# Drone Proliferation

#### Contention 1- Drone proliferation

#### Now’s key—window is closing for model of established norms on drones

Kristin Roberts 13, News Editor – National Journal, March 22, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321

“The history of technology development like this is, you never maintain your lead very long. Somebody always gets it,” said David Berteau, director of the International Security Program at the Center for Strategic and International Studies. “They’re going to become cheaper. They’re going to become easier. They’re going to become interoperable,” he said. “The destabilizing effects are very, very serious.” Berteau is not alone. Zenko, of the Council on Foreign Relations, has urged officials to quickly establish norms. Singer, at Brookings, argues that the window of opportunity for the United States to create stability-supporting precedent is quickly closing. The problem is, the administration is not thinking far enough down the line, according to a Senate Intelligence aide. Administration officials “are thinking about the next four years, and we’re thinking about the next 40 years. And those two different angles on this question are why you see them in conflict right now.” That’s in part a symptom of the “technological optimism” that often plagues the U.S. security community when it establishes a lead over its competitors, noted Georgetown University’s Kai-Henrik Barth. After the 1945 bombing of Hiroshima and Nagasaki, the United States was sure it would be decades before the Soviets developed a nuclear-weapon capability. It took four years. With drones, the question is how long before the dozens of states with the aircraft can arm and then operate a weaponized version. “Pretty much every nation has gone down the pathway of, ‘This is science fiction; we don’t want this stuff,’ to, ‘OK, we want them, but we’ll just use them for surveillance,’ to, ‘Hmm, they’re really useful when you see the bad guy and can do something about it, so we’ll arm them,’ ” Singer said. He listed the countries that have gone that route: the United States, Britain, Italy, Germany, China. “Consistently, nations have gone down the pathway of first only surveillance and then arming.” The opportunity to write rules that might at least guide, if not restrain, the world’s view of acceptable drone use remains, not least because this is in essence a conventional arms-control issue. The international Missile Technology Control Regime attempts to restrict exports of unmanned vehicles capable of carrying weapons of mass destruction, but it is voluntary and nonbinding, and it’s under attack by the drone industry as a drag on business. Further, the technology itself, especially when coupled with data and real-time analytics, offers the luxury of time and distance that could allow officials to raise the evidentiary bar for strikes—to be closer to certain that their target is the right one. But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions. A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs. Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists. The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

#### Statutory clarity key to norms

Maxwell ’12 (Mark David Maxwell, Colonel, Judge Advocate with the U.S. Army, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, <http://www.ndu.edu/press/targeted-killing.html>, Winter 2012)

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

#### Drone prolif escalates and destroys deterrence without strong norms—multiple scenarios for conflict

Michael J. Boyle 13, Assistant Professor, Political Science – La Salle, International Affairs 89: 1 (2013) 1–29

An important, but overlooked, strategic consequence of the Obama administration’s embrace of drones is that it has generated a new and dangerous arms race for this technology. At present, the use of lethal drones is seen as acceptable to US policy-makers because no other state possesses the ability to make highly sophisticated drones with the range, surveillance capability and lethality of those currently manufactured by the United States. Yet the rest of the world is not far behind. At least 76 countries have acquired UAV technology, including Russia, China, Pakistan and India.120 China is reported to have at least 25 separate drone systems currently in development.121 At present, there are 680 drone programmes in the world, an increase of over 400 since 2005.122 Many states and non-state actors hostile to the United States have begun to dabble in drone technology. Iran has created its own drone, dubbed the ‘Ambassador of Death’, which has a range of up to 600 miles.123 Iran has also allegedly supplied the Assad regime in Syria with drone technology.124 Hezbollah launched an Iranian-made drone into Israeli territory, where it was shot down by the Israeli air force in October 2012.125 A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before another supplier steps in to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities. The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them.

#### Drone prolif escalates every hotspot including Iran-Israel, Senkakus, and South China Seas

Xiaolin 11/2 (Duan, The Diplomat, “The Rise of the Drones” 11/2/13 http://thediplomat.com/2013/11/02/the-rise-of-the-drones/)

In a broader sense, America’s use of drones may create more strategic dilemmas for regional and global peace and stability: specifically proliferation and a possible arms race involving drones that could leave the world more prone to conflict.¶ Drones are usually deployed and sent to turbulent areas for intelligence collection and targeted assassinations. They rely heavily on remote control and information links. Small technical errors can result in the rapid proliferation of modern weapons and technology. Case in point: In December 2011, Iran hijacked a U.S. Stealth RQ-170 by spoofing its GPS signal. Iranian Revolutionary Guards then reversed-engineered it, decoded the data and software, and produced a copy. Now, Iran has around 17 drones, including six armed UAVs in use. Its Shahed-129 is capable of attacking air and land targets, which “marks a significant technological advance.”¶ America’s use of drones has also prompted many other countries to develop their own or buy drones from the international market, including Britain, Israel, India, Russia, South African and China. Indeed, China is particularly ambitious, having sold Wing Loong UAVs to a number of countries. It is now developing its stealth drone “Li Jian” (Sharp Sword), which makes it the third country capable of producing such weapons, after America’s X-47 and France’s nEUROn.¶ Countries that don’t have drones may feel threatened and less secure, and seek similar or other asymmetrical means to maintain the balance of power. This could lead to an arms race. What’s more, as the adage says, to the ~~man~~ with a hammer everything looks like a nail. Leaders and field commanders may become overconfident in their technology, making them more assertive than prudence would normally dictate.¶ Security experts worry that drones, usually fielded in geopolitically dangerous areas of the world, may contribute to the outbreak of more small wars and conflict escalation. In the Middle East, Iran and Israel are adversaries armed with advanced drones. Israel is now more likely to use drones in strikes against Iran’s nuclear facilities. If that happens, Iran will certainly retaliate, probably using drones, too. In East Asia, China has used drones to monitor the disputed Senkaku/Diaoyu islands in the East China Sea, and Japan has indicated that it plans to do the same. Tokyo has said it may shoot down Chinese drones, prompting a warning by Beijing that this would mean war with China. Taiwan, South Korea, India and a number of ASEAN countries are seeking to buy Global Hawk drones from the U.S., potentially escalating tensions in the South China Sea.

#### SCS conflict 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.

#### Senkakus causes global nuclear war—US draw-in

**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.

# Blowback

#### Contention two- Blowback

#### Rollback now—Internationally and domestically

Zenko 13**.** (Micah, PhD in political science from Brandeis University and named one of the FP Twitterati 100 in 2011 and 2012. “Reforming U.S. Drone Strike Policies.” January 2013. <http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736>)

Existing practices carry two major risks for U.S. interests that are likely to grow over time. The first comes from operational restrictions on drones due to domestic and international pressure. In the United States, the public and policymakers are increasingly uneasy with limited transparency for targeted killings.3 If the present trajectory continues, drones may share the fate of Bush-era enhanced interrogation techniques and warrantless wiretapping—the unpopularity and illegality of which eventually caused the policy’s demise. Internationally, objections from host states and other counterterrorism partners could also severely circumscribe drones’ effectiveness. Host states have grown frustrated with U.S. drone policy, while opposition by nonhost partners could impose additional restrictions on the use of drones. Reforming U.S. drone strike policies can do much to allay concerns internationally by ensuring that targeted killings are defensible under international legal regimes that the United States itself helped establish, and by allowing U.S. officials to openly address concerns and counter misinformation.

#### International rollback coming now- it will kill peaceful uses for drones

Chopra 13 (Geetanjali, The Hindu, “Why drones deserve a second look” 7/29/13 http://www.thehindu.com/opinion/op-ed/why-drones-deserve-a-second-look/article4963947.ece)

