# \*\*2AC\*\*

**Drone Shift DA: 2AC**

**There’s no tradeoff**

Robert **Chesney 11**, Charles I. Francis Professor in Law at the UT School of Law as well as a non-resident Senior Fellow at Brookings, "Examining the Evidence of a Detention-Drone Strike Tradeoff", October 17, www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/

Yesterday Jack linked to this piece by Noah **Feldman**, which among other things **advances the argument that** the **Obama** administration has **resorted to** drone **strikes** at least in part **in order to avoid having to grapple with** the **legal and political problems associated with** military **detention**:¶ Guantanamo is still open, in part because Congress put obstacles in the way. Instead of detaining new terror suspects there, however, Obama vastly expanded the tactic of targeting them, with eight times more drone strikes in his first year than in all of Bush’s time in office.¶ **Is there truly a detention-drone strike tradeoff, such that** the **Obama** administration **favors killing** rather than capturing? As an initial matter, **the numbers quoted above aren’t correct** according to the New America Foundation database of drone strikes in Pakistan, **2008 saw a total of 33 strikes, while in 2009 there were 53** (51 subsequent to President Obama’s inauguration). Of course, you can recapture something close to the same point conveyed in the quote by looking instead to the full number of strikes conducted under Bush and Obama, respectively. There were relatively few drone strikes prior to 2008, after all, while the numbers jump to 118 for 2010 and at least 60 this year (plus an emerging Yemen drone strike campaign). But **what does all this really prove?**¶ **Not much**, I think. Most if not all of **the difference in drone strike rates can be accounted for by specific policy decisions relating to the quantity of drones available** for these missions, **the locations in Pakistan** where drones have been permitted to operate, **and** most notably **whether drone strikes were conditioned on** obtaining **Pakistani permission**. Here is how I summarize the matter in my forthcoming article on the legal consequences of the convergence of military and intelligence activities:¶ According to an analysis published by the New America Foundation, two more drone strikes in Pakistan’s FATA region followed in 2005, with at least two more in 2006, four more in 2007, and four more in the first half of 2008.[1] The pattern was halting at best. Yet that soon changed. U.S. policy up to that point had been to obtain Pakistan’s consent for strikes,[2] and toward that end to provide the Pakistani government with advance notification of them.[3] But intelligence suggested that on some occasions “the Pakistanis would delay planned strikes in order to warn al Qaeda and the Afghan Taliban, whose fighters would then disperse.”[4] A former official explained that in this environment, it was rare to get permission and not have the target slip away: “If you had to ask for permission, you got one of three answers: either ‘No,’ or ‘We’re thinking about it,’ or ‘Oops, where did the target go?”[5]¶ Declaring that he’d “had enough,” Bush in the summer of 2008 “ordered stepped-up Predator drone strikes on al Qaeda leaders and specific camps,” and specified that Pakistani officials going forward should receive only “‘concurrent notification’…meaning they learned of a strike as it was underway or, just to be sure, a few minutes after.”[6] **Pakistani permission no longer was required**.[7] ¶ **The results were dramatic. The CIA conducted dozens of strikes in Pakistan over the remainder of 2008, vastly exceeding the number of strikes over the prior four years combined**.[8] **That pace continued in 2009**, which eventually saw a total of 53 strikes.[9] **And then, in 2010, the rate more than doubled**, with 188 attacks (followed by 56 more as of late August 2011).[10] The further acceleration in 2010 appears to stem at least in part from a meeting in October 2009 during which President Obama granted a CIA request both for more drones and for permission to extend drone operations into areas of Pakistan’s FATA that previously had been off limits or at least discouraged.[11] ¶ **There is an additional reason to doubt that the number of drone strikes tells us much about a potential detention/targeting tradeoff: most of these strikes involved circumstances in which there was no feasible option for capturing the target. These strikes are concentrated in the FATA region**, after all. ¶ Having said all that: it does not follow that there is no detention-targeting tradeoff at work. I’m just saying that drone strikes in the FATA typically should not be understood in that way (though there might be limited exceptions where a capture raid could have been feasible). Where else to look, then, for evidence of a detention/targeting tradeoff?¶ Bear in mind that it is not as if we can simply assume that the same number of targets emerge in the same locations and circumstances each year, enabling an apples-to-apples comparison. But set that aside.¶ First, consider locations that (i) are outside Afghanistan (since we obviously still do conduct detention ops for new captures there) and (ii) entail host-state government control over the relevant territory plus a willingness either to enable us to conduct our own ops on their territory or to simply effectuate captures themselves and then turn the person(s) over to us. This is how most GTMO detainees captured outside Afghanistan ended up at GTMO. Think Bosnia with respect to the Boumediene petitioners, Pakistan’s non-FATA regions, and a variety of African and Asian states where such conditions obtained in years past. **In** such **locations, we seem to be using neither drones nor detention. Rather, we** either **are relying on host-state intervention or we are limiting ourselves to surveillance**. Very hard to know how much of each might be going on, of course. **If it is occurring often**, moreover, **it might reflect a decline in host-state willingness to cooperate with us** (in light of increased domestic and diplomatic pressure from being seen to be responsible for funneling someone into our hands, and the backdrop understanding that, in the age of wikileaks, we simply can’t promise credibly that such cooperation will be kept secret). **In any event, this tradeoff is not about detention versus targeting, but something much more complex and difficult to measure**.

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**Restriction means a limit and includes conditions on action**

**CAA 8**,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("**When a statutory term is not explicitly defined, we assume**, unless otherwise stated, **that the Legislature intended to accord the word its natural and obvious meaning**, which may be discerned from its dictionary definition."). P11 **The dictionary definition of "restriction" is "[a] limitation or qualification**." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "**limited" and "restricted" are considered synonyms.** See Webster's II New Collegiate Dictionary 946 (2001). **Under these** **commonly accepted definitions**, **Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement.** **Wagner was not only** [\*7] **statutorily required** **to install an ignition** **interlock device on all of the vehicles he operated,** A.R.S. § 28-1461(A)(1)(b), **but he** was also **prohibited from driving any vehicle that was not equipped with such a device**, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). **These limitations constituted a restriction** on Wagner's privilege to drive, **for he was unable to drive in circumstances which were otherwise available** to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

**A restriction on war powers authority limits Presidential discretion**

Jules **Lobel 8**, Professor of Law at the University of Pittsburgh  Law School, President of the Center for Constitutional Rights, represented members of Congress challenging assertions of Executive power to unilaterally initiate warfare, “Conflicts Between the Commander in Chief and Congress: Concurrent Power  over the Conduct of War,” Ohio State Law Journal, Vol 69, p 391, 2008, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

