punishments will be made considerably stricter. Since corruption is a key problem, by establishing a special census, the death penalty is to be imposed for this crime when committed in large extent. Aside from this, flexible punishments in the form of community service would be imposed. This would enable to include thieves and public order transgressors in infrastructure reconstruction. It's necessary to apply neo-Keynesian reforms in economic area. The objective is to establish a strong home market that would facilitate the restart of economy. Therefore it's needed to carry out new demanding projects, for example, the construction of a new capital town, the reconstruction and development of the whole infrastructure and the re-armament of the army, which would fit in with the active neutrality concept. There are sources for these projects mainly due to the fact that Ukraine has been losing external markets under the conditions of the crisis. That's why oligarchs show interest in upholding such a regime. In your opinion, how should the country's foreign policy look like under the conditions of global rivalry which Ukraine is the subject of? NATO integration is to be rejected in terms of foreign policy. Ukraine shouldn't be a hostage of the conflict between Russia and the US. Since NATO represents the most thorny issue for Russia, it's to be stamped out and Russia must be enabled to solve the dispute with the Americans in other places in Eurasia, for instance in Caucasus and Central Asia. May them fight in territories where they're successful, but not in our territory. This variant is fully acceptable for Russia because it facilitates cost optimisation for the increase of defensiveness as Russian sources are more than limited at present. Europe approves of similar variant too since the question of Russian conflict won't be topical any longer, but the US will hold similar scenario back because it's interested in tension growth on Russian borders. The focal role of Ukrainian foreign policy under the circumstances is to avert its involvement in a big war. Ukraine should take part in this war only if it is necessary and not prior to its second stage, like Romania in 1916. The massive re-armament is supposed to deflect the threat of any attack. Ukraine is able to produce missiles and not only those. We're capable of producing nuclear weapons as well if such a political decision is made. Anyway, Ukraine can pose a forbidding threat, which can be ignored neither by Russia nor by the EU, also without nuclear weapons. Gas pipelines, nuclear power plants and other strategic objects lie in its territory. Should the threat of an attack arise, Ukraine may blackmail Russia as well as Europe.

## Norms

### Surveillance

**I’m going to start with some indicts of their evidence –**

**First -**

**No modeling internal link – 1AC Taylor evidence is about surveillance – there is no reason other nations would curtail these drones if the US revised TK policies – here are specific lines from their evidence**

**a). other countries use drones for surveillance**

U.S. intelligence agencies are warily monitoring their proliferation around the globe. China uses them to spy on Japan near disputed islands in Asia. Turkey uses them to eyeball Kurdish activity in northern Iraq

**b). two types of drones the US uses – for TK and surveillance – the aff only reforms weaponized drone policies**

a time when American use of both weaponized and surveillance-only drones has been almost exclusively over chaotic patches of the planet void of traditional anti-aircraft defenses.

### No i/l to impact

**No i/l to the impact – all their solvency evidence is the context of preventing disputes between Japan and China, but their impact is about a US and China stand-off – the aff does nothing to resolve that dispute – here is the line from their Goldstein impact evidence**

disputes in the East and South China Seas—suggest that **the danger of a military confrontation** in the Western Pacific **that could lead to a U.S.-China standoff may be on the rise.**

### Other uses o/w

**Even if they win countries will use drones and would model US norms, they use drones in different ways than the United States, therefore they wouldn’t model the US anyways, since it is the usage of drones in different settings of warfare - US drone policies are irrelevant**

Kenneth **Anderson 13**, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

This critique often leads, however, to the further objection that the American use of drones is essentially laying the groundwork for others to do the same. Steve Coll wrote in the New Yorker: "America's drone campaign is also creating an ominous global precedent. Ten years or less from now, China will likely be able to field armed drones. How might its Politburo apply Obama's doctrines to Tibetan activists holding meetings in Nepal?" The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But the United States does not use drones in this fashion and has claimed no special status for drones. The U.S. government uses drone warfare in a far more limited way, legally and morally, and entirely within the bounds of international law. The problem with China (or Russia) using drones is that they might not use them in the same way as the United States. The drone itself is a tool. How it is used and against whom -- these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be.