The successful and timely use of drones by India in its rescue missions in the flood-ravaged regions of Uttarakhand has challenged the dominant worldview that drones are merely indiscriminate weapons of war. Known as Unmanned Aerial Systems or Vehicles (UASs/UACs), weaponised drones with combat and surveillance capabilities have emerged as one of the most controversial weapons in the history of warfare. Their continuous use by the United States in Afghanistan, Pakistan, Yemen, Libya, Iraq and Somalia, killing approximately 4,700 people, resulted in intense debates over the legality of these weapons, with critics providing arguments ranging from illegal, unethical and extrajudicial acts to violating the United Nation’s Charter, causing civilian damage, invading privacy, fuelling extremism and even terming their use as “war crimes.”¶ Restrictions¶ The increased momentum for advocating restrictions and bans on the use of drones recently became evident when the U.N. Human Rights Council called for a global freeze on the use of drones. On similar lines, the European Parliament report on “Human Rights Implications of the Usage of Drones” recommended the adoption of a binding international agreement to restrict the development, proliferation and use of drones.¶ Moreover in the U.S., 43 states have passed or are in the process of passing legislation to restrict the use of drones for surveillance and 17 states have banned the use of weaponised drones. Coupled with these government initiatives, a group of 33 non-governmental organisations (NGOs) launched the Campaign to Stop Killer Robots in April 2013, calling for a pre-emptive and comprehensive ban on the development, production and use of drones.¶ In Uttarakhand¶ In the midst of these developments, the fact that the four drones deployed by India in the Uttarakhand region to screen inaccessible flood-devastated areas beyond Badrinath and Kedarnath, actually helped locate 190 survivors along with the bodies of victims which had been swept away, was an eye-opener on the unexploited potential of drones. Interestingly, this was not the first time that drones were used as vital technological tools — previous examples include uses in Japan after the devastating earthquake in 2011 to access damage to the Fukushima Daiichi nuclear power plant and rescue operations in the U.S. in the wake of Hurricane Katrina. In addition, drones are used in South Africa and Indonesia for the protection of endangered species and for mining-related 3D mapping of stockpiles and excavations in Australia. Drones can also prove to be most efficient for precision agriculture, delivering emergency aid, firefighting and monitoring weather patterns. Surprisingly, none of these uses and potential benefits have been adequately tapped or documented, and, as a result, drones are only associated with military power and warfare.¶ Given the humanitarian, technological and economic benefits of deploying drones, the classification of drones as essentially indiscriminate and illegal weapons prompting restrictions and bans on their use, is questionable and misleading. Yet, it is evident that international opinion is in favour of banning drones. This can be attributed to the confusion surrounding drones, which in turn can be explained by two factors.¶ A new technology¶ First, it is the resistance to new technological developments, which is a rather common phenomenon, for humans by nature do not adapt to technological changes easily. Till the time people do not become familiar with new technologies, a sense of resentment and confusion remain. Prominent examples include the invention of the internet as a military programme called Advanced Research Projects Agency Network (ARPANET) and the launch of the Global Positioning System (GPS). As drone technology is relatively new and its uses largely undocumented, it is only a matter of time before the resistance to and associated confusion with, drones will subside.¶ The second and more complicated factor is linked to the life-cycle of military innovations. Since the history of warfare, military innovations have exhibited a typical life-cycle, wherein a superpower develops a unique tool and uses it without codifying any rules and regulations, underestimating the capability of other states to copy its innovation. The situation becomes ambiguous and complex when other countries develop similar tools. In the case of drones, presently only the U.S. and the United Kingdom use drones in combat, while 76 other nations possess drone technology. It is only a question of limited time when countries possessing the technology, arm and operate weaponised drones for military combat purposes. Given the absence of internationally recognised guidelines and/or code of conduct for the use of armed drones, their aggressive use by the U.S. in the War on Terror as the only precedent, along with the rapid proliferation of the drone technology, the fear of unregulated and indiscriminate future use of drones looms large. This has resulted in advocating bans on drones.¶ Need for differentiation¶ However, professing a ban on drones is not the solution to the potential problem. In fact in addition to the fact that forgoing the tremendous humanitarian and technological potential and use of drones is unfeasible, any attempt to ban drones would also prove to be futile. For, given their military advantages, drones have emerged as indispensable weapons of choice for the U.S. Without the support of the U.S., an international ban on drones would be meaningless. What is essentially needed is a two-pronged strategy for the regulation of the use of drones comprising understanding and advocacy for their peaceful use and a code of conduct for their military use. Such a strategy would help prevent the proliferation and indiscriminate use of drones, while maximising the potential of this technology for peaceful purposes.

#### Statutory clarity key to moot international and domestic backlash

Ajami 13, Fouad, senior fellow at the Stanford University’s Hoover Institution and author of “The Syrian Rebellion.” “What is Hezbollah?”, http://realclearpolitics.com/articles/2013/05/24/what\_is\_hezbollah\_118547-full.html

Without a hardheaded effort on the part of Congress and the executive branch to make drone policy, the efforts to discredit drones will continue. The current wide public support in the United States today should not mask the ways in which public perception and sentiment can be shifted, here and abroad. The campaign of delegitimation is modeled on the one against Guantanamo Bay during the George W. Bush administration; the British campaigning organization Reprieve tweets that it will make drones the Obama administration’s Guantanamo. Then as now, administration officials did not, or were unforgivably slow to, believe that a mere civil-society campaign could force a reset of their policies. They miscalculated then and, as former Bush administration officials John Bellinger and Jack Goldsmith have repeatedly warned, they might well be miscalculating now. U.S. counterterrorism policy overall needs to be embedded in policies, processes, and laws that get beyond mere executive-branch discretion and bear the stamp of the two political branches coming together in tools available in a stable way across presidential administrations of both parties. We are not there now. While the critics are not wrong to call for reform of drone-warfare processes, many of them see these merely as the first step to ending drone warfare altogether. They are advocating procedural reforms not to give it a permanent and steady framework for the long run, but effectively to outlaw the practice. Republicans should not be enablers in this effort. They should not mimic the disgraceful behavior of Democrats during the Bush-era war on terror. They should be moving—especially in Congress—to offer firm institutional and political support to drone warfare as a legitimate, effective, legal, ethical, and necessary tool of counterterrorism. Republicans in Congress should stand with the president on the main issue of drone warfare, to shore up the foundations of its legitimacy. They should do this not only because it is the right thing to do, but as a practical matter—to preserve this key element of 21st-century defense for future presidents, among whom there will surely be a Republican or two.

#### Incorporating drone strikes into the WPR bans campaigns of drone strikes—Still allows high-value targeting

Brock Laney 13 Graduates with a BA in International Relations in April 2013 and will begin law school in fall 2013 BYU Prelaw review, vol. 27, 2013

Observed individually, single drone strikes might more closely resemble assassinations than warfare. A more comprehensive view of US drone operations in Pakistan, Yemen, or Somalia, however, reveals several characteristics that place drone strikes campaigns more securely within the category of conventional warfare. Just as Yorktown and Bunker Hill fall under the broader category of the American Revolutionary War, individual drone strikes are often constituent parts of larger campaigns with identifiable goals. Pro longed drone strike campaigns resemble war in levels of casualties, spillover effects into civilian populations, and consistency of attacks. Additionally, the Obama administration has justified drone activity by appealing to international conflict law, calling drone attacks part of a war on a specific belligerent.67 Thus, in this section I discuss similarities between drone strikes campaigns and war to justify the inclusion of drones under the authority of Congress. After establish- ing this, I discuss specific changes to the WPR that can provide an institutionalized accounting for drone activity. (i) War-Like Characteristics of Drone Strikes Campaigns First, drone strikes cause civilian and militant casualties in numbers that resemble trends typical of conventional warfare. Drone strikes’ clandestine nature makes estimates of deaths from attacks difficult to calculate, but careful studies of drone activity in Pakistan, Yemen, and Somalia since 2002 estimate casualties between 3,90068 and 4,700.69 To provide a comparison, the US suffered roughly 4,485 casualties from 2003-2012 in Iraq.70Although US officials have praised drones as capable of conducting surgical strikes with little or no collateral damage,71 third parties estimate hundreds of civilian casualties.72 Drone strikes also cause significant injuries and prop- erty damage.73 Finally, the nearly constant presence of drones over many villages in North and South Waziristan causes psychological and stress-related health problems that affect large proportions of civilian populations.74 Next, drone activity resembles war in its targeting of a specific belligerent over an extended period of time. Drone strikes occur on a monthly basis, with an average of roughly 32 deaths per month.75 Further, most drone strikes have targeted militants, the majority of which were associated with the Taliban and al-Qaeda.76 Attorney General Holder argued that the US faces a “stateless enemy,”77 but it is a specific enemy nonetheless. These facts, along with the regional focus of anti-militant drone strikes, bear similarity to conventional warfare wherein belligerents remain fixed and identifiable through- out the duration of a conflict. Finally, the Obama administration consistently justifies drone activity by citing international law as it relates to war, referring to individual drone strikes as part of a war on al-Qaeda and the Tali- ban.78 Harold Koh, for example, defended drones by referencing the right of the US to self-defense, which is sanctioned by international law.79 Koh stated that “the U.S. is in armed conflict with al-Qaeda as well as the Taliban and associated forces in response to the horrific acts of 9/11.”80 The administration’s explicit and repeated branding of drone activity in the Middle East as war provides strong evidence that drone campaigns deserve attention under the WPR alongside conventional warfare. Admittedly, drone campaigns are not identical to other forms of war. Pakistan, for example, has not reacted to US military activity in its country with physical retributive action. In drone warfare, how- ever, countries are not the targets, which explains in great measure Pakistan’s lack of military retaliation. Classifying drone campaigns as war does not require complete uniformity of attributes with other implements of traditional warfare because the nature of war is con- text dependent. Drones, deployed in the name of national defense, should not be subject to a separate list of constraints than are other instruments of war deployed for similar reasons.81 (ii) Accounting for Drones in the War Powers Resolution The inclusion of drone strikes in the WPR would duly anticipate an increasing trend towards fighting through unmanned vehicles.82 This global trend has indicated that “technologies that remove humans from the battlefield are becoming the new normal in war.”83 The costs to the US in terms of personnel casualties and political capital remain so low relative to other types of conflict that drone usage will likely persist or increase in frequency. The changing nature of international conflict suggests that drones and other un- ~~man~~ned military assets will probably become important aspects of war. Properly classifying drones and implementing a congressional check on their usage at a time when they are emerging as conventional weapons is therefore very important. Accounting for drones through the WPR would require only small modifications to the legislation. The resolution refers to “armed forces” as the asset of interest that Congress seeks to regulate.84 To induct drones into the WPR, legislators can expand the definition of armed forces therein to explicitly include drones and other un- manned military assets. Specifically, the resolution should define “armed forces” as any US military asset, manned or unmanned, deployed in the interest of national security with specific military target(s). Similar to the current version of the resolution, the updated law should require any President that deploys these military assets to abide by the restrictions and protocols outlined therein. An effective definition of drone strikes as part of the armed forces must necessarily address conditional factors since drones are not used exclusively for long-term campaigns. Drones are sometimes used for assassinations and other objectives, and although guidelines for controlling their use in these other areas are too broad to be dis- cussed here, modifications to the resolution should account for those distinct circumstances. To avoid unnecessary and possibly detrimental consequences of reporting covert operations to Congress, the updated resolution should include a clause that limits the type of drone activity the President must report to Congress. To distinguish between long-term campaigns and single attacks, the law should specify that two attacks targeting the same group or occurring in the same country within one month of each other constitute the beginning of a campaign. Once this condition is met, proceeding with the campaign would require presidential action as outlined in the WPR. Although seemingly arbitrary, two drone strikes in one month is likely an effective indicator that a series of attacks is becoming a campaign, and Congress should have the power to exert its constitu- tional authority when such a benchmark is reached. Reports indicate that there have been, on average, 2.84 drone attacks per month in Pakistan since 2004.85 Attacks in Yemen exhibit similar patterns, although the consistency of those attacks has not risen to Pakistan’s levels until recently.86 Using these current trends as a baseline helps determine the appropriate attack frequency for determining the starting point of a campaign. Because unsuccessful assassination at- tempts may necessitate a second attack in a relatively short period of time, the success of an attack should be considered in the definition of which attacks count towards defining a series of attacks as a cam- paign. Only attacks that successfully eliminate the intended target should be counted towards the limit. This will allow for repeated attempts if an assassination or other single operation endeavor fails after an initial attempt. Some might argue that including drone strikes in the WPR raises the cost of using drones to an unacceptably high level because their use would require formal sanction. Congressional approval, however, does not necessarily constitute an official declaration of war. Presidents have reported a number of conflicts to Congress consistent with the WPR that have proceeded without an official declaration from Congress.87 Additionally, the Obama administra- tion explicitly classifies the conflict with al-Qaeda and the Taliban as “armed conflict”88 and gaining explicit approval from Congress would not change the costs of moving forward with the conflict. Finally, obtaining congressional approval would potentially create greater domestic legitimacy for a campaign, thereby strengthening the President’s political position instead of weakening it. These considerations indicate that Congress can justifiably and easily address the lack of institutional oversight for drone warfare through modifying the WPR.