So too, **the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war**—“limited in place, in objects, and in time.” 63 **When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations**. For example, **Congress authorized** President George H. W. **Bush to attack Iraq** in response to Iraq’s 1990 invasion of Kuwait, **but** it **confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions** directed to force Iraqi troops to leave Kuwait. **That restriction would not have permitted the President to march into Baghdad** after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

**NDAA gives presidents authority**

Glenn **Greenwald**, "Three Myths About the Detention Bill," SALON, 12--16--**11**, www.salon.com/2011/12/16/three\_myths\_about\_the\_detention\_bill/singleton/, accessed 7-21-13

In sum, there is simply no question that **this bill codifies indefinite detention without trial** (Myth 1). **There is no question that it significantly expands the statutory definitions of the War on Terror and those who can be targeted as part of it** (Myth 2). The issue of application to U.S. citizens (Myth 3) is purposely muddled — that’s why Feinstein’s amendments were rejected — and there is consequently no doubt this bill can and will be used by the U.S. Government (under this President or a future one) to bolster its argument that it is empowered to indefinitely detain even U.S. citizens without a trial (NYT Editorial: “**The legislation could also give future presidents the authority to throw American citizens into prison for life without charges or a trial”**; Sen. Bernie Sanders: “This bill also contains misguided provisions that in the name of fighting terrorism essentially authorize the indefinite imprisonment of American citizens without charges”).

Even if it were true that this bill changes nothing when compared to how the Executive Branch has been interpreting and exercising the powers of the old AUMF, there are serious dangers and harms from having Congress — with bipartisan sponsors, a Democratic Senate and a GOP House — put its institutional, statutory weight behind powers previously claimed and seized by the President alone. That codification entrenches these powers. As the New York Times Editorial today put it: the bill contains “terrible new measures that will make indefinite detention and military trials a permanent part of American law.”

**Amend CP: 2AC**

**Perm do both—solves the link**

**Denning 2** (Brannon P, Assistant Professor of Law – Southern Illinois University School of Law; John R. Vile, Chair of Political Science – Middle Tennessee State University; November, 77 Tul. L. Rev. 247, Lexis)

The Article V process is, as the Framers intended, rigorous. **The supermajority provisions for both proposal and ratification almost always guarantee that additions will not be made to the Constitution without both deep and broad support. Though some have criticized the necessity of such supermajorities, 127 holding additions to the Constitution in abeyance until it is clear that support is broad generally prevents populous regions from dominating less populous ones. This, in turn, allows the amendment to become part of the Constitution with a near-conclusive presumption of legitimacy. This legitimacy, then, helps free the other branches (courts, for example) to enforce it vigorously; indeed, such enforcement would likely be expected after an amendment makes it through Article V's arduous process.** And if, after popular expectations were raised through the debates over proposal and ratification, the amendment is not enforced, institutions responsible for the foot-dragging may again face costs for evasion. This legitimization element is so crucial that the examples Strauss cites of amendments that, he argues, did not do anything immediately (the Reconstruction Amendments) or are not likely to have a significant effect despite their eventual ratification (the Twenty-Seventh Amendment), 128 could be cited as proof of what [\*279] happens when attempts are made to short-circuit (or play games with) Article V's procedural requirements. 129

**Judicial review is key to solve**

Christopher P. **Manfredi**, Professor of Political Science, McGill University, “Why Do Formal Amendments Fail?: An Institutional Design Analysis” World Politics, v. 50, April 19**98**, p. 377-400.

Perhaps because of the rigidity of its amending process**, the U.S. Constitution is** also **characterized by interpretive fluidity. This characteristic stems** not only from the broad, indeterminate language in which most constitutional provisions are written but also **from the willingness of courts to exercise the power of judicial review in order to derive more policy-specific rules from those provisions.** Although the U.S. Supreme Court established the constitutionality of judicial review in 1803, the interpretive fluidity of the U.S. Constitution has been most evident since 1954. Indeed, between 1889 and 1953 the Court overturned on average about one act of Congress and seven state laws every year. By contrast, since 1954 the judicial nullification rate has approximately doubled to almost two acts of Congress and twelve state laws per year. Especially throughout the 1960s, litigants took advantage of judicial openness toward the Constitution's interpretive fluidity to persuade U.S. courts to participate actively in shaping and administering policy in areas such as zoning and land-use planning, housing, social welfare, transportation, education, and the operation of complex institutions like prisons and mental health facilities. While this may make the document's rigid amending process less burdensome on the constitutional order, **the ability and willingness of courts to extend formal rules in unexpected directions heightens redistributive indeterminacy.** Finally, both the rigid amending process and the interpretive fluidity of the U.S. Constitution generate a high degree of institutional inclusiveness. On the one hand, interpretive fluidity provides society-based actors with a wide range of opportunities to institutionalize specific policy preferences by manipulating and transforming formal constitutional rules through litigation. Interpretive fluidity promotes institutional inclusiveness by allowing society-based actors to alter the policy impact of constitutional rules without the constraints imposed by the formal amending process. On the other hand, the requirement that ratification succeed in eighty-seven legislative chambers unconstrained by strict party discipline provides numerous points of influence for social actors wary of the policy consequences of proposed amendments. **The institutional inclusiveness of U.S. constitutional politics** thus **provides** both incentives to oppose constitutional change and**the means of carrying out that opposition successfully.**

**Courts will ignore the amendment**

**Segal & Spaeth ‘02** [The Supreme Court and the Attitudinal Model Revisted, p. 5-6]

If action by the Congress to undo the Court’s interpetation of one of its laws does not subert judicial authority, a fortiori neither does the passage of a constitutional amendment, for example, the Twenty-Sixth Amendment reducing the voting age to eighteen and thereby undoing the decision in Oregon v. Mitchell, which held that Congress could not constitutionally lower the voting age in state elections. Furthermore, not only does a constitutional amendment not subvert judicial authority, courts themselves—ultimately, **the Supreme Court—have the last word when determining the** sanctioning **amendment’s meaning**. Thus, **the Court is free to construe any amendment**—whether or not it overturns one of its decisions—**as it sees fit, even though its construction deviates** appreciably **from the language or purpose of the amendment.** Consider, for example, the fourteenth and Sixteenth Amendments. The former clearly overturned the Court’s decision in Scott v. Sandford and was meant to give blacks legal equality with whites. Scholars disagree about other objectives the amendment may have had, but it does appear that the prohibition of sex discimination was not among them. Nonetheless, in 1871 the Court held that the equal protection clause of the Fourteenth Amendment encompassed women. As for the Sixteenth Amendment, it substantially, but not completely, reversed the Court’s decisions in Pollock v. Farmers’ Loan and Trust Co., which declared unconstitutional the income tax that Congress had enacted in 1894. In 1913, the requisite number of states ratified an amendment that authorized Congress to levy a tax on income “from whatever source derived.” The language is unequivocal. Yet for the next twenty-six years the [6] Supreme Court ruled that this language excluded the salaries of federal judges. Why the exclusion? Because Article III, section I, of the original Constitution orders that judges’ salaries “not be diminished during their continuance in office.” Though it is an elementary legal principle that later language erases incompatible earlier language, the justices ruled that any taxation of their salaries, and those of their lower court colleagues, would obviously diminish them. Finally, in 1939 the justices overruled their predecessors and magnaminously and unselfishly allowed themselves to be taxed.

