# 1

#### US NATO commitments are going to be cut now but the EU perceives it as a bluff—Clear plan action is critical to prevent misinterpretation

Carpenter 3/4 (Ted, Cato Institute, “Hagel’s Futile Quest for NATO Burden Sharing” 3/4/14 http://www.cato.org/publications/commentary/hagels-futile-quest-nato-burden-sharing)

At a meeting of NATO defense ministers on February 26, Secretary of Defense Chuck Hagel warned his European counterparts that they must step up their commitment to the Alliance or watch it become irrelevant. The current path of declining European defense budgets, he emphasized, “is not sustainable. Our alliance can endure only as long as we are willing to fight for it, and invest in it.” Rebalancing NATO’s “burden-sharing and capabilities,” Hagel stressed, “is mandatory—not elective.” The tone of his message was firm. “America’s contributions in NATO remain starkly disproportionate, so adjustments in the U.S. defense budget cannot become an excuse for further cuts in European defense spending.”¶ Taken at face value, Hagel’s comments appeared to be an uncompromising demand for greater burden sharing by NATO’s European members. The speech would have been far more impressive and encouraging though, if previous U.S. officials had not made similar exhortations over the past six-and-a-half decades. Unfortunately, those calls proved futile, and in all likelihood Hagel’s effort will suffer a similar fate. European governments have never believed that Washington would drastically downgrade (much less terminate) its commitment to NATO, no matter how shamelessly the allies continue to free ride on U.S. military efforts.¶ The ink was barely dry on the treaty establishing NATO in 1949 before U.S. officials saw worrisome signs that Washington’s new alliance partners were shirking their share of the collective defense obligations. Secretary of State Dean Acheson assured uneasy senators that the West Europeans would provide the vast majority of armaments and manpower for the Alliance, making it unnecessary for the United States to station a large number of troops on the Continent. General Omar Bradley echoed Acheson’s assurances. The next year, however, Washington “temporarily” dispatched four divisions to Europe to augment the two divisions already stationed there as part of the post-World War II Allied occupation of Germany. U.S. officials concluded that the other NATO members were not yet prepared to provide enough forces for a credible defense in the increasingly tense global strategic environment resulting from the communist offensive in Korea.¶ Washington’s prodding for greater burden sharing continued, however. In NSC 82, the Truman administration formalized the decision to strengthen Europe’s defense by making the “temporary” troop deployment permanent and bringing all NATO forces under U.S. command. But NSC 82 also insisted that those measures were not unconditional. “The United States should make it clear that it is now squarely up to the European signatories of the North Atlantic Treaty to provide the balance of forces required” for Western Europe’s defense. “Firm programs for the development of such forces should represent a prerequisite for the fulfillment of the above commitments on the part of the United States.”¶ The allies did promise to build more robust forces and to create a European Defense Community, including West German units, to coordinate those efforts. But little meaningful progress took place, as France and other countries dragged their feet about implementing the EDC. That behavior led Eisenhower’s Secretary of State, John Foster Dulles, to warn the allies that the United States would have to conduct an “agonizing reappraisal” of its security commitment to Europe, if they didn’t make a more serious effort. France killed the EDC, however, and there was no agonizing reappraisal—or even a downsizing of the U.S. military presence in Europe. Indeed, U.S. officials soon went out of their way to assure the Europeans that Washington regarded their security as vital to America’s own.¶ Even when Congress weighed in to pressure the Europeans, most notably with the proposed Mansfield Amendment to reduce U.S. troop levels on the Continent, there was little movement toward greater burden sharing. Mansfield’s effort culminated in a May 1971 Senate vote on binding legislation that would have cut the U.S deployment by 50 percent. Under tremendous pressure from the Nixon White House and zealous NATO supporters in the foreign policy community, the Senate rejected Mansfield’s proposal by a vote of 61-36.¶ That campaign against the Mansfield Amendment underscored a key reason why Washington’s Cold War burden-sharing admonitions invariably failed. Former Under Secretary of Defense Robert Komer candidly confirmed the problem in 1982 congressional testimony, stating that “U.S. threats” including “warnings that we’ll pull our troops out of Europe, never seem to work very well. The Europeans know that we need them as much as they need us.” But as Alan Tonelson, a scholar at the U.S. Business and Industry Council Educational Foundation and a long-time analyst of alliance issues, noted: “The main reason the European governments ‘knew’ that, of course, was because of the repeated assurances given by Komer and other U.S. officials” over the decades.[1]¶ Indeed, the conduct of the European allies seemed to reflect a belief that the United States needed Europe even more than Europe needed the United States. And if Washington’s alternating efforts of pleading with and warning its allies didn’t produce greater burden sharing during the Cold War, it is not surprising that subsequent efforts have failed. Despite the current tensions in Ukraine, Europe’s threat environment is far less menacing now than it was throughout the Cold War. Therefore, the incentive for the NATO allies to do more militarily has become even weaker.¶ Events over the past decade confirm that point. George W. Bush’s administration managed to wring a promise from the allies in 2006 that all NATO members would spend at least 2 percent of their gross domestic product on defense. That commitment was already faltering even before the onset of the Great Recession caused severe economic problems. Today, few NATO members fulfill the 2 percent pledge. Even such leading countries as Germany, Italy and Spain fail to do so, and Britain and France have now fallen dangerously close to that spending floor.¶ Given the long, depressing history of failed burden-sharing calls, there is little chance that Hagel’s efforts will fare any better. The only way to change that dynamic is for the United States to make it clear by actions—not just words—that it will no longer tolerate European free riding on America’s military exertions. That means withdrawing all U.S. ground forces from the Continent and drastically downsizing the presence of air and naval forces. It also means ending Washington’s insistence on U.S. domination of collective defense efforts through its leadership in NATO. Indeed, the United States needs to abandon its myopic opposition to the European Union developing an independent security capability.¶ The world has changed a great deal since the stark days of the early Cold War, when Washington felt compelled to defend a weak, demoralized democratic Europe from a powerful, menacing totalitarian adversary. The EU collectively now has a population larger than that of the United States and a larger economy as well. It is long past time for the EU countries to take responsibility for their own defense—and for the overall security of their region. There is no justifiable reason for Washington to allow the European allies to remain free-riding security dependents of the United States. Instead of perpetuating the futile rhetorical quest for burden sharing, U.S. officials need to take substantive steps toward burden shifting.

#### US retrenchment across the globe is coming now--EU military investments are critical to offset the power vacuum

Carpenter 3/17 (Ted, Cato Institute, “US Security Retrenchment: The First Effects of a Modest Shift” 3/17/14 http://www.cato.org/publications/commentary/us-security-retrenchment-first-effects-modest-shift)

There are abundant signs that the halcyon days of US military intervention around the world may be coming to an end. Not only did Washington execute a complete withdrawal of its troops from Iraq, but the seemingly endless war in Afghanistan is drawing to a close, and even the goal of keeping a small residual force in that country appears to be fading. The Obama administration’s latest defense budget proposal ends the robust annual increases in spending that have been the norm since the 9-11 terrorist attacks. Indeed, the projected number of ground forces would be the lowest since the eve of World War II.¶ Those changes have led politicians and pundits in the United States and in many allied countries to speculate, indeed fret, that America is about to embrace “isolationism.” As various foreign policy scholars have pointed out, however, that term is a vacuous slur that has been used repeatedly over the decades to stifle healthy debate about the nature of America’s role in the world. Contrary to the latest upsurge of such fears and warnings, the United States is not about to become a hermit republic and wall itself off from the rest of the world. A more selective, restrained role, however, is now highly probable, reflecting growing financial constraints on the US government and the wishes of a war-weary public that has learned some hard, painful lessons. That shift will affect various regions of the world in different ways.¶ One area where the US tendency to intervene militarily is already on the decline is the Middle East/Southwest Asia. Washington’s frustrating and ultimately unsuccessful crusades in Iraq and Afghanistan have had a noticeable impact on the attitudes of the American people. Public opinion surveys over the past two years indicate that a majority of respondents now believe that both wars were a mistake. That outcome is more surprising and significant regarding Afghanistan than Iraq. Once the intelligence reports that Saddam Hussein had weapons of mass destruction proved false, Americans soon concluded that the Iraq intervention was a war of choice — and a bad choice at that. But the Afghanistan war was a direct response to the 9-11 attacks. For the American people to turn against that mission suggests not only war weariness, but a growing belief that putting the US military at risk in an attempt to change the Muslim world is a fool’s errand. That same belief drove the overwhelming public opposition to the Obama administration’s proposed intervention in the Syrian civil war.¶ Just as the disastrous experience in Vietnam inoculated the American republic against similar interventions in Southeast Asia, the Iraq and Afghanistan debacles will likely make both the public and future administrations wary of extended missions in the Muslim world. Short, sharp punitive expeditions in response to terrorist attacks will remain an option, but extended deployments, much less amorphous nation-building missions, will be increasingly improbable. The surge of oil and gas production in the United States is even making the “petroleum justification” for extensive US involvement in the Middle East far less compelling than it seemed in the past.¶ Before the onset of the Ukraine crisis, it appeared likely that Europe was another arena where the US security role would shrink. Except for the turmoil in the former Yugoslavia and the brief dust up between Russia and Georgia in 2008, Europe’s security environment has been gratifyingly quiescent since the end of the Cold War. With the demise of the Soviet Union there certainly was no credible great power expansionist threat. In response to the changed conditions, Washington reduced its troop presence from some 300,000 in the late 1980s to fewer than 70,000. Calls from US leaders for the European allies to take more responsibility for the region’s security and bear a greater share of NATO’s collective defense obligations grew more insistent.¶ At a meeting of NATO defense ministers on February 26, Secretary of Defense Chuck Hagel warned his counterparts that they must step up their commitment to the Alliance or watch it become irrelevant. Rebalancing NATO’s “burden-sharing and capabilities,” Hagel stressed, “is mandatory, not elective.” And lest his colleagues miss the unsubtle hint that the United States intended to shift much of the collective security burden to Europe, he added: “America’s contributions in NATO remain starkly disproportionate, so adjustments [i.e. reductions] in the US defense budget cannot become an excuse for further cuts in European defense spending.”¶ Moscow’s drive to annex Crimea, and the Kremlin’s overall menacing posture toward Ukraine, has altered the European security dynamic to some extent, but the long-term change in US policy may prove less dramatic than one might anticipate. It is a stretch to portray Russia with its aging, declining population, a military with many antiquated components, and possessing merely the world’s eighth largest economy as posing a security threat equivalent to one the Soviet Union could muster in its heyday.¶ Furthermore, although political and policy elites in the United States are agitated by recent developments and focus on ways to punish Russia for its actions, the American public shows no eagerness to embark on a new Cold War. Senator John McCain thunders that the United States should provide “massive” military aid to Kiev, and even more moderate political figures insist on the need to impose punishing economic sanctions and possibly make a show of military force in Eastern Europe and the Black Sea. But a new Pew Research poll reveals a very different public attitude. Most Americans, including majorities in all three major political factions — Republicans, Democrats, and independents — believe that the United States should stay out of the Ukraine crisis. Since a whopping 61% of independents adopt that view, office seekers ignore that perspective at their peril.¶ While there is likely to be a more limited, restrained US military role in both Europe and the Muslim world, there is one region where there are few signs of even a modest retrenchment: East Asia. Indeed, that is one area of the world where Washington’s security presence may even increase modestly. The Obama administration’s announced “rebalancing” or strategic pivot to East Asia in 2009 reflected uneasiness about China’s growing military capabilities and overall regional influence. China remains a crucial US economic partner, and few American opinion leaders favor an openly confrontational policy toward Beijing. At the same time, there is little sentiment for even a limited appeasement policy, and none at all for a willingness to let China become the hegemon of East Asia. American public opinion seems in accord with elite preferences on this issue. Some 53% of Americans in a February 2014 Gallup poll viewed China unfavorably, while only 43% had a favorable view of that country. An earlier Pew survey found that 53% of respondents considered China’s emergence as a great power to be a “major threat” to the United States.¶ The combination of those various factors suggests that there will be little or no US security retrenchment in East Asia. The outcomes in Europe and the Muslim world are likely to be quite different; Washington’s role may well be far more modest and selective in the coming years. That probability places a special responsibility on the European Union, especially its leading members. European nations will need to become more serious about the continent’s security affairs, including taking steps to counter Russia in the unlikely event that its territorial ambitions extend beyond Ukraine and other countries directly on its borders. Europe also will need to become more proactive in dealing with both problems and opportunities in the Middle East and North Africa, where it has significant security and economic interests at stake.¶ Retrenchment does not mean that the United States is sliding into isolationism. America’s own extensive global economic interests preclude adopting a course that even faintly resembles that emotional stereotype. But the days of America being the global policeman, much less the global armed social worker, appear to be coming to an end. That change will require adjustments, perhaps even painful adjustments, on the part of the European powers and other nations.

#### Plan causes a signal that causes EU militarization that solves extinction and overreach in Ukraine.

Bandow 3/10 (Doug, Cato Institute, “Europeans Watch Ukraine and Fear Russia: They Should Take over NATO And Europe’s Defense” 3/10/14 http://www.cato.org/publications/commentary/europeans-watch-ukraine-fear-russia-they-should-take-over-nato-europes)