### Empirics Prove

**Take for example things like Cruise missiles, anti-ship missiles, cyberweapons – these are all examples of countries not playing by self-constraining rules – weapon usage is inevitable to some extent and the US can’t change that**

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

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage. Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology. I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

### a/t: violent china rise

china won’t escalate because they don’t to rise violently

Hugh White 13, Professor of Strategic Studies at the Strategic and Defence Studies Centre, Australian National University, 6/24/13, “The new security order,” http://epress.anu.edu.au/wp-content/uploads/2013/06/EAFQ-5.2-WEB-FINAL.pdf

The second view of China’s ambitions is that they are far-reaching. The examples of nazi Germany, Imperial Japan and stalinist Russia lead some to assume that any rising power must inevitably aim to overturn every aspect of the preexisting order—territorial, economic, political, ideological, even moral. many people fear that China too has these ambitions. but this fear underestimates China’s immense stake in many aspects of the current order of which it has been by far the biggest beneficiary. In this way, it is very unlike the disruptive rising powers of the 20th century—there is no evidence that China has territorial ambitions, notwithstanding its assertiveness in the south China sea. It has no political or ideological agendas, and no reason to change the economic order. In fact, China seems to want to change very little about the global or regional order except its own role in it, and even there its leadership ambitions seem primarily limited to Asia.

# 1nr

### 2NC Solves Accountability Better

#### CP is the most comprehensive review process - executive CP solves the case---the problem is not lack of accountability, it’s the relative emphasis on certain goals within the targeting program---which the CP can clearly adjust effectively

Gregory **McNeal 13,** Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Clearly, many of the concerns raised by critics are already considered within the kill-list creation process.198 Perhaps critics are expressing doubt as to whether the concerns listed above are being attributed sufficient weight, or are thoroughly debated. Or perhaps they are concerned that the U.S. Government is not attributing to these factors the weight that critics would assign to them. That concern has less to do with a lack of accountability than it does with policy choices, and how to hold those making policy choices accountable. Thus a critical component of accountability is to resolve who it is that makes the ultimate decision with regard to the policy choice to add a name to a killlist. That decision is addressed in the final steps known as voting and nominating.

#### Disclosing target criteria builds diplomatic credibility, enacts domestic accountability, and doesn’t link to the terror disad

Gregory **McNeal 13**, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Related to defending the process, and using performance data is the possibility that the U.S. government could publish the targeting criteria it follows. That criteria need not be comprehensive, but it could be sufficiently detailed as to give outside observers an idea about who the individuals singled out for killing are and what they are alleged to have done to merit their killing. As Bobby Chesney has noted, "Congress could specify a statutory standard which the executive branch could then bring to bear in light of the latest intelligence, with frequent reporting to Congress as to the results of its determinations."521 What might the published standards entail? First, Congress could clarify the meaning of associated forces, described in Part I and II. In the alternative, it could do away with the associated forces criteria altogether, and instead name each organization against which force is being authorized,522 such an approach would be similar to the one followed by the Office of Foreign Assets Control when it designates financial supporters of terrorism for sanctions.523¶ The challenge with such a reporting and designation strategy is that it doesn’t fit neatly into the network based targeting strategy and current practices outlined in Parts I-III. If the U.S. is seeking to disrupt networks, then how can there be reporting that explains the networked based targeting techniques without revealing all of the links and nodes that have been identified by analysts? Furthermore, for side payment targets, the diplomatic secrecy challenges identified in Part I remain --- there simply may be no way the U.S. can publicly reveal that it is targeting networks that are attacking allied governments. These problems are less apparent when identifying the broad networks the U.S. believes are directly attacking American interests, however publication of actual names of targets will be nearly impossible (at least ex ante) under current targeting practices.¶ As was discussed above, the U.S. government and outside observers may simply be using different benchmarks to measure success. Some observers are looking to short term gains from a killing while others look to the long term consequences of the targeted killing policy. Should all of these metrics and criteria be revealed? Hardly. However, the U.S. should articulate what strategic level goals it is hoping to achieve through its targeted killing program. Those goals certainly include disrupting specified networks. Articulating those goals, and the specific networks the U.S. is targeting may place the U.S. on better diplomatic footing, and would certainly engender mechanisms of domestic political accountability.

#### Strongly err neg---their authors don’t understand how thorough and effective inter-executive mechanisms are---adding transparency’s clearly sufficient

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

To date scholars have lacked a thorough understanding of the U.S. government’s targeted killing practices. As such, their commentary is oftentimes premised on easily describable issues, and fails to grapple with the multiple levels of intergovernmental accountability present in current practice. When dealing with the theoretical and normative issues associated with targeted killings, scholars have failed to specify what they mean when they aver that targeted killings are unaccountable. Both trends have impeded legal theory, and constrained scholarly discourse on a matter of public import.