**They don’t solve – amendments only apply moving forward, don’t solve current cases**

Jill E. **Fisch**, Professor and Director, Center for Corporate, Securities, and Financial Law, Fordham Law School, “The Implications of Transition Theory for Stare Decisis,” JOURNAL OF CONTEMPORARY LEGALISSUES v. 13, 200**3**, p. 97-98.

The second alternative when stare decisis does not permit a court to change the law by overruling is for another lawmaker to effect the change. Congress can enact new legislation to overrule decisions involving statutory interpretation or common law rulemaking. The **Amendment process** provided by Article V **provides a mechanism to overrule constitutional decisions**. Some constitutional decisions can also be effectively overruled by other means; for example, states can overturn the Supreme Court's decision to limit federal constitutional rights by interpreting their own constitutions to provide such rights. **There is an important distinction, however, between overruling and these lawmaking alternatives. When a court overrules a precedent, the new legal rule is applied retroactively to all pending and future cases. Parties that relied upon the old rule are not accorded transition relief. In contrast, statutory changes and constitutional amendments generally apply prospectively.**

**No solvency --- delay**

**Duggin 5** (Sarah, Professor of Law – Catholic University of America, and Mary Collins, Law Clerk, Boston University Law Review, February, 85 B.U.L. Rev. 53, Lexis)

**The process of amending the Constitution is often a lengthy one – the Twenty-seventh Amendment was adopted more than two hundred years after it was first proposed. 513 Recent Congresses have generally provided self-executing, seven-year sunset provisions in the resolutions proposing constitutional amendments, 514 but even an amendment on the fast track is likely to take several years to become part of the Constitution.** Preparations for Presidential elections begin long before the actual events, and the threat of a national crisis is all too immediate. Congress should take interim measures to decrease the impact of the uncertainty created by the natural born citizenship proviso over the eligibility of Congressional leaders and cabinet members to assume the office of Acting President.

### The Add-Ons

#### African rule of law key to stability

Mbaku, 13 (John Mukum, Presidential Distinguished Professor of Economics, Willard L. Eccles Professor of Economics, and John S. Hinckley Research Fellow at Weber State University, "PROVIDING A FOUNDATION FOR WEALTH CREATION AND DEVELOPMENT IN AFRICA: THE ROLE OF THE RULE OF LAW," 38 Brooklyn J. Int'l L. 959, lexis)

These priorities are all interrelated. For example, the failure of African governments to manage ethnic and religious diversity has often resulted in destructive and violent mobilization by groups that perceive themselves as being marginalized by a central government dominated and controlled by other groups. n308 The result has been significantly high levels of political instability, which have created economic environments that are not suitable for, or conducive to, investment and/or engagement by entrepreneurs in productive activities. Peaceful coexistence creates opportunities for mutually-beneficial exchanges between groups, which may include cultural exchanges and trade. Such exchanges can lead to innovation and the creation of new knowledge that can aid production and the peaceful resolution of problems and conflicts. State actors, such as civil servants and politicians, are responsible for a significant amount of the corruption and rent seeking that takes place in the African countries today. n309 [\*1051] Thus, to minimize the engagement of state actors in growth-inhibiting behaviors, it is necessary that the state be adequately constrained by the constitution. To adequately restrain the state, the law must be supreme--no citizen, regardless of their political, economic, or traditional standing in society, can be above the law. Judicial independence must also be assured, so that the executive does not turn judiciary structures into instruments of control and plunder. In addition, the laws chosen must reflect the values and aspirations of citizens, that is, the laws need to be locally-focused, and must also be laws that citizens can obey in order to enhance compliance and minimize the costs of policing. Furthermore, government operations must be conducted in an open and transparent manner to minimize corruption, enhance participation, and increase the people's trust in the government. Finally, the rights of minorities must be protected--it is critical that the rights of minority ethnic and religious groups be protected, not just from state tyranny, but also from violence perpetuated against them by non-state actors. The rule of law is a critical catalyst to Africa's effort to deal effectively with poverty. Each country must engage its citizens in democratic constitution-making to provide laws and institutions that guarantee the rule of law. One must caution that what is being advocated here is not simple regime change as has occurred in many countries throughout the continent. In order to secure institutional arrangements that guarantee the rule of law, countries must engage in the type of robust state reconstruction that provides all of the country's relevant stakeholders with the wherewithal to participate fully and effectively in institutional reforms. It is only through such a democratic process that a country can avail itself of legal and judicial frameworks that guarantee the rule of law, and hence, provide the environment for peaceful coexistence, wealth creation, and democratic governance.

#### Escalates to great power war

Glick, 07 (Caroline, Senior Middle East Fellow – Center for Security Policy, “Condi’s African Holiday”, 12-12, [http://www.centerforsecuritypolicy.org/home.aspx?sid=56&categoryid=56&subcategoryid=90&newsid=11568](http://www.centerforsecuritypolicy.org/home.aspx?sid=56&categoryid=56&subcategoryid=90&newsid=11568%29))