¶ ¶ Had the U.S. been so foolish as to bring Ukraine into NATO Washington would have a treaty responsibility to start World War III. Today’s game of geopolitical chicken might have a nuclear end.¶ ¶ Maybe Kiev’s inclusion would have caused Vladimir Putin to go quietly into the night after the violent overthrow of a friendly government in a strategic neighbor. More likely he’d doubt the West would risk war over tangential security interests.¶ ¶ In fact, Washington and the Europeans refused to do so in 2008 after their quasi-ally Georgia opened fire on Russian forces, triggering a short, but for Tbilisi disastrous, conflict. It was one thing for President George W. Bush to fete the Georgian president as a democratic friend. It was quite another to lend him America’s military for use against Moscow. The U.S. stayed out.¶ ¶ Still, the West cannot easily ignore Russia’s Crimean takeover. Although Moscow used troops legally based in the region, the move was an act of aggression and war against Kiev. Yet a majority of Crimean residents may welcome the move. Ukraine long has been divided along ethnic, cultural, and linguistic lines, with pro-Russian sentiment increasing the further one goes to the east. It is highest in Crimea. In fact, that region only ended up in Ukraine in 1954 when then Soviet Communist Party General Secretary Nikita Krushchev, from Ukraine, shifted it administratively.¶ ¶ Although secessionist sentiment has been largely dormant of late, the Western-supported putsch/street revolution, led by armed nationalists, against President Viktor Yanukovich inflamed pro-Russian passions in eastern Ukraine. While he was revealed to be an ostentatious crook, he was elected in a free election with overwhelming support from Russophiles. His replacement led the chief opposition party whose candidate, Yulia Tymoshenko, was defeated by Yanukovich in 2010. She apparently is in effective control of the new government, which includes cabinet ministers from the neo-fascist Svoboda Party. One of the first acts of the reconstituted parliament—cleansed of many elected members from the former ruling party—was eliminating legal protection for the use of the Russian language.¶ ¶ Moscow intervened for its own ends, including to secure its naval base at Sevastopol and reinforce its influence in the country, rather than to affirm minority rights or promote Crimean self-determination. Nevertheless, why shouldn’t Crimeans join Russia if they desire? The provincial legislature has called for union with Russia and scheduled a referendum on March 16.¶ ¶ The new leaders in Kiev, who took power by seizing the capital and threatening the elected president, denounced the move as unconstitutional. Western governments, which 15 years ago launched an aggressive war to dismember Serbia, called the plan illegal. Three years after intervening to oust Libya’s recognized government NATO members are proclaiming international borders to be inviolate.¶ ¶ Of course, Russia’s now dominant role in Crimea raises serious doubts about the fairness of the planned referendum. However, the Ukrainian government would prevent any vote. Independence from the Soviet Union is fine. Independence from Ukraine is not. Everyone believes in self-determination, except when they don’t.¶ ¶ Still, despite its flagrant hypocrisy, Washington rightly affirms the Westphalian compact of 1648, which helped keep the peace for centuries. Putin is not only wrong, but dangerously wrong. Using military force to break up sovereign states, however artificial, is bad business. One over-eager soldier or over-angry demonstrator in Crimea could trigger war.¶ ¶ But how to punish Moscow? Republican Party hawks like John McCain are attempting to score political points against President Barack Obama even though President George W. Bush did similarly little in response to Russia’s war with Georgia. What do McCain and other blusterers propose? Military roll-back? Imagine the reaction of the American people.¶ ¶ Despite the super-heated rhetoric coming out of Washington, America’s direct stake in the controversy is essentially nil. Putin is a garden-variety authoritarian, not another Adolf Hitler. The former’s ambitions appear bounded, focused on border security and international respect, not global conquest and ideological domination. Moreover, Russia—with a weak economy dependent on energy revenues and badly managed military in desperate need of reform—is no Nazi Germany, the most populous, industrialized, and militarized nation then on the continent. Nor is Ukraine a new Czechoslovakia, the prelude to continent-wide aggression. Trying to forcibly swallow just Ukraine’s 46 million, nearly one-third of Russia’s population, would choke Moscow.¶ ¶ Since whatever happens between Russia and Ukraine poses little threat to Americans, military retaliation is inconceivable, especially after the U.S. managed to avoid shooting at the Soviets during the Cold War. Risking conflict with a nuclear-armed power is not for the faint-hearted. Although America has the better armed forces, Russia has the more serious geopolitical interests. Moscow’s ties to Ukraine are many and deep. For Washington Kiev’s orientation is but a geopolitical preference.¶ ¶ The administration has added fighter patrols in Europe and others have proposed sending the Sixth Fleet into the Black Sea. However, absent plans to strafe Russian villages and seize Sevastopol, what’s the point? Former White House aides Stephen J. Hadley and Damon Wilson advocated “deploying and exercising NATO forces in Poland, the Baltic states, and Romania.” That would only reinforce Moscow’s determination to prevent Ukraine from becoming a similar advance base for the U.S. military.¶ ¶ Zbigniew Brzezinski urged putting NATO troops on alert and readying U.S. airborne forces for deployment in Europe, even though Europe is not under attack and will not be attacked. He also advocated “immediate and direct aid so as to enhance” the Ukrainian military’s “defensive capabilities,” which would give the West responsibility without control, and raise Kiev’s expectations of actual military assistance.¶ ¶ John Bolton suggested putting “both Georgia and Ukraine on a clear path to NATO membership.” The alliance, he argued, was “the only way to give hope to Ukrainians who want to prevent being pulled back into Moscow’s orbit.” Yet Americans traditionally viewed alliances as a means to increase their security, not to ease other nations’ fears. Expanding NATO would decrease U.S. security by increasing the potential for needless confrontation and war.¶ ¶ Ukraine matters more to Europe, but mostly for economic rather than security reasons. In fact, the November demonstrations in Kiev were triggered by Yanukovich’s decision to place on hold an economic association agreement with the European Union. However, EU membership was not in the offing. And Kiev’s financial and political difficulties greatly limit its economic potential.¶ ¶ The Europeans don’t have much of a military option because they don’t have much of a military. Since the formation of NATO the continent has largely left its security in America’s hands. Today Europe collectively outspends Russia on defense, but most European nations lack much capacity to fight. NATO’s European members even ran out of missiles three years ago when they battled Libya’s Moammar Ghaddafi. As a percentage of GDP defense outlays run an anemic 1.7 percent continent-wide. Despite constant exhortations from Washington to do more, almost all European states, even Britain and France, with the continent’s most capable armed forces, are cutting back.¶ ¶ About the only exception to this trend is Poland, which called for emergency NATO “consultations” to discuss what it termed “a threat to neighboring allied countries.” Members came out of that meeting asserting that they stood “together in the spirit of strong solidarity.” But no one proposed taking military action against Russia.¶ ¶ Which leaves economic and diplomatic sanctions for both America and Europe. Alas, many measures would have but minimal impact on Moscow: imposing individual visa bans and asset freezes, expelling Moscow from the G-8, embargoing arms, and terminating economic negotiations and military cooperation aren’t likely to make Putin flinch. More serious would be sanctioning Russian banks, restricting energy sales, and embargoing trade. In contrast to the Cold War, Russia now is integrated in the international economy and vulnerable to outside pressure.¶ ¶ However, with European economies intertwined with that of Russia and heavily dependent on Russian natural gas—Moscow provides about one-third of the continent’s supply—enthusiasm in Europe for doing anything serious drops the farther one moves from Russia. Britain, France, Germany, Italy, and the Netherlands are particularly reluctant to act. So far the Europeans have threatened to do something—most likely asset freezes and visa bans—if Russia doesn’t agree to talk to Ukraine about Crimea. That is not likely to frighten the Kremlin into a precipitous withdrawal.¶ ¶ Moscow also could retaliate by, for instance, freezing the assets of Western businesses. Major U.S. companies have billions of dollars in investment and trade at stake. Moreover, Russia could damage significant allied interests elsewhere, impeding logistical support for Afghanistan and buttressing Iran in negotiations over its nuclear program, for instance. For this reason even the Pentagon warned against precipitous action.¶ ¶ Some European leaders appear inclined to just toss a few billion Euros at Ukraine and give up. However, essentially bankrupt Kiev is no great prize. In fact, Europe may rue taking on a large and desperate dependent, especially since any aid now will be largely unconditional rather than tied to serious reforms. In the subsidy game, at least, Washington so far is only a bit player, offering $1 billion in loan guarantees.¶ ¶ The best answer for the Crimean crisis is a negotiated climb-down, where Russia pulls back its forces, Kiev addresses those disenfranchised by Yanukovich’s ouster, Crimea delays its referendum, Ukraine accepts a secession vote, Europe respects the result, Washington stops meddling in Kiev’s politics, and everyone disavows any intention of bringing Ukraine into NATO. Kiev would not be pressed to choose between east and west, but could look to both economically. Moscow would accept expanded European economic ties without allied defense commitments to its southern neighbor and the U.S. would eschew playing a new Great Game against Russia along its border.¶ ¶ If Moscow forges ahead anyway, the allies should play a long game—employ limited economic sanctions to maximize pain for business elites and sustained diplomatic pressure to intensify isolation for political elites, while avoiding a new cold war. The Putin government should pay a continuing price that would constrain its actions and encourage its transformation. However, the U.S. should act only in cooperation with Europe, since there is no gain to unilaterally penalizing American business.¶ ¶ In either case, the Russian takeover of Crimea should clarify allied policy towards Russia: it is not like the democratic states with which it consorts in the G8. Moscow looks at the world fundamentally differently than do Brussels and Washington. Putin cares not at all for liberal sensibilities and rejects claims of Washington’s omniscience.¶ ¶ The West must deal with Moscow as it is, taking what Philip Stevens of the Financial Times called “a transactional approach.” Work with Russia when possible and against it when necessary. Press for an independent Ukraine economically linked east and west but not militarily tied to the West. Cooperate to negotiate away an Iranian nuclear bomb, encourage a stable Afghanistan after America’s withdrawal, find a modus Vivendi for Syria that stops the fighting if not unifies the country, and press North Korea more strongly to moderate and reform.¶ ¶ Finally, over the longer-term, Washington should force Europe to take over responsibility for its own defense. Last month Secretary of Defense Chuck Hagel complained that European military outlays were “not sustainable. Our alliance can endure only as long as we are willing to fight for it, and invest in it.” But the Europeans have little reason to so do so as long as America guarantees their security.¶ ¶ Indeed, in early March the administration undertook what Secretary of State John Kerry termed “concrete steps to reassure our NATO allies.” Former undersecretary of state Nicholas Burns called for an emergency NATO meeting “to reassure, in particular, the 10 new members from central Europe.”¶ ¶ Actually, Washington should adopt the opposite strategy. Making the Europeans confident in their weakness encourages European governments to continue shrinking their armed forces. America’s friends need to be discomfited greatly. They should understand that if they are not willing to defend themselves, no one else will do so. Britain and France each spend less than a tenth as much as America. Warsaw, which makes much of its increasing defense budget, still devotes less than two percent of GDP to the military, less than half the share for both America and Russia.¶ ¶ At the same time, Washington should rethink nonproliferation policy. It’s too late in Ukraine, but Kiev gave up Soviet nuclear weapons left on its soil in return for paper border guarantees. Possession of even a handful of nuclear-tipped missiles would have changed Moscow’s risk calculations. No one would be debating the possibility of a full-scale Russian invasion.¶ ¶ Russia’s aggressive takeover of the Crimea challenges Europe more than America. Yet the Europeans oppose meaningful economic sanctions while shrinking militaries tasked with deterring Russian adventurism. Whatever the resolution of the immediate crisis, the Obama administration should use Russia’s Crimean gambit to end Europe’s dependent military relationship. That would offer at least one silver lining to yet another potential conflict without end.

#### Ukraine leads to extinction

Bandow 3/4 (Doug, Cato Institute, “Finding a Way Back From the Brink in Ukraine” 3/4/14 http://www.cato.org/blog/finding-way-back-brink-ukraine)

Ukrainians won an important political battle by ousting the corrupt Viktor Yanukovich as president. But replacing Yanukovich with another dubious politico will change little.¶ Washington also triumphed. Without doing much—no troops, no money, few words—Americans watched protestors frustrate Russia’s Vladimir Putin. ¶ But now Russia is attempting to win as well, intervening in Crimea. Moscow has created a tinderbox ready to burst into flames. The only certainty is that the U.S. should avoid being drawn into a war with Russia. ¶ In 2010 Yanukovich triumphed in a poll considered to be fair if not entirely clean. His corrupt proclivities surprised no one. However, while tarred as pro-Russian, in accepting Putin’s largesse last November Yanukovich actually refused to sign the Moscow-led Customs Union.¶ Still, protestors filled Maidan Square in Kiev over Yanukovich’s rejection of a trade agreement with the European Union. As I point out in my latest Forbes column: “The issue, in contrast to Kiev’s later brutal treatment of protestors, had nothing to do with democracy, human rights, or even sovereignty.” As such, it was not America’s business, but up to the Ukrainian people.¶ And Ukraine is divided. Broadly speaking, the nation’s west is nationalist and leans European while the east is Russo-friendly. ¶ Demonstrations quickly turned into a de facto putsch or street revolution. Yanukovich’s ouster was a gain for Ukraine, but similar street violence could be deployed against better elected leaders in the future.¶ Moreover, many of those who look east and voted for Yanukovich feel cheated. There was no fascist coup, but the government they helped elect was violently overthrown. Some of them, especially in Crimea, prefer to shift their allegiance to Russia.¶ Kiev should engage disenfranchised Yanukovich backers. Kiev also should reassure Moscow that Ukraine will not join any anti-Russian bloc, including NATO. But if Crimeans, in particular, want to return to Russia, they should be able to do so. ¶ There is no important let alone vital security issue at stake for the U.S. in the specific choices Ukrainians make. The violent protests against the Yanukovich government demonstrate that Moscow has no hope of dominating the country. Kiev will be independent and almost certainly will look west economically. ¶ Russia could still play the new Great Game. Unfortunately, rather than play Vladimir Putin upended the board by taking effective control of the Crimea. ¶ Yet Putin tossed aside his trump card, a planned referendum by Crimea’s residents. A majority secession vote would have allowed him to claim the moral high ground. However, an election conducted under foreign occupation lacks credibility.¶ As it stands Russia has committed acts of aggression and war. ¶ Even in the worst case the U.S. has no cause for military intervention. Who controls the Crimea ain’t worth a possible nuclear confrontation.¶ Putin is a nasty guy, but Great Power wannabe Russia is no ideologically-driven superpower Soviet Union. Moscow perceives its vital interests as securing regional security, not winning global domination. Yet bringing Ukraine into NATO would have created a formal legal commitment to start World War III.¶ The allies should develop an out for Russia. For instance, Moscow withdraws its forces while Kiev schedules independence referendums in Russian-leaning areas. ¶ If Putin refuses to draw back, Washington and Brussels have little choice but to retaliate. The allies could impose a range of sanctions, though most steps, other than excluding Russian banks from international finance, wouldn’t have much impact. ¶ Tougher would be banning investment and trade, though the Europeans are unlikely to stop purchasing natural gas from Moscow. The other problem is the tougher the response the more likely Russia would harm American interests elsewhere, including in Afghanistan, Iran, and Korea. ¶ The Ukrainian people deserve a better future. But that is not within Washington’s power to bestow. Today the U.S. should concentrate on pulling Russia back from the brink in Ukraine. ¶ A new cold war is in no one’s interest. A hot war would be a global catastrophe.