This article is a necessary corrective to the public and scholarly debate. It has presented the complex web of bureaucratic, legal, professional, and political accountability mechanisms that exert influence over the targeted killing process. It has demonstrated that many of the critiques of targeted killings rest upon poorly conceived understandings of the process, unclear definitions, and unsubstantiated speculation. The article’s reform recommendations, grounded in a deep understanding of the actual process, reflect an assumption that transparency, performance criteria, and politically grounded independent review can enhance the already robust accountability mechanisms embedded in current practice.

### 2NC Farley Evidence

#### Farely makes the link — says the plan overturns deference — results in effective Judical Review — says the only reason it doesn’t work in the status quo is the lack of the plan — even if you believe their characterization, it changes obama’s drone policy for the worse because it makes him overly carful — here are quotes

Benjamin R. Farley 12, J.D. with honors, Emory University School of Law, 2011. Editor-in-Chief, Emory International Law Review, 2010-2011. M.A., The George Washington University Elliott School of International Affairs, 2007. Winter. 54 S. Tex. L. Rev. 385

a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR - assuming the future existence of a plaintiff able to surmount the various prudential doctrines that have counseled against entertaining WPR cases thus far. Finally, Congress should insist that force used under the covert action legal regime actually be covert. That is, force used under covert action's permissive accountability regime should demonstrate an objective intent to avoid the apparent or publicly acknowledged role of the U.S. government. [\*424] Where a use of force is extensive and U.S. involvement is apparent, that use of force should be subject to the more rigorous WPR regime. The U.S. drone campaign over Pakistan may present just such a case - those strikes ceased being covert in any meaningful way years ago. Thus, the current regime reduces the barriers to a more permissive accountability scheme to a mere labeling exercise. Of course, there are other methods by which accountability for the use-of-force decisions - particularly, use-of-force decisions employing drones - might be increased. Some have suggested the establishment of a "drone court," modeled on the Foreign Intelligence Surveillance Court, to provide ex ante judicial review of targeted strikes, at least. n215 Others have suggested the creation of a new cause of action for the families of drone strike targets who argue their family members were wrongly targeted, and the imposition of ex post accountability. n216 Each suggestion has merit; however, neither suggestion will impose substantially greater accountability on the President as long as the judiciary maintains its historical deference to the President in matters implicating use of force. Regardless, these new judicially-focused schemes require Congressional action, too. Thus, even these schemes require Congress to do what it has so far been unwilling to do: legislate mechanisms that enhance accountability for policymakers charged with deciding when and how force is used.

### 2NC A/T: Executive Trust Deficit

#### The CP shapes the development of global norms on drones and actively builds legitimacy---that means it solves their perception deficits because all their ev is only about the way that drones are perceived now, not how they’re perceived after a vigorous defense by the U.S.

Kenneth **Anderson 10**, Professor of International Law at American University, 3/8/10, “Predators Over Pakistan,” The Weekly Standard, <http://www.weeklystandard.com/print/articles/predators-over-pakistan>