US Secretary of State Condoleezza Rice introduced a new venue for her superficial and destructive stewardship of US foreign policy during her lightning visit to the Horn of Africa last Wednesday. The Horn of Africa is a dangerous and strategically vital place. Small wars, which rage continuously, can easily escalate into big wars. Local conflicts have regional and global aspects. All of the conflicts in this tinderbox, which controls shipping lanes from the Indian Ocean into the Red Sea, can potentially give rise to regional, and indeed global conflagrations between competing regional actors and global powers. Located in and around the Horn of Africa are the states of Eritrea, Djibouti, Ethiopia, Somalia, Sudan and Kenya. Eritrea, which gained independence from Ethiopia in 1993 after a 30-year civil war, is a major source of regional conflict. Eritrea has a nagging border dispute with Ethiopia which could easily ignite. The two countries fought a bloody border war from 1998-2000 over control of the town of Badme. Although a UN mandated body determined in 2002 that the disputed town belonged to Eritrea, Ethiopia has rejected the finding and so the conflict festers. Eritrea also fights a proxy war against Ethiopia in Somalia and in Ethiopia's rebellious Ogaden region. In Somalia, Eritrea is the primary sponsor of the al-Qaida-linked Islamic Courts Union which took control of Somalia in June, 2006. In November 2006, the ICU government declared jihad against Ethiopia and Kenya. Backed by the US, Ethiopia invaded Somalia last December to restore the recognized Transitional Federal Government to power which the ICU had deposed. Although the Ethiopian army successfully ousted the ICU from power in less than a week, backed by massive military and financial assistance from Eritrea, as well as Egypt and Libya, the ICU has waged a brutal insurgency against the TFG and the Ethiopian military for the past year. The senior ICU leadership, including Sheikh Hassan Dahir Aweys and Sheikh Sharif Ahmed have received safe haven in Eritrea. In September, the exiled ICU leadership held a nine-day conference in the Eritrean capital of Asmara where they formed the Alliance for the Re-Liberation of Somalia headed by Ahmed. Eritrean President-for-life Isaias Afwerki declared his country's support for the insurgents stating, "The Eritrean people's support to the Somali people is consistent and historical, as well as a legal and moral obligation." Although touted in the West as a moderate, Ahmed has openly supported jihad and terrorism against Ethiopia, Kenya and the West. Aweys, for his part, is wanted by the FBI in connection with his role in the bombing of the US embassies in Kenya and Tanzania in 1998. Then there is Eritrea's support for the Ogaden separatists in Ethiopia. The Ogaden rebels are Somali ethnics who live in the region bordering Somalia and Kenya. The rebellion is run by the Ogaden National Liberation Front (ONLF) which uses terror and sabotage as its preferred methods of warfare. It targets not only Ethiopian forces and military installations, but locals who wish to maintain their allegiance to Ethiopia or reach a negotiated resolution of the conflict. In their most sensationalist attack to date, in April ONLF terror forces attacked a Chinese-run oil installation in April killing nine Chinese and 65 Ethiopians. Ethiopia, for its part has fought a brutal counter-insurgency to restore its control over the region. Human rights organizations have accused Ethiopia of massive human rights abuses of civilians in Ogaden. Then there is Sudan. As Eric Reeves wrote in the Boston Globe on Saturday, "The brutal regime in Khartoum, the capital of Sudan, has orchestrated genocidal counter-insurgency war in Darfur for five years, and is now poised for victory in its ghastly assault on the region's African populations." The Islamist government of Omar Hasan Ahmad al-Bashir is refusing to accept non-African states as members of the hybrid UN-African Union peacekeeping mission to Darfur that is due to replace the undermanned and demoralized African Union peacekeeping force whose mandate ends on December 31. Without its UN component of non-African states, the UN Security Council mandated force will be unable to operate effectively. Khartoum's veto led Jean-Marie Guehenno, the UN undersecretary for peacekeeping to warn last month that the entire peacekeeping mission may have to be aborted. And the Darfur region is not the only one at risk. Due to Khartoum's refusal to carry out the terms of its 2005 peace treaty with the Southern Sudanese that ended Khartoum's 20-year war and genocide against the region's Christian and animist population, the unsteady peace may be undone. Given Khartoum's apparent sprint to victory over the international community regarding Darfur, there is little reason to doubt that once victory is secured, it will renew its attacks in the south. The conflicts in the Horn of Africa have regional and global dimensions. Regionally, Egypt has played a central role in sponsoring and fomenting conflicts. Egypt's meddling advances its interest of preventing the African nations from mounting a unified challenge to Egypt's colonial legacy of extraordinary rights to the waters of the Nile River which flows through all countries of the region.

#### Rule of Law key to Latin American stability

Cooper, 08 (James, Institute Professor of Law and an Assistant Dean at California Western School of Law, "COMPETING LEGAL CULTURES AND LEGAL REFORM: THE BATTLE OF CHILE," 29 Mich. J. Int'l L. 501, lexis)

The legal transplantation process involves, by its very nature, the adoption of, adaptation n57 to, incorporation of, or reference to legal cultures from abroad. n58 Judges, along with other actors in the legal [\*512] sector - including prosecutors, justice ministry officials, judicial councils, supreme courts, law school professors, ombudspeople, and public defenders - often look to rules, institutions, and jurisprudence from other countries, particularly to those from similar legal traditions and Anglo-Saxon or other legal cultures. n59 Professor Alan Watson contends that "legal transplants [are] the moving of a rule or a system of law from one country to another, or from one people or another since the earliest recorded history." n60 For many centuries, the legal codes and legal cultures that were established in Latin America were products of the colonial experience with Spain and Portugal. n61 Prior to independence, laws were merely imposed on the territories of the colonial powers. Spain, through the legal culture it transplanted during colonial times, enjoyed a consistent influence on the New World in the Americas. n62 In the colonies, "the Spanish judiciary was given almost no autonomy and continued to depend on the Crown's scholarly-inspired statutes with limited reflection of the principles, customs and values arising from Spain's diverse regions." n63 After independence in the early part of the nineteenth century, however, legal models from other countries like the United Kingdom and the United States soon found receptive homes in the southern parts of the Western Hemisphere. n64 Statutes, customs, and legal processes were [\*513] transplanted in a wholesale fashion, themselves the product of French influence over the codification process. n65 For much of the twentieth century - at least until the early 1980s - most governments in Latin America pursued policies of economic nationalism, including import substitution and controls on capital flows. Latin American governments closed markets to foreign competition and pursued state intervention. n66 When these policies failed, they resulted in economic stagnation, hyperinflation, and the erosion of living standards. n67 International bond defaults in the early 1980s produced military dictatorships and oppressive regimes simultaneously throughout Latin [\*514] America. The region was ready for a change. n68 In exchange for the adoption of certain rules and regulations concerning the functioning of markets, and some strengthening of democratic institutions, the international financial community lent money to these nascent democracies in an attempt to encourage a set of "neoliberal" policies - the so-called Washington Consensus. n69 Privatization of state assets was a central part of the prescription. n70 Deregulation, the opening of markets to foreign competition, and the lowering of barriers to trade were also recommended policies. n71 These policies - involving the flow of capital, intellectual property, technology, professional services, and ideas - require that disputes be settled fairly and by a set of recognized and enforced laws. n72 The rule of law, after all, provides the infrastructure upon which democracies may thrive, because it functions to enforce property rights and contracts. n73 [\*515] Likewise, the rule of law is the foundation for economic growth and prosperity: n74 Law is a key element of both a true and a stable democracy and of efficient economic interaction and development both domestically and internationally ... . The quality and availability of court services affect private investment decision and economic behavior at large, from domestic partnerships to foreign investment. n75 Foreign businesses that invest or do business abroad want to ensure that their intellectual property, shareholder, capital repatriation, contract, and real property rights will be protected. n76 It is not surprising, then, that in [\*516] the aftermath of the economic reforms, or at times concurrently, there also have been efforts to implement new criminal procedures, protect human and civil rights, and increase access to justice. n77 Economic growth and sustainable development require a functioning, transparent, and efficient judicial sector. n78 "It is not enough to build highways and factories to modernize a State ... a reliable justice system - the very basis of civilization - is needed as well." n79 Without the rule of law, corruption in the tendering regimes was rampant, encouraging the looting of national treasuries, n80 the exploitation of labor, and the polluting of the environment. n81 As Professor Joseph Stiglitz sadly points out, "The market [\*517] system requires clearly established property rights and the courts to enforce them; but often these are absent in developing countries." n82 A healthy and independent judicial power is also one third of a healthy democratic government. n83 Along with the executive and legislative branches, the judicial branch helps form the checks and balances to allow for an effective system of governance. Instead, what has resulted over the last few decades in many Latin American governments is a breakdown in the rule of law: a judiciary unable to change itself, virtual impunity from prosecution, judicial officers gunned down, and the wholesale interference with the independence of the judicial power. The judiciary is not as independent as the other two branches of government. n84 Instead, the judiciary functions as part of the civil service: devoid of law-making abilities, merely a slot machine for justice that applies the various codes. n85