#### Burden sharing key to Balkan stability

USIP 2 (United States Institute of Peace, “Europe Takes the Lead in the Balkans” 2/27/2002 http://www.usip.org/publications/europe-takes-the-lead-in-the-balkans)

As the geo-strategic focus of the U.S. shifts to combating global terrorism and rogue states armed with weapons of mass destruction, the burden of the Balkans is inexorably falling to Europe. Much has changed since the early 1990s when Europe failed in its efforts to respond to the unfolding Balkans tragedy. Will a much changed Europe be up to the task this time? What should the U.S. do to set our allies up for success in securing the peace?¶ On Monday, February 25, 2002, the U.S. Institute of Peace organized a Balkans Working Group to discuss these issues. While the discussion was not for attribution, this Newsbyte summarizes the main arguments.¶ European Capabilities Have Improved¶ Consensus is building on both sides of the Atlantic that Europe should assume lead responsibility for the Balkans. The Balkans remain a primary security interest for Europe, while the U.S. needs to focus on the post- September 11 security challenge. There are reasons for optimism that our transatlantic partners can now cope:¶ Wartime Balkans leaders have disappeared and military confrontation is unlikely.¶ The people of the Balkans, especially the youth, recognize their future lies in Europe.¶ The European Union (EU) is well-equipped to deal with economic decline and institutional decay.¶ Europe has put in place an astute cadre of committed and well-informed leaders.¶ Talk of exit strategies has given way to a long-term political commitment.¶ The EU bureaucracy has become more proficient at delivering development aid.¶ But There is Major Unfinished Business in the Balkans¶ Urgent humanitarian, military and reconstruction needs have been met, with Europe providing the lion's share of the resources, but serious challenges remain:¶ The future political configuration of Kosovo, Macedonia, Montenegro, Serbia, the Fomer Republic of Yugoslavia, and Bosnia remains unclear and could cause regional instability.¶ Too much political and economic power remains in the hands of people linked to organized crime and state security services, which exploit ethnic tensions to hold on to power.¶ The economic pie is still shrinking. Growth requires clear property rights, especially to dwellings and small businesses that were "socially owned" in former Yugoslavia.¶ Weak states provide few services and their judiciaries are no match for criminal and terrorist networks.¶ Europe Will Have to Meet Tough Tests¶ Europe cannot fail to meet five tests if it is to pursue its ambitions in foreign, security and defense policy:¶ Political will and unity: The EU needs to plant its "Blue Flag" where the problems are. Encouraging signs include the EU commitment to assume the UN role in police reform in Bosnia and the EU's continuing role in Kosovo as the steward of reconstruction and development. The EU may soon take over the NATO mission in Macedonia and the top civilian job in Bosnia. It remains to be seen whether the EU can coordinate these efforts and restrain divergent national agendas.¶ Resources: Political aspirations require resources. On this score Europe fails to inspire confidence, despite past generosity. Current Balkans programs compete against other aid priorities. Planned funding appears insufficient. The EU should finance Balkans development the way it has in other future member countries.¶ Military capability: Europe has cut its defense budgets too much and lacks essential lift, intelligence and communications capabilities. Currently available military police/gendarmes with civilian experience are insufficient to meet the need. Europe needs to beef up its military capabilities.¶ European integration: Eventual EU membership is an important incentive but remote. A revised approach should deliver quicker benefits in return for taking the bitter medicine of economic reform. Fragments of the former Yugoslav economy should be knitted together regionally, starting with electricity.¶ Implementation: The European Agency for Reconstruction has accelerated the process, but Europe still lags in delivering aid. It needs to empower its field missions.¶ The US Still Needs to Play a Strong Supporting Role¶ As the baton passes to Europe, a key challenge will be ensuring that U.S. interests in the region are not sacrificed and that the U.S. can follow where the EU leads. The U.S. and EU need to make it clear that their visions for the region are convergent: the Balkans states belong in Europe, borders will not be changed to accommodate ethnic nationalists, and status issues should be resolved peacefully and, most thought, within the next few years.¶ Within this overall vision, the U.S. is particularly important in:¶ Maintaining credibility, especially with the Bosnian and Albanian communities.¶ Meeting any major military or terrorist risks.¶ Establishing the rule of law and ensuring terrorists do not find refuge in the Balkans.¶ Moving the Balkans away from aid by matching European trade concessions.¶ Pressing Balkans states to cooperate with the War Crimes Tribunal in The Hague.¶ Helping Europe think through options and strategies.¶ As the EU takes over, U.S. influence will necessarily diminish. Burden-sharing should entail power-sharing. A continuing policy dialogue at NATO and elsewhere is needed to avoid a repetition of the ~~paralysis~~ of the early 1990s, caused by U.S./European discord.¶ The views summarized here reflect the discussion at the meeting; they do not represent formal positions taken by the Institute, which does not advocate specific policies.

#### That triggers global nuclear war

Brzezinski ‘3 (Zbigniew Brzezinski, former national security advisor to the president, “Hegemonic quicksand,” National Interest Winter, 2003)

FOR THE next several decades, the most volatile and dangerous region of the world--with the explosive potential to plunge the world into chaos--will be the crucial swathe of Eurasia between Europe and the Far East. Heavily inhabited by Muslims, we might term this crucial subregion of Eurasia the new "Global Balkans." (1) It is here that America could slide into a collision with the world of Islam while American-European policy differences could even cause the Atlantic Alliance to come unhinged. The two eventualities together could then put the prevailing American global hegemony at risk. At the outset, it is essential to recognize that the ferment within the Muslim world must be viewed primarily in a regional rather than a global perspective, and through a geopolitical rather than a theological prism. The world of Islam is disunited, both politically and religiously. It is politically unstable and militarily weak, and likely to remain so for some time. Hostility toward the United States, while pervasive in some Muslim countries, originates more from specific political grievances--such as Iranian nationalist resentment over the U.S. backing of the Shah, Arab animus stimulated by U.S. support for Israel or Pakistani feelings that the United States has been partial to India-than from a generalized religious bias. The complexity of the challenge America now confronts dwarfs what it faced half a century ago in Western Europe. At that time, Europe's dividing line on the Elbe River was the strategically critical frontline of maximum danger, with the daily possibility that a clash in Berlin could unleash a nuclear war with the Soviet Union. Nevertheless, the United States recognized the stakes involved and committed itself to the defense, pacification, reconstruction and revitalization of a viable European community. In doing so, America gained natural allies with shared values. Following the end of the Cold War, the United States led the transformation of NATO from a defense alliance into an enlarging security alliance--gaining an enthusiastic new ally, Poland--and it has supported the expansion of the European Union (EU). For at least a generation, the major task facing the United States in the effort to promote global security will be the pacification and then the cooperative organization of a region that contains the world's greatest concentration of political injustice, social deprivation, demographic congestion and potential for high-intensity violence. But the region also contains most of the world's oil and natural gas. In 2002, the area designated as the Global Balkans contained 68 percent of the world's proven oil reserves and 41 percent of the world's proven natural gas reserves; it accounted for 32 percent of world oil production and 15 percent of world natural gas production. In 2020, the area is projected to produce roughly 42 million barrels of oil per day--39 percent of the global production total (107.8 million barrels per day). Three key regions-Europe, the United States and the Far East--collectively are projected to consume 60 percent of that global production (16 percent, 25 percent and 19 percent, respectively). The combination of oil and volatility gives the United States no choice. America faces an awesome challenge in helping to sustain some degree of stability among precarious states inhabited by increasingly politically restless, socially aroused and religiously inflamed peoples. It must undertake an even more daunting enterprise than it did in Europe more than half a century ago, given a terrain that is culturally alien, politically turbulent and ethnically complex. In the past, this remote region could have been left to its own devices. Until the middle of the last century, most of it was dominated by imperial and colonial powers. Today, to ignore its problems and underestimate its potential for global disruption would be tantamount to declaring an open season for intensifying regional violence, region-wide contamination by terrorist groups and the competitive proliferation of weaponry of mass destruction. The United States thus faces a task of monumental scope and complexity. There are no self-evident answers to such basic questions as how and with whom America should be engaged in helping to stabilize the area, pacify it and eventually cooperatively organize it. Past remedies tested in Europe--like the Marshall Plan or NATO, both of which exploited an underlying transatlantic political-cultural solidarity--do not quite fit a region still rent by historical hatreds and cultural diversity. Nationalism in the region is still at an earlier and more emotional stage than it was in war-weary Europe (exhausted by two massive European civil wars fought within just three decades), and it is fueled by religious passions reminiscent of Europe's Catholic-Protestant forty-year war of almost four centuries ago. Furthermore, the area contains no natural allies bonded to America by history and culture, such as existed in Europe with Great Britain, France, Germany and, lately, even Poland. In essence, America has to navigate in uncertain and badly charted waters, setting its own course, making differentiated accommodations while not letting any one regional power dictate its direction and priorities. To Whom Can America Turn? TO BE SURE, several states in the area are often mentioned as America's potential key partners in reshaping the Global Balkans: Turkey, Israel, India and--on the region's periphery--Russia. Unfortunately, every one of them suffers serious handicaps in its capability to contribute to regional stability or has goals of its own that collide with America's wider interests in the region. Turkey has been America's ally for half a century. It earned America's trust and gratitude by its direct participation in the Korean War. It has proven to be NATO's solid and reliable southern anchor. With the fall of the Soviet Union, it became active in helping both Georgia and Azerbaijan consolidate their new independence, and it energetically promoted itself as a relevant model of political development and social modernization for those Central Asian states whose people largely fall within the radius of the Turkic cultural and linguistic traditions. In that respect, Turkey's significant strategic role has been complementary to America's policy of reinforcing the new independence of the region's post-Soviet states. Turkey's regional role, however, is limited by two major offsetting considerations stemming from its internal problems. The first pertains to the still uncertain status of Ataturk's legacy: Will Turkey succeed in transforming itself into a secular European state even though its population is overwhelmingly Muslim? That has been its goal since Ataturk set his reforms in motion in the early 1920s. Turkey has made remarkable progress since then, but to this day its future membership in the European Union (which it actively seeks) remains in doubt. If the EU were to close its doors to Turkey, the potential for an Islamic political-religious revival and consequently for Turkey's dramatic (and probably turbulent) international reorientation should not be underestimated. The Europeans have reluctantly favored Turkey's inclusion in the European Union, largely in order to avoid a serious regression in the country's political development. European leaders recognize that the transformation of Turkey from a state guided by Ataturk's vision of a European-type society into an increasingly theocratic Islamic one would adversely affect Europe's security. That consideration, however, is contested by the view, shared by many Europeans, that the construction of Europe should be based on its common Christian heritage. It is likely, therefore, that the European Union will delay for as long as it can a clear-cut commitment to open its doors to Turkey--but that prospect in turn will breed Turkish resentments, increasing the risks that Turkey might evolve into a resentful Islamic state, with potentially dire consequences for southeastern Europe. (2) The other major liability limiting Turkey's role is the Kurdistan issue. A significant proportion of Turkey's population of 70 million is composed of Kurds. The actual number is contested, as is the nature of the Turkish Kurds' national identity. The official Turkish view is that the Kurds in Turkey number no more than 10 million, and that they are essentially Turks. Kurdish nationalists claim a population of 20 million, which they say aspires to live in an independent Kurdistan that would unite all the Kurds (claimed to number 25-35 million) currently living under Turkish, Syrian, Iraqi and Iranian domination. Whatever the actual facts, the Kurdish ethnic problem and the potential Islamic religious issue tend to make Turkey-- notwithstanding its constructive role as a regional model--also very much a part of the region's basic dilemmas. Israel is another seemingly obvious candidate for the status of a pre-eminent regional ally. As a democracy as well as a cultural kin, it enjoys America's automatic affinity, not to mention intense political and financial support from the Jewish community in America. Initially a haven for the victims of the Holocaust, it enjoys American sympathy. As the object of Arab hostility, it triggered American preference for the underdog. It has been America's favorite client state since approximately the mid-1960s and has been the recipient of unprecedented American financial assistance ($80 billion since 1974). It has benefited from almost solitary American protection against UN disapprobation or sanctions. As the dominant military power in the Middle East, Israel has the potential, in the event of a major regional crisis, not only to be America's military base but also to make a significant contribution to any required U.S. military engagement. Yet American and Israeli interests in the region are not entirely congruent. America has major strategic and economic interests in the Middle East that are dictated by the region's vast energy supplies. Not only does America benefit economically from the relatively low costs of Middle Eastern oil, but America's security role in the region gives it indirect but politically critical leverage on the European and Asian economies that are also dependent on energy exports from the region. Hence good relations with Saudi Arabia and the United Arab Emirates--and their continued security reliance on America--is in the U.S. national interest. From Israel's standpoint, however, the resulting American-Arab ties are disadvantageous: they not only limit the degree to which the United States is prepared to back Israel's territorial aspirations, they also stimulate American sensitivity to Arab grievances against Israel. Among those grievances, the Palestinian issue is foremost. That the final status of the Palestinian people remains unresolved more than 35 years after Israel occupied the Gaza Strip and the West Bank--irrespective of whose fault that actually may be--intensifies and, in Arab eyes, legitimates the widespread Muslim hostility toward Israel. (3) It also perpetuates in the Arab mind the notion that Israel is an alien and temporary colonial imposition on the region. To the extent that the Arabs perceive America as sponsoring Israeli repression of the Palestinians, America's ability to pacify anti-American passions in the region is constrained. That impedes any joint and constructive American-Israeli initiative to promote multilateral political or economic cooperation in the region, and it limits any significant U.S. regional reliance on Israel's military potential. Since September 11, the notion of India as America's strategic regional partner has come to the forefront. India's credentials seem at least as credible as Turkey's or Israel's. Its sheer size and power make it regionally influential, while its democratic credentials make it ideologically attractive. It has managed to preserve its democracy since its inception as an independent state more than half a century ago. It has done so despite widespread poverty and social inequality, and despite considerable ethnic and religious diversity in a predominantly Hindu but formally secular state. India's prolonged conflict with its Islamic neighbor, Pakistan, involving violent confrontations with guerrillas and terrorist actions in Kashmir by Muslim extremists benefiting from Pakistan's benevolence, made India particularly eager to declare itself after September 11 as co-engaged with the United States in the war on terrorism. Nonetheless, any U.S.-Indian alliance in the region is likely to be limited in scope. Two major obstacles stand in the way. The first pertains to India's religious, ethnic and linguistic mosaic. Although India has striven to make its 1 billion culturally diverse people into a unified nation, it remains basically a Hindu state semi-encircled by Muslim neighbors while containing within its borders a large and potentially alienated Muslim minority of somewhere between 120-140 million. Here, religion and nationalism could inflame each other on a grand scale. So far, India has been remarkably successful in maintaining a common state structure and a democratic system--but much of its population has been essentially politically passive and (especially in the rural areas) illiterate. The risk is that a progressive rise in political consciousness and activism could be expressed through intensified ethnic and religious collisions. The recent rise in the political consciousness of both India's Hindu majority and its Muslim minority could jeopardize India's communal coexistence. Internal strains and frictions could become particularly difficult to contain if the war on terrorism were defined as primarily a struggle against Islam, which is how the more radical of the Hindu politicians tend to present it. Secondly, India's external concerns are focused on its neighbors, Pakistan and China. The former is seen not only as the main source of the continued conflict in Kashmir but ultimately--with Pakistan's national identity rooted in religious affirmation--as the very negation of India's self-definition. Pakistan's close ties to China intensify this sense of threat, given that India and China are unavoidable rivals for geopolitical primacy in Asia. Indian sensitivities are still rankled by the military defeat inflicted upon it by China in 1962, in the short but intense border clash that left China in possession of the disputed Aksai Chin territory. The United States cannot back India against either Pakistan or China without paying a prohibitive strategic price elsewhere: in Afghanistan if it were to opt against Pakistan, and in the Far East if it allied itself against China. These internal as well as external factors constrain the degree to which the United States can rely on India as an ally in any longer-term effort to foster--let alone impose--greater stability in the Global Balkans. Finally, there is the question of the degree to which Russia can become America's major strategic partner in coping with Eurasian regional turmoil. Russia clearly has the means and experience to be of help in such an effort. Although Russia, unlike the other contenders, is no longer truly part of the region--Russian colonial domination of Central Asia being a thing of the past--Moscow nevertheless exercises considerable influence on all of the countries to its immediate south, has close ties to India and Iran and contains some 15-20 million Muslims within its own territory. At the same time, Russia has come to see its Muslim neighbors as the source of a potentially explosive political and demographic threat, and the Russian political elite are increasingly susceptible to anti-Islamic religious and racist appeals. In these circumstances, the Kremlin eagerly seized upon the events of September 11 as an opportunity to engage America against Islam in the name of the "war on terrorism." Yet, as a potential partner, Russia is also handicapped by its past, even its very recent past. Afghanistan was devastated by a decade-long war waged by Russia, Chechnya is on the brink of genocidal extinction, and the newly independent Central Asian states increasingly define their modern history as a struggle for emancipation from Russian colonialism. With such historical resentments still vibrant in the region, and with increasingly frequent signals that Russia's current priority is to link itself with the West, Russia is being perceived in the region more and more as a former European colonial power and less and less as a Eurasian kin. Russia's present inability to offer much in the way of a social example also limits its role in any American-led international partnership for the purpose of stabilizing, developing and eventually democratizing the region. Ultimately, America can look to only one genuine partner in coping with the Global Balkans: Europe. Although it will need the help of leading East Asian states like Japan and China--and Japan will provide some, though limited, material assistance and some peacekeeping forces--neither is likely at this stage to become heavily engaged. Only Europe, increasingly organized as the European Union and militarily integrated through NATO, has the potential capability in the political, military and economic realms to pursue jointly with America the task of engaging the various Eurasian peoples--on a differentiated and flexible basis--in the promotion of regional stability and of progressively widening trans-Eurasian cooperation. And a supranational European Union linked to America would be less suspect in the region as a returning colonialist bent on consolidating or regaining its special economic interests.