But a thorough reading of the Predator coverage calls to mind how the detention, interrogation, and rendition debates proceeded over the years after 9/11. As Brookings scholar Benjamin Wittes observes, those arguments also had elements of both legal sense and sensibility. Ultimately the battle of international legal legitimacy was lost, even though detention at Guantánamo continues for lack of a better option. It is largely on account of having given up the argument over legitimacy, after all, that it never occurred to the Obama administration not to Mirandize the Christmas Bomber. Baseline perceptions of legitimacy have consequences. ¶ Nor is the campaign to delegitimize targeted killing only about the United States. Legal moves in European courts have already been made against Israeli officials involved in targeted killing against Hamas in the Gaza war. Unsavory members of the U.N. act alongside the world’s most fatuously self-regarding human rights groups to press for war crimes prosecutions. All of this is merely an opening move in a larger campaign to stigmatize and delegitimize targeted killing and drone attacks. What can be done to Israelis can eventually be done to CIA officers. Perhaps a London bookmaker can offer odds on how soon after the Obama administration leaves office CIA officers will be investigated by a court, somewhere, on grounds related to targeted killing and Predator drone strikes. And whether the Obama administration’s senior lawyers will rise to their defense—or, alternatively, submit an amicus brief calling for their prosecution. ¶ Thus it matters when the U.N. special rapporteur on extrajudicial execution, Philip Alston, demands, as he did recently, that the U.S. government justify the legality of its targeted killing program. Alston, a professor at New York University, is a measured professional and no ideologue, and he treads delicately with respect to the Obama administration—but he treads. Likewise it matters when, in mid-January, the ACLU handed the U.S. government a lengthy FOIA request seeking extensive information on every aspect of targeted killing through the use of UAVs. The FOIA request emphasizes the legal justification for the program as conducted by the U.S. military and the CIA. ¶ Legal justification matters, partly for reasons of legitimacy and partly because the United States is, and wants to be, a polity governed by law. This includes international law, at least insofar as it means something other than the opinions of professors and motley member-states at the U.N. seeking to extract concessions. International law, it is classically said, consists of what states consent to by treaty. Add to this “customary law”—as evidenced by how states actually behave and as provided in their statements, their so-called opinio juris. Customary law is evidenced when states do these things because they see them as binding obligations of law, done from a sense of legal obligation—not merely habit, policy, or convenience, practices that they might change at any moment because they did not engage in them as a matter of law. ¶ What the United States says regarding the lawfulness of its targeted killing practices matters. It matters both that it says it, and then of course it matters what it says. The fact of its practices is not enough, because they are subject to many different legal interpretations: The United States has to assert those practices as lawful, and declare its understanding of the content of that law. This is for two important reasons: first to preserve the U.S. government’s views and rights under the law; and second, to make clear what it regards as binding law not just for itself, but for others as well. ¶ Other states, the United Nations, international tribunals, NGOs, and academics can cavil and disagree with what the United States thinks is law. But no Great Power’s consistently reiterated views of international law, particularly in the field of international security, can be dismissed out of hand. It is true of the United States and it is also true of China. It is not a matter of “good” Great Powers or “bad.” Nor is it merely “might makes right.” It is, rather, a mechanism that keeps international law grounded in reality, and not a plaything of utopian experts and enthusiasts, departing this earth for the City of God. It remains tethered to the real world both as law and practice, conditioned by how states see and act on the law. ¶ The venerable U.S. view of the “law of nations” is one of moderate moral realism—the world “as it is,” as the president correctly put it in his Nobel Prize address. It is not the vision of radical utopians and idealists; neither is it that of radical skeptics about the very existence of law in international affairs. On the contrary, the time-honored American view has always been pragmatic about international law (thereby acting to preserve it from radical internationalism and radical skepticism). But upholding the American view requires more than simply dangling the inference that if the United States does it, it means the United States must intend it as law. Traditional international law requires more than that, for good reason. The U.S. government should provide an affirmative, aggressive, and uncompromising defense of the legal sense and sensibility of targeted killing. The U.S. government’s interlocutors and critics are not wrong to demand one, even those whose own conclusions have long since been set in stone. ¶ A clear statement of legal position need not be an invitation to negotiate or alter it, even when others loudly disagree. In international law, a state’s assertion that its policies are lawful, particularly such an assertion from a great power in matters of international security, is an important element all by itself in making it lawful, or at least not unlawful. But in vast areas of security, self-defense, and the use of force, the U.S. government has in recent years left a huge deficit as to how its actions constitute a coherent statement of international law. ¶ For once, Washington should move to get ahead of a contested issue of international legal legitimacy and “soft law.” Why else have an Obama administration, if not to get out in front on a practice that it has ramped up on grounds of both necessity and humanitarian minimization of force? The CIA has taken a few baby steps by selectively leaking some collateral damage data to a few reporters. But the CIA is going to have to say more. The U.S. government needs to defend targeted killings as both lawful, and as an important step forward in the development of more sparing and discriminating—more humanitarian—weaponry.

### Link

#### Drone courts collapse targeted killing

**Katyal 13** Neal K. Katyal, former acting solicitor general, professor of national security law at Georgetown, 2/20, “Who Will Mind the Drones?” <http://www.nytimes.com/2013/02/21/opinion/an-executive-branch-drone-court.html?ref=opinion&_r=0>