#### Scenario 1 is alliances

#### Specifically, Drones will devastate US alliances with the EU and others

Streeter ‘13 (Devin C, Director of Activities, Public Relations, and Recruitment at Liberty University Strategic Intelligence Society, “US Drone Policy: Tactical Success and Strategic Failure,” [http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure, April 19](http://www.academia.edu/3523639/U.S._Drone_Policy_Tactical_Success_and_Strategic_Failure%2C%20April%2019), 2013)

The first category of nations, while not targeted by drone strikes, is intimidated by their capabilities. India, Iran, Pakistan, Russia, Japan, South Korea, and over 40 other nations have announced intentions to acquire drones. 27 The main producers of unmanned aerial vehicles are the United States, Israel, and China. 28 The United States, while the leader in drone use and production 29 , must deal with “American export controls.” 30 Israel, however, has fewer restrictions, considering China’s acquisition of drone technology by buying an “anti-radar attack drone” 31 from the small nation. China in turn has offered to sell lower grade drones to the international community. 32 It is unlikely that drone technology will go unshared for long. 33 In essence, the United States has sparked a miniature arms race and has intimidated nations with the threat of a new, superior technology. Governments that have begun pursuing their own UAV programs have shown a notable bitterness to the United States for its unchecked use of drones. 34 Nations such as China, Japan, Russia, and Brazil all disapprove of United States drone policies by over 30 percentage points. 35 To them, the United States seems heavy handed and brutish; holding back technology while indiscriminately using it against our enemies. The lack of consideration and cooperation is a negative influence on world leaders. At the same time, other nations feel that drones violate their airspace and are used without approval from the international community. 36 The majority of these nations fall within the boundaries of the European Union, and while their disapproval is not as notable as the first group, it often reaches the double digits rate. 37 Germany, Great Britain, Poland, and other European Union members do not understand the ‘fire from the hip’ mentality of drone strikes. 38 The European Council on Foreign Relations noted “it [United States] seems to interpret the concept of imminence in a rather more permissive way than most Europeans would be comfortable with.” 39 The European Union fully supports drones in combat support and reconnaissance roles, but has issues with the concept of targeted killings, which often result in collateral damage. 40 European leaders desire an international consensus on how drones should be operated, before more civilians become casualties. 41 The European Council on Foreign Relations further notes: The Obama administration has so far chosen to operate by analogy with inter-state war, but in an era marked by the individualization of conflict, this seems like an outdated approach. 42 Europe does not share the mentality of drone strikes with "acceptable" collateral damage and apolicy that is not accountable to the international community. As a result, relations with Europe have reached a critical point. 43 European nations, alienated by the Obama administration’s progressive dialogue but aggressive drone policy, 44 are ready to try and take the lead in international relations. 45 Germany in particular will be a key nation as it increases in prominence among European states. 46 Hans Kundnani, a well-known journalist and political pundit, notes, “Obama is extremely popular in Germany, but Berlin’s deeply-held views on the use of military force… have the potential to create a Europe-America split.” 47 Kundnani also states, “A ‘special relationship’ is developing between China and Germany.” 48 Because of anti-drone sentiment, long-time U.S. allies grow increasingly distant, to the point of forming new relationships with China. This is a direct threat to the United States’ place in international relations and a direct challenge to its hegemony. If the relations with Europe are to be fixed, a change in drone protocol is needed.

#### Multiple scenarios for extinction.

-Environment -Overpop -Terror -Economy

Ramet 2 (Poli Sci Prof – Norwegian University of Science & Technology, Coming in from the Cold War, ed. Ramet & Ingebritsen, pp. 11-2)

Thus, while I recognize that there will always be differences in perspective, interest, understanding and emphasis, I am inclined to a certain optimism about the U.S.-European relationship over the long run, even if there may be some difficulties at least in the first year or two of the younger Bush's administration. To the extent that there will be challenges to be faced, these are less likely to be products of the relationship itself or even by-products of the institutions in which the United States and Europe have come to structure their relations, than of external trends, such as the accelerating destruction of the environment (with the consequences, both foreseen and unforeseen, that will have) the impact of world overpopulation, international terrorism and the likely collapse of Third World economies, especially in Africa. Ultimately, if these challenges prove to be as serious as some experts fear**, the very survival of humankind may depend**, at least in part, on the success with which the United States and Europe **find ways to deepen their cooperative ties** and meet those challenges.

#### US-EU relations prevent Eurasian 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.

#### Scenario 2- terrorism

#### Additionally, Signature Strikes are fuel AQAP—High valued targeting solves

Joyner 12 (James, New Republic, “Why the Obama Administration’s Drone War May Soon Reach a Tipping Point” 5/2/12 http://www.newrepublic.com/article/world/103059/unmanned-aerial-vehicles-foreign-policy-drone-war-yemen)