# 2

#### Mutual Defense treaties cause instability in Asia—Triggers Senkaku, SCS, and Korea war

Harner 13 (Stephen, Forbes, “For Stability In East Asia: U.S. Should Abrogate Cold War Era 'Mutual Defense' Treaties” 7/30/13 http://www.forbes.com/sites/stephenharner/2013/07/30/for-stability-in-east-asia-u-s-should-abrogate-cold-war-era-mutual-defense-treaties/)

For decades to come, students of world history, diplomacy, and war will study the political and military dynamics of the current period in East Asian and East Asian-U.S. relations. Will they be studying–in the manner of Barbara Tuchman’s The Guns of August about the first month of WWI–a seemingly inertial, unstoppable descent into unthinkable Armageddon? Or will this be lesson in how human evolution, modern communications, and wisdom finally triumphed over history?¶ At this point, I am hopeful it will be the latter, but cannot dismiss the possibility that it could be the former. What seems certain is that this year will be fateful–possibly for good, possible for disaster–in East Asian geopolitics and military relations.¶ Three potential flash points are well known:¶ The dispute between Japan and China in the East China Sea over sovereignty over the Senkaku/Diaoyu Islands.¶ The dispute between China and the Philippines in the South China Sea over sovereignty over Huangyan Island/Scarborough Shoal/and other islands in the Spratlys.¶ North Korea’s provocative development of nuclear weapons and other acts of belligerence.¶ How involved are United States citizens in these disputes? Deeply, of course, not only because of the commitments expressed and implied in the 1950s vintage Cold War origin “mutual security treaties” above, but because of the U.S. military bases and personnel that the treaties have legitimized and justified ever since.¶ The U.S. still maintains some 28,500 servicemen and women in South Korea and some 34,000 uniformed personnel plus dependents in Japan. Two major U.S. air force bases and the Futenma Marine Air Base occupy a large part of Okinawa. The U.S. Seventh Fleet is headquartered in Yokosuka, Japan.¶ Rather than how the U.S. could be drawn into the hostilities in the region, the more important and urgent question is “why?” Why, that is, would U.S. vital interests be imperiled by any conceivable threats to Japan, South Korea, or, especially, the Philippines such as to justify the sacrifice of American blood and treasure, including, accepting the risk however remote of nuclear war.¶ Objectively, taking a cold but realistic and unsentimental view, the continuing commitments implied in the 1950s vintage treaties and the continued (‘tripwire’) positioning of U.S. forces cannot be justified by U.S. interests. On the contrary, in today’s East Asia, these (in fact one-sided) “mutual defense” commitments and bases are unnecessary and have served only to increase instability and insecurity in the region.¶ The reasons are obvious.¶ The Japan-China dispute would probably not have escalated to its current level (following Japan’s provocative status quo altering “nationalization” of the islands), or remain as intractable as it has become, if Japan had not expected–and received–assurances of applicability of the U.S. defense commitment to the disputed islands.¶ The Philippines has been emboldened in challenging China’s claims–rather than seeking an accommodation and modus vivendi–by the steady support and assurances of the “alliance”–backed up by U.S.-PI joint military exercises–by the U.S. The most gratuitous and unhelpful such declaration–one of a string of provocative and ill-conceived declarations marking her tenure as Secretary of State–was delivered in Manila by then Secretary of State Hillary Clinton on November 11, 2011, the 60th anniversary of the Mutual Defense Treaty: “The US will always be in the corner of the Philippines. We will always stand and fight with you to achieve the future we seek.”¶ On the Korean peninsula, the presence of U.S. forces has served to constrain China’s willingness and ability to exert pressure on North Korea to denuclearize. China’s concern is that a collapse of the North and unification would bring U.S. forces to its border. (Consider how the U.S. would react if China had bases in Mexico.)¶ The system of U.S. alliances in East Asia is a dangerous remnant of WWII and the Cold War that has long since ceased to be justifiable under any reasonable (or even “worst case”) scenarios. All countries in the region, and particularly the United States, would enjoy greater stability and security if this system were dismantled and U.S. forces withdrawn.¶ My sense is that, of the three flash points, the South China Sea is the one most likely to ignite. This would be a great, and avoidable, tragedy.

#### The First Impact is the Senkaku Islands,

#### US mutual defense agreements allow Japan to continue cutting spending in the region and prompts aggressive politics due to perceived US support triggering war—Japanese militarization is critical to regional security

Bandow 13 (Doug, Cato Institute, “It’s Time to End Japan’s Defense Dependence on the United States” 1/28/13 http://www.cato.org/publications/commentary/its-time-end-japans-defense-dependence-united-states)

America’s war in Afghanistan is winding down, but the U.S. must worry about conflict elsewhere. Once viewed as inconceivable, war between China and Japan now looks possible, though thankfully still unlikely. Tokyo should get serious about its own defense.¶ The U.S. used its power as occupier after World War II to impose a constitution on Japan which forbade possession of a military. But America lost its enthusiasm for that arrangement early during the Cold War. When Washington subsequently pushed Tokyo to rearm, the latter hid behind its constitution.¶ Japan’s neighbors also opposed a Japanese military revival, preferring to rely on America for defense. Moreover, there were political points to be scored from attacking Tokyo. And Japan made itself an easy target when officials refused to apologize for their nation’s previous misbehavior.¶ But the world is changing. World War II is long past. Most Japanese citizens seem prepared for their nation to become like other ones. So does their new prime minister, Shinzo Abe. And that means defending themselves in a more dangerous world.¶ The Democratic People’s Republic of Korea is building missiles and testing nuclear weapons. The People’s Republic of China is expanding its military and growing more assertive internationally.¶ Moreover, America no longer can afford to protect most of the known world from any and all threats. Despite the so-called “pivot” to Asia, U.S. forces will not remain forever. In fact, Prime Minister Abe publicly worried: “With the U.S. defense budget facing big cuts, a collapse of the military balance of power in Asia could create instability.”¶ Tokyo’s first duty is to protect Japan. Although the PRC is unlikely to attempt to swallow Japan, there is no more vital task than protecting one’s homeland against any exigency.¶ Moreover, the Japanese government should promote regional security, cooperating closely with other democratic countries in East Asia. Tokyo also should work with less democratic states to maintain a balance of power in the region, and especially to help ensure that China’s rise remains peaceful.¶ Of particular importance for Japan is keeping sea lanes open and protecting international commerce. China’s expanding navy, which launched its first aircraft carrier last year, has raised concerns throughout East Asia. Japan no longer should rely on America to guarantee the former’s economic interests.¶ Moreover, Tokyo requires the means to enforce its sovereignty claims. China, Taiwan, the Philippines, Brunei, Malaysia, South Korea, and Vietnam all join Japan in claiming to own various islands, islets, and rocks, control of which yields ownership of surrounding fishing grounds and energy fields. Exactly who owns what depends on international treaty and law, control and occupation, and historical connection. Good lawyers make good arguments, but good militaries are even more important.¶ For years Tokyo’s defense spending only averaged one percent of the GDP—and has not increased since 2002. Still, Japan has created a capable “Self Defense Force.” And Tokyo doesn’t need a large army, which would worry its neighbors. Most helpful would be missiles and missile defenses, as well as additional air and naval assets.¶ These issues have taken on new urgency in light of East Asia’s burgeoning territorial disputes. Japan is squabbling with South Korea over the Takeshima/Dokdo Islands and with Russia over the Northern Territories/Kurile Islands. In both cases Tokyo is contesting the status quo. The disputes are bitter, but unlikely to turn violent.¶ More dangerous is Beijing’s challenge to Japanese control over the Senkaku (called Diaoyu in China) Islands. These five islets have sparked naval clashes, aerial chases, activist flotillas, and domestic protests. Prime Minister Abe declared that the Senkakus are “Japan’s inherent territory” so “There is no room for diplomatic negotiations over this issue.” Indeed, he added, the solution necessitated, “if I may say at the risk of being misunderstood—physical force.”¶ Although Beijing has perhaps the better claim to the islands, there’s nothing in principle wrong with Japan taking such a hard-line position—so long as Tokyo bears the cost of giving 1.3 billion Chinese the diplomatic equivalent of the finger. (In late January the prime minister sent an envoy to Beijing with a conciliatory letter to incoming Chinese President Xi Jinping.)¶ Alas, Japan would not have an easy time if the two navies engaged. Reported Michael Auslin of the American Enterprise Institute: “Japan may have a qualitative edge, but that would be worn down by China’s ability to flood a combat zone with ships, subs and planes. Tokyo would be forced to turn to the United States for support under the mutual security treaty.”¶ Which is why in November then-Defense Minister Satoshi Morimoto proposed updating the U.S.-Japan defense guidelines to include the Senkakus. He cited “the problem of China’s increasing maritime activities” and expressed his desire “to start a revision of the present state of the U.S.-Japan alliance.” Former Vice Defense Minister Akihisa Nagashima explained: “As we witness China’s spectacular rise, Japan and the U.S. must together consider hedging against the fallout.”¶ Discussions will begin soon. The outcome seems foregone. In 2010 Secretary of State Hillary Clinton refused to take any position on territorial sovereignty, but explained: “we have made it very clear that the islands are part of our mutual treaty obligations, and the obligation to defend Japan.” More recently unnamed State Department officials stated that the defense treaty applied.¶ Unfortunately, issuing blank checks for the defense of weaker allies rarely turns out well. Doing so encourages the latter to behave irresponsibly, as, in fact, has Tokyo. The Japanese government refuses to negotiate after politicizing the issue by purchasing three of the rocks. Moreover, Japan has done little to prepare for a military confrontation, instead relying on Washington to take up the slack.¶ Of course, Tokyo isn’t alone. Even worse is the Philippines, whose naval flagship is an American cast-off. Yet Manila wants Washington’s backing for its claim to Scarborough Reef, called Huangyan Island by China. Years ago the Filipino defense minister lamented that his nation had a navy which couldn’t sail and an air force which couldn’t fly. Not much has changed.¶ Washington should reject Tokyo’s (and Manila’s) invitations to put Americans at risk to guarantee those nations’ contested and peripheral territorial claims. More broadly, the U.S. should stop treating its allies, especially Japan, as helpless dependents. Rather than augmenting American military forces in the Pacific, Washington should begin turning defense responsibilities over to Tokyo. (The plight of the Okinawan people on an island crowded with U.S. military facilities—highlighted by an alleged sexual assault by an American in October—adds a special imperative to act there.)¶ The U.S. should remain an interested party in Asia, acting as an “off-shore balancer” if a truly dangerous hegemonic threat to the region arise. But when it comes to ship-bumping throughout East Asian waters, those countries with interests at stake should expend the resources and accept the risks.¶ This process has begun. Both Australia and South Korea have grown more skeptical of Beijing’s embrace. Several Southeast Asian states have begun building submarines to deter China, just as China has been building them to deter America. India is building relationships throughout Southeast Asia.¶ But the greatest responsibility falls on Tokyo. Prime Minister Abe once criticized Article 9 of the Japanese constitution for “failing to provide a necessary condition for an independent nation.” He indicated that his government will reconsider the informal one percent limit on military spending and may acquire amphibious units, ballistic missiles, and strategic bombers. Such increased military activity “may even cause Beijing to think twice about the cost of pushing its military and economic weight around East and Southeast Asia,” argued John Lee of Sydney University.¶ Tokyo also needs to forge better working relationships with its neighbors. Michael Green of CSIS observed that East Asian countries are “finding out that they’re all on the receiving end of a Chinese strategy which aims at pushing China’s maritime sphere outward,” which “has spurred them towards a more strategic cooperation.” Japan has been holding joint exercises, making port visits, and offering military aid.¶ There remain serious obstacles to cooperation among disparate nations with disparate interests. Only Tokyo, for instance, is vitally concerned about the Sea of Japan. Getting other states to look north will be difficult.¶ Historical antagonisms loom even larger. Yoshihide Soeya of the Institute of East Asian Studies at Keio University said that “We want to build our own coalition of the willing in Asia to prevent China from just running over us.” However, potential partners remember when Japan ran over them.¶ Unfortunately, Prime Minister Abe has exacerbated these concerns by contradicting past apologies for the World War II impressment of “comfort women” to provide sexual services for Japanese soldiers. Many of his cabinet members take a similar position, “gripped by a backward-looking, distorted view of history that paints Japan as a victim,” complained the Economist magazine. Moreover, the dispute over the Takeshima islands has undermined efforts to expand Japanese-South Korean security cooperation.¶ The prime minister has begun to address these concerns. He welcomed the election of Park Geun-hye as the ROK’s incoming president and appointed a special envoy to improve relations with Seoul. Abe explained: “Since both countries have new governments, I would like us to make a good start to our relationship.”¶ Prime Minister Abe’s first overseas trip was to Southeast Asia. Tokyo has signed a defense memorandum with Singapore and even the Philippines, occupied during World War II, has welcomed Tokyo’s increasing maritime role in the region. Rommel Banaoi of the Institute for Peace, Violence and Terrorism Research said: “We have already put aside our nightmares of World War II because of the threat posed by China.”¶ The ultimate objective is to convince the PRC that it has too many prosperous and nationalistic neighbors with expanding militaries to achieve primacy. Beijing should recognize that the more it asserts itself, the more surrounding states will respond. Hopefully China will reach the same conclusion as Kailash K. Prasad of the Delhi Policy Group: “it is difficult to decipher what advantage the [Chinese navy] hopes to wield in the long term. Hegemony in the Pacific and Indian Oceans seems unlikely. Anything less could leave Beijing more isolated and vulnerable in a powerful, distrustful backyard.”¶ Some analysts say a defense shift to Japan is necessary, but not yet. Bruce Ackerman of Yale and Tokujin Matsudaira of Teikyo University argued that the Obama administration “should reject all efforts by the Japanese government to take a more prominent military role in its long-standing alliance with the United States” until it sees “whether the Japanese people build upon, or repudiate, their postwar experiment in liberal democracy.” Yet Japan’s record over the last six decades has answered that question. Last month a frustrated electorate focused on economic issues and only reluctantly returned the Liberal Democratic Party to power. There is no popular support for recreating Imperial Japan. It should be obvious which poses a greater threat to regional peace, a rising China or a revived Japan.¶ Of course, the mere fact that peace is in every country’s interest does not guarantee peace. Assistant Secretary of State for East Asia and Pacific Affairs Kurt Campbell recently expressed the administration’s “desire to see cooler heads prevail and the maintenance of peace and stability over all.” However, a nationalistic storm is building throughout the region. Warned Thomas Berger of Boston University: “What is really driving things is raw nationalism and fragmented political system, both on the Japanese and even more so the Chinese sides, that is preventing smart people from making rational decisions. He added: “No Chinese or Japanese leader wants or can afford to be accused of selling out their country.” The same is true in varying degrees of the Philippines, Vietnam, India, and other states.¶ But the possibility of conflict is a powerful reason for the U.S. to stay out. America has an interest in preventing any nation from dominating Asia, but no power, including the PRC, will be able to do so in the foreseeable future. In contrast, the U.S. has no interest in acting as umpire for bitter territorial feuds throughout the region.¶ As America winds down more than a decade of fighting in Central Asia, some analysts would have the U.S. prepare for war in the Pacific. But Washington should reject this invitation for perpetual conflict. Japan and its neighbors should cooperate to counter Beijing’s geopolitical ambitions.