#### Instability causes disease

Manwaring, 05 (Max G., Retired U.S. Army colonel and an Adjunct Professor of International Politics at Dickinson College, October 2005, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub628.pdf>)

President Chávez also understands that the process leading to state failure is the most dangerous long-term security challenge facing the global community today. The argument in general is that failing and failed state status is the breeding ground for instability, criminality, insurgency, regional conflict, and terrorism. These conditions breed massive humanitarian disasters and major refugee flows. They can host “evil” networks of all kinds, whether they involve criminal business enterprise, narco-trafficking, or some form of ideological crusade such as Bolivarianismo. More specifically, these conditions spawn all kinds of things people in general do not like such as murder, kidnapping, corruption, intimidation, and destruction of infrastructure. These means of coercion and persuasion can spawn further human rights violations, torture, poverty, starvation, disease, the recruitment and use of child soldiers, trafficking in women and body parts, trafficking and proliferation of conventional weapons systems and WMD, genocide, ethnic cleansing, warlordism, and criminal anarchy. At the same time, these actions are usually unconfined and spill over into regional syndromes of poverty, destabilization, and conflict .62 Peru’s Sendero Luminoso calls violent and destructive activities that facilitate the processes of state failure “armed propaganda.” Drug cartels operating throughout the Andean Ridge of South America and elsewhere call these activities “business incentives.” Chávez considers these actions to be steps that must be taken to bring about the political conditions necessary to establish Latin American socialism for the 21st century.63 Thus, in addition to helping to provide wider latitude to further their tactical and operational objectives, state and nonstate actors’ strategic efforts are aimed at progressively lessening a targeted regime’s credibility and capability in terms of its ability and willingness to govern and develop its national territory and society. Chávez’s intent is to focus his primary attack politically and psychologically on selected Latin American governments’ ability and right to govern. In that context, he understands that popular perceptions of corruption, disenfranchisement, poverty, and lack of upward mobility limit the right and the ability of a given regime to conduct the business of the state. Until a given populace generally perceives that its government is dealing with these and other basic issues of political, economic, and social injustice fairly and effectively, instability and the threat of subverting or destroying such a government are real.64 But failing and failed states simply do not go away. Virtually anyone can take advantage of such an unstable situation. The tendency is that the best motivated and best armed organization on the scene will control that instability. As a consequence, failing and failed states become dysfunctional states, rogue states, criminal states, narco-states, or new people’s democracies. In connection with the creation of new people’s democracies, one can rest assured that Chávez and his Bolivarian populist allies will be available to provide money, arms, and leadership at any given opportunity. And, of course, the longer dysfunctional, rogue, criminal, and narco-states and people’s democracies persist, the more they and their associated problems endanger global security, peace, and prosperity.65

#### Disease pandemics cause extinction

Keating, 09 (Joshua – Foreign Policy web editor , "The End of the World," Foreign Policy, 11-13-9, [www.foreignpolicy.com/articles/2009/11/13/the\_end\_of\_the\_world?page=full](http://www.foreignpolicy.com/articles/2009/11/13/the_end_of_the_world?page=full))

How it could happen: Throughout history, plagues have brought civilizations to their knees. The Black Death killed more off more than half of Europe's population in the Middle Ages. In 1918, a flu pandemic killed an estimated 50 million people, nearly 3 percent of the world's population, a far greater impact than the just-concluded World War I. Because of globalization, diseases today spread even faster - witness the rapid worldwide spread of H1N1 currently unfolding. A global outbreak of a disease such as ebola virus -- which has had a 90 percent fatality rate during its flare-ups in rural Africa -- or a mutated drug-resistant form of the flu virus on a global scale could have a devastating, even civilization-ending impact. How likely is it? Treatment of deadly diseases has improved since 1918, but so have the diseases. Modern industrial farming techniques have been blamed for the outbreak of diseases, such as swine flu, and as the world’s population grows and humans move into previously unoccupied areas, the risk of exposure to previously unknown pathogens increases. More than 40 new viruses have emerged since the 1970s, including ebola and HIV. Biological weapons experimentation has added a new and just as troubling complication.

### SG DA

**Filibuster rule change takes out the case**

**USA Today 12-16**-13 "Shrinking high court docket bedevils conservatives" www.usatoday.com/story/news/politics/2013/12/16/supreme-court-labor-housing-abortion-discrimination/4038497/

**The next time the justices take their seats in court, they will confront what was to be the marquee case of the term: a battle between the White House and Congress over the power to make appointments. But even that case has lost some of its steam.¶** The dispute between two branches of the government, to be decided by the third, involves a president's ability to fill vacancies without Senate confirmation by making appointments during congressional recesses. Presidents of both parties have used that power to avoid filibusters, when just 41 of 100 senators can block action on any nominee.¶ **Democrats who control the Senate** — as well as the White House — **changed the rules last** month to defang what had been the most important power of the minority party. **Now judicial and executive branch nominees can be confirmed with a simple 51-vote majorit**y. So although the high court's ruling could be critical in years when the White House and Senate are divided, **the standoff that led to the lawsuit no longer exists.**

**Notice rule dead—no appeal**

**Boehm 1/7**/14 [Eric, “No appeal: Pro-union NLRB posters won’t advance to Supreme Court”, <http://watchdog.org/122490/nlrb-posters-appeal/>]

An **effort by** the **N**ational **L**abor **R**elations **B**oard **to require businesses to post pro-union information** in workplaces **has been defeated**.¶ The **NLRB** said in a statement Monday it **decided not to appeal** two federal court rulings that struck down a rule requiring most private sector businesses to display a poster informing workers of their rights, including the right to unionize. Business groups had challenged the rule in court, arguing it was a violation of employers’ right to free speech.¶ The posters in question are 11″ x 17″ and list the rights protected by the National Labor Relations Act, including the “right of employees to organize and bargain collectively with their employers.” The posters are available in 27 different languages.¶ The NLRB approved the poster rule in August 2011, but a three-judge panel for the U.S. Court of Appeals for the D.C. Circuit struck down the rule in May 2013. Another panel for the U.S. Court of Appeals for the Fourth Circuit followed suit in June 2013.¶ The NLRB had until last week to file an appeal to the U.S. Supreme Court, but declined to do so.

**Predicting the decision is impossible**

**Shane 13** (Peter, Ohio State University College of Law, "THE FUTURE OF RECESS APPOINTMENTS IN LIGHT OF NOEL CANNING V. NLRB" Bloomberg Law) about.bloomberglaw.com/practitioner-contributions/the-future-of-recess-appointments-in-light-of-noel-canning-v-nlrb/

**The government has asked the Supreme Court to hear Noel Canning**, and it would be surprising for the Court not to do so. The importance of the issues, the conflict in the circuits, and the expansiveness of the D.C. Circuit rationale all augur for Supreme Court review. **Predicting the outcome**, however, **is all but impossible. The Court is unlikely to adopt the D.C. Circuit’s reasoning because it goes so far beyond what is necessary to decide the case. That leaves,** however, **at least three options** for the Court: It could uphold the Obama appointments because a three-day break is a recess or because the pro forma sessions left the relevant 20-day recess intact. It could uphold the Obama appointments because intrasession recess appointments to fill vacancies that arose at any time are constitutionally permissible, and the length of adjournment necessary to constitute a “recess” is best regarded as a political question to be fought out between the executive and legislative branches. Or, the Court could overturn the appointments following the more modest rationale that three days are too short to count as a “recess,” and the Jan. 3-23 “recess” was no more than a series of three-day breaks. **For Justices Scalia and Thomas, the D.C. Circuit’s textualist methodology will be attractive, but its execution by the lower court was clumsy. These Justices will also be aware that the D.C. Circuit’s reasoning could seriously weaken the presidency as an institution, and each is a reliable defender of executive power in almost all constitutional contexts. The same is likely true of Chief Justice Roberts and Justices Alito and Kennedy**. They will not be oblivious to the institutional implications of deciding the case against the NLRB. On the other hand, the current Justice best known for a pragmatic style of constitutional interpretation—Justice Breyer—is also an institutional veteran of the Senate, having served as both a Special Counsel and later as Chief Counsel to the Senate Judiciary Committee. He will not be dismissive of the Senate’s role in the confirmation process. In short, **the recess appointments issue—occurring at the confluence of concerns over executive power, constitutional interpretation, and party politics—resists easy categorization. The Noel Canning reasoning is unlikely to survive. Beyond that, we can only guess.**

**Issues are compartmentalized**

**Redish and Cisar 91** prof law @ Northwestern and Law clerk to US Court of Appeals, 1991

(MARTIN H. REDISH, prof law and public policy @ Northwestern; ELIZABETH J. CISAR, Law Clerk to Chief Judge William Bauer, United States Court of Appeals, Seventh Circuit, Dec 1991, “CONSTITUTIONAL PERSPECTIVES: ARTICLE: "IF ANGELS WERE TO GOVERN" \*: THE NEED FOR PRAGMATIC FORMALISM IN SEPARATION OF POWERS THEORY.”41 Duke L.J. 449)

**Choper's assumption that the judiciary's institutional capital is transferable from structural cases to individual rights cases is no more credible**. Common sense should tell us that **the public's reaction to con- troversial individual rights cases**-for example, cases **concerning abor- tion**,240 school prayer,241 busing,242 **or criminal defendants' rights**243- **will be based largely, if not exclusively, on the basis of its feelings con- cerning those particular issues. It is unreasonable to assume that the public's acceptance or rejection of these individual rights rulings would somehow be affected by anything the Court says about wholly unrelated structural issues.**

**Economic decline doesn’t cause war**

**Miller 2k** – Professor of Management, Ottawa (Morris, Poverty As A Cause Of Wars?, http://www.pugwash.org/reports/pac/pac256/WG4draft1.htm, AG)

Thus, these armed conflicts can hardly be said to be caused by poverty as a principal factor when the greed and envy of leaders and their hegemonic ambitions provide sufficient cause. The poor would appear to be more the victims than the perpetrators of armed conflict. It might be alleged that some dramatic event or rapid sequence of those types of events that lead to the exacerbation of poverty might be the catalyst for a violent reaction on the part of the people or on the part of the political leadership who might be tempted to seek a diversion by finding/fabricating an enemy and going to war. According to a study undertaken by Minxin Pei and Ariel Adesnik of **the Carnegie Endowment** for International Peace, there would not appear to be any merit in this hypothesis. **After studying 93 episodes of economic crisis in 22 countries** in Latin America and Asia in the years since World War II **they concluded that** Much of **the conventional** wisdom about **the** political **impact of economic crises may be wrong**... The **severity of economic crisis** - as measured in terms of inflation and negative growth - **bore no relationship to** the **collapse** of regimes. A more direct role was played by political variables such as ideological polarization, labor radicalism, guerilla insurgencies **and** an anti-Communist military... (**In democratic states) such changes seldom lead to** an outbreak of **violence (while**) in the cases of **dictatorships** and semi-democracies, the ruling elites **responded** to crises **by** increasing repression (thereby **using one form of violence to abort another.**

**Econ’s resilient**

**Globe and Mail 2010** (5/31/10, BRIAN MILNER, "While gloom says bear, TIGER points to bull", lexis, WEA)

**Even at the height of the remarkable rebound** of 2009 that brought stocks back from the dead zone, **the bears never retreated** to their lairs. **Negative sentiment** among investors **remained stubbornly high, no matter how promising the economic indicators** looked. And **then** along **came the Greeks and their** little sovereign **debt** problem, **the Chinese and** their public hand-wringing over **asset bubbles and the North Koreans** **and their** latest idiotic **sabre-ratting** to remind nervous markets just how fragile the nascent global recovery could turn out to be. The latest survey of American investors last week showed bearish sentiment hovering close to 30 per cent, with plenty of room for an uptick in the months ahead, as the optimists come to realize that a V-shaped recovery was never in the cards after the worst global financial and economic crisis since the Great Depression. The world's most overexposed permabear, Nouriel Roubini, is still grabbing headlines with his dire Greece-is-just-the-tip-of-the-iceberg warnings. (Well, he does have a new book to sell.) And such high-profile Canadian bruins as gold-loving money manager Eric Sprott and eminent strategist and data miner David Rosenberg have never veered from their sombre outlooks. The fact that May turned into a particularly brutal month for just about everything but U.S. Treasuries - even after last week's modest rebound, the Dow posted its worst performance for the month in 70 years - only added fuel to arguments that worse, much worse, is yet to come. I mention all this to Eswar Prasad, when I reach the Cornell University economics professor at his hotel in Beijing. Prof. Prasad is a noted China watcher who once headed the IMF's China division and still keeps in close touch with top government finance officials. But on this call, I'm more interested in one of his other hats as a shrewd analyst of global economic and market trends. "**My inclination also is to be a bear**," the affable academic says. "**But the data don't support my bearishness** as much as I would like. **One has to be a little cautious**, because these are based on a variety of **indicators**. Some of them certainly **show more strength than** I had **realized**." The data he's talking about come out of his work on a new composite index derived from a broad set of economic, market and confidence measures in the G20 countries and designed to provide a quarterly snapshot of the global recovery. "All signs are that the recovery has some momentum," says Prof. Prasad, who developed the index at the Brookings Institution, a Washington think tank where he is also a senior fellow. "But I wouldn't call it solid enough momentum that we can consider it 'in the bag.'" **The new index**, cutely named TIGER (Tracking Indices for the Global Economic Recovery), is a joint effort by Brookings and the Financial Times. And TIGER **shows that since the world began climbing out of the deep trough** about the middle of last year, **big emerging economies have roared ahead**, while the developed world has experienced much more uneven results. **Industrial production and trade have bounced back handsomely** - total exports from the big emerging countries now exceed pre-crisis levels - but the employment picture remains cloudy and consumption has yet to develop a new head of steam. "**It's much easier** at this stage **to list all the things that could derail the recovery**," Prof. Prasad says. "But all of those things are still conjectural. **The reality, and the data, is that things are looking better**."

### CIR DA: 2AC

**Won’t pass – citizenship, midterms, debt ceiling**

**Rojas 12 – 30** (leslie berestein, “Immigration issues to watch in 2014,” <http://www.scpr.org/blogs/multiamerican/2013/12/30/15492/immigration-top-stories-to-watch-in-2014/>)

**But compromises will most likely only go so far. President Obama and other immigration reform supporters have said they're willing to consider the piecemeal approach that House Republicans favor. But only if these piecemeal bills address key provisions of the Senate bill - and a path to U.S. citizenship is the key provision of the Senate bill. Without it, it's hard to count on much Senate support. As for the political winds, if the timing wasn't right for a broader proposal to succeed in 2013, when might it be? The short answer: 2014. But it's an election year, so don't hold your breath. There will also be other high-priority distractions in the coming year, like a debt ceiling redux.**

**Unemployment and Obamacare thump**

**Johnson 1-5** (Fawn, “For Congress, A New Year But Same Problems,” NATIONAL JOURNAL, <http://www.nationaljournal.com/daily/for-congress-a-new-year-but-same-problems-20140105>)

**Obamacare.** Immigration. **Unemployment** benefits. **These were some of the biggest issues to occupy Congress last year**—and **they will again this year, with new fights already brewing as lawmakers return** to Washington. With almost every politician eyeing the midterm elections in November, these and a handful of other issues will define many congressional campaigns. Here are five **top issues to watch** in Congress **this year**.

**Obama Gitmo push thumps**

Josh **Lederman**, “Obama Looks Ahead to 2014 after Finishing 2013 Business,” HUFFINGTON POST, **12—27**—13, <http://www.huffingtonpost.com/2013/12/27/obama-2014_n_4507493.html>, accessed 12-30-13.

And **2014 may provide a final chance for Obama to push to close** the U.S. prison at **Guantanam**o Bay, Cuba, **an effort that Congress has blocked** through restrictions on transferring detainees. In a statement after he signed the defense bill Thursday, **Obama** praised Congress for removing some of those restrictions in the bill, but he **called for further steps to lift constraints, including a ban on transf**erring detainee**s** to the U.S. for imprisonment, trial or medical emergencies.

**"I** oppose these provisions, as I have in years past, and **will continue to work with the Congress to remove these restrictions," Obama said,** adding that some of the remaining restrictions, in some circumstances, "would violate constitutional separation of powers principles."

#### Courts shield Obama from detention policy changes

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

#### PC’s not key and fails on immigration

- gop won’t deliver an Obama win

- Obama fails at agenda setting

- House GOP controls the outcome

- Obama strategy ignores key moderates

- GOP ideology/don’t care about election

Jones 11-11-13 (Allie, “Obama Administration Doesn't Know How to Pass Immigration Reform”, <http://www.theatlanticwire.com/politics/2013/11/obama-administration-still-not-sure-how-pass-immigration-reform/71460/>, )

House Republicans don't want to do President Obama any favors, but he's asking for one anyway. **Though the White House needs** the House to pass **immigration** reform, **officials don't know** at all **how to proceed** — according to a Politico report, **Obama has reached out** to certain members of the House as well as conservative CEOs and former George W. Bush officials to try to gain ground. **But** White House officials **haven't had much of an agenda for those meetings** besides § Marked 12:14 § "help." One meeting attendant told Politico, "**It didn’t come across** that they were really clear on **who they should talk to.** They didn’t say anything that would lead us to believe they have a plan." White House **press secretary** Jay **Carney admits** that **there's not much the president** himself **can do** at this point: "**This is something** that **House Republicans need to work out**. **They control the keys to the car in that house** right now of Congress, **and** they **need to decide how they move forward and what legislation** they can move forward. And we’re going to work as best we can to move this process forward." But perhaps the White House is just reaching out to the wrong Republicans. At least two Texas congressmen rejected invitations to meet about reform. Rep. Sam Johnson, who worked on a bipartisan measure for nearly four years, quit back in September after pressure from other conservatives. At the time, he blamed Obama: "We want to be clear. The problem is politics. Instead of doing what’s right for America, President Obama time and again has unilaterally disregarded the U.S. Constitution, the letter of the law and bypassed the Congress – the body most representative of the people – in order to advance his political agenda." Rep. McCaul called immigration reform a "political trap." Yet **the White House reached out** to both these congressmen **while ignoring more immigration-friendly representatives** like Jeff Denham, David Valadao, and Mario Diaz-Balart. **Obama will** need to isolate and encourage pro-reform conservatives to move the needle in the House before the 2014 elections. And those Republicans will **fight an uphill battle** — **most conservatives** in the House **don't care if reform** ever **happens**.