IN the wake of revelations about the Obama administration’s drone program, politicians from both parties have taken up the idea of creating a “drone court” within the federal judiciary, which would review executive decisions to target and kill individuals. But the drone court idea is a mistake. It is hard to think of something **less suitable for a federal judge to rule on than the fast-moving and protean nature of targeting decisions.** Fortunately, a better solution exists: a “national security court” housed within the executive branch itself. **Experts, not generalists, would rule**; pressing **concerns about classified information would be minimized**; and **speedy decisions would be easier to reach**. There is, of course, a role for federal courts in national security. In 2006, I argued and won Hamdan v. Rumsfeld, a Supreme Court case that struck down President George W. Bush’s use of military tribunals at Guantánamo Bay. But military trials are a far cry from wartime targeting decisions. And the Foreign Intelligence Surveillance Court, which reviews administration requests to collect intelligence involving foreign agents inside the country and which some have advocated as a model for the drone court, is likewise appropriately housed within the judicial system — it rules on surveillance operations that raise questions much like those in Fourth Amendment “search and seizure” cases, a subject federal judges know well. But there is no true precedent for interposing courts into military decisions about who, what and when to strike militarily. Putting aside the serious constitutional implications of such a proposal, courts are simply not institutionally equipped to play such a role. There are many reasons a drone court composed of generalist federal judges will not work. **They lack national security expertise**, **they are not accustomed to ruling on lightning-fast timetables, they are used to being in absolute control, their primary work is on domestic matters and they usually rule on matters after the fact, not beforehand.** Even the questions placed before the FISA Court aren’t comparable to what a drone court would face; they involve more traditional constitutional issues — not rapidly developing questions about whether to target an individual for assassination by a drone strike.

### 2NC A/T: Perm Do Both

#### Perm links to the net benefit

#### Status quo target vetting is carefully calibrated to avoid every aff impact in balance with CT--- there’s only a risk that restrictions destroy it

Gregory **McNeal 13**, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Target vetting is the process by which the government integrates the opinions of subject matter experts from throughout the intelligence community.180 The United States has developed a formal voting process which allows members of agencies from across the government to comment on the validity of the target intelligence and any concerns related to targeting an individual. At a minimum, the vetting considers the following factors: target identification, significance, collateral damage estimates, location issues, impact on the enemy, environmental concerns, and intelligence gain/loss concerns.181 An important part of the analysis also includes assessing the impact of not conducting operations against the target.182 Vetting occurs at multiple points in the kill-list creation process, as targets are progressively refined within particular agencies and at interagency meetings.

A validation step follows the vetting step. It is intended to ensure that all proposed targets meet the objectives and criteria outlined in strategic guidance.183 The term strategic is a reference to national level objectives—the assessment is not just whether the strike will succeed tactically (i.e. will it eliminate the targeted individual) but also whether it advances broader national policy goals

.184 Accordingly, at this stage there is also a reassessment of whether the killing will comport with domestic legal authorities such as the AUMF or a particular covert action finding.185 At this stage, participants will also resolve whether the agency that will be tasked with the strike has the authority to do so.186 Individuals participating at this stage analyze the mix of military, political, diplomatic, informational, and economic consequences that flow from killing an individual. Other questions addressed at this stage are whether killing an individual will comply with the law of armed conflict, and rules of engagement (including theater specific rules of engagement). Further bolstering the evidence that these are the key questions that the U.S. government asks is the clearly articulated target validation considerations found in military doctrine (and there is little evidence to suggest they are not considered in current operations). Some of the questions asked are:

• Is attacking the target lawful? What are the law of war and rules of engagement considerations?

• Does the target contribute to the adversary's capability and will to wage war?

• Is the target (still) operational? Is it (still) a viable element of a target system? Where is the target located?

• Will striking the target arouse political or cultural “sensitivities”?

• How will striking the target affect public opinion? (Enemy, friendly, and neutral)?

• What is the relative potential for collateral damage or collateral effects, to include casualties?

• What psychological impact will operations against the target have on the adversary, friendly forces, or multinational partners?

• What would be the impact of not conducting operations against the target?187

As the preceding criteria highlight, many of the concerns that critics say should be weighed in the targeted killing process are considered prior to nominating a target for inclusion on a kill-list.188 For example, bureaucrats in the kill-list development process will weigh whether striking a particular individual will improve world standing and whether the strike is worth it in terms of weakening the adversary's power.189 They will analyze the possibility that a strike will adversely affect diplomatic relations, and they will consider whether there would be an intelligence loss that outweighs the value of the target.190 During this process, the intelligence community may also make an estimate regarding the likely success of achieving objectives (e.g. degraded enemy leadership, diminished capacity to conduct certain types of attacks, etc.) associated with the strike. Importantly, they will also consider the risk of blowback (e.g. creating more terrorists as a result of the killing).191