#### US security guarantees need to be reclarified to by no means be an obligation to go to war—This solves Japan’s aggressive stance

Carpenter 13 (Ted, Cato Institute, “Japan Confronts China: Will the United States Get Caught in the Middle?” 7/10/13 http://www.cato.org/blog/japan-confronts-china-will-united-states-get-caught-middle)

¶ Evidence continues to mount that Japan is adopting a more assertive role in international affairs, especially toward China. Just this week, Japan’s defense ministry issued a report charging that the country faced increasing threats from both China and North Korea. More notably, officials warned Beijing to stop trying to change its position in the region through intimidation or force.¶ ¶ In one sense, it may be beneficial to the United States if Japan begins to act like a normal major power in the international system. Tokyo has behaved for far too long as a quasi-pacifist country, heavily relying on the United States to manage East Asia’s security problems—and even expecting Washington to protect Japan’s own vital economic and security interests while Tokyo barely deigned to lend a helping hand. Japan’s long-standing, self-imposed limit of spending no more than one percent of the country’s gross domestic product on defense is just one sign of that unhealthy dependence. Whatever the wisdom of the United States playing the role East Asia’s security blanket in previous decades, when Japan and other democratic countries in the region were poor and weak, that strategy long ago outlived any usefulness it might have had. Today, it makes little sense for America to borrow money from foreign creditors, including China, to continue subsidizing the defense of such allies as Japan, which should be fully capable of providing for their own defense.¶ ¶ If Washington can off-load obsolete and risky security obligations onto Japan, Tokyo’s greater assertiveness is a welcome development. But if Prime Minister Shinzo Abe and other leaders merely want the United States to backstop a more aggressive policy in pursuit of parochial Japanese interests in the region, that is a worrisome, dangerous development. And there are signs that Tokyo is seeking such backing, especially regarding its territorial dispute with China over a chain of small, uninhabited islands (called Diaoyu in China and Senkaku in Japan).¶ ¶ As I wrote in the pages of the National Interest Online last year, the Senkaku/Diaoyu quarrel is potentially dangerous to the United States. Secretary of State Hillary Clinton stated in 2010 that Washington’s 1960 defense pact with Japan covers the Senkakus. Assistant Secretary of State for East Asia, Kurt Campbell, was equally definitive in September 2012, stating bluntly that the disputed islands were “clearly” covered by the treaty, which obliges the United States to come to Japan’s aid if attacked.¶ ¶ The Japanese government is doing its utmost to strengthen that attitude on the part of its American protector. The United States needs to take immediate steps to reduce its risk exposure. President Obama should overrule the State Department’s interpretation of the 1960 defense pact, and make it clear to Tokyo that, regardless of any previous positions Washington may have taken over the years regarding the islands, the United States is not about to risk going to war over some uninhabited rocks. It is also important to take that step before a crisis erupts.

#### US would be drawn into Senkaku conflict– causes global nuclear war.

**Eland 7/29/**13, Ivan, Senior Fellow and Director of the Center on Peace & Liberty, The Independent Institute, “Why U.S. Policy in East Asia is Dangerous”, http://www.huffingtonpost.com/ivan-eland/why-us-policy-in-east-asi\_b\_3671931.html

Even in the more advanced regions during the Cold War, was it rational for the United States to protect these nations with an American nuclear umbrella-- one that ultimately pledged to incur destruction of American cities to save London, Paris, Berlin, and Tokyo from the communist hordes? A communist takeover of any of these places would have not have been a good day, but incineration of American cities would have been even worse. Yet long after the Cold War is over, the American nuclear shield extends even wider to include a number of countries in Europe and East Asia. In East Asia, the American nuclear backstop protects Japan, South Korea, Australia, and the Philippines formally, and Taiwan and other nations informally. But what if a local conflict between the Chinese and a U.S. ally inadvertently escalates into a nuclear stand off between China and the United States? And it easily could. A rising China is an ally of South Korea's nemesis, North Korea. China also claims Taiwan and has disputes with U.S. allies over islands in the South China Sea (with the Philippines) and in the East China Sea (with Japan). In the last case, China has recently upgraded its coast guard. Meanwhile, a new conservative government in Japan is making noises about scrapping Japan's pacifist constitution and obtaining offensive weapons, and recent dangerous confrontations have occurred between Japanese and Chinese forces near the disputed islands. With a new hawkish and more aggressive government, Japan--like a mouthy little brother standing behind his huge sibling and taunting the opponent--could easily drag the United States into an undesired war with nuclear-armed China. During World War I, outdated alliances dragged the major European powers into a cataclysmic war that nobody wanted. Outdated Cold War alliances could do the same to the United States now in East Asia.

#### The second impact is South China Sea,

#### Mutual Defense treaty causes the Philipines to overreach in the SCS

Bandow 13 (Doug, Cato Institute, “It’s Time to End Japan’s Defense Dependence on the United States” 1/28/13 http://www.cato.org/publications/commentary/its-time-end-japans-defense-dependence-united-states)

Unfortunately, issuing blank checks for the defense of weaker allies rarely turns out well. Doing so encourages the latter to behave irresponsibly, as, in fact, has Tokyo. The Japanese government refuses to negotiate after politicizing the issue by purchasing three of the rocks. Moreover, Japan has done little to prepare for a military confrontation, instead relying on Washington to take up the slack.¶ Of course, Tokyo isn’t alone. Even worse is the Philippines, whose naval flagship is an American cast-off. Yet Manila wants Washington’s backing for its claim to Scarborough Reef, called Huangyan Island by China. Years ago the Filipino defense minister lamented that his nation had a navy which couldn’t sail and an air force which couldn’t fly. Not much has changed.¶ Washington should reject Tokyo’s (and Manila’s) invitations to put Americans at risk to guarantee those nations’ contested and peripheral territorial claims. More broadly, the U.S. should stop treating its allies, especially Japan, as helpless dependents. Rather than augmenting American military forces in the Pacific, Washington should begin turning defense responsibilities over to Tokyo. (The plight of the Okinawan people on an island crowded with U.S. military facilities—highlighted by an alleged sexual assault by an American in October—adds a special imperative to act there.)

#### The Phillipines will invoke the mutual defense treaty in the event of a conflict with China

Esplanada and Torres 12 (Jerry Esplanada and Tetch Torres, Inquirer, “Scrap defense treaty if US won’t help us, says Enrile” 4/27/12 http://globalnation.inquirer.net/35005/scrap-defense-treaty-if-us-won%E2%80%99t-help-us-says-enrile)

“We can invoke the Mutual Defense Treaty if China will make the error of firing at us and that is under the ambit of the Mutual Defense Treaty [that] any attack on any vessel of the contracting parties within the Pacific Area is an attack on the other,” Enrile said as he noted that the South China sea is within the treaty area.¶ “So, I think that is why China is very allergic to the matter of raising this internationally and bringing in essentially the US in the picture,” Enrile said.¶ But leftist groups opposed the idea of American involvement in the dispute. The militant group Bagong Alyansang Makabayan or Bayan said Friday that nothing good can come out of the Philippines’ hanging on to the coattails of the United States in an effort to keep China at bay in the Scarborough Shoal standoff.¶ In a statement, Bayan secretary general Renato Reyes Jr. warned of complications that may arise from US intervention in the Scarborough Shoal dispute between Manila and Beijing.¶ “The Philippines should stand up to China without any form of US intervention. We must fully assert our sovereignty, but we cannot rely on one bully in fending off another,” said Reyes.¶ He said “the problem here is that the US is a bigger bully than China and has greater interests, not just in the Philippines but in the entire East Asia. Washington is using the dispute between the Philippines and China so that it can position itself and advance its hegemonic interests in the region.”¶ According to the Bayan leader, “we are being used as a pawn, nothing more than a footstool for US regional power play.”¶ “The US needs every justification to position more troops in the region. The Philippine government is giving the US a reason for more Balikatan war games and more American warships entering Philippine territory and the South China Sea. However, instead of paving the way for the peaceful solution to any dispute, such actions only serve to provoke and increase tensions,” said Reyes.¶ He expressed doubt the US will ever go to war with China over the Scarborough Shoal standoff between Manila and Beijing.¶ “The Philippine government is living under the illusion that the US will help us. History shows otherwise. Sixty years of the Mutual Defense Treaty and still our armed forces are backward and poorly equipped. All we receive are second-hand equipment under the Excess Defense Articles Program of the US,” he said.¶ In the event of a shooting war with China, Reyes claimed, “the US will not immediately come to our aid.”¶ “There is no automatic retaliation provision in the Mutual Defense Treaty. We are being misled by both the Philippine and US governments when they say that American support is key to resolving the dispute,” he said.¶ Reyes pressed the Aquino administration to “disclose the terms of deployment of US troops in the country” as he cited news reports that more US soldiers from Okinawa, Japan, would be deployed to the Philippines.

#### That draws in the US and causes US-Sino nuclear war

Max Fisher 11, foreign affairs writer and editor for the Atlantic, MA in security studies from Johns Hopkins, Oct 31 2011, “5 Most Likely Ways the U.S. and China Could Spark Accidental Nuclear War,” http://www.theatlantic.com/international/archive/2011/10/5-most-likely-ways-the-us-and-china-could-spark-accidental-nuclear-war/247616

Neither the U.S. nor China has any interest in any kind of war with one other, nuclear or non-nuclear. The greater risk is an accident. Here's how it would happen. First, an unforeseen event that sparks a small conflict or threat of conflict. Second, a rapid escalation that moves too fast for either side to defuse. And, third, a mutual misunderstanding of one another's intentions.¶ This three-part process can move so quickly that the best way to avert a nuclear war is for both sides to have absolute confidence that they understand when the other will and will not use a nuclear weapon. Without this, U.S. and Chinese policy-makers would have to guess -- perhaps with only a few minutes -- if and when the other side would go nuclear. This is especially scary because both sides have good reason to err on the side of assuming nuclear war. If you think there's a 50-50 chance that someone is about to lob a nuclear bomb at you, your incentive is to launch a preventative strike, just to be safe. This is especially true because you know the other side is thinking the exact same thing. In fact, even if you think the other side probably won't launch an ICBM your way, they actually might if they fear that you're misreading their intentions or if they fear that you might over-react; this means they have a greater incentive to launch a preemptive strike, which means that you have a greater incentive to launch a preemptive strike, in turn raising their incentives, and on and on until one tiny kernel of doubt can lead to a full-fledged war that nobody wants.¶ The U.S. and the Soviet Union faced similar problems, with one important difference: speed. During the first decades of the Cold War, nuclear bombs had to be delivered by sluggish bombers that could take hours to reach their targets and be recalled at any time. Escalation was much slower and the risks of it spiraling out of control were much lower. By the time that both countries developed the ICBMs that made global annihilation something that could happen within a matter of minutes, they'd also had a generation to sort out an extremely clear understanding of one another's nuclear policies. But the U.S. and China have no such luxury -- we inherited a world where total mutual destruction can happen as quickly as the time it takes to turn a key and push a button.¶ The U.S. has the world's second-largest nuclear arsenal with around 5,000 warheads (first-ranked Russia has more warheads but less capability for flinging them around the globe); China has only about 200, so the danger of accidental war would seem to disproportionately threaten China. But the greatest risk is probably to the states on China's periphery. The borders of East Asia are still not entirely settled; there are a number of small, disputed territories, many of them bordering China. But the biggest potential conflict points are on water: disputed naval borders, disputed islands, disputed shipping lanes, and disputed underwater energy reserves. These regional disputes have already led to a handful of small-scale naval skirmishes and diplomatic stand-offs. It's not difficult to foresee one of them spiraling out of control. But what if the country squaring off with China happens to have a defense treaty with the U.S.?¶ There's a near-infinite number of small-scale conflicts that could come up between the U.S. and China, and though none of them should escalate any higher than a few tough words between diplomats, it's the unpredictable events that are the most dangerous. In 1983 alone, the U.S. and Soviet Union almost went to war twice over bizarre and unforeseeable events. In September, the Soviet Union shot down a Korean airliner it mistook for a spy plane; first Soviet officials feared the U.S. had manufactured the incident as an excuse to start a war, then they refused to admit their error, nearly pushing the U.S. to actually start war. Two months later, Soviet spies misread an elaborate U.S. wargame (which the U.S. had unwisely kept secret) as preparations for an unannounced nuclear hit on Moscow, nearly leading them to launch a preemptive strike. In both cases, one of the things that ultimately diverted disaster was the fact that both sides clearly understood the others' red lines -- as long as they didn't cross them, they could remain confident there would be no nuclear war.¶ But the U.S. and China have not yet clarified their red lines for nuclear strikes. The kinds of bizarre, freak accidents that the U.S. and Soviet Union barely survived in 1983 might well bring today's two Pacific powers into conflict -- unless, of course, they can clarify their rules. Of the many ways that the U.S. and China could stumble into the nightmare scenario that neither wants, here are five of the most likely. Any one of these appears to be extremely unlikely in today's world. But that -- like the Soviet mishaps of the 1980s -- is exactly what makes them so dangerous.

#### The third impact is Korean War,

#### US mutual defense treaty with the ROK causes North Korean nuclearization and aggression—Trip wires ensure the US is drawn in to a nuclear war.

Bandow 11 (Doug, Cato Institute, “Why Doesn’t South Korea Defend the United States?” 12/5/11 http://www.cato.org/publications/commentary/why-doesnt-south-korea-defend-united-states)

Seoul is the political and industrial heart of the Republic of Korea. The metropolitan area holds half of the country’s population. Amid the city’s bustle the threat from the so-called Democratic People’s Republic of Korea seems far away, but Seoul’s suburbs lie just 25 miles south of the demilitarized zone, within range of North Korean artillery and Scud missiles. Hence the North’s latest threat to turn Seoul into a “sea of fire,”¶ South Korea became a defense dependent of Washington decades ago. Like America’s other alliances around the globe, the “mutual” defense treaty with Seoul does not protect the U.S. Given the South’s recent economic success, Americans should ask: When will this prosperous and populous friend begin defending America?¶ U.S. troops have been in South Korea for 61 years. Washington first intervened to reverse the North’s invasion of the ROK in 1950. Three years later the fighting ended in an armistice, with no peace treaty ever reached. Since then American troops have formed a military tripwire to ensure Washington’s involvement in any new war.¶ However, Seoul has precious few responsibilities in return. ROK forces never have been stationed in America. There were never plans for the South to assist the U.S. if the latter was attacked by the Soviet Union. No South Korean ships patrolled the sea lanes and no South Korean aircraft guarded the sky.¶ In the early days there was little the ROK, an impoverished dictatorship, could do. Seoul could not protect itself, let alone anyone else. But then, Washington should not have maintained the fraud that the security tie was mutual.¶ The South since has joined the first tier of nations. It obviously can do more, much more. Nevertheless, the treaty remains a one-way relationship. The ROK occasionally has contributed to Washington’s foolish wars of choice, such as Vietnam and Afghanistan, in order to keep American defense subsidies flowing. But this is no bargain for the U.S., which is expected to protect Seoul from all comers.¶ Of course, it might be too much to expect even a wealthier South Korea to help protect the U.S. After all, no nation poses a serious threat to America. Russia has a nuclear deterrent, little more. China is expanding its military, but remains far behind us. Every other potential adversary is a comparative military pygmy: Cuba, Burma, Iran, North Korea. Indeed, Washington’s “defense” budget has little to do with defense—of the U.S., at least. America spends far more to protect its allies, such as the ROK.¶ However, Seoul should at least defend itself if not the U.S.¶ One of the attributes of a serious nation is handling its own security. In the past, at least, no great and influential nation would subcontract its defense to another country. Doing so would make one a dependent, even a puppet. Early Americans were willing to assert themselves against great odds in both the American Revolution and the War of 1812.¶ Yet the ROK continues to rely on Washington. Indeed, South Korean troops would be under U.S. command in war, an arrangement that was supposed to change next year. However, at Seoul’s request that transfer has been postponed until 2015. With 40 times the GDP of the North and twice the population, the South continues to plead helplessness in the face of potential aggression. It is as if the peninsula had a special geographical force field which prevented the country to the south from ever matching the military of the nation to the north.¶ Of course, the problem is the one-way U.S. defense guarantee, not a mystical force field. As long as Washington politicians force American taxpayers to underwrite the ROK’s defense, why should Seoul burden its own citizens? It is a great deal—for the South, which can spend much less on the military.¶ Even under President Lee, who has pressed for more military outlays, the South’s defense budget has lagged behind threats. Reported the Congressional Research Service: “Defense Reform 2020 calls for defense budget increases of 9.9% each year, but the Lee Administration reduced the increase to 3.6% for FY2010, citing economic pressures.” Bruce Klingner of the ROK-friendly Heritage Foundation has written of “defense budget shortfalls” by the ROK.¶ Although these advantages of being a defense dependent are obvious, America’s military presence creates costs for the South as well. Hosting 28,500 mostly young men from another country and culture isn’t easy. Indeed, two recent rapes by American service personnel triggered protests and discussion about revising the Status of Forces Agreement. But such problems are inevitable when a nation asks another country for aid.¶ Most important, the South’s defense remains in outside hands. As guarantor of the ROK’s security, the U.S. inevitably will meddle in South Korean affairs. Yet in a crisis, Washington will do what Washington believes to be in its interest, not the South’s interest.¶ Still, just as alcoholics hate to give up liquor, South Koreans are unlikely to give up their defense free ride. Doing without an American tripwire would mean either achieving a modus vivendi with the DPRK, which seems unlikely, or spending more to bulk up forces for both defense and retaliation, which would be politically unpopular.¶ Unfortunately, the American people have to pay more because Washington treats the South as an international welfare dependent. And the problem is getting worse. Despite the budget crunch at home, the Obama administration has been expanding defense aid to the South.¶ For instance, on his recent visit to the South, Defense Secretary Leon Panetta discussed a joint response to any future North Korean provocation. He explained: “We have an alliance. We can provide strong and effective responses to those kinds of provocations if we work together.” The U.S. is “prepared to defeat the North” if war occurs, added the secretary, using “the full range of capabilities, including the U.S. nuclear umbrella, conventional strike and missile defense capabilities.” Finally, he asserted, “These efforts deter North Korean aggression by demonstrating that we have the will and the means to defend the ROK.”¶ The Defense Department also is relocating U.S. forces from Seoul’s Yongsan base to U.S. Army Garrison Humphreys to the south. This will cost several billion dollars, which makes sense only if the deployment is eternal. Moreover, the Pentagon has been planning to “normalize” the tours of American military personnel in South Korea, implementing longer stays and allowing troops to bring families. This step indicates that the American garrison is a permanent part of the South Korean landscape. Some South Koreans even are calling for reintroduction of U.S. tactical nuclear weapons in the South.¶ But there is no defense justification for preserving Washington’s security commitment to the ROK. The Cold War is over, South Korea is far stronger than the North, and neither China nor Russia would support Pyongyang in a new war. As former Defense Secretary Robert Gates observed, anyone advocating another land war in Asia should “have his head examined.” Military commitments should reflect geopolitical realities; alliances should be a means, not an end. Today, however, Washington appears determined to maintain alliances simply to have alliances, whether or not they benefit America.¶ Alliance advocates occasionally defend the alliance in terms of China Washington Times editorial page editor Brett M Decker claimed that “The rapid militarization of the People’s Republic of China makes the decades-old alliance between the Republic of Korea and the United States just as important as ever.” But the ROK is unlikely to act as a cheerful member of a new containment ring around the PRC. Seoul might like to be defended in the unlikely event that Beijing moved to swallow the peninsula. However, no South Korean government is likely to make itself a permanent enemy of the PRC by backing Washington in a conflict elsewhere, say over Taiwan.¶ Indeed, the Roh Moo-hyun government insisted that American forces based in the ROK could not be used elsewhere in the region without its consent. The Lee government has a better relationship with Washington and adopted an ambiguous compromise which might allow American forces in the South to deploy, though not operate, from their bases. But maybe not. The U.S. can count on nothing in a crisis.¶ Beyond China it is hard to imagine how the alliance could act like the ”lynchpin of not only security for the Republic of Korea and the United States but also for the Pacific as a whole.” More sensible would be to leave the Japanese and South Koreans to overcome old antagonisms and create a relationship that could act as a security foundation for what is, after all, their region.¶ In 2009 the U.S. and ROK produced a Joint Vision for the Alliance which proposed greater cooperation in a lot of other areas, including counter-terrorism, anti-piracy, and development. But none of these activities require a military alliance, security guarantees, and military deployments by America. Indeed, such agreements would be most effective if implemented by equals, not superior and dependent.¶ Some advocates of permanent defense subsidies for Seoul point to the DPRK’s nuclear program. There is no easy answer to the threat of North Korean nuclear proliferation. But promising to shield the South from a DPRK nuclear attack is not costless. Maintaining a nuclear umbrella entangles the U.S. in unpredictable Northeast Asian disputes which pose no vital interest to America. Indeed, should the North develop even a crude ICBM and accompanying nuclear warhead, the U.S. would have to contemplate sacrificing Los Angeles for Seoul, a bad deal for America.¶ In any case, Washington’s garrison in the ROK does not constrain the North’s nuclear ambitions; to the contrary, there are now 28,500 nuclear hostages nearby for Pyongyang to target. The North’s nuclear program actually is yet another compelling reason for America to bring home its troops.¶ Moreover, it might be better for the South to have its own nuclear deterrent than for the U.S. to stay involved. Although Washington is dedicated to the principle of nonproliferation, U.S. policymakers should consider whether guaranteeing that North Korea alone among smaller power possesses a nuclear arsenal is a good policy. The effect is a bit like domestic “gun control”—only the bad guys end up armed. The prospect of nuclear weapons in the hands of the ROK (and Japan) also would get China’s attention, encouraging Beijing to take tougher action against the North’s nuclear activities.

#### Korean conflict Goes nuclear and triggers every impact.

Hayes and Green, 10 - \*Victoria University AND \*\*Executive Director of the Nautilus Institute (Peter and Michael, “-“The Path Not Taken, the Way Still Open: Denuclearizing the Korean Peninsula and Northeast Asia”, 1/5,

http://www.nautilus.org/fora/security/10001HayesHamalGreen.pdf)

The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community. At worst, there is the possibility of nuclear attack1, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities. On the Korean Peninsula itself, key population centres are well within short or medium range missiles. The whole of Japan is likely to come within North Korean missile range. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. Even a limited nuclear exchange would result in a holocaust of unprecedented proportions. But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming. Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years.3 In Westberg’s view: That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years. The temperature over the continents would decrease substantially more than the global average. A decrease in rainfall over the continents would also follow...The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger...To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4 These, of course, are not the only consequences. Reactors might also be targeted, causing further mayhem and downwind radiation effects, superimposed on a smoking, radiating ruin left by nuclear next-use. Millions of refugees would flee the affected regions. The direct impacts, and the follow-on impacts on the global economy via ecological and food insecurity, could make the present global financial crisis pale by comparison. How the great powers, especially the nuclear weapons states respond to such a crisis, and in particular, whether nuclear weapons are used in response to nuclear first-use, could make or break the global non proliferation and disarmament regimes. There could be many unanticipated impacts on regional and global security relationships5, with subsequent nuclear breakout and geopolitical turbulence, including possible loss-of-control over fissile material or warheads in the chaos of nuclear war, and aftermath chain-reaction affects involving other potential proliferant states. The Korean nuclear proliferation issue is not just a regional threat but a global one that warrants priority consideration from the international community.

# Plan

#### The United States federal government should amend section 1547(a)(2) of The War Powers Resolution of 1973 to explicitly exclude the North Atlantic Treaty, the Mutual Defense Treaty Between the Republic of the Philippines and the United States of America, the United States of America and Japan Mutual Defense Assistance Agreement, and the Mutual Defense Treaty Between the United States and the Republic of Korea.

# Solvency

#### The WPR currently allows the President to wage war with mutual defense justifications

Paust 11 (Jordan, University of Houston Law Center, “War Powers and Executive Authority in the Libya Conflict” 5/29/11 http://jurist.org/forum/2011/05/jordan-paust-libya-war-powers.php)

In any event, the War Powers Resolution contains its own set of limitations. One of these is found in Section 8(b), which allows members of the armed forces of the United States "to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established" previously "and pursuant to the United Nations Charter or any treaty ratified by the United States prior to" the War Powers Resolution. NATO is a relevant treaty-based organization, although whether its "high-level military" command was previously established for purposes of the statute or, for interpretive purposes, is merely established for each specific operation may lead to disagreement.¶ Another set of limitations is contained in Section 8(d)(1), which assures in pertinent part that "[n]othing in this joint resolution is intended to alter the constitutional authority of ... the President, or the provisions of existing treaties." As mentioned, the President's authority involves the Executive power as well as the concomitant duty and authority faithfully to execute the laws, such as treaties of the United States. Execute is nearly the very name of Executive and, in any event, execute is encompassed within its meaning. The War Powers Resolution was not meant to alter these forms of constitutional authority and, as constitutionally-based presidential power, a mere federal statute or joint resolution could not do so.¶ Moreover, the War Powers Resolution is expressly intended to not alter the provisions of existing treaties and, therefore, it was not intended to alter provisions of the UN Charter or the North Atlantic Treaty establishing NATO. With respect to treaty law, in this instance the President has chosen on behalf of the United States to accept and execute the authorization contained in the UN Security Council resolution and engage in enforcement measures with respect to Libya. In so doing, the President has faithfully executed provisions of the UN Charter, including an outcome of that treaty's continued functioning (e.g., the Security Council resolution and its legal authorization which are also last in time vis-a-vis the War Powers Resolution, constituting prevailing law). Faithfully executing the treaty is part of the President's constitutionally unavoidable duty expressed in mandatory "shall" language and, more generally, this duty involving compliance with and faithful execution of a treaty of the United States happened to be of fundamental concern to the Founders and Framers.

#### Amendment of section 1547 of the WPR is uniquely key and would require the President to receive authorization for wars entered through mutual self defense justifications

Schiff 96 (Andrew, \* J.D. candidate, May 1997, Washington College of Law, “Note and Comment: THE WAR POWERS RESOLUTION: FROM THE HALLS OF CONGRESS TO THE HILLS OF BOSNIA, INERTIA SHOULD GIVE WAY TO POST-COLD WAR REALITY” 11 Am. U.J. Int'l L. & Pol'y 877 Lexis)

Among the Resolution's various confusing n50 and potentially unconstitutional n51 clauses, none are as contradictory as two subsections within section 1547. Under the heading of "Interpretation of Joint Resolution," Congress attempts to flesh out the areas to which the Resolution applies. n52 In subsection (a)(2), Congress states that " . . . any treaty heretofore or hereafter ratified" n53 will not be considered proper authorization for the introduction of United States combat forces into a situation where hostilities are either occurring or imminent. n54¶ In the language following the prohibition on treaty-based deployments, [\*885] Congress permits such deployments "[if such a] treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this chapter." n55 If a mutual defense treaty is activated, any United States troop deployment would require congressional authorization, specifically pursuant to the Resolution. n56 Congress, while not completely rejecting America's obligations under its numerous mutual defense treaties, reserved a role for itself in the event the war-making provisions of those treaties are activated and the possibility arises where United States troops are to be sent abroad.¶ B. SECTION 1547(d)(1)¶ The Resolution reads with equal clarity in section 1547(d)(1). n57 This subsection states, inter alia, "nothing in this [joint resolution] is intended to alter . . . the provisions of existing treaties . . . ." n58 Read by itself, section 1547(d)(1) appears to preclude altering any and all provisions of existing treaties to which the United States is a signatory. In fact, Congress must have believed the provision spoke with a clear voice for neither the Senate nor House committee reports on the Resolution hearings even mention section 1547(d)(1). n59¶ C. Analysis¶ Congress removed the presidential prerogative to deploy United States combat forces pursuant to an existing or future mutual security treaty. n60 Congress inserted a caveat allowing such a deployment if implemented specifically pursuant to the requirements set forth in other sections of the Resolution. n61 Congress then exempted all existing treaties from the Resolution. n62¶ To further confuse the issue, the legislative history of the Resolution [\*886] raises additional problems. The House Report ("Report") provides a section-by-section analysis of the Resolution. Under section 1547, the Report notes that, " . . . [section 1547(a)(2)] reassures United States allies that passage of the resolution will not affect United States obligations under mutual defense agreements and other treaties to which the United States is a party." n63 Far from reassuring our allies, this explanation can only serve the opposite function. The explanation calls into question the sustainability of any United States troop deployment pursuant to a mutual defense treaty. n64¶ Section 1547(a)(2) does not "reassure United States allies" n65 that America's obligations under previous treaties will remain unaffected. Instead, section 1547(a)(2) of the Resolution promotes insecurity among our signatory partners in two ways. First, other states, rather than counting on the United States to deploy its forces pursuant to a treaty obligation for the duration of the crisis, will only be able to count on United States forces for a maximum of sixty days n66 before the forces risk withdrawal in the face of congressional opposition.¶ Second, the caveat in section 1547(a)(2)--allowing the deployment of troops pursuant to a mutual defense treaty as long as the deployment is conducted with specific authorization under the Resolution n67 --offers little solace. Far from a grant of power, the caveat is premised on removing the President's authority to deploy forces in response to treaty obligations. The caveat reinforces the new uncertainty section 1547(a)(2) introduced into the treaty equation by placing the decision to respond to treaty-involved crises in the hands of Congress rather than the treaty [\*887] provisions.¶ The language of section 1547(d)(1) balances the destabilization introduced with section 1547(a)(2). n68 Though not discussed in the legislative history, section 1547(d)(1) appears to serve as the "reassuring" mechanism the drafters attempted to assign to section 1547(a)(2). For with the clear and concise prose of section 1547(d)(1), Congress exempts all provisions of existing treaties from the reach of the Resolution. n69 With this clean sweep, Congress expresses the exact opposite position previously iterated in section 1547(a)(2). n70¶ II. THE U.N. CHARTER & ARTICLE 42: WORTHLESS UNDER WAR POWERS RESOLUTION SECTIONS 1547(a)(2) AND (d)(1)?¶ Under Article 1 of the U.N. Charter (Charter), the first purpose of the U.N. is to "maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace . . . ." n71 "Collective measures" refer to a general security paradigm known as collective security. n72 Under a collective security agreement, a group of nations, in this case parties of the U.N. charter, agree not to use military force to settle disputes between parties. If a party or non-party violates an agreement, all of the signatories must participate in punishing the aggressor. In many cases, such punishment can take the form of military action. In a collective security agreement every party, regardless of their national interest, must assist in restoring the status quo. U.N. Article 42 enforces this mandate. n73 [\*888] ¶ Article 42 authorizes the Security Council to take military action in furtherance of the U.N.'s primary purpose. n74 Should sanctions or similar actions fail to address an international crisis, the Security Council may authorize military action to restore the status quo. n75¶ The legislative history of Article 42 is replete with references to the exciting new era in international relations that the U.N. drafters envisaged following the Second World War. n76 With an eye toward history, the drafters sought to avoid what many considered to be the primary pitfall of the League of Nations; n77 namely, the League's inability to compel its signatories to commit troops to combat acts of aggression against other members. n78 By adopting Article 42, the U.N. created a system whereby "military assistance, in case of aggression, ceases to be a recommendation made to member states; it becomes for us an obligation which none can shirk." n79 Accordingly, the U.N. Charter contains Chapter VII, which "provides the teeth for the U.N." n80 By authorizing the Security Council to act militarily, the ambivalence and ambiguity that paralyzed the League of Nations would not be realized. n81 In its place, a well-defined obligation existed from which substantive and final decisions would emanate.¶ Then Secretary of State for the United States, Edward Stettinius, [\*889] stated that by adopting the Charter the nations of the world agreed, "to provide armed forces to an international agency that would be able to use them to preserve world peace and security." n82 The Secretary further noted that the United States, by adopting the Charter, agreed to the "new world order" that would "constitute concrete evidence of the recognition . . . that its own security is founded upon its cooperation with other countries in the maintenance of world peace." n83¶ Neither the Secretary of State, nor the U.N., however, may speak authoritatively for the United States Congress. Without the approval of Congress, the United States could not be a signatory to the U.N. Charter. n84 Without the United States, the U.N. was bound to fail. Furthermore, without the provisions of Article 42, the U.N. would result in the same paper tiger as the League of Nations. n85¶ The United States Congress, therefore, needed to address the potential new era of international relations. Instead of remaining locked in the pre-World War II era of unilateral war and the failed policies of the League of Nations, Congress grasped the opportunity to embrace the concept of collective security enshrined in the U.N. n86¶ A pointed exchange, however, occurred between Senators Millikin and Vandenberg. Senator Millikin wanted Congress to reserve the right to approve United States troop deployment every time the Security Council utilized an Article 43 n87 resolution. Senator Vandenberg, speaking for a [\*890] majority of the senators, responded:¶ I think that if we were to require the consent of Congress to every use of our armed forces, it would not only violate the spirit of the Charter . . . but it would violate the spirit of the Constitution . . . because . . . the President has certain rights to use our armed forces in the national defense without consulting congress. n88¶ Though uttered over 50 years ago, Senator Vandenberg's point is of critical importance today. For if United States troops can be deployed pursuant to a U.N. request without congressional authorization, where does the Resolution stand?¶ While the Resolution was nearly 30 years from inception, the National Security Committee's report provided powerful evidence that military actions taken by the United States under the auspices of the U.N. should be distinct from those taken unilaterally. n89 Pursuant to powers articulat- [\*891] ed in the U.N. Charter, the senators believed that the president could deploy forces without the worry of congressional micro-management, if executed pursuant to a Security Council resolution. n90 Furthermore, Congress distinguished police actions from war, n91 the latter requiring congressional authorization. n92¶ On the senate floor, a "large majority of the senators . . . seemed to understand that the United States was joining a new order." n93 Only a small group of senators rejected the concept of joining a collective security organization. n94 Senator Bushfield argued that Article 42 violated the Constitution because it proposed to "delegate to the Security Council of the New League of Nations sic the power to declare war and the power to take American boys into war anywhere in the world without the approval or consent of the Congress." n95 Advocates of the "new world order" won the day, though, and Congress ratified the U.N. Charter treaty.¶ Congress articulated similar dichotomous views in the debate sur- [\*892] rounding the 1945 U.N. Participation Act UNPA. n96 In section 287(d) of the UNPA, Congress allows the President to enter into negotiations with the Security Council in order to determine the "numbers and types of armed forces, their degree of readiness . . . to be made available to the Security Council on its call . . . in accordance with Article 43 n97 of the U.N. Charter." n98 Congress, however, inserted a provision requiring congressional approval before the Article 43 agreement could become law. n99¶ Congress was unclear when it authorized both the U.N. Charter and the UNPA. Sections 1547(a)(2) and (d)(1) of the Resolution are mutually inconsistent; one section virtually repealed all previous treaties to which the United States was a signatory, while the other section effectively granted a pardon to all previous treaties. n100 A president searching for guidance could not find it in the Resolution. n101 In the post-Cold [\*893] War era of international relations--an era which holds true promise for greater international cooperation among U.N. members--the Congress of the most powerful and important member of the U.N. must speak with a more definitive voice. An in-depth examination of this emerging era in international relations will provide the impetus for change.¶ III. THE NEW WORLD ORDER¶ A. Setting the Stage for Multilateralism¶ On March 5, 1946, British Prime Minister Winston Churchill delivered his Iron Curtain speech, n102 effectively declaring the Cold War a reality. On April 2, 1989 n103 the New York Times declared the Cold War over: "The we-they world that emerged after 1945 is giving way to the more traditional struggles of great powers . . . it creates new possibilities--for cooperation in combating terrorism, the spread of chemical weapons and common threats to the environment, and for shaping a less violent world." n104 [\*894] ¶ What was true 1989 is even more applicable today. The Cold War, and all of the ills and associated threats that came with it, is history. n105 More importantly, there are substantial reductions in the number of nuclear and conventional weapons deployed by both sides and a near stoppage in the production of new nuclear n106 and conventional platforms. n107 The world, in a very real sense, is a much safer place [\*895] then it was just six years ago. n108¶ That is, of course, unless one resides in Kuwait or Sarajevo. Iraq's naked aggression, coupled with the Balkan war's unspeakable brutality, serve as reminders that the end of the Cold War did not usher in worldwide peace and tranquillity. Post-Cold War ills notwithstanding, however, the bipolar retreat from nuclear confrontation heralded in an astonishing revision in the way former enemies viewed one another less than two years after the fall of the Berlin Wall. n109 [\*896] ¶ The world community's responses to Iraq's aggression and the Balkan chaos provide proof of a "new world order". n110 In Iraq, the months leading up to the start of Operation Desert Storm n111 witnessed the U.N. Security Council passing twelve resolutions relating to Iraq's invasion and occupation of Kuwait. n112 Critically, Resolution 678, n113 passed by [\*897] the Security Council on November 29, 1990, authorized member nations to "use all necessary means" to evict Iraq from Kuwait. n114 As a permanent n115 member of the Security Council, Russia had the opportunity to utilize its veto power to protect Iraq, one of its largest clients. Instead, Russia voted in favor of every Security Council resolution, further cementing its burgeoning relationship with the west. n116 Cooperation between the east and the west, unthinkable less than a decade earlier, became reality less than one year after the fall of the Berlin Wall.¶ Granted, the extent of change in international relations is far from a settled premise. The question of whether international relations truly experienced a fundamental shift is the subject of much academic and official debate. n117 In response to the current flux in international rela- [\*898] tions, Professor Jack Snyder n118 developed a paradigm known as neoliberal institutionalism: "[The neo-liberal institutional] approach assumes . . . an institutional structure that provides legitimate and effective channels for reconciling conflicting interests. [Neo-liberalism sees] political order as arising from organized procedures for articulating interests and settling conflicts among them." n119¶ In short, Snyder does not view multilateralism as a result of pure economic interdependence. Rather, the current era stems from the internationalization of institutions in all areas of importance, whether military, economic, or political. Institutions such as the U.N., the General Agreement on Trade and Tariffs, n120 the European Union, n121 the North Atlantic Treaty Organization, n122 and the Organization for Security and Cooperation in Europe, n123 have all contributed to the institutionalization [\*899] of international relations. Snyder notes, "the institutionalized, legal character of the relationship would make for predictability, irreversibility, and deeply penetrating effects on the domestic orders of the state." n124¶ The world continues to move away from the bifurcated struggle between capitalism and communism. As nations grow closer with greater and more penetrating economic, political and military ties multilateral institutions, such as the U.N., should play an even greater role in cementing those ties and fostering new ones.¶ B. The Necessary Engagement of the United States: Bosnia¶ Post-Cold War peace is an illusory goal without the participation and cooperation of the United States. n125 The enduring war in the former Yugoslavia demonstrates the resulting consequences when there is a lack of United States leadership.¶ The war in the Balkans is over five years old. n126 Hundreds of thousands of people are dead, n127 and millions are displaced or transformed into refugees. n128 Stories of ethnic cleansing and wanton brutality are [\*900] commonplace. n129 Yet, for five years, the world largely watched the slaughter from the sidelines. Some European nations contributed troops to protect the so-called safe havens in a handful of Bosnian cities. n130 The fall of Srebrenica and Zepa, two of the U.N. designated safe havens, in the summer of 1995, evidenced the fallacy of the world's ability to protect such zones. n131¶ In the months leading up to the peace talks in Dayton, Ohio, Europe came face-to-face with its inability to stop the Balkan fighting. n132 A consensus emerged that only the United States possessed the diplomatic and military muscle to effect a peace in the Balkans. n133¶ Americans, too, viewed themselves as the primary arbiters of world diplomacy. n134 In fact, American Admiral Leighton W. Smith, com- [\*901] mander of NATO's southern flank, was the catalyst for the airstrikes launched against Serb positions following a deadly mortar attack on a Sarajevo marketplace. n135 As a direct result of the bombing campaign, "word filtered out of Pale via Belgrade on August 31, that perhaps, just perhaps, it might be time to talk." n136 The end result, it seems, is the Dayton Peace Agreement. n137 Even the Bosnian protagonists--Milosevic, Izebegovic and Tudjman--looked to the United States for leadership. n138¶ The impact of the leadership of the United States manifested itself on December 20, 1995, when the U.N. formally handed over its role in Bosnia to NATO. n139 The deployment of NATO's Implementation Force is not without its share of operational snags, political uncertainty and casualties. n140 Bosnia, however, is free from random, wanton bloodshed for the first time in five years. n141 [\*902] ¶ C. Necessary Engagement Versus Political Reality: Congress, the President, and the Debate over Bosnia¶ A plausible argument exists for continued United States engagement overseas. n142 The extent of that engagement, however, remains ill-defined, as demonstrated in the debate surrounding the deployment of United States forces to Bosnia. On one side, the President presented a two-pronged argument as the basis of his authority to deploy the troops. First, the President claimed he had the authority under the Constitution to deploy troops overseas without congressional authorization. n143 Sec- [\*903] ond, the President relied primarily on moral indignation to challenge the Congress to support the mission. n144¶ On the other side, most of Congress vociferously denied the President that authority, relying instead on its constitutional prerogatives. n145 The President, it could be argued, won the debate as the lead elements of the First Armored Division rolled into Bosnia without express congressional authorization.¶ The path toward the constitutional debate over Bosnia began in 1992 when Clinton committed the United States to sending over twenty thousand ground troops as part of an international peace implementation force. n146 Senator Nunn observed that the President failed to consult [\*904] with anyone from the Congress in arriving at this decision. n147¶ Nearly three years later, the warring factions of the Bosnian conflict emerged from the conference rooms at Dayton with a blueprint for peace. n148 The plan called for an international force of over sixty thousand troops, twenty thousand of which were to be American based on President Clinton's 1992 commitment. n149 Congress, however, disagreed with President Clinton on the need to deploy United States ground troops. n150 Congress debated impassionately and eloquently over the troop deployment. n151 Most congressional outsiders, however, viewed the debate as simply politics as usual. n152 Ultimately, Congress folded its hand and passed milquetoast measures supporting the troops but disagreeing with the deployment. n153 [\*905] ¶ These measures were not the first attempts by Congress to scuttle American participation in the peace process. On two previous occasions, the House of Representatives voted to severely restrict any United States involvement in the implementation force planned for deployment to Bosnia pursuant to a peace treaty. n154 The measures passed despite previous commitments made by President Clinton. n155 Further, and perhaps more importantly for this Comment, these resolutions passed during the negotiations in Dayton.¶ The point is that instead of presenting a united front upon which negotiating foreign parties, or treaty-based allies, could rely, the United States government articulated two completely opposing policies. Adoption of this Comment's recommendations n156 would eliminate such confusing and dichotomous foreign policy pronouncements. The alternative, as demonstrated in Bosnia, is to scuttle opportunities for peace, n157 both [\*906] at home and abroad.¶ In the end, however, Congress relented. On December 20, 1995-after five years of the bloodiest combat seen in Europe since the end of the Second World War--British General Rupert Smith, n158 commander of the U.N. mission in Bosnia, made way for American Admiral Leighton Smith, n159 commander of Operation Joint Endeavor. n160 With that transfer, the Dayton Peace Accords became a reality.¶ IV. REVISITING THE REVOLUTION¶ A. Setting the Stage¶ From the conference rooms of Dayton to the shores of Kuwait, the leadership of the United States is the necessary ingredient when the U.N. faces large-scale crises. n161 Critics of the overseas involvement of the United States cannot evade the reality that without the leadership of the United States, Iraq would still occupy Kuwait and Sarajevo would still receive artillery barrages. Whether the United States should involve itself is, of course, a different question entirely. To this end, the above [\*907] section, discussing neo-liberal institutionalism, demonstrates that international relations are conceivably on a path toward peace. n162 This path is lit with the potential of multilateral solutions to international crises. Yet without United States leadership, the path is much less certain to head in the right direction or end at the proper destination. In order to secure a more favorable chance for overseas involvement of the United States, this Comment's amendment suggestions should be adopted. n163 The amendments allow the President to deploy troops pursuant to a U.N. Security Council resolution.¶ B. The Failure of the War Powers Resolution¶ The Resolution is a failed attempt to assuage the post-Vietnam shame and grief that followed the nation's Indochina experience. n164 Even "one of the most outspoken advocates of legislative war powers," n165 Senator Thomas Eagleton, lectured the Foreign Relations Committee on what he considered to be Congress's lack of fortitude to take on the delicate and politically dangerous role of standing against a president on a foreign policy initiative. n166 Some political analysts argue that the [\*908] public's perception of the success or failure of a troop deployment is the determinative factor in whether Congress will voice its opposition or assent. n167 Other commentators argue that "congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility." n168¶ V. RECOMMENDATIONS¶ The Resolution is essentially dead law. In the twenty-three years since its inception, Congress invoked the Resolution only once. n169 In the [\*909] post-Cold War world, when faced with situations as demanding yet divergent as the Gulf War and Bosnia, the limits of United States involvement overseas remain undefined and inconsistent. n170

#### WPR solves – Norm of executive compliance and it ensures public scrutiny.

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For all its efforts, the WPR has received mostly criticism. n43 From concerns over the constitutionality of the legislative veto provisions, n44 concerns that have proven to be warranted, n45 to the [\*869] vagueness of the statutory text n46 and the WPR's lack of practical effect, n47 the WPR has been regarded as a failure. The WPR has also been criticized for applying only to actions involving U.S. armed forces, leaving operations involving U.S. intelligence agencies conspicuously unregulated. n48 Thus, even if the WPR were to be interpreted as being consistent with the Constitution, opponents of the WPR would still likely consider it to be nothing but a sixty-day "blank check" for the Executive. n49 This Note contends, however, that the WPR is undeserving of such criticism. To review presidential unilateral uses of force since 1973 is to find a spirit of compliance with the WPR. This success is the result of the Executive heeding the U.S. public's distaste for bloody and protracted conflict - a public sentiment that the WPR codifies. The WPR is interesting because its success has come in an unorthodox fashion: Of its four main provisions, two are easily avoidable and two are unconstitutional. n50 The fact that the WPR has still affected presidential decisionmaking makes it a fascinating legislative accomplishment. Some have argued, however, that the great difference in conflicts since Vietnam is related solely to political constraints on the Executive and not the WPR. n51 This argument fails for two reasons. The first is its inability to explain the Executive's historical compliance with the WPR's consulting and reporting requirements. n52 The second is more subtle: opponents of the WPR fail to recognize that, because of the WPR's impotency, it is only a political constraint. The WPR's normative force thus exceeds its bare textual requirements. [\*870] Indeed, it is the WPR's cognizance of a broad public sentiment that fuels its strength. One cannot downplay its significance as a product of the nation's legislature. As Justice Holmes so eloquently and so forcefully stated: What proximate test of excellence can be found except correspondence to the actual equilibrium of force in the community - that is, conformity to the wishes of the dominant power. [Be it] wise or not, the proximate test of a good government is that the dominant power has its way. n53 This concept is especially salient given that the WPR was passed over President Nixon's veto. n54 In sum, an outrageous unilateral presidential use of force may prompt a legislator to cite the WPR and argue that to flout the will of the legislature is to flout the will of the people, and that to flout the will of the people is to ignore a central tenet of representative government. Thus, even if the Executive can defy the WPR in a court of law, it cannot avoid losing to the WPR in a court of public opinion.

#### That public scrutiny key – can’t solve without it.

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B. Why Existing Theories of Presidential Constraint Are No Longer Sufficient Naturally, some have argued that an unchecked President is not necessarily an issue at all. Specifically, in The Executive Unbound, Eric Posner and Adrian Vermeule argue that the lack of presidential constraint is actually a rational development: we want a President who can act with alacrity, especially in a world where quick decisions may be necessary (e.g., capturing a terrorist).153 But rather than worry about this progression, Posner and Vermeule argue that sufficient political restraints remain in place to prevent a president from acting recklessly, making the inability of legal constraints (such as the WPR) to curtail presidential action a moot point.154 Specifically, a mix of “elections, parties, bureaucracy, and the media” acts as an adequate constraint on presidential action, even absent any legal checks on the executive.155 Posner and Vermeule find that presidential credibility and popularity create a deep incentive for presidents to constrain their own power. This restraint does not arise from a sense of upholding the Constitution or fear of political backlash, but from the public itself.156 Because of these nonlegal constraints, the authors conclude that the fear of an unconstrained President (one that has the potential to go so far as tyranny) is unwarranted.157 The problem with such a theory is that the requisite social and political awareness that might have existed in large-scale wars has largely disappeared, allowing the President to act without any fear of diminished credibility or popularity. Specifically, Posner and Vermeule seem to rely on public attentiveness in order to check presidential action but do not seem to consider a situation where public scrutiny fails to materialize. The authors place an important caveat in their argument: “As long as the public informs itself and maintains a skeptical attitude toward the motivations of government officials, the executive can operate effectively only by proving over and over that it deserves the public’s trust.”158 But what happens when such skepticism and scrutiny vanish? The authors premise their argument on a factor that does not exist in a regime that utilizes technology-driven warfare. If credibility is what controls a President, and an apathetic populace does not care enough to shift its political views based on the use of technology-driven warfare abroad, then a President need not worry about public sentiment when deciding whether to use such force. This in turn means that the theory of self-restraint on the part of the President fails to account for contemporary warfare and its social impact, making the problem of public numbing very pertinent.159 CONCLUSION On June 21, 2011, the United States lost contact with a Fire Scout helicopter flying over Libya. Military authorities ultimately concluded that Qaddafi forces shot the helicopter down, adding to the final cost of America’s intervention.160 Yet there would be no outrage back home: no candlelit vigils, no congressional lawsuits, no protests at the White House gates, no demands for change. Instead, few people would even know of the Fire Scout’s plight, and even fewer would care. That is because the Fire Scout helicopter was a drone, a pilotless machine adding only a few digits to the final “cost” of the war, hardly worth anyone’s time or effort. As these situations become more and more common—where postwar assessments look at monetary, rather than human costs—the fear of unilateral presidential action similarly becomes more pertinent. Unlike past larger-scale wars, whose traditional harms provided sufficient incentive for the populace to exert pressure on the President (either directly or via Congress), technology-driven warfare has removed the triggers for checks on presidential action. And though the military actions that have raised WPR issues involved limited, small-scale operations, the volatile and unpredictable nature of warfare itself could eventually put American lives in danger, a risk worth considering given the increased use of drones abroad. Thus, the same conditions are now in place as when the WPR was enacted, creating a need to revisit the importance of the WPR in light of the numbing effect of technology-driven warfare. Although it might be tempting to simply write off the WPR as a failed experiment in aggressive congressional maneuvering given its inability to prevent unilateral presidential action in the past, the new era of warfare and its effects on the populace has created a newfound sense of urgency, one that requires a strong statutory barrier between the President and military action abroad. Thus, we need stronger WPR enforcement as it becomes easier to enter into “hostilities.” While others focus on the WPR itself,161 the emphasis of this Note is on the public’s role in preventing unilateral presidential action. In this respect, the simplest solution for the numbing effect of contemporary warfare is an increased level of public attentiveness and scrutiny concerning military actions abroad, regardless of the lack of visible costs at home. As we have seen, once the public becomes vigilant about our less-visible foreign actions, we can expect our politicians to become receptive to domestic law. But as this Note points out, the issues surrounding a toothless WPR will continue to grow and amplify as society enters a new age of technology-driven warfare. Thus, there is a pressing need for greater public awareness of the new, and perhaps less obvious, consequences of our actions abroad.162 Perhaps taking note of these unforeseen costs will improve the public’s inquiry into potential illegal action abroad and create real incentives to enforce the WPR.

#### This restriction on authority improves transparency—accounts for public opinion on drones

John Patera 12 J.D., May 2012, Hamline University School of Law. Spring. 33 Hamline J. Pub. L. & Pol'y 387

To focus on the Resolution's shortcomings, however, is to only tell part of the story because the Resolution does retain one extremely useful feature. The Resolution remains an excellent tool for Congress to control public opinion regarding a president's unilateral deployment of armed forces and, therefore, can still encourage the president to act in accordance with its strictures despite its lack of enforceability in a court of law. n155 The history of the Resolution tells a story of consistent technical violations by the executive branch. A closer look nevertheless reveals that the Resolution has been largely successful at accomplishing its stated purpose: to "fulfill the intent of the [\*418] framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities." n156 Ensuring that Congress has an opportunity to weigh in on any deployment of American armed servicemen begins with the Resolution's requirement that presidents consult with Congress within 48 hours. n157 Every president has complied with the 48-hour requirement and consulted with Congress even though maintaining that the Resolution itself was unconstitutional. n158 President Obama went one step further and for the first time implicitly recognized the constitutionality of the Resolution. n159 Further, it has been effective at encouraging the executive branch to communicate openly with Congress and to not act unilaterally without a substantial showing of support. n160 Indeed, the Resolution was somewhat effective at the conflict's inception as President Obama provided notice of the conflict in compliance with the Resolution's 48-hour rule, and shaped American involvement in the NATO operation to fit its requirements. As previously discussed, the President expressly excluded the possibility of putting "boots on the ground", and from the conflict's inception, specifically defined its limited scope. n161 Compliance with the 48-hour requirement, and providing Congress with information regarding the nature of the conflict reinforces the usefulness of the Resolution because, according to a Senate report, the intent behind Section 8(c) of the Resolution was "to prevent secret, unauthorized military support activities." n162 The Resolution [\*419] has encouraged transparency when a president acts abroad, and in doing so allows the Congress to shape public opinion regarding the conflict. The Resolution was ineffective, however, at restraining President Obama as he sustained the conflict because Congress was largely unsuccessful at shaping public opinion. n163 This can partially be attributed to the operation's successful outcome and relative brevity; however, there is a more fundamental problem. The Obama administration's limited operation and use of drone technology deprived Congress of the opportunity to argue that he was putting American lives at risk. Congress was forced to present to the public an abstract debate over the meaning of "hostilities" for the purposes of the Resolution, without the benefit of concrete language that the President could not avoid. Further, perhaps in an attempt to make the debate less abstract, Congress~~men~~ were relegated to focusing on the fiscal cost of the conflict, rather than its legality. n164 Due to the unique nature of the conflict, the Resolution lost any and all effectiveness once underway. For the first time since the Resolution's passage, however, a president recognized the authority of the Resolution to restrict executive power. n165 Congress should capitalize on this fact and take the opportunity to dull some of the gloss on executive power. This is important because with each passing year, drones become more technologically capable, more deadly, and will be relied upon in greater numbers. The War Powers Resolution was not designed to restrict limited military operations that do not risk American personnel, and drones by their very nature operate in a limited fashion without risk to American servicemen. Therefore, as the [\*420] military transitions into the 21st century, so too must the Vietnam era War Powers Resolution. C. A Solution The Resolution remains an important tool for Congress to shape public opinion and needs to be updated. Therefore, with the advent of new technology that could not have been predicted by its drafters, it should be amended to make it a more effective in the 21st century. The Obama Administration's arguments for why it was not engaging in "hostilities" within the meaning of the Resolution are at the very least supportable and undermine the Resolution's effectiveness as a curb on executive power. As Representative Boehner argued, however, to suggest that one is not engaging in "hostilities" while armed drones are firing upon military targets "defies rational thought." n166 If Congress wishes to use the Resolution as a means of limiting presidential action through public pressure, than it must amend the Resolution to explicitly prohibit the offensive use of drones. As demonstrated by the conflict in Libya, assertions by members of Congress that a president is engaging in "hostilities" by deploying drones are undermined by the limited manner in which they operate, and more importantly, the relative lack of exposure of American personnel to harm. Members of Congress attempted to rectify this by passing funding legislation that would specifically prohibit the offensive use of drones in Libya, but were unsuccessful. n167 Further, if passed, the funding legislation would merely have been an ad hoc veto against the unilateral action taken by the President. This was not the intent of those who drafted the Resolution. The purpose of the Resolution was to ensure Congress' participation in the initial decision to send armed forces abroad. n168 With regards to the operation in Libya, the Resolution provided the [\*421] guidelines that shaped the scope of American involvement. n169 Indeed, it is reasonable to infer that the operation would have been carried out in a different manner, if at all, had the Resolution included a specific prohibition against the offensive use of drone technology. At the very least, should the Libyan conflict prove to be a blueprint for future small-scale military interventions, Congress would have concrete language to point to when attempting to shape public opinion. If Congress wants to ensure its role in the decision to send American military forces abroad, then it must recognize that drones are here to stay. V. Conclusion The War Powers Resolution needs updating. Though it has its critics, the Resolution does still serve a purpose in ensuring that Congress plays a concurrent role in the field of foreign policy, as intended by this Nation's Founders. The Resolution's language does not, however, adequately address the types of small-scale conflicts that are likely to occur in the 21st century. A product of the Vietnam era, the Resolution places too great of an emphasis on the exposure of American servicemen to harm, and gives presidents the freedom to rely on new technologies to skirt its strictures. Drone technology is here to stay. Technological advancements mean that drones will be more agile, more deadly, and more effective. Further, the increase in the numbers of drones utilized by American armed forces mean that they will play an even greater role in future conflicts. The drafters of the Resolution did not, and could not envision the day where American pilots could deliver their aircraft's deadly payload while remaining safely on the ground, far from the conflict. The intent in passing the Resolution was to ensure that Congress has a mechanism to ensure its concurrent participation in the decision to involve the Nation in armed conflict. Congress should therefore amend the Resolution to [\*422] include the offensive use of armed drones within the definition of "hostilities."

#### Legal ramifications and judicial enforcement are irrelevant – WPR allows Congress to leverage public opinion against the President.

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For Congress, the fact that the Resolution is unlikely to be judicially enforced is a double-edged sword. While courts have been unwilling to force a president to comply with the Resolution, they have similarly refused to find the Resolution unconstitutional. Therefore, because the general public is unlikely to understand such a distinction, Congress can point to the Resolution when trying to persuade the American public that a president has exceeded the office's constitutional powers. Presidents have filed over 130 reports to Congress in compliance with the War Powers Resolution despite maintaining that it is unconstitutional. n65 These reports form the foundation for congressional debate on issues regarding a president's deployment of American military personnel abroad, and each president is therefore forced to consider the Resolution as part of how they shape a deployment. n66 Perhaps the strongest evidence of this fact is that, while presidents have unilaterally involved the armed forces in small-scale conflicts numerous times since the Resolution's enactment, each conflict did not expand beyond its original scope [\*403] and was generally successful. n67 The purpose of the Resolution was to ensure that Congress was consulted and continued to play a role in foreign policy decisions in the wake of the Vietnam War. When measured against that yardstick it becomes clear that the Resolution has been effective in giving Congress a voice whenever a president unilaterally engages in "hostilities" abroad, notwithstanding the many technical violations of its strictures.