# \*\*1AC New Advantage\*\*

### EU Adv: 1AC

#### Contention \_\_\_\_ is the Transatlantic Alliance:

#### US detention policy is destroying transatlantic cooperation—new European court decisions will collapse NATO and make intel-sharing impossible

Parker 12 Tom Parker, formerly policy director for Terrorism, Counterterrorism and Human Rights at Amnesty International USA. He is also a former officer in the British Security Service, “U.S. Tactics Threaten NATO” 9-17-12, http://nationalinterest.org/commentary/us-tactics-threaten-nato-7461

Attitudes across the Atlantic are hardening fast. This isn’t knee-jerk, man-on-the-street anti-Americanism. European governments that have tried to turn a blind eye to U.S. counterterrorism practices over the past decade are now forced to pay attention by their own courts, which will restrict cooperation in the future.As recently as last month, the German federal prosecutor’s office opened a probe into the October 2010 killing of a German national identified only as “Buenyamin E.” in a U.S. drone strike in Pakistan. There are at least four other similar cases involving German nationals and several reported strikes involving legal residents of the United Kingdom.In March, Polish prosecutors charged the former head of Polish intelligence, Zbigniew Siemiatkowski, with “unlawfully depriving prisoners of the their liberty” because of the alleged role he played in helping to establish a CIA secret prison in northeastern Poland in 2002–2003.Last December, British Special Forces ran afoul of the UK courts for informally transferring two Al Qaeda suspects detained in Iraq, Yunus Rahmatullah and Amanatullah Ali, to U.S. forces. The British government has been instructed to recover the men from U.S. custody or face legal sanctions that could result in two senior ministers being sent to prison. Perhaps the most dramatic example illustrating the gap that has opened up between the United States and its European allies concerns the 2009 in absentia conviction of twenty-three U.S. agents in an Italian court for the role they played in the extraordinary rendition of radical Imam Hassan Mustafa Osama Nasr from Milan to Cairo.Britain, Poland, Italy and Germany are among America’s closest military partners. Troops from all four countries are currently serving alongside U.S. forces in Afghanistan, but they are now operating within a very different set of constraints than their U.S. counterparts.The European Court of Human Rights established its jurisdiction over stabilization operations in Iraq, and by implication its writ extends to Afghanistan as well. The British government has lost a series of cases before the court relating to its operations in southern Iraq. This means that concepts such as the right to life, protection from arbitrary punishment, remedy and due process apply in areas under the effective control of European forces. Furthermore, the possibility that intelligence provided by any of America’s European allies could be used to target a terrorism suspect in Somalia or the Philippines for a lethal drone strike now raises serious criminal liability issues for the Europeans. The United States conducts such operations under the legal theory that it is in an international armed conflict with Al Qaeda and its affiliates that can be pursued anywhere on the globe where armed force may be required. But not one other member of NATO shares this legal analysis, which flies in the face of established international legal norms. The United States may have taken issue with the traditional idea that wars are fought between states and not between states and criminal gangs, but its allies have not.The heads of Britain’s foreign and domestic intelligence services have been surprisingly open about the “inhibitions” that this growing divergence has caused the transatlantic special relationship, telling Parliament that it has become an obstacle to intelligence sharing. European attitudes are not going to change—the European Court of Human Rights is now deeply embedded in European life, and individual European governments cannot escape its oversight no matter how well disposed they are to assist the United States.The United States has bet heavily on the efficacy of a new array of counterterrorism powers as the answer to Al Qaeda. In doing so it has evolved a concept of operations that has much more in common with the approach to terrorist threats taken by Israel and Russia than by its European partners. There has been little consideration of the wider strategic cost of these tactics, even as the Obama administration doubles down and extends their use. Meanwhile, some of America’s oldest and closest allies are beginning to place more and more constraints on working with U.S. forces. NATO cannot conduct military operations under two competing legal regimes for long. Something has to give—and it may just be the Atlantic alliance.

#### Prosecution in criminal court is key to solve—it’s empirically proven that allies are more willing to cooperate

Oona **Hathaway**, Professor, International Law, Yale Law School, Samuel Adelsberg, Spencer Amdur, Philip Levitz, Freya Pitts and Sirine Shebaya, “The Power to Detain: Detention of Terrorism Suspects after 9/11,” YALE JOURNAL OF INTERNATIONAL LAW v. 38, Winter 20**13**, p. 161-167.

**3. Strategic Advantages There is clear evidence that other countries recognize and respond to the difference in legitimacy between civilian and military courts and that they are**, indeed, **more willing to cooperate with U.S. counterterrorism efforts when terrorism suspects are tried in the criminal justice system. Increased international cooperation is** therefore **another advantage of criminal prosecution.** Many key U.S. allies **have been unwilling to cooperate in cases involving law-of-war detention** or prosecution **but have cooperated in criminal** [\*166] **prosecutions.** In fact, **many U.S. extradition treaties, including those with allies such as India and Germany, forbid extradition when the defendant will not be tried in a criminal court.** n252 This issue has played out in practice several times. An al-Shabaab operative was extradited from the Netherlands only after assurances from the United States that he would be prosecuted in criminal court. n253 Two similar cases arose in 2007. n254 In perhaps the most striking example, five terrorism suspects - including Abu Hamza al-Masr, who is accused of providing material support to al-Qaeda by trying to set up a training camp in Oregon and of organizing support for the Taliban in Afghanistan - were extradited to the United States by the United Kingdom in October 2012. n255 The extradition was made on the express condition that they would be tried in civilian federal criminal courts rather than in the military commissions. n256 And, indeed, both the European Court of Human Rights and the British courts allowed the extradition to proceed after assessing the protections offered by the U.S. federal criminal justice system and finding they fully met all relevant standards. n257 An insistence on using military commissions may thus hinder extradition and other kinds of international prosecutorial cooperation, such as the sharing of testimony and evidence.

#### Effective NATO operations are essential to solve every scenario for extinction

Hamilton et al 09 (Daniel, lead author, Director of the Center for Transatlantic Relations at SAIS, Charles Barry, Hans Binnendijk, Stephen Flanagan, Julianne Smith, James, Townsend, Feb 2009, "Alliance Reborn: An Atlantic Compact for the 21st Century" The Washington NATO Project, Atlantic Counsel) transatlantic.sais-jhu.edu/sebin/i/y/nato\_report\_final.pdf