In a speech Monday at the Woodrow Wilson Center in Washington, John Brennan, President Obama’s counter-terrorism advisor, made a forthright defense of the drone war currently being conducted against Islamic militants in Pakistan, Yemen, and Somalia. “As a result of our efforts,” he declared, “the United States is more secure and the American people are safer.” Brennan’s argument deserves credit for its boldness. Unfortunately, however, there’s good reason to doubt its veracity.¶ The first point in need of recognition is that while the Obama administration has long since dropped the phrase “Global War on Terror” from its lexicon, it has, through its amplified use of drones, escalated and expanded that war in all but name. On Monday, Brennan cited his administration’s achievements—the “death of bin Laden was our most strategic blow yet against al Qaeda” and “al Qaeda’s leadership ranks have continued to suffer heavy losses” from drone strikes inside Pakistan—but he also acknowledged that al Qaeda's base of operations simply shifted elsewhere as a result. Yemen’s al Qaeda in the Arabian Peninsula (AQAP) has become “al Qaeda’s most active affiliate and it continues to seek the opportunity to strike our homeland.” Additionally, he pointed out, al Qaeda in the Islamic Maghreb (AQIM) has a growing presence in North and West Africa, while the al Qaeda affiliate Boko Haram is gaining steam in Nigeria.¶ The wider the drone war spreads, however, the more scrutiny it deserves. After all, strikes aimed at truly high-value targets like Osama bin Laden and other major terrorist leaders make obvious tactical and strategic sense. But willy-nilly targeting of low-level militants is quite likely doing more harm than good. In a now-famous October 2003 memo, then-Defense Secretary Donald Rumsfeld reasonably figured that the key question in determining whether “we are winning or losing the global war on terror” was “Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us?”¶ Brennan was at pains to insist that the Obama administration’s targeting policy is judicious enough to pass Rumsfeld’s test. Each and every targeted strike against a militant, he assured the audience, undergoes “a careful review and, as appropriate, will be evaluated by the very most senior officials in our government for decision.” As part of that process, “we ask ourselves whether that individual’s activities rise to a certain threshold for action, and whether taking action will, in fact, enhance our security.” He insisted that there is a “high bar” for action, that strikes are not carried out based on “some hypothetical threat—the mere possibility that a member of al Qaeda might try to attack us at some point in the future. A significant threat might be posed by an individual who is an operational leader of al Qaeda or one of its associated forces.”¶ But these assertions are contrary to recent news reports that Obama has quietly loosened rules for targeting suspected terrorists with drone strikes. The Washington Post reports that the new policy “allows the CIA and the military to fire even when the identity of those who could be killed is not known” and “marks a significant expansion of the clandestine drone war against an al Qaeda affiliate that has seized large ­pieces of territory in Yemen and is linked to a series of terrorist plots against the United States.”¶ How loose are the new rules? The Post article explains that “the expanded authority will allow the CIA and JSOC to fire on targets based solely on their intelligence ‘signatures’—patterns of behavior that are detected through signals intercepts, human sources and aerial surveillance, and that indicate the presence of an important operative or a plot against U.S. interests.” Compared to the previous standard—drone strikes had once been permitted only against known terrorist leaders who had been vetted and added to a classified list—this is a strikingly ad hoc policy. It's true that relying on mere “signatures” as a basis for kill orders will likely result in the death of some militants who would have escaped under stricter rules. But it also radically ups the risk of killing innocents, which, in turn, produces legitimate anti-American anger that terrorist recruiters can exploit.¶ What’s even more shocking is that the Obama administration seems to have considered further loosening the standards for drone strikes in Yemen: In a recent report, the Wall Street Journal relayed information from “senior U.S. officials” to the effect that “the White House stopped short of authorizing attacks on groups of lower-level foot soldiers who are battling the Yemeni government,” without registering outrage that such attacks were being considered at all. In any case, even that standard would be quite restrained in comparison with the existing policy in Pakistan, where, the Post reports, “CIA drones flying over Pakistan’s tribal belt are allowed to strike groups of armed militants traveling by truck toward the war in Afghanistan, for example, even when there is no indication of the presence of al Qaeda operatives or a high-value terrorist.”¶ Such a steady escalation of the drone war—and the inevitable increase in civilian casualties that will accompany it—could easily tip the delicate balance that assures we kill more terrorists than we produce. To be sure, Yemen deserves the scrutiny of U.S. national security officials: It is Osama bin Laden’s ancestral homeland and many of the major pre-9/11 attacks were either planned there or carried out by Yemeni nationals. But there are already signs that the drone campaign there is producing a backlash: Toronto Star national security reporter Michelle Shepard recently highlighted the effects of an infamous December 2009 strike in Abyan province that killed 55, including 14 women and 21 children. Shepard quotes a Yemeni analyst, Abdul Ghani al-Iryani, who attributes the rise of Ansar al Sharia, a key AQAP ally, directly to the outrage over that incident. “Of the thousands of Ansar al Sharia now fighting in Abyan, the majority were not al Qaeda; they were angered by what they saw as American aggression,” Iryani said, calling it “one event that radicalized an entire [province].”¶ There’s every reason to think the same is true in Pakistan, where the shaky alliance between Washington and Islamabad has been pushed to the point of breaking. CNN terrorism expert Peter Bergen noted last summer that, “On average, only one out of every seven U.S. drone attacks in Pakistan kills a militant leader. The majority of those killed in such strikes are not important insurgent commanders but rather low-level fighters, together with a small number of civilians. In total, according to our analysis, less than two percent of those killed by U.S. drone strikes in Pakistan have been described in reliable press accounts as leaders of al Qaeda or allied groups.” This has clearly taken a toll on public opinion. A major survey conducted in Pakistan by the New America Foundation found that “nearly nine out every ten people in FATA [Federally Administered Tribal Areas] oppose the U.S. military pursuing al-Qaeda and the Taliban in their region” and that “the intensity of opposition to the American military is high. While only one in ten of FATA residents think suicide attacks are often or sometimes justified against the Pakistani military and police, almost six in ten believe these attacks are justified against the U.S. military.”¶ These are numbers that should concern all Americans, especially the President’s national security advisors. In that way, Brennan’s presentation on Monday would have been more reassuring if it included some acknowledgement that the administration’s bombing campaign against terrorists could at some point—if it hasn’t already—cross the Rumsfeld threshold of producing negative returns. Indeed, when it comes to the rapidly expanding drone war, the possibility of blowback has always been a decidedly known unknown.

#### An AQAP strike would cause extinction.

Alexander ’10 (Yonah, Director of the International Center for Terrorism Studies at the Potomac Institute for Policy Sciences, “Maghreb & Sahel Terrorism: Addressing the Rising Threat from al-Qaeda & other Terrorists in North & West/Central Africa,” January, <http://www.potomacinstitute.org/attachments/524_Maghreb%20Terrorism%20report.pdf>)