Zero risk of indopak war

**Kumar, 13** (Sanjay – correspondent for The Diplomat, “Pakistan’s Elections: A Harbinger of Peace on the Subcontinent?”, The Diplomat, <http://thediplomat.com/the-pulse/2013/05/16/pakistans-elections-a-harbinger-of-peace-on-the-subcontinent/>)

Now that we know Nawaz Sharif will succeed Raja Pervez Ashraf as the next prime minster of Pakistan, it’s worth noting that **Pakistan has never seen a democratic transition as smooth** as the one set to take place between the outgoing Pakistan Peoples Party (PPP) and the newly elected Pakistan Muslim League-Nawaz, or PML(N).

In its 66-year history as an independent nation, Pakistan has witnessed three military coups and extended rule by army generals. Even today, the nation is plagued by political turmoil. But **this year seems to be a new chapter** in its turbulent history.

The verdict from the 2013 elections gives the PML(N) 123 seats out of 254 declared results as of Tuesday evening, giving Sharif’s party an unassailable lead over its main rivals, PPP and Imran Khan's Pakistan Tehreek-e-Insaf, which had secured 31 and 26 seats, respectively. The electoral results for the final 18 of Pakistan’s 272 National Assembly seats remain unannounced.

The **voter turnout this year was impressive**, with 60 percent of all registered voters turning up to the polls, up from a 45 percent turnout in the last national elections in 2008. This impressive turnout came **despite** the **threat of violence**. More than 150 people lost their lives and scores were injured in attacks by insurgents across the country during the election campaigning period and on election day. **This brave statement** by the people of Pakistan **sends a** new **message** to the outside world **and gives hope for peace** on the Subcontinent.

In particular, **India has** a **stake in the democratic success of its neighbor**, with whom relations have been turbulent. **There is** **widespread hope** in India that **Sharif**, who formed a new Indo-Pakistani relationship in the 1990s, **will revive the peace process and improve** Islamabad’s **ties** with New Delhi.

Indian Prime minister Manmohan **Singh was one of the first** world leaders **to congratulate Sharif** after his emphatic victory. In a letter, **Singh talked about charting a new course for the relationship** between the two countries **and invited his** Pakistan **counterpart to visit** India.

**Sharif reciprocated** and emphasized the need for improved relations with India. **He** further **stressed the importance of resolving issues, including Kashmir**, through peaceful means. **He** even informally **invited the Indian premier to his inauguration** ceremony in Islamabad.

According to veteran Pakistani author and political analyst Ahmed Rashid, **circumstances may be more favorable** § Marked 12:14 § this time for Sharif **to improve ties** with New Delhi. He writes, “During his two premierships in the 1990s, Sharif made genuine **efforts at peace** with India but **was thwarted by an aggressive** and uncompromising **army**.” But, he continues, “**The army**—faced with a severe weakening of the state—now **seems more amenable to improving relations** with New Delhi.”

The Hindu opines that where **Sharif “gives** most **hope is in his** **strong and unambiguous** **articulation of better** India-Pakistan **relations**, though this will depend on his stated determination to correct the civil-military imbalance, and reclaim the national agenda from the security establishment. Whether he can succeed is another question, but India will be hoping he will.”

As Pakistan passes through a rough economic patch, **deeper engagement** with its immediate neighbor **will** not only **give the** volatile **country increased political stability** **but** will **also boost growth**. **India can** play a major role in **reviv**ing **Pakistan's** bankrupt **economy** as a potential investor.

According to an article published by the New Delhi-based think tank Institute for Defence Studies and Analyses (IDSA), **trade** between the two South Asian countries **could receive renewed impetus under the** new **regime**, barring complications from opposition by the religious right. However, the IDSA article also notes that “one should not expect a lot of change in policies related to terrorism targeted at India or its aversion to India’s presence in Afghanistan.”

Despite skepticism, **there is** a general mood of **optimism in India** about the regime change in Pakistan. Just a couple of weeks ago Indian media was full of anti-Pakistan stories in the wake of the attack on Indian prisoner Sarabjit Singh in a Pakistani jail. While most Indian reports were full of jingoism in their coverage of the death of Singh, **the election** has **changed the tone of** the **discourse.**

The **optimism stems from Sharif’s earlier initiatives** in the 1990s **to deepen ties with India**. In 1999, **he started a bus service** that runs **between Lahore and New Delhi**. Then Indian PM Atal Bihari Vajpayee visited Pakistan in the inaugural bus ride. This bonhomie, however, was short-lived. Later that year hostilities erupted between the two nations at the Kargil sector, when the Pakistani army crossed the Line of Control under the leadership of former military ruler Pervez Musharraf.

The new leadership in Pakistan has a very tough job at hand: alleviate the deep-seated historical fear and mistrust between the two countries.

Likewise, India will have to show maturity in understanding the changing mood and aspirations of the people of Pakistan.

New Delhi needs to recognize that **never before has there been such** an **overwhelming consensus** **for Pakistan to normalize relations** with India. If the leaderships of both countries work hard to tap this desire, **they may be able to usher in** a new era of **peace and progress** on the Subcontinent.

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#### Resiliency Empirically proven—don’t buy the hype

**Zakaria ’9** [Fareed Zakaria is editor of Newsweek International “The Secrets of Stability,” 12/12 http://www.newsweek.com/id/226425/page/2]

One year ago, the world seemed as if it might be coming apart. The global financial system, which had fueled a great expansion of capitalism and trade across the world, was crumbling. All the certainties of the age of globalization—about the virtues of free markets, trade, and technology—were being called into question. Faith in the American model had collapsed. The financial industry had crumbled. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s. Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression." Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets. Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization. One year later, how much has the world really changed? Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). Some regional banks have gone bust. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis—soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. The predictions of economic and political collapse have not materialized at all. A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' " says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?" This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the economy—through central banks and national treasuries—they buffered the worst of the damage. (Whether they made new mistakes in the process remains to be seen.) The extensive social safety nets that have been established across the industrialized world also cushioned the pain felt by many. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies. It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again—the animal spirits of investors, consumers, and companies seeking risk and profit. Beyond all this, though, I believe there's a fundamental reason why we have not faced global collapse in the last year. It is the same reason that we weathered the stock-market crash of 1987, the recession of 1992, the Asian crisis of 1997, the Russian default of 1998, and the tech-bubble collapse of 2000. The current global economic system is inherently more resilient than we think. The world today is characterized by three major forces for stability, each reinforcing the other and each historical in nature.

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