\*\*This card edited to remove gendered language\*\*

It is urgent that we renew and reform the transatlantic partnership, for the world we have known is fading. A new world is rising, uncertain, indeterminate, yet forming fast. There is much that is positive about this transformation. For the first time in human history, most people on this planet live under governments of their own choosing. Revolutions in science, technology, transportation and communications are improving lives and freeing minds. A rising global middle class is creating major new opportunities. More people have been lifted out of poverty in the last twenty years than in all of human history. The Great Powers are at peace. Overall, more people in more parts of the world have benefitted from these dramatic changes. Gains have not been shared evenly, however. For too many, change has simply meant disruption and uncertainty. Around the world there is great concern about the impact of corrosive regional, ethnic, and religious conflicts; the rise of terrorism and organized crime; migration flows provoked by poverty, population growth, environmental change or insecurity; the accelerating proliferation of mass destruction capacities; the spread of pandemics; increasing resource scarcity, particularly energy and water; environmental degradation and the effects of climate change. Moreover, the potential of our young century has been stunted by the deepest recession in generations. While the U.S. and Europe still account for more than 60 percent of the global economy, the financial crisis and attendant recession have greatly damaged Western capacities. In 2009, for the first time in history, the world's emerging economies are forecast to provide 100 percent of global economic growth. Within the next 10-15 years, they are expected to generate more than half of the world’s output. Yet they too have been hurt by the financial crisis. Developing countries have seen foreign capital dry up, export markets shrivel, and currencies, banks and stock markets weaken. Despite the global downturn, growing connections between continents will continue to exert a powerful influence on the evolving international order. Globalization has brought large gains in terms of trade and inflows of capital, greater technological diffusion and higher economic growth. But it has not brought geopolitics or ideological struggles to an end. Rather, darker forces, including terrorism, organized crime, and radical ideologies— particularly the jihadist vision of ridding the Muslim world of Western influence, corrupt regimes, and restoring the Caliphate—will continue to exacerbate regional tensions and transnational threats and fuel competition and instability. Moreover, the technology and knowledge to make and deliver agents of mass destruction is proliferating among some of the most ruthless factions and regimes on earth. The ability of individuals and groups to employ destructive power will continue, as governments struggle to meet the challenge of stateless networks that move freely across borders. The world’s most devastating agent of mass destruction – infectious disease – is moving from the hands of Mother Nature to the hands of [hu]man[s]. Stunning scientific advances are enhancing biology’s dual-use potential for beneficence or malevolence. Biological techniques available today permit rapid synthesis of large viruses from non-living parts. This will help researchers seeking new drugs and vaccines. But it also puts the synthesis of viruses such as smallpox within the reach of thousands of laboratories worldwide. The age of engineered biological weapons is neither science fiction nor suspense thriller. It is here, today. The world is on the cusp of exponential change in the power of bioagents and their accessibility to state and non-state actors. The absence of available medical countermeasures (medicines, vaccines and diagnostic tests) and the inadequacies of health information and distribution systems will limit most nations’ capacities to deal with large-scale epidemics. Current systems to manage epidemics were stretched to the limit by SARS and other natural outbreaks, and are wholly inadequate for the unique challenges of bioterrorism. Efforts to adopt nuclear nonproliferation regimes to the biological realm have been fraught with difficulties and are of questionable merit. While most threats to peace and stability today remain regionally rooted, in an increasingly interconnected world conflicts that once might have remained local disputes can now have global impact. In this context, problems of governance have become a central national security dilemma. Unstable and ungoverned regions of the world, or governance that breaks when challenged, pose dangers for neighbors and can become the setting for broader problems of terrorism, migration, poverty and despair. The broader Middle East, stretching to southwest Asia, remains the region of the world where unsettled relationships, religious and territorial conflicts, impoverished societies, fragile and intolerant regimes and deadly combinations of technology and terror brew and bubble on top of one vast energy field upon which global prosperity depends. Choices made here could determine the shape of the 21st century – whether agents of mass destruction will be unleashed upon mass populations; whether the oil and gas fields of the Caucasus and Central Asia can become reliable energy sources; whether catastrophic terrorism can be prevented; whether Russia’s borderlands can become stable and secure democracies; whether Israel and its neighbors can live in peace; whether millions of people can be lifted from pervasive poverty and hopelessness; and whether the great religions of the world can flourish together. A number of significant, interrelated trends will continue to affect alliance security: Sunni-Shia conflicts and Islamist violence; Israeli-Palestinian tensions; Iraq’s precarious transition as U.S. and coalition forces withdraw; Iranian efforts to assert regional influence and develop nuclear weapons; and sustained insurgencies in Afghanistan and Pakistan that offer safe harbor to terrorists. Central Asia has become a focal point for competition over energy resources, and Russia and China could intensify their efforts to gain influence in the region. Leadership transition will test key regional powers, and could trigger regime failure and instability, opening doors to clan, tribal, and regional rivalries that may transcend state borders and lead to turmoil and violence. Significant and protracted instability could become the defining characteristic of Central Asia, including failed and failing states; radical Islamic movements; organized crime; and trafficking in weapons, WMD materials, and narcotics. Rising China, India and Indonesia will reshape power dynamics in Asia and beyond. Japan remains a major world player, but domestic political differences have prevented it from shouldering additional burdens to enhance global security commensurate with its position. China is on track to become the world’s second largest economy, the world’s largest importer of resources, the world’s biggest polluter, and a leading military power. Yet it faces significant domestic challenges, including environmental degradation, AIDS, and the prospect of wider social unrest if economic growth falters or problems in governance, social welfare, and regional development cannot be overcome. India is likely to continue to enjoy economic growth, develop its military, and seek to establish itself as a major independent power, even as rivalry persists with Pakistan. Burgeoning Indonesia is grappling with secessionist challenges and the spread of Islamist fundamentalism. An unpredictable North Korea will require significant international attention. Sub-Saharan Africa continues to be a major global supplier of oil, gas, and other commodities, yet remains vulnerable to HIV/AIDS, economic disruption, population stresses, civil conflict, corruption and failed governance. Many states lack the capacity to break up terror cells, thwart trafficking in arms, drugs or people, or provide domestic security. The Darfur crisis is a tragic reminder of the potential for local strife to affect millions. While Africans are assuming more of their own security responsibilities, Europeans and Americans are called to provide emergency assistance, deploy and train peacekeepers, and mediate disputes. Despite the rise of Brazil and broadening commercial relations with Asia and Europe, Latin America has yet to add its potential to broader transatlantic partnership. Some areas in this region continue to be among the most violent in the world, due to the activities of drug trafficking organizations, criminal cartels, and persistent weaknesses in governance and the rule of law. Resource issues are gaining in prominence as energy, water, and food pressures grow. The concentration of energy resources under state control and/or in regions of instability, together with rapidly changing resource distribution patterns, increasing demand and decreasing reserves will continue to challenge all consuming countries. Lack of access to stable water supplies is reaching critical proportions, particularly for agriculture, and rapid urbanization is exacerbating the problem. The World Bank estimates that demand for food will rise by 50 percent by 2030.4 Climate change is expected to exacerbate resource scarcities, prompting greater humanitarian crises, large-scale migration of people, instability, and conflict. Although the impact of climate change will vary, a number of regions are already suffering harmful effects, particularly water scarcity, storm intensity and loss of agricultural production. The International Panel on Climate Change (IPCC) estimates that by 2020, up to 250 million Africans could face starvation and malnutrition due to lack of fresh water supplies, lower crop yields, and drought. The IPCC also warns that mega-delta regions throughout Asia will face huge geopolitical challenges from climate-induced migration. One immediate strategic consequence of climate change is likely to be an ice-free summertime Arctic within the next few years, which will open up vast energy and mineral resources yet pose considerable environmental, legal and geostrategic challenges. The U.S. Geological Survey estimates that at least 25 percent of the world’s remaining oil and gas resources lie north of the Arctic Circle. Although the circumpolar states share a common interest in addressing environmental vulnerabilities as they exploit these resources, unresolved jurisdictional claims could result in greater tensions. Moreover, a host of new players could join the mix, since world shipping could also be transformed: the Northern Sea Route between the North Atlantic and the North Pacific is about 5,000 nautical miles shorter – a week’s sailing time -- than a trip via the Suez Canal. The new world rising underscores how the challenges facing Europeans and Americans have changed since the end of the Cold War. We are accustomed to associating historic change with significant dates and catalytic events. Even today, the fall of the Berlin Wall on November 9, 1989 remains the most potent symbol of the attraction and power of open societies. Yet when walls come down for families and friends they also can come down for hatred, prejudice and new forms of competition. There is no more vivid example than the tragic attacks of September 11, 2001.5 The changes we are experiencing today are no less historic. They are perhaps less vivid in the popular mind because they cannot be tied to one symbolic event but emanate from the billions of individual decisions made around the globe every day. Yet the consequences of those choices are no less dramatic for our welfare. We no longer face a singular threat to our mutual security, nor can we afford to subsume diverse dangers under simplistic slogans such as the Global War on Terror. We still face the potential for conflict between major states. We will perhaps always face the menace of terrorism. But today, a host of unorthodox challenges also demand our urgent attention. Two broad themes emerge from our assessment. First, the global has become local. Our well-being is increasingly influenced by flows of people, money and weapons, goods and services, technology, toxins and terror, drugs and disease. We characterize these phenomena as "global," but their impact is local. They are unprecedented in their range, scope and speed. They offer untold opportunities and terrible dangers. They are impersonal forces with very personal consequences. As a result, “human” security has become integral to “national” security. The networked nature of modern societies should prompt reconsideration of what, exactly, needs protecting in today’s world. Traditional strategies focused on securing territory. Yet what do cyber hackers, energy cartels and al-Qaeda have in common? They are networks that prey on other networks - the interconnected arteries and nodes of vulnerability that accompany the free flow of people, ideas, energy, money, goods and services, and the complex interdependent systems on which free societies depend. It is our complete reliance on such networks, matched with their susceptibility to catastrophic disruption, that make them such tempting targets. In the 21st century, we are called to protect our connectedness, not just our territory.6 A transformative approach to security should supplement the traditional focus on the security of territory with more energetic efforts to protect the critical functions of societies, and the manifold connections those societies have with others. Second, the local has become global. For many of our citizens the new world has meant disruption and insecurity. They worry that a job gained abroad means a job lost at home, that their hard-won prosperity could simply slip away. They are anxious about the pace of global change, about their livelihoods, about their future. They worry that their way of life is at the mercy of distant events. These concerns are real, widespread, and legitimate. Yet domestic renewal cannot come at the expense of our international engagement. The affairs of the world have become too deeply entrenched in our domestic lives for us to ignore global developments while we concentrate on problems at home. Domestic renewal, in fact, requires our active international engagement – together. Some argue that with the Cold War over and new powers rising, the transatlantic partnership has had its day, that the values and interests of Europeans and Americans have diverged, and that many of our institutions are of little relevance to today’s global challenges. We disagree. Our partnership remains as vital as in the past, but now we must focus on a new agenda. The new world rising offers us both necessity and opportunity to reposition our partnership to meet 21st century challenges, and to improve the institutions and tools at our disposal. In recent years, Europeans and Americans have differed on the nature of some of these challenges and how best to confront them. Differences of perspective and policy can be powerful. But the history of European-American relations has often been the history of difference. Merely asserting difference or reciting lists of tough issues does not make the case for estrangement. It makes the case for better leadership. Moreover, that which has driven us apart has rarely overshadowed that which keeps us together: basic principles of democracy, liberty, human rights, nondiscrimination and the rule of law; mutual peace and security; open, rules-based markets; and an open door to those who choose to abide by these principles and add their strength to ours -- all underpinned by deep security and economic linkages and an intensity of cooperation without parallel anywhere on earth. At times, each side of the Atlantic has honored these principles in the breach. Our achievements do not always match our aspirations. But the common body of accumulated principles, norms, rules and procedures we have built and accumulated together – in essence, an acquis Atlantique -- affirms the basic expectations we have for ourselves and for each other.7 It offers a unique foundation to build upon. For sixty years this foundation has made the transatlantic relationship the world’s transformative partnership. North America’s relationship with Europe enables each of us to achieve goals together that neither can alone – for ourselves and for the world. This still distinguishes our relationship: when we agree, we are usually the core of any effective global coalition. When we disagree, no global coalition is likely to be very effective. In short, transatlantic partnership remains indispensable if we are to tackle effectively the challenges we face. But unless we address the deep changes that have altered the context of our relationship, and unless we develop common strategies to advance the broadened range of interests we share, we are less likely to harness transatlantic potential to our wider goals and more likely to hold each other back.