Current and future perpetrators include the following: “freelance” and sub-state terrorist groups; individual terrorists; mentally deranged “crusaders” or “martyrs”; single-issue political extremists; ideological-based groups; ethnic, racial, and religious movements; nationalist and separatist actors; criminal and political mercenaries; and international networks, particularly al-Qaeda and its affiliates in Africa, Asia, and the Middle East. Terrorists’ impulses cover a broad range of motivations. These consist of political discontent— ideological (anarchism, ambitions, radicalism) and nationalistic (resistance, separatism, irredentism)— economic discontent (low living standards, lack of opportunity, unfulfilled expectations, loss or squandered resources); and cultural discontent (class constraints, ethnic discrimination, religious intolerance, technological and environmental irritants). There is also a long record of governments that provide terror groups both direct and indirect support (e.g., financing, training, intelligence, operations, and weaponry). A rogue nation utilizes terrorist proxies to further its own country’s interests. As formal, open, and direct malevolent actions undertaken by a government would call immediate attention to state sponsors, using terrorist groups to carry out operations such as assassinations and bombings enables the government sponsor to deny any claim. The roles played by Iran, Sudan, Cuba, previously Libya, and North Korea in such events come to mind. Currently, Iran and North Korea are of particular concern to the international community because of their nuclear ambitions. In addition, the latest focus of concern is so-called “failed states” wherein there are no effective government institutions to intercede and prevent the spread of terrorist facilities within a country. These lawless zones are increasingly becoming target-rich opportunities for the consolidation of terrorist assets and ventures. Current Trends Modern terrorism is characterized by an ideological and theological fanaticism, an education in hatred toward one’s enemy, which has coupled with rapid technological advancements in communications (e.g., the internet), transportation (e.g., modern international air travel), as well as conventional and unconventional weaponry to create a truly lethal threat. Indeed, this threat has become much more decentralized as it now emanates not only from established terrorist organizations but also from freelance individuals with the motives, means, and opportunity to visit harm upon civil society. Because of these developments, contemporary terrorism presents a multitude of threats to all nations, large and small. One measurement of evaluating the terrorist threat is to calculate the enormous cost to all societies in terms of the number of incidents, the human toll, and the economic damage. Indeed, since the 1960s, modern society has suffered dearly from the global disease of terrorism, a reality that grows in scope and brutality with every passing year. For example, in the 1970s, a total of 300 domestic and international terrorist attacks were recorded worldwide. Today, almost 40 years later, the count totals more than 80,000 incidents. Clearly, no community, country, or region is immune from the impact of terrorism. In the 9/11 attacks in New York City, citizens from 78 countries were killed. That year alone, 3,537 people died. During the period between 2002-2008, more than 113,000 persons perished and hundreds of thousands were wounded in terrorist attacks throughout the world. The economic, political, psychological, and strategic costs must also be considered in this assessment. Criminal-Terrorist Nexus Globalization and the information revolution have enabled criminals and organized crime to do business and engage in a broad range of criminal activities. For instance, “white collar” crimes are expanding. These crimes target sectors such as antitrust law, securities, commodities futures, environmental activities, maritime business, gaming, the internet, intellectual property, and tax customs. Trafficking in human beings (e.g., buying and selling of women and children, usually for sexual exploitation) represents another “new,” substantive, and transnational offense. In addition, serious organized criminal threats facing the international community (e.g., the Maghreb and Sahel regions) consist of current and emerging challenges to law enforcement, including drug trafficking (particularly in heroin, both powder and crack cocaine, and ecstasy), organized immigration crime, fraud (particularly in revenue fraud), money laundering, counterfeiting, illicit weapons possession and sales, and high-tech criminal activity (e.g., the Abdul Qadeer Khan nuclear smuggling network). Legitimate companies support terrorists and criminals—directly and unwittingly—to initiate their illicit activities. Numerous identifiable forums of these relationships include the following interfaces: funding and money laundering; employment and accessibility of personnel and equipment; generic tools (e.g., trucks); instruments of terror (e.g., dynamite or explosives); information about local landmarks and prospective targets (e.g., highlighting vulnerabilities and access to targets); communications, resources, and contacts; work permits (particularly for immigration-related criminal activity); and sponsorship (e.g., employment and resources). Terrorist groups and criminals also use front companies, which combine both legitimate and illicit sources of revenue, and shell companies, opaque firms used to hide a legitimate owner’s interests, to finance unlawful operations. In addition to the foregoing, terrorists and criminals feed off each other in a wide variety of criminal activities, including counterfeiting currency, credit card theft, misappropriating and using credit card information, forging documents, identity theft, money laundering, drug trafficking, corruption, and commercial espionage. Terrorist groups use a variety of means—from the simple to the complex—to secure funding for their activities. The initial sources of terrorist funding include both legal (e.g., personal savings and legitimate business revenue) and illicit avenues (e.g., criminal activity such as drug trafficking, kidnapping, and financial fraud). Once the funds are raised, they are distributed to various factions of terrorist groups through a variety of means. These include the use of traditional and alternative financial services entities (e.g., banks and hawalas—informal money-transfers systems firmly established in Asia and the Middle East), nonprofit organizations trading in commodities (e.g., “conflict diamonds” and gold), bogus financial instruments, smuggling of currency and products, wire transfers, drug trafficking, extortion, money laundering, securities fraud, and other scams. Future Outlook: Super Terrorism What is of particular concern is that unconventional weapons—biological, chemical, radiological, and nuclear—are slowly emerging upon the contemporary terrorist scene. That is, as technological developments offer new capabilities for terrorist groups, the modus operandi of these groups may subsequently alter most drastically. Reportedly, at least a dozen terrorist groups, in addition to al-Qaeda’s network, have shown an interest in acquiring or actively attempting to obtain nuclear weapons, which is a significant threat throughout the world. Thus, while the probability of nuclear terrorism remains low in comparison to the use of other weapons of mass destruction, the consequences of “super” terrorism could be enormous. If a nuclear bomb is stolen (or built by a terrorist group with reasonable resources and talent), it could result in massive devastation. For example, an explosion of about one kiloton (one-twentieth the power of the Hiroshima attack) in any major city has the potential to cause more than 100,000 fatalities and result in damage totaling billions of dollars. Another dangerous emerging trend of contemporary international life is the growing threat of cyberterrorism. The expanding concern is that not only criminal hackers but also terrorists will intensify the utilization of this form of electronic warfare as an equalizer weapon. It is evident that the threat of “non-explosive” terrorist assaults is growing with every passing day. Three contributing factors account for the reality. First, the “globalization” of the internet makes government and industry efforts to control cyber attacks much more challenging than ever before. Second, there are now tens of thousands of hacker-oriented sites on the internet resulting in “democratization” of the tools used for disruption and destruction. With their systematic cyber “cookbooks,” the exploitation of Trojan horses, logic bombs, and other electric modus operandi alternatives are becoming a permanent fixture of international life. Third, terrorist organizations have broken away from their place within the formerly bipolar world and have become multidirectional, causing further complications to our technologically vulnerable societies. These new developments have enhanced the threats and capabilities of terrorist groups to the degree in which they could forever alter our planet’s existence.

#### Reducing drone strikes key to Yemeni stability.

Greenfield et al 2013 (March 26, Danya Greenfield , Deputy Director, Rafik Hariri Center for the Middle East at the Atlantic Council Ambassador, Barbara Bodine , Former US Ambassador to Yemen, Daniel Brumberg, Professor, Georgetown University, Robert D. Burrowes , Adjunct Professor , Emeritus , University of Washington, Sheila Carapico , Professor, University of Richmond, Juan Cole, Professor, University of Michigan, Isobel Coleman , Senior Fellow, The Council on Foreign Relations, Megan Corrado, Legal Counsel and Director of Yemen program , Public International Law & Policy Group, Stephen Day , Professor, Stetson University Charles Dunne , Director of Middle East and North Africa Programs, Freedom House Joshua Foust , National Security Columnist, PBS Need to Know, Stephen Grand , Nonresident Fellow , The Brookings Institution Steven Heydemann , Adjunct Professor, Georgetown University, James Hooper , Managing Director, Public International Law & Policy Group Michael Hudson , Director, Middle East Institute, National University of Singapore Brian Katulis , Senior Fellow, Center for American Progress, Stephen McInerney , Executive Director, Project on Middle East Democracy, David Kramer , President, Freedom House Peter Mandaville, Professor, George Mason University Ambassador, Richard W. Murphy, Former Assistant Secretary of State for Near Eastern and South Asian Affairs, Department of State Emile Nakhleh, Professor, University of New Mexico Shuja Nawaz , Director of South Asia Center at the Atlantic Council Stacey Philbrick Yadav, Professor, Hobart and William Smith Colleges Sarah Phillips , Senior Lecturer, the University of Sydney Charles Schmitz , Professor, Towson University Jillian Schwedler , Associate Professor, University of Massachusetts Daniel Serwer , Professor, Johns Hopkins University Anne - Marie Slaughter , Former Director of Policy Planning, Department of State Christopher Swift , Professor, Georgetown University Ambassador Edward Walker , Former Assistant Secretary of State for Near Eastern and South Asian Affairs , Department of State Wayne White, Former Deputy Director, Office of Analysis for the Near East and South Asia, Bureau of Intelligence and Research, Department of State, “Yemen Policy Initiative”, Coordinated by the Hairi Center for the Middle East at the Atlantic Council and the Project on Middle East Democracy, <http://pomed.org/wordpress/wp-content/uploads/2013/03/YPI-Letter-March-2013.pdf>)

The United States is right to invest in enhancing the capacity and operational effectiveness of Yemen’s armed forces. We have worked to provide training and technical assistance to Yemeni security forces for the purpose of combating extremism. President Hadi’s decision to restructure the security forces will help the government respond to domestic threats , and US support for a Yemeni - led process to implement this reorganization with a unified, centralized command structure will enhance the effectiveness of security forces . This will ultimately enhance their capability to provide security to Yemeni citizens and disrupt terrorist networks throughout the country. However, the increased reliance on drones undermines our long - term interest in a stable, secure, and sustainable partner in Yemen. A growing body of research indicates that civilian casualties and material damage from drone strikes discredit the central government and engender resentment towards the United States. Where drone strikes have hit civilians, news reports and first - hand accounts increasingly indicate that affected families and villages are demonstrating and chanting against the Yemeni and US government. This creates fertile ground for new recruits and sympathizers who might provide safe haven or direct support to AQAP and its local affiliate, Ansar al - Sharia. The collateral damage produced by drone strikes, along with the political cost of alienating Yemenis, reduces the political space within which we can cooperate with and help strengthen the Yemeni government. By embracing the expansive use of US drones, President Hadi risks undermining the legitimacy of his government. The vast majority of Yemenis likely accept that the Yemeni government must combat violent extremists that have found safe haven in Yemen, but reject US control of this campaign. The US strategy in Yemen is based on the core assumption that a strong and legitimate government is essential to overcome the myriad of challenges the country faces. By associating itself with drone strikes, the Yemeni government unwittingly undercuts its credibility amongst the population. Opposition to drone strikes is becoming a national rallying cry for those distrustful of the central government — from Ansar al - Sharia , to Houthis , to Southerners. Ultimately, the United States will not be able to overcome the threat of AQAP by military means alone – we cannot simply kill our way out of this problem. The only effective long - term strategy will prioritize helping the Yemeni government address the very factors that allow extremist ideology to spread: the absence of basic social services, a worsening food shortage, and chronic unemployment . The US government has made some positive changes over the past four years in terms of its policy toward Yemen, but more can and must be done to set our policy on the right course. Senior administration officials already emphasize our commitment to Yemen’s economic development and political transition, but actions speak louder than words. This is the moment to strengthen this commitment with concrete action. With the development of a new national security team, your administration is well positioned to make the following changes in US policy:  Leverage the US government’s close relationship with President Hadi to strongly encourage his government to meet the reform benchmarks to which he has committed and address human rights violations. These commitments arose from a process that President Hadi himself set forth as a result of the GCC agreement, and implementation is critical for the credibility of the process and international support. Your Administration should continue to work with Hadi and his government to empower democratic institutions and processes rather than individuals . Even in a transitional phase, Hadi and his government should focus on combating corruption, while rewarding merit rather than personal relationships.  Support the National Dialogue in ways that empower independent voices — not only political party elites — and include more extensive outreach to Southerners and Yemenis outside of Sanaa and other urban areas . The United States should encourage President Hadi to implement the twenty points recommended by the Technical Committee of the National Dialogue Conference to generate confidence among Yemenis in the dialogue process itself. Credible Southern participation is essential for the success of the dialogue, and concrete measures should be taken to demonstrate the government’s commitment to a fair process that will address Southern grievances. Beyond the National Dialogue, the United States should reach out more broadly to youth and civil society groups and work with new leaders capable of leading Yemen past the Saleh - era status quo .  Work within the Friends of Yemen group to ensure that the generous pledges committed to Yemen are delivered and that the government of Yemen has the capacity and resources it needs to implement projects . Beyond the moral imperative of providing assistance to avoid famine and extreme suffering, there is an acute security risk of this crisis leading to greater instability. The US should work with President Hadi and his government to activate and empower the new ly - established Executive Bureau with real decision - making powers to expedite donor - funded development projects, including leverage to push implementing agencies to action. Moving quickly to impleme nt development projects in the S outh and other vulnerable areas will help instill confidence in Hadi’s government and the dial ogue process.  Implement a more robust public diplomacy strategy to demonstrate that US interests in Yemen are not limited to counterterrorism and security issues . Although the State Department and USAID are engaging President Hadi’s government on economic , political, and humanitarian issues, most Yemenis are unaware of such initiatives and feel only the negative aspects of US counterterrorism policy. A visit by Secretary of State John Kerry would send a strong signal of support for Yemen’s transition and its democratic aspirations. Additionally, other high - level civilian officials — who are not connected to defense or security issues — should make public statements and speeches conveying a sustained US commitment to ensuring Yemen’s economic well - being and democratic development through the transition process.  Reevaluate our reliance on drone strikes with the recognition that this approach is generating significant anti - American sentiment and could strengthen the appeal of extremist groups. While the tactical costs and benefits are weighed by your Administration, the same degree of attention should be paid to the corrosive political costs of such strikes . Particular attention must be focused on the effect of strikes on the central government’s legitimacy and its ability to cooperate with the United States. At the same time, the Administration should work with Congress to develop a more transparent process and robust legal framework to govern the use of drone strikes in Yemen and elsewhere.  Ensure that security restructuring achieves a unified command structure under civilian leadership and that US military assistance does not perpetuate the same mistakes made during Saleh ’s tenure . US assistance should focus on strengthening institutions to enhance the long - term capacity of Yemen’s security forces to address armed threats to internal security — not only counterterrorism operations. Within such programs, the United States should prioritize the need for Yemeni forces to respect human rights and the rule of law . US security assistance and the delivery of defense articles should reflect progress on reform benchmarks to which President Hadi has already committed .  Increase economic assistance and draw upon regional funds to support Yemen, in addition to a bilateral assistance package. The US should allocate funds for Yemen from the Middle East Response Fund and the FY13 budget, as approved by Congress. Over the past year, US assistance has increased and shifted the proportion of economic aid relative to military assistance – this is a positive change that deserves recognition. USAID should continue this trend, and funding should focus specifically on job creation, improving the business and regulatory environments , enhancing civil society capacity and democratic institution - building . As individuals who care deeply about the United State s and the future of Yemen, representing a diversity of experience, opinion, and political affiliation, the undersigned urge you and those in your administration to consider and implement these recommendations with the utmost urgency. We lend our names in our personal, not institutional, capacity.

#### Impact is terror, Iran-Israel war, and Iran-Saudi war.

Berger et al 2012 (May, Lars Berger, Lecturer in politics and contemporary history of the middle east at the university of salford/Manchester, Maurice Doring, MA in political science, international law and philosophy from the University of Bonn, Sven-Eric Fikenscher, research fellow at Geothe University, Ahmed Salf, Exeutive Director of the Sheba Center for Strategic Studies, Ahmed Al-Wahishi, Executive Secretary of the Yemeni International Affairs Center, “Yemen and the Middle East Conference The Challenge of Failing States and Transnational Terrorism”, <http://usir.salford.ac.uk/22952/1/Yemen_and_the_Middle_East_Conference.pdf>)

While in a geographical and political sense Yemen is far from being a central actor in the envisioned MEC, its political future could easily shape the gathering on several levels. First, the Middle East Conference aims at establishing a WMD/DVs Free Zone. On the one hand, Yemen is a party to all three legal documents banning weapons of mass destruction: the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention (BTWC), and the Chemical Weapons Convention (CWC). In addition, Sana’a has embraced the Gulf Cooperation Council’s (GCC) call for a Gulf WMD Free Zone, independent of Israeli nuclear policy. On the other hand, when it comes to the problématique of WMD and proliferation, Yemen might store chemical weapons, depending on whether rumors about the use of nerve gas against anti- government protesters in early 2011 turn out to be true. In addition, Yemen imported various WMD-capable aircraft and missiles and probably still operates most of them (see Table No. 1). In the aircraft realm, Yemeni decision-makers from the North, the South, and the unifi ed country alike have mostly received Soviet/Russian fighter jets and bombers. 1 The current level of instability and the threat of further deterioration could thus spoil any serious arms control effort in Yemen. This is particularly troublesome since the country, given its history and affiliation with the Arab League, will have to be part of far- reaching regional disarmament initiatives. The prospect of an Arab state with an uncontrolled chemical arsenal is likely to affect Israeli and Iranian calculations with regard to the MEC. Both states are suspicious of the Arab League and tensions between Iran and Saudi Arabia, which is particularly influential in Yemen, have recently worsened. Second, with a long history as one of the region’s eminent weapons markets, Yemen has the potential to serve as a major gateway for illicit weapons, both conventional and unconventional, entering the Arab peninsula and other parts of the Arab East. If the situation escalates, states with an interest in such technology might, for instance, try to obtain missiles and their spare parts or attempt to gain access to sensitive material from the country’s suspected chemical warheads. This could contribute to the prolif- eration of delivery systems as well as WMD thereby undermining the MEC. In 2011, protesters seized an army base in Sana’a, while Al-Qaeda in the Arab Peninsula (AQAP) has, on a frequent basis, been able to temporarily control several cities and launch deadly assaults on military bases in the southern province of Abyan. Such developments could offer AQAP the chance to use existing dual-use laboratories or even to build their own facilities capable of producing biological and chemical material in remote areas under their control. Third, Yemen has the potential to play a more prominent role in the ongoing tensions between Saudi Arabia and Iran. Riyadh has a long history of attempts to shape the course of political events in Yemen with which it shares a 1,800 km-long border. Saudi Arabia’s different reactions to domestic calls for change in Bahrain and Syria have made clear that it is viewing the ‘Arab Spring’ primarily through the lens of its long-running conflict with Iran. From a Saudi point of view, instability in Yemen opens up the specter of increased Iranian influence at a time when Tehran’s foothold in the Arab world’s northern tier comes under strain in the context of the popular uprising against the Assad regime in Syria. a number of narrowly foiled terrorist attacks on U.S. targets and the 2009 Fort Hood shooting in Texas have shifted global attention towards Yemen’s status as the home to Al-Qaeda in the Arab Peninsula. Continuing instability in Yemen allows AQAP to regroup and pose a direct threat to the security of Saudi Arabia and other countries on the Arab peninsula. It also puts AQAP into a position to intensify its support for the ‘home-grown’ attempted terrorist attacks the United States has witnessed over the last couple of years. In short, Yemen’s instability has the potential to allow transnational actors to undermine the security arrangements which the region’s state actors might contemplate as part of the envisioned MEC.

#### Iran-Israel war causes WWIII.

**Reuveny ’10** (Rafael, PhD, Professor in the School of Public and Environmental Affairs at Indiana University, "Unilateral Strike on Iran could trigger world Depression,” op-ed distributed through McClatchy Newspaper Co, <http://www.indiana.edu/~spea/news/speaking_out/reuveny_on_unilateral_strike_Iran.shtml>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond. A regional war Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Replaying Nixon’s nightmare Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.

#### Iran-Saudi war goes nuclear.

Jain, visiting fellow at The Washington Institute, 11 [Ash, served as a member of the State Department’s Policy Planning Staff from 2004 to 2010, Nuclear Weapons and Iran’s Global Ambitions, Washington Institute, Policy Focus 114, August, 2011, ]

As it looks for plausibly deniable ways to intimidate and subvert Gulf monarchies, an emboldened Iran could decide to direct terrorist attacks in the Gulf, possibly even targeting U.S. interests. Moreover, Gulf efforts to contain and deter Iran could escalate tensions in the region and increase the risk of violence and conflict. A military confrontation between Iran and the Gulf states—both potentially armed with nuclear weapons—could have drastic consequences. While crisis diplomacy might succeed in containing its impact, any such confrontation could seriously undermine regional security, disrupt global energy supplies, and threaten global economic and financial stability. U.S. military intervention might also be necessary at some point—though this could be complicated in the face of a nuclear Iran

## Solvency

#### Contention 3- Solvency

#### WPR key to public accountability – ensures transparency and acts as a bulwark on presidential authority.

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."

#### Public scrutiny through the WPR key – constraint on executive power to use drones is impossible without it.

Judah A. Druck 12, B.A., Brandeis University, 2010; J.D. Candidate, Cornell Law School, 2013, CORNELL LAW REVIEW, Vol. 98:209, http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf

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.

#### Litigation over targeted killing inevitable – legislative clarity now crucial.

Robert M. Chesney November 13, Charles I. Francis Professor in Law, University of Texas School of Law. 112 Mich. L. Rev. 163

The Coming Wave of Judicial Intervention The government will not be able to simply ride out the legal friction generated by the fragmentation of al Qaeda and the shift toward shadow war. Those trends do not merely shift unsettled questions of substantive law to the forefront of the debate; they also greatly increase the prospects for a new round of judicial intervention focusing on those substantive questions. 1. Military Detention Consider military detention first. Fresh judicial intervention regarding the substantive law of detention is a virtual certainty. It will come in connection with the lingering Guantanamo population, and it will come as well in connection with any future detainees taken into custody on a long-term basis, regardless of where they might be held. a. Existing Guantanamo Detainees Most of the existing Guantanamo detainees have already had a shot at habeas relief, and many lost on both the facts and the law. But some of them can and will pursue a second shot, should changing conditions call into question the legal foundation for the earlier rulings against them. n202 The first round of Guantanamo habeas decisions depended in almost every instance on the existence of a meaningful tie to ongoing hostilities in Afghanistan, as did the Supreme Court's 2004 decision in Hamdi. Indeed, Justice O'Connor in Hamdi was at pains to caution that at some point in the future this baseline condition making LOAC relevant could unravel. n203 The declining U.S. role in combat operations in Afghanistan goes directly to that point. This decline will open the door to a second wave of Guantanamo litigation, with detainees arguing that neither LOAC nor the relevant statutory authorities continues to apply. This argument may or may not succeed on the merits. At first blush, the NDAA FY12 would seem to present a substantial obstacle to the detainees. That statute expressly codifies detention authority as to members (and supporters) of al Qaeda, the Afghan Taliban, and "associated forces," n204 thus grounding detention authority directly in domestic law rather than requiring courts to impute such authority into the 2001 AUMF by implication from LOAC (as the Supreme Court had to do in [\*214] Hamdi itself). But it is not quite so simple. The same section of the NDAA FY12 relinks the question of detention authority to LOAC after all. It specifies that statutory detention authority as an initial matter exists solely "pending disposition under the law of war." n205 And although it then lists long-term military detention as a possible disposition option, the statute specifically defines this authority as "detention under the law of war without trial until the end of the hostilities authorized by the [AUMF]." n206 A court confronted with this language might interpret it in a manner consistent with the government's borderless-conflict position, such that the drawdown in Afghanistan would not matter. But it might not. The repeated references to the "law of war" in the statute--that is to LOAC--might lead at least some judges to conduct a fresh field-of-application analysis regarding the extent to which LOAC remains applicable in light of the drawdown, and judges might then read the results back into the NDAA FY12. I am not saying that this is the likely outcome or that any such analysis would necessarily reject the government's borderless-conflict position. I am just saying that judges eventually will decide these matters without real guidance from Congress (unless Congress clarifies its intentions in the interim). Note, too, that any such judicial interpretations may well have far broader implications than just the fate of the particular detainee in question; a ruling that LOAC has no application in a given situation would cast a long shadow over any other LOAC-based actions the U.S. government might undertake in the same or similar contexts (including targeting measures). Regardless of what occurs in Afghanistan, the existing Guantanamo detainee population might also find occasion to come back to court should the decline of the core al Qaeda organization continue to the point where it can plausibly be described as defunct. In such a case, it is likely that at least some current al Qaeda detainees would revive their habeas petitions in order to contend that the demise of the organization also means the demise of detention authority over members of the defunct group. This argument would be particularly likely to come from those who were held on the ground of membership in al Qaeda but who the government had not shown to have been otherwise involved in hostile acts. This would be a challenging argument to make; the government would surely respond that al Qaeda would no longer be defunct if some of its members were set free. But setting that possible response aside, such a petition could compel the government to litigate the question of whether the continuing existence of various "franchises," like AQAP or al-Shabaab, suffices to preserve detention authority over al Qaeda members. That is, such a challenge could lead a judge to weigh in on the organizational boundary question. [\*215] b. New Detainees The existing Guantanamo detainees are not the only ones who might require judges to address the increasingly difficult LOAC and organizational boundary issues. New detainees might do so as well. As the Warsame situation illustrated, the Obama Administration remains loath to bring new detainees into military custody at Guantanamo. But Congress could force its hand, should Congress further extend its growing array of statutory constraints against bringing certain individuals within the United States for purposes of criminal trial, foreclosing the disposition option ultimately employed with Warsame. A future Republican administration, meanwhile, may or may not be so reluctant to make use of Guantanamo in the event that it encounters a Warsame-like scenario outside of Afghanistan. Should any new detainees be taken to Guantanamo, they will automatically have access to judicial review in accordance with Boumediene. And in light of the trends described above, it seems quite likely that such review would turn in no small part on LOAC and organizational boundary issues. Might detainees be taken somewhere besides Guantanamo (or U.S. territory proper), where habeas jurisdiction is not yet established? The only other detention facility currently associated with U.S. forces overseas is the Detention Facility in Parwan, Afghanistan ("DFIP"). But the DFIP is no alternative to Guantanamo, at least not for persons captured outside of Afghanistan. First, although it appears that a small number of detainees were imported into Afghanistan from elsewhere relatively early in the first post-9/11 decade, officials have more recently made clear that the Afghan government has long since forbidden the practice. n207 Second, the United States in any event has agreed to transfer control of the DFIP to the Afghan government. n208 And though there is lingering debate as to the functional extent of this transfer, that debate will likely not survive the completion of the drawdown in Afghanistan any more than the identical debate survived completion of the drawdown a few years before in Iraq. n209 Even if the DFIP did remain available, or if some other facility somehow could be made available abroad, placing new detainees there (other than persons captured and held in Afghanistan while conflict there continues) would almost certainly precipitate an extension of Boumediene to those detainees too, resulting in judicial review. True, the D.C. Circuit Court of Appeals in al Maqaleh v. Gates rejected an attempt to invoke habeas jurisdiction [\*216] by a group of DFIP detainees who had been captured abroad and brought into Afghanistan years ago. n210 The court was careful in its opinion, however, to emphasize that those transfers occurred prior to Boumediene and that there was no other basis for believing that the transfers reflected an attempt to avoid habeas jurisdiction. n211 Similar transfers occurring in 2012 or thereafter would quite likely produce a very different outcome. n212 2. Lethal Force Lethal force is a different kettle of fish when it comes to the possibility of judicial review. In theory, there are two ways the courts could become involved in assessing the legality of the use of lethal force in the counterterrorism setting. First, there could be a criminal investigation resulting in a civilian prosecution or a court-martial proceeding turning on the legality of a particular use of force. Incidents in Iraq and Afghanistan involving members of the armed forces and private contractors illustrate how this can occur from time to time, as individuals are prosecuted for allegedly killing civilians or prisoners. n213 The typical case of this kind, however, never turns on or otherwise raises questions regarding the relevance of LOAC or the organizational boundaries of the enemy. And there is no prospect that criminal investigators and prosecutors in the United States, whether civilian or military, will take steps to change that by opening an investigation into, say, drone strikes in Yemen. If American courts ever do become involved, then, it will be pursuant to the second possibility: civil litigation. In 2010, the ACLU and the Center for Constitutional Rights ("CCR") attempted to persuade a federal court to intervene prospectively with respect to Anwar al-Awlaki, an American citizen and member of AQAP who had become notorious for his role in encouraging others to carry out attacks on [\*217] the United States. Media reports had indicated that the U.S. government had tried unsuccessfully to kill al-Awlaki in Yemen through a drone strike and that al-Awlaki had been placed on a specific list of persons as to whom lethal force was pre-authorized. n214 On behalf of al-Awlaki's father, the ACLU and CCR filed a civil suit seeking declaratory and injunctive relief, arguing that killing al-Awlaki without judicial process, "far from any field of armed conflict," and without the presence of exigent circumstances involving a strictly imminent threat to life would violate both international law and the Constitution. n215 Ultimately, the district judge dismissed the suit on two primary grounds. n216 First, he concluded that al-Awlaki's father had no standing to act on his behalf in this ex ante setting. n217 Second, he concluded that the issues presented constituted a political question as to which courts should not exercise jurisdiction. n218 He also nodded favorably in the direction of a third argument--that the state-secrets privilege would ultimately preclude litigation of the claims--without actually relying on it. n219 The ACLU and CCR did not appeal, perhaps mindful that doing so might simply result in a more authoritative and influential but equally hostile ruling from the court of appeals. And so the issue appeared to come to rest, with no realistic prospect that judges would ever engage the LOAC and organizational boundary issues in a use-of-force setting. It would not be prudent, however, to assume that this was the last word. In July 2012, the ACLU and CCR filed a new suit, this time in the form of a wrongful death action in the wake of drone strikes that killed al-Awlaki, his teenage son, and another American citizen involved in AQAP, Samir Khan. n220 The standing issue is no longer a serious obstacle in light of the relatively clear capacity of the decedent's relatives to act in this wrongful death-style setting, thus removing one linchpin of the earlier ruling. The political question and state-secrets obstacles remain as before, though, and hence the prospects for the suit making it to the merits are not strong. But pause to consider what effect might follow from increasing awareness of the destabilizing trends described above in Part III, including both the uncertainties associated with the enemy's organizational boundaries and the larger embrace of the shadow war model. These developments do not directly undermine the doctrinal foundations of the political question analysis in the [\*218] prior suit, nor do they chip away at the state-secrets considerations lurking as the next obstacle for the plaintiffs. And yet it is not so difficult to imagine that when these issues eventually come before a court of appeals or the Supreme Court several years from now, the unfolding of these trends will have had a sufficiently unsettling impact so as to give considerable pause to some judges or justices--potentially enough to tip the scales against continued application of those threshold avoidance doctrines. n221 That is, of course, a speculative leap of some distance. But it would be foolish to dismiss the prospect out of hand; similar skepticism once surrounded the efforts of Guantanamo detainees to establish habeas jurisdiction after all. As we progress toward the shadow war model, it takes us ever further from the paradigmatic conventional-war model with which maximized judicial deference has traditionally been associated. Insofar as courts grow increasingly attracted to the notion that the legal framework for targeting can and should be closely linked to that for detention, the existing judicial beachheads relating to the latter could have the effect of making a breakout into targeting jurisdiction conceptually less shocking and more plausible.

#### Plan’s clarity ensures judicial enforcement and deters circumvention.

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

Effective accountability mechanisms constrain policymakers' freedom to choose to use force by increasing the costs of use-of-force decisions and imposing barriers on reaching use-of-force decisions. The accountability mechanisms discussed here, when effective, reduce the likelihood of resorting to force (1) through the threat of electoral sanctioning, which carries with it a demand that political leaders explain their resort to force; (2) by limiting policymakers to choosing force only in the manners authorized by the legislature; and (3) by requiring policymakers to adhere to both domestic and international law when resorting to force and demanding that their justifications for uses of force satisfy both domestic and international law. When these accountability mechanisms are ineffective, the barriers to using force are lowered and the use of force becomes more likely. Use-of-force decisions that avoid accountability are problematic for both functional and normative reasons. Functionally, accountability avoidance yields increased risk-taking and increases the likelihood of policy failure. The constraints imposed by political, supervisory, fiscal, and legal accountability "make[] leaders reluctant to engage in foolhardy military expeditions... . If the caution about military adventure is translated into general risk-aversion when it comes to unnecessary military engagements, then there will likely be a distributional effect on the success rates of [democracies]." n205 Indeed, this result is predicted by the structural explanation of the democratic peace. It also explains why policies that rely on covert action - action that is necessarily less constrained by accountability mechanisms - carry an increased risk of failure. n206 Thus, although accountability avoidance seductively holds out the prospect of flexibility and freedom of action for policymakers, it may ultimately prove counterproductive. In fact, policy failure associated with the overreliance on force - due at least in part to lowered barriers from drone-enabled accountability avoidance - may be occurring already. Airstrikes are deeply unpopular in both Yemen n207 and Pakistan, n208 and although the strikes have proven critical [\*421] to degrading al-Qaeda and associated forces in Pakistan, increased uses of force may be contributing to instability, the spread of militancy, and the failure of U.S. policy objectives there. n209 Similarly, the success of drone [\*422] strikes in Pakistan must be balanced against the costs associated with the increasingly contentious U.S.-Pakistani relationship, which is attributable at least in part to the number and intensity of drone strikes. n210 These costs include undermining the civilian Pakistani government and contributing to the closure of Pakistan to NATO supplies transiting to Afghanistan, n211 thus forcing the U.S. and NATO to rely instead on several repressive central Asian states. n212 Arguably the damage to U.S.-Pakistan relations and the destabilizing influence of U.S. operations in Yemen would be mitigated by fewer such operations - and there would be fewer U.S. operations in both Pakistan and Yemen if U.S. policymakers were more constrained by use-of-force accountability mechanisms. From a normative perspective, the freedom of action that accountability avoidance facilitates represents the de facto concentration of authority to use force in the Executive Branch. While some argue that such concentration of authority is necessary or even pragmatic in the current international environment, n213 it is anathema to the U.S. constitutional system. Indeed, the founding generation's fear of foolhardy military adventurism is one reason for the Constitution's diffusion of use-of-force authority between Congress and the President. n214 That generation recognized that a president vested with an unconstrained ability to go to war is more likely to lead the nation into war. Among the relevant accountability-holders, Congress is best positioned to strengthen the U.S. accountability system for use-of-force decisions. Congress can both define the limits of presidential authority to [\*423] use force and compel adherence to those limits. Moreover, Congress need not wait for an election or a plaintiff with standing to employ its accountability mechanisms. Congress should reinvigorate the WPR regime by insisting on presidential compliance. Congress should no longer tolerate scenarios like Kosovo or Libya in which the President uses force beyond the sixty-day window without congressional authorization. Moreover, Congress should not allow such a scenario to arise in the first place. When the President uses force abroad, Congress should take up the matter immediately and determine well before the expiration of the sixty-day clock whether the United States will go to war. This determination is Congress's constitutional responsibility. Earlier determinations will also avoid the spectacle of last-minute congressional ratification of a president's decision to go to war simply to avoid the appearance of marginalization, as was the case during the 1991 Gulf War. Obviously, merely approving or disapproving of a president's decision to use force is not enough. Congress must be willing to enforce its determination through its appropriations authority. Having actually employed its supervisory accountability mechanism in the manner described here, Congress will more likely be able to rely on judicial support and enforcement. Congress should strengthen the WPR regime by defining hostilities in a manner that links hostilities to the scope and intensity of a use of force, irrespective of the attendant threat of U.S. casualties. Without defining hostilities, Congress has ceded to the President the ability to evade the trigger and the limits of the WPR. The President's adoption of a definition of hostilities that is tied to the threat of U.S. casualties or the presence of U.S. ground troops opens the door to long-lasting and potentially intensive operations that rely on drones - at least beyond the sixty-day window - that escape the WPR by virtue of drones being pilotless (which is to say, by virtue of drones being drones). Tying hostilities to the intensity and scope of the use of force will limit the President's ability to evade Congressional regulation of war. It will curtail future instances of the United States being in an armed conflict for purposes of international law but not for purposes of domestic law, as was the case in Libya. Finally, a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR - assuming the future existence of a plaintiff able to surmount the various prudential doctrines that have counseled against entertaining WPR cases thus far. Finally, Congress should insist that force used under the covert action legal regime actually be covert. That is, force used under covert action's permissive accountability regime should demonstrate an objective intent to avoid the apparent or publicly acknowledged role of the U.S. government. [\*424] Where a use of force is extensive and U.S. involvement is apparent, that use of force should be subject to the more rigorous WPR regime. The U.S. drone campaign over Pakistan may present just such a case - those strikes ceased being covert in any meaningful way years ago. Thus, the current regime reduces the barriers to a more permissive accountability scheme to a mere labeling exercise. Of course, there are other methods by which accountability for the use-of-force decisions - particularly, use-of-force decisions employing drones - might be increased. Some have suggested the establishment of a "drone court," modeled on the Foreign Intelligence Surveillance Court, to provide ex ante judicial review of targeted strikes, at least. n215 Others have suggested the creation of a new cause of action for the families of drone strike targets who argue their family members were wrongly targeted, and the imposition of ex post accountability. n216 Each suggestion has merit; however, neither suggestion will impose substantially greater accountability on the President as long as the judiciary maintains its historical deference to the President in matters implicating use of force. Regardless, these new judicially-focused schemes require Congressional action, too. Thus, even these schemes require Congress to do what it has so far been unwilling to do: legislate mechanisms that enhance accountability for policymakers charged with deciding when and how force is used.

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

Michael Benjamin Weiner 7, J.D. Candidate, Vanderbilt University Law School, 2007. B.A., Swarthmore College, 2004. May, 40 Vand. J. Transnat'l L. 861

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.