**Al Qaeda is still a major threat—predictions of decline are premature and false**

**Sinai 13** (Joshua, JINSA Fellow, Washington, DC-based consultant on national security studies, focusing primarily on terrorism, counterterrorism, and homeland security, 3-11-13, “Al Qaeda Threat to U.S. Not Diminished, Data Indicates” The Jewish Institute for National Security Affairs) http://www.jinsa.org/fellowship-program/joshua-sinai/al-qaeda-threat-us-not-diminished-data-indicates#.UbaiWvmsiSo

**Conventional wisdom holds that the threat** to America **posed by al Qaeda** and its affiliates **is greatly diminished** compared to 9/11. Today, it is claimed, al Qaeda is less well organized, with many of its top leaders eliminated, and is so broken into geographically disparate franchises that it is unable to recruit, train, and deploy a specialized cell to carry out a comparable catastrophic attack against America. The fact that no al Qaeda terrorist attacks have been carried out in America over the last two years, while some 20 individuals have plotted to carry out attacks but were arrested and convicted during the pre-incident phases, is seen as evidence that this terrorist threat is decreasing domestically. Therefore, according to this thesis, security authorities should prepare for more numerous and frequently occurring but low casualty attacks mounted by less well-trained and capable homegrown operatives, particularly by what are termed "lone wolves." **When a more complete compilation of all the components** involved in terrorism **are taken into account, however, the magnitude of the threat becomes much clearer and includes a higher likelihood of attempts to carry out catastrophic attacks as well as evidence that al Qaeda continues to recruit and prepare terrorist operatives in the United States.** Downplaying the terrorist threat posed by al Qaeda and its affiliates also has significant political implications due in part to the more than $70 billion that is spent annually on America's domestic counterterrorism programs (with larger amounts expended for overseas operations), all of which need to be continuously justified as cost effective by Administration planners and Congressional appropriators. Such **purported decline in al Qaeda attacks domestically**, however, **is** now **being seized upon by those who favor reduced government funding for counterterrorism programs, including weakening the USA PATRIOT Act**, to support their position that a reduced threat requires reduced funding and resources. **When the trajectory of attacks by al Qaeda and its associates over the years are carefully studied,** however, **certain patterns recur.** Specifically, **every time the threat is underplayed, it is invariably followed by a major attack. In the months leading up to the November 2012 elections, the media was filled with pronouncements that al Qaeda's threat had greatly diminished** as a result of the elimination of its leadership and the reduced operational role over attacks by what is termed "al Qaeda Central" in Pakistan's tribal areas. **While accurate on one level, this did not stop al Qaeda and its affiliates from continuing to launch major terrorist attacks, including** that by its Libyan affiliate against the U.S. consulate in **Benghazi** on September 11, 2012, which led to severe political repercussions for the Administration for its unpreparedness to anticipate such an attack. **This was followed by** the launching of **the devastating cross-border attack against the natural gas facility in eastern Algeria** in mid-January by another al Qaeda affiliate in Mali. **Thirty-six foreign workers were murdered in that attack, which, again, was unanticipated.** Moreover, **the fact that a catastrophic attack against America comparable to 9/11 has not occurred over the past 11 years should not suggest that a future one is not being planned. In summer 2006, al Qaeda-linked operatives in London plotted to detonate liquid explosives on board 10 transatlantic airliners flying from the UK to America and Canada. In** September **2009**, Najibullah **Zazi and his associates were arrested for plotting to conduct a suicide bombing attack against the New York City subway system. On Christmas Day, 2009,** Umar Farouk **Abdulmutallab failed to detonate plastic explosives while on board an airliner heading to Detroit.** Anwar al Awlaki, a former American extremist cleric, reportedly masterminded Abdulmutallab's operation. Awlaki was killed in a drone attack in Yemen on September 30, 2011. The killings of al Awlaki and Samir Khan, another American extremist who had made his way to Yemen in 2009, could well trigger a catastrophic attack by al Qaeda to avenge their deaths. **The recent capture of** Osama **Bin Laden's son-in-law**, Sulaiman abu Ghaith, and the decision to try him in New York City, **is also likely to trigger a major revenge attack against America.** Finally, **organizing catastrophic terrorist attacks requires** extensive **planning, funding and preparation. A terrorist group that feels** itself **strong will take its time to carefully plan a few but devastating attacks**, while a group that regards itself as weak may feel compelled to carry out frequent, but low-casualty attacks to demonstrate its continued relevancy. Some **incident databases, such as** a recent compilation of **data about American al Qaeda terrorists by the UK-based Henry Jackson Society, only account for completed attacks** and convictions of those arrested. **If such counting is expanded to include other factors**, however, then **the overall threat becomes much more severe. Other factors**, therefore, **should include** the **potential consequences of** the **thwarted attacks** had they not been prevented, **the number of radicalized Americans** who travel overseas to join al Qaeda-affiliated insurgencies, and the extent of radicalized activity by al Qaeda's American sympathizers in jihadi website forums and chatrooms. **A more complete accounting of the threat will** now **reveal that the supportive extremist infrastructure for al Qaeda in America is actually not diminishing and that the purported "lone wolf" actors have actual ties to al Qaeda operatives overseas. We should not,** therefore, also **be misled into complacency if catastrophic attacks by al Qaeda do not occur for lengthy periods. Nor so by the comforting but false sense of security that comes with believing that "lone wolf" attacks** in the United States **are not a product of al Qaeda** recruitment and support. It is also possible, nevertheless, that **al Qaeda's terrorist planners are considering both types of attacks, infrequent catastrophic and frequent low casualty. This may explain why al Qaeda's propaganda organs are calling on its radicalized followers in the West to take matters into their own hands and embark on any sort of attacks that may be feasible at the moment, but with further surprise attacks of a catastrophic nature still ahead.**

#### Intel-sharing with Europe is key to stop a terrorist attack

De Sarkar 11 (Dipankar, UK & European Correspondent at Hindustan Times, 9-10-11, “Europe still hotbed of Islamic terrorism” Hindustan Times) http://www.hindustantimes.com/world-news/Europe/Europe-still-hotbed-of-Islamic-terrorism/Article1-744142.aspx

In the days after 9/11, shocked American intelligence authorities quickly surmised that Islamic terrorist networks in Europe — particularly Britain — need to be tackled head on. The fingerprints of Europe were all over the attacks on the Twin Towers: Zacarias Moussaoui, the only terrorist to be convicted for 9/11, was a Frenchman radicalised in a British university. Ten years on, Europe — home to 15 million Muslims — remains a continent on the edge. If Britain is widely considered to be the epicenter of European Islamic terrorism, it is because of its large Pakistani-origin population — more than a million and growing, including 431,000 born in Pakistan. A massive security review in 2005 led ex-Prime Minister Gordon Brown to repeatedly declare that 75% of all terrorist incidents in Britain had their origins in Pakistan. According to MI5 chief Jonathan Evans, that figure has now come down to 50% but he adds: “This does not mean that the overall threat has reduced but that it has diversified (to Somalia and other countries).” Indeed, Britain is now home to 2,000 terrorist suspects and 200 Al Qaeda operatives who are under constant surveillance. Terror networks in Britain are both an internal and global threat. “A number of British Muslims have been convicted in foreign courts or have fought for terrorist or extreme Islamist groups abroad,” says the Centre for Social Cohesion, Britain’s first thinktank to study Islamic extremism. It says the CIA claims that America’s most likely terrorist scenario comes from a British-born extremist entering the US under the visa waiver programme and 40% of CIA operations aimed at disrupting terrorism plots against the US are conducted against targets in Britain. Not just Britain, ghettoes and mosques in countries across the European Union are all witnessing the disturbing trend of disaffected, alienated and often-jobless young Muslims volunteer to kill and die for the jihad. “Islamist terrorist groups are changing in composition and leadership. Terrorist groups are becoming multi-national, command and control from outside the EU is decreasing and more lone actors with EU citizenship are involved in terrorist activities,” said Europol in its 2011 ‘Terrorism Situation and Trend’ report. In 2010, there was a 50% rise in arrests in Europe for offences linked to Islamist terrorism, and there was a massive increase in the proportion of those arrested for planning attacks in the EU.

#### Risk of nuclear terrorism is real and high now

Matthew, et al, 10/2/13 [ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest//xperience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam; by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

**Nuke terror causes extinction—equals a full-scale nuclear war**

Owen B. **Toon 7**, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, **people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals**. At the same time, **advanced technology has designed nuclear explosives of such small size they can be easily transported in a car**, small plane or boat **to the heart of a city**. We demonstrate here that **a single detonation in the 15 kiloton range can produce urban fatalities approaching one million** in some cases, **and casualties exceeding one million**. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, **even a single surface nuclear explosion**, or an air burst in rainy conditions, **in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades** owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, **the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences**. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and **terrorists would be most likely to strike there**. Accordingly, an organized **attack on the U.S. by a small nuclear state, or terrorists** supported by such a state, **could generate casualties comparable to those** once **predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict**. Remarkably, the **estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations** (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

#### US-EU cooperation solves piracy, but intel-sharing is key

Gros 11 (Philipe, researcher, FRS, 2-23-11, “EU-U.S. Security Strategies: comparative scenarios and recommendations” Istituto Affari Internazionali) http://www.iai.it/pdf/Economia\_difesa/EU-US-security-strategies.pdf

The recent renewal of piracy and the threat it represents for the sea lines of communication, vital for global commerce, create a real strategic challenge for the international community. While the struggle against piracy is a concern of nearly all major and various regional powers, the transatlantic partnership plays a leading role in addressing this challenge. While piracy has been quasi eradicated in the Malacca Strait80, it has exploded since 2008 in the waters off Somalia, the Gulf of Aden (GoA) and throughout the Indian Ocean 81. Pirates operate from the coastal villages of Somalia between spring and fall of the year (between the Monsoon periods). While piracy may have stemmed initially from a range of complex factors including poverty and the grievances of the local population against “illegal” foreign shipping, it became the business of criminal networks increasingly structured, powerful and well equipped since 2004. The oldest piracy cartel operates from Haradeere and Hobyo in the southern Mudug region, but many smaller groups are now spread out along the coast from Bossasso to Kismayo with the most important ones operating from Puntland coast, notably in Garacad.82,83 A UN report outlines the difference between these networks: “In contrast with central Somalia, where piracy may be accurately described as a product of statelessness and warlordism [The Transitional Federal Government (TFG) at Mogadishu, recognized by international community, has a very limited authority], in north-eastern Somalia it benefits from the patronage and protection of State institutions.”84 The latter is estimated to turn 30 percent of collected ransom to his supporting Puntland authorities. Conversely, the more repressive posture of Somaliland would explain the absence of pirates along its coasts. Pirates are reportedly well integrated in and supported by their local community whatever the size and organization of the gang85. They use to share ransoms between their sponsors and the supporting ground militia with the local community.86 A Significant Real but Limited Economic Cost An driving factor in the development of piracy is the perspective of easy gain. The ships, either belonging to the World Food Program, attacked from 2005, or the commercial ones, have a limited crew and are not well defended. Moreover, most companies prefer to negotiate a settlement with pirates to free the crew, the boat, and its load87. In 2008, it is estimated that the ransom paid by the ship owners yielded between $30 million and $150 million to pirates.88 Moreover, piracy has caused insurance premiums, rise sharply, from $500 per transit in 2007 to $20,000 in 2008. With 20,000 ships transiting through the Gulf of Aden, the total cost amounts to about $400 million.89 Defense measures such as security guards and deterrence devices cost about $ 80- 90,000 per transit.90 Re-routing the traffic through the Cape of Good Hope is not considered a viable option as it would cost ship owners billions of dollars91 and would worsen the economic situation of Egypt. There is no question that piracy has led to additional costs that can not be dismissed. Nevertheless, it is important to note that around 23,000 ships pass the GoA per year with 100 to 150 of them transiting at any given time92, meaning that pirate activities take 0.2 percent of total traffic per year. Thus, current piracy activities do not yet threaten closure of the sea lines of communication or vital national economic interests. A Complex Relationship between Pirates and Militant Groups Relations between local militant groups, notably Al Shahab, and pirate networks are complex. Many observers believe there is no credible evidence of cooperation between these actors who belong to separate clans. Moreover, the Union of Islamic Courts (UIC) which had been toppled by Ethiopian forces in 2007, declared piracy contrary to Islam and has repressed it." Nevertheless, the more pragmatic issue of access to resources, according to some well-informed sources, may lead pirates and militants to some degree of cooperation: Al Shabab takes benefit from the money obtained by pirates and provide them with some support. One risk of this cooperation is to see some hijacked sailors "transferred" to militant groups as hostages. Other experts point out that terrorists could use the same hijacking tactics as pirates use, but with far more lethal outcomes.9\* The same competition for resources may eventually result in confrontation, as the control of the ports and the transiting flows of goods represent a major stake for local powerbrokers. In May 2010, pirates were threatened by Hizbul Islam militants and evacuated the Haradhere port, themselves driven off of Kismayo port by Al Shabab. A militant spokesman justified the move by the need to suppress anti-Islamic piracy, but also by recent pirate actions which disrupted the traffic of Indian dhows." These boats are used to export goods in some Somali ports before being taxed by militants, while sometimes being hijacked by pirates who use them temporarily as mother-ships. Increasing Commitment of Naval Forces Led by Europe and the United States A Wide Political Consensus to Deal with Piracy One of the most important issues in the struggle against piracy is the constraining political and legal framework. For example, in order to elude the maneuver of coalition warships chasing them, Somali pirates used to take benefit from the 12-mile strip of the territorial sea, which is under the sole sovereign control of the nation under the United Nations Convention on the Law of the Sea (UNCLOS) and the Montego Bay Convention of 1982. The United Nations Security Council therefore issued in 2008, at the call of the IMO, a series of resolutions under chapter VII of the Charter with the support of the Somali TFG96. At the political level, and pursuant to UNSCR 1851, stakeholders established a Contact Grotrp-oii— Piracy off the Coast of Somalia [CGPCS) on January 14,2009 "to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia"". Its working groups manage all the issues related to piracy: 1. Military and Operational Coordination, Information Sharing, and Capacity Building, led by the UK; 2. Judicial Issues, led by Denmark; 3. Strengthening Shipping Self-Awareness and Other Capabilities, led by the U.S.; and 4. Public Information, led by Egypt. At the regional level, at the initiative of the IMO, all the African and Arabian coastal countries of the Indian Ocean agreed at Djibouti in January 2009 on a code of conduct (named "Djibouti Code of conduct") to fight against piracy and to create regional coordination and information sharing mechanisms.\*1 This agreement is based on the model of the Regional Cooperation Agreement on Combating Piracy and Armed Robber)' against Ships in Asia (ReCAAP), which has been instrumental in suppressing piracy in the Malacca Strait. A Strong Naval Deployment with EU, NATO, and U.S. Pillars Until 2008, a limited number of naval assets operated in the area on national tasking or within the Combined Task Force (CTF)-150, established by U.S. Naval Forces Central Command (USNAVCENT) since February 2002 as a part of Operation Enduring Freedom, to execute counter-terrorism and maritime security operations". From 2007 onward, they were increasingly involved in the prevention of pirate attacks on commercial ships transiting through GoA and the escort of the boats shipping aid of the World Food Program from Mombassa to Mogadishu.100 Within a few months, the naval deployments dedicated to counter piracy were expanded considerably: The largest counter-piracy's force in the area is now the European naval force (EU-NAVFOR) or TF 465. It carries out Operation Atalata101 approved in November 2008 by the European Union Council and expanded in June 2010 until December 2012. Its mission is to "provide protection for vessels chartered by the WFP; [...] for merchant vessels; and employ the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where they are present."102 Atalanta is under the operational command of Major General Buster Howes (UK), the Operational Headquarters (OHQ) being located at Northwood. The Force Commander at sea changes every 4 months. The size of the TF 465 may reach ten combatant and supporting ships at one time. It also includes 3 to 5 maritime patrol aircraft. ■ The Combined Maritime Force established in January 2009 as a multi-national naval partnership to promote regional stability and security, now oversees CTF-150, as well as a new CTF-151, which deals specifically with counter-piracy, and CTF-152, which supports security and cooperation in the Arabian Gulf. U.S. Vice Admiral William Gortney, CMF commander, explained that "Some navies in [CTF-150] did not have the authority to conduct counter-piracy missions""". CTF-151 is composed of 3 to 5 warships. Its command rotates between coalition participants. • NATO is also involved in counter-piracy activities. The 2 Standing NATO Maritime Groups (SNMG) executed two short term operations in 2008, before EU involvement. The NATO presence became permanent with Operation Ocean Shield, launched by the North Atlantic Council on 17 August 2009 and which will continue until December 2012.104 Ocean Shield is under the responsibility of the JFC (Joint Force Command) Lisbon and under tactical control of Allied Maritime Component Command (CC-Mar), based at Northwood, UK. The deployed SNMG forms the TF 508 and typically comprises 4-5 frigates.105 ■ Finally, many naval units from many other countries including Malaysia, Russia, China, and India rushed into the area to participate in the counter-piracy operations. Western militaries also have national task forces in the region. On the whole, the deployment of naval forces dedicated, either totally or partially to counter-piracy operations, may reach more than 30 warships at one time, consisting mainly of destroyers, frigates, corvettes, and amphibious ships as well as about 10 maritime patrol aircraft and some other surveillance assets such as unmanned aerial vehicles.106 Moreover, many countries had formally deployed security teams aboard their national fishing, WFP or merchant ships. The operational strategy followed by the international military forces is twofold: ■ In the GoA, naval forces patrol, escort ships and exert a deterrent presence. These operations are defensive. CMF established in August 2008 a Maritime Security Patrol Area, complemented in 2009 by an Internationally Recommended Transit Corridor (IRTC) for merchant vessels. "The aim is to deliver military response to a piracy attack in IRTC within 30 minutes"™. Escort missions are either performed within IRTC through pre-assigned boxes (most EU, NATO or CMF ships), or outside IRTC as performed by several nationally-tasked ships, which is less efficient; ■ In the Somali Basin, the naval forces are "intended to identify and suppress pirate activity."'m These disruption operations are more intelligence-driven and "offensive" in nature. Conversely, civilian ships are not escorted and must thwart aggression themselves. Some intelligence-surveillance and reconnaissance (ISR) assets monitor the Somali coast and a half dozen combat ships in the high seas intercept potential pirate skiffs for investigation. Other ISR assets are used for broader surveillance of the Indian Ocean as pirates expand their area of operations. All these forces are de-conflicted through the Shared Awareness and Deconfiiction (SHADE) staff-level meetings held on a monthly basis at Bahrain by CMF and chaired alternatively by CMF, EU-NAVFOR, and NATO.10\* Participating countries share information, offer their capabilities and arrange for patrol slots within the IRTC and other operations"0. China and India were also increasingly involved in this mechanism.1" Coordination between the military forces and civilian shipping entities (World Food Programme (WFP) fishers, ship owners, insurance, etc.), is broadly managed by the CGPCS working group 3, as well as by several other organizations: the EU-led Maritime Security Center Horn of Africa (MSCHOA) established at Northwood with the launch of Atalanta"2, the NATO Shipping Center1", and the UK Maritime Trade Operations (UKMTO)IN. These structures are intended to maintain a comprehensive picture of maritime traffic, to report incidents, to disseminate best practices for navigation in this area, to dissuade attacks, and to facilitate the sharing of all relevant information. EU and U.S. Also Pivotal to Implement a Comprehensive Approach toward Somalia This naval deployment is supposed to be integrated within the so-called "comprehensive approach" to the much larger issues related to the situation in Somalia, including: regional stability, development, or the fight against terrorism. The UN, EU, U.S. and UK are engaged, in cooperation with countries in the region, notably Ethiopia and Uganda, in a broad range of programs focused on the building of the security sector institutions of TFG, as well as economic development. Since 2007 the African Union maintains the AMISOM {African Union Mission in Somalia), an 8,000-strong peacekeeping force. The EU has already pledged more than €100 million to support AMISON."5 The U.S. pledged nearly S350 million over the 2009-2010 period but administration requests for 2011 have decreased to S53 million."6 The EU Commission committed another €215.4 million for development aid through the European Development Fund for the period 2008 to 2013. The U.S. has pledged around $30 million per year through such programs as Economic Support Funds (for governance and reconciliation) and other ones for health and more recently economic growth. For security sector "reform", the EU also pledged €43 million to support the UNDP Rule of Law program mainly responsible for police training and launched a new mission (EUTM Somalia) in April to complement this effort. The main regional supporter of this initiative for police training is Uganda. The U.S. seems to be more focused on the building of national security agencies. Ethiopia focuses on the training of military capabilities and the UK on immigration and intelligence elements.

#### Unchecked piracy will wreck the global economy

Edwards 09 (Michael, South Asia correspondent, 4-15-09, "Piracy could bring maritime trade to its knees: experts" ABC News) www.abc.net.au/news/2009-04-15/piracy-could-bring-maritime-trade-to-its-knees/1651268

Piracy could bring maritime trade to its knees: experts Maritime experts say shipping will only get slower and more expensive unless something is done to stop the threat of Somali pirates. As details continue to emerge about the dramatic rescue of the American ship Captain Richard Phillips, more questions are being asked about the impact of piracy on shipping routes. This comes as Somali pirates raised the stakes this morning, seizing two more ships and throwing down the gauntlet to tough-talking US President Barack Obama. To get an idea of the piracy situation off the horn of Africa, look at ABC News Online's interactive map. The problem has already sent insurance rates up and more ships are opting to take the slower route around South Africa instead of through the Suez Canal. Australia's shipping industry says it will have an adverse effect on the world economy as trade slows down. Friends and colleagues of Captain Richard Phillips are still dealing with his dramatic rescue at the hands of US Navy Seal marksmen. Shane Murphy is Captain Phillips's chief mate onboard the Maersk Alabama. "I just got off the phone with our captain, Richard Phillips for the first time, and it was an extremely emotional experience for all of us to actually hear his voice and hear the condition he was in," he said. "He is absolutely elated and he couldn't be prouder of us for doing what he trained us to do. And that's really, when the story unfolds you'll see that's really all we did. "We did everything that we were trained to do. And we have the captain; ultimately everybody you see here before you today has the Captain, Captain Phillips, to thank for their lives and their freedom." But despite the US Navy's victory this time, experts say the threat posed by Somali pirates is as strong as ever. John Burnett is an expert on international piracy, and he told Radio National's breakfast program that poverty drives many young Somali men to become pirates. "These kids, the young men, if they're lucky will earn probably even less than $30 a month. So when they become a pirate they will earn something in the hundreds of thousands and that's a hell of a lot more profitable and less risky than pulling up a half empty fishing net," he said. And the toll extracted by the pirates is increasing. There's the cost of ships out of commission as well as ransoms to free crews and extra security measures. Add to that rising insurance premiums and higher labour costs for crews travelling in the area. And there are extra costs for shipping companies which are choosing to avoid the area. Llew Russell is the chief executive of Shipping Australia, the peak body for Australia's shipping industry. "We're most concerned about the increase in piracy that's been occurring particularly over the last few weeks," he said. "With the winter monsoons declining over there we're finding a big upsurge in piracy and we feel it will encourage more people to go around the Cape, which is much longer, consumes more fuel and is more costly." Mr Russell says going to or from Europe around South Africa adds at least 10 to 14 days to an ocean voyage. He says many shipping companies are being forced to pay for specialised equipment to thwart attacks. "A ship thwarted an attack a week or so ago by putting barbed wire right around it. I mean, they're trailing nets out behind the ship to foul the propellers of their little speed boats and so on that they use. All these techniques are being used to try to thwart the attacks," he said. Mr Russell says if nothing is done it's the world's economy which will suffer. "I think it'll impact on world trade because you not only have Somalia, you have other countries looking at what Somalia's doing," he said.

#### Economic decline causes nuclear war

Harris and Burrows 9

(Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

#### Piracy causes massive oil spills in sensitive ecosystems

Middleton 08 (Roger, consultant on the Chatham House Africa Programme, October 2008, “Piracy in Somalia: Threatening global trade, feeding local wars” Chatnam House) http://www.chathamhouse.org/sites/default/files/public/Research/Africa/1008piracysomalia.pdf

Potential environmental catastrophe Large oil tankers pass through the Gulf of Aden and the danger exists that a pirate attack could cause a major oil spill in what is a very sensitive and important ecosystem. During the attack on the Takayama the ship's fuel tanks were penetrated and oil spilled into the sea. The consequences of a more sustained attack could be much worse. As pirates become bolder and use ever more powerful weaponry a tanker could be set on fire, sunk or forced ashore, any of which could result in an environmental catastrophe that would devastate marine and bird life for years to come. The pirates' aim is to extort ransom payments and to date that has been their main focus; however, the possibility that they could destroy shipping is very real.

#### Ecosystem preservation is key to survival—there’s an invisible threshold and it is irreversible

Diner 94 (Major David N., Judge Advocate General's Corps – United States Army, “The Army and The Endangered Species Act: Who's Endangering Whom?”, Military Law Review, Winter, 143 Mil. L. Rev. 161, Lexis)

The prime reason is the world's survival. Like all animal life, humans live off of other species. At some point, the number of species could decline to the point at which the ecosystem fails, and then humans also would become extinct. No one knows how many [\*171] species the world needs to support human life, and to find out -- byallowing certain species to become extinct -- would not be sound policy. In addition to food, species offer many direct and indirect benefits to mankind. 68 2.Ecological Value. -- Ecological value is the value that species have in maintaining the environment. Pest, 69 erosion, and flood control are prime benefits certain species provide to man. Plants and animals also provide additional ecological services-- pollution control, 70 oxygen production, sewage treatment, and biodegradation. 71 3.Scientific and Utilitarian Value. -- Scientific value is the use of species for research into the physical processes of the world. 72 Without plants and animals, a large portion of basic scientific research would be impossible. Utilitarian value is the direct utility humans draw from plants and animals. 73 Only a fraction of the [\*172] earth's species have been examined, and mankind may someday desperately need the species that it is exterminating today. To accept that the snail darter, harelip sucker, or Dismal Swamp southeastern shrew 74 could save mankind may be difficult for some. Many, if not most, species are useless to man in a direct utilitarian sense. Nonetheless, they may be critical in an indirect role, because their extirpations could affect a directly useful species negatively. In a closely interconnected ecosystem, the loss of a species affects other species dependent on it. 75 Moreover, as the number of species decline, the effect of each new extinction on the remaining species increases dramatically.76 4.Biological Diversity. -- The main premise of species preservation is that diversity is better than simplicity. 77 As the current mass extinction has progressed, the world's biological diversity generally has decreased. This trend occurs within ecosystems by reducing the number of species, and within species by reducing the number of individuals. Both trends carry serious future implications. 78 [\*173] Biologically diverse ecosystems are characterized by a large number of specialist species, filling narrow ecological niches. These ecosystems inherently are more stable than less diverse systems. "The more complex the ecosystem, the more successfully it can resist a stress. . . . [l]ike a net, in which each knot is connected to others by several strands, such a fabric can resist collapse better than a simple, unbranched circle of threads -- which if cut anywhere breaks down as a whole." 79 By causing widespread extinctions, humans have artificially simplified many ecosystems. As biologic simplicity increases, so does the risk of ecosystem failure. The spreading Sahara Desert in Africa, and the dustbowl conditions of the 1930s in the United States are relatively mild examples of what might be expected if this trend continues. Theoretically, each new animal or plant extinction, with all its dimly perceived and intertwined affects, could cause total ecosystem collapse and human extinction. Each new extinction increases the risk of disaster. Like a mechanic removing, one by one, the rivets from an aircraft's wings, n80 mankind may be edging closer to the abyss.

# \*\*2ac\*\*

### Heg: A2 “Alt Cause—Drones”

#### Obama decreasing drone strikes now

LA Times 13 (5-23-13, "Obama puts restrictions on drone program" LA Times) articles.latimes.com/2013/may/23/world/la-fg-obama-drones-20130524

WASHINGTON — Reining back the aggressive counter-terrorism strategy he has embraced for five years, President Obama declared clear, public restrictions for the first time on using un~~manned~~ [staffed] aircraft to kill terrorists, a shift likely to significantly reduce U.S. drone strikes in Pakistan and elsewhere.

### XO CP: 2AC

#### Multiple congressional restrictions block—only court action solves

Rosenberg 12 (Carol, 1-9-12, "Congress, rules keep Obama from closing Guantanamo Bay" The Miami Herald) www.mcclatchydc.com/2012/01/09/135179/congress-rule-keep-obama-from.html#.UjXQNcasiSo

The last two prisoners to leave the U.S. detention center at Guantánamo Bay were dead. On February 1, Awal Gul, a 48-year-old Afghan, collapsed in the shower and died of an apparent heart attack after working out on an exercise machine. Then, at dawn one morning in May, Haji Nassim, a 37-year-old man also from Afghanistan, was found hanging from bed linen in a prison camp recreation yard. In both cases, the Pentagon conducted swift autopsies and the U.S. military sent the bodies back to Afghanistan for traditional Muslim burials. These voyages were something the Pentagon had not planned for either man: Each was an “indefinite detainee,” categorized by the Obama administration’s 2009 Guantánamo Review Task Force as someone against whom the United States had no evidence to convict of a war crime but had concluded was too dangerous to let go. Today, this category of detainees makes up 46 of the last 171 captives held at Guantánamo. The only guaranteed route out of Guantánamo these days for a detainee, it seems, is in a body bag. The responsibility lies not so much with the White House but with Congress, which has thwarted President Barack Obama’s plans to close the detention center, which the Bush administration opened on Jan. 11, 2002, with 20 captives. Congress has used its spending oversight authority both to forbid the White House from financing trials of Guantánamo captives on U.S. soil and to block the acquisition of a state prison in Illinois to hold captives currently held in Cuba who would not be put on trial — a sort of Guantánamo North. The latest defense bill adopted by Congress moved to mandate military detention for most future al Qaida cases. The White House withdrew a veto threat on the eve of passage, and then Obama signed it into law with a “signing statement” that suggested he could lawfully ignore it. On paper, at least, the Obama administration would be set to release almost half the current captives at Guantánamo. The 2009 Task Force Review concluded that about 80 of the 171 detainees now held at Guantánamo could be let go if their home country was stable enough to help resettle them or if a foreign country could safely give them a new start. But Congress has made it nearly impossible to transfer captives anywhere. Legislation passed since Obama took office has created a series of roadblocks that mean that only a federal court order or a national security waiver issued by Secretary of Defense Leon Panetta could trump Congress and permit the release of a detainee to another country.

#### Bureaucracy prevents implementation of an executive order

Rosenberg 12 (Carol, 1-9-12, "Congress, rules keep Obama from closing Guantanamo Bay" The Miami Herald) www.mcclatchydc.com/2012/01/09/135179/congress-rule-keep-obama-from.html#.UjXQNcasiSo

Lastly, Obama’s executive order to close Guantánamo was undone by the burdensome bureaucracy of the task force, which sought to sort each captive’s Bush-era file. Each detainee’s case file contained competing and often contradictory assessments from the Defense Intelligence Agency, the Pentagon’s Office of Military Commissions, the Department of Justice, and myriad other offices, bogging down the review process. Time ran out before the task force could settle on a master plan to move the detainees out of Guantánamo in time for Obama’s one-year deadline. Now it’s the war court — the military commissions that the Bush administration created to hear war crimes cases at Guantánamo, which were reformed by Obama through legislation — or nothing. And only two cases, both proposing military executions, are currently slated to go before the Guantánamo tribunals: those for the 9/11 attacks and for the October 2000 bombing of the U.S.S. Cole. To date, the war court has produced six convictions, four of them through guilty pleas in exchange for short sentences designed to get the detainees out of Guantánamo within a couple of years. Still, in the Kafkaesque world of military detention, neither an acquittal at the war court nor even a completed sentence guarantees that a detainee gets to leave Guantánamo. Once convicted, a captive is separated from the other detainees to serve his sentence on a different cellblock. (Four are there today, only one serving life.) Once that sentence is over, as both the Bush and Obama administrations have outlined detention policy, the convict can then be returned to the general population at Guantánamo as an “unprivileged enemy belligerent.” The doctrine has yet to be challenged. But if Ibrahim al Qosi, a 51-year-old Sudanese man convicted for working as a cook in an al Qaida compound in Kandahar, does not go home when his sentence expires this year, his lawyers are likely to turn to the civilian courts to seek a release order. Guantánamo has largely faded from public attention. There is little reason to expect it to emerge as an issue in the upcoming presidential campaign season beyond the usual finger-pointing and slogans: Obama may blame Congress for cornering him into keeping the captives at Guantánamo rather than moving them somewhere else, and his opponents will no doubt argue that, by virtue of his wanting to close the facility in the first place, Obama is soft on terrorism. (“My view is we ought to double it,” Mitt Romney said about Guantánamo in a 2007 debate.) Meanwhile, the detention center enters its 11th year on January 11. Guantánamo is arguably the most expensive prison camp on earth, with a staff of 1,850 U.S. troops and civilians managing a compound that contains 171 captives, at a cost of $800,000 a year per detainee. Of those 171 prisoners, just six are facing Pentagon tribunals that may start a year from now after pretrial hearings and discovery. Guantánamo today is the place that Obama cannot close.

**Executive orders are not enforced and will get rolled back**

Richard Wolf, citing Paul Light, professor of public service, “Obama Uses Executive Powers to Get Past Congress,” USA TODAY, 10—27—11, www.usatoday.com/news/washington/story/2011-10-26/obama-executive-orders/50942170/1, accessed 7-18-12.

On all three initiatives, Obama used his executive authority rather than seeking legislation. That limited the scope of his actions, but it enabled him to blow by his Republican critics. "It's the executive branch flexing its muscles," presidential historian and author Douglas Brinkley says. "President Obama's showing, 'I've still got a lot of cards up my sleeve.'" The cards aren't exactly aces, however. Unlike acts of Congress, executive actions cannot appropriate money. And they **can be wiped off the books** by courts, Congress or the next president. Thus it was that on the day after Obama was inaugurated, he revoked one of George W. Bush's executive orders limiting access to presidential records. On the very next day, Obama signed an executive order calling for the Guantanamo Bay military detention facility in Cuba to be closed within a year. **It remains open** today. Harry Truman's federal seizure of steel mills was invalidated by the Supreme Court. George H.W. Bush's establishment of a limited fetal tissue bank was blocked by Congress. Bill Clinton's five-year ban on senior staff lobbying former colleagues was lifted eight years later — by Clinton. "**Even presidents sometimes reverse themselves**," says Paul Light, a professor of public service at New York University. "Generally speaking, it's more symbolic than substantive."

**Waivers fail—slow, subject to Congress, only helps some of the detainees**

**Schanzer 13** (David, 5-24-13, "Obama Makes The Case, But Has No Realistic Plan To Close GITMO" Sanford School of Public Policy) news.sanford.duke.edu/news-type/commentary/2013/obama-makes-case-has-no-realistic-plan-close-gitmo

First, there are the 86 individuals who have been cleared for release by our defense and intelligence agencies. Critics of the administration correctly point out that this is the one area where Obama can take unilateral action to reduce the GITMO population, as **Congress has left a narrow window for the president to transfer prisoners** abroad **through national security waivers.** With the announcement that transfers will now be allowed to Yemen – home to a large cohort of detainees – removals from GITMO could start up again after a hiatus of almost two years. **But** Obama suggested that **the national security waiver process would be a halting, case-by-case review, which would have to meet the exacting standard set forth by Congress.** Yemen may be able to handle some detainees – but the United States is not likely to release dozens of them to Yemen’s custody very quickly given the fragile security situation there and the country’s checkered record on keeping militants behind bars. **Those hoping for a rapid releases based on the national security waiver process are going to be disappointed.**

**Executive doesn’t solve perception**

Ashley **Deeks**, Academic Fellow at Columbia Law School and senior contributor to Lawfare, “Promises Not to Torture: Diplomatic Assurances in U.S. Courts”, The American Society of International Law, 20**08**, http://www.asil.org/files/ASIL-08-DiscussionPaper.pdf (BJN)

**Human rights groups** have been the most vocal opponents of assurances, and **often represent in court individuals who are contesting their transfers by the U.S. government. Many groups** have called for a total ban, while others **have sought more stringent monitoring mechanisms to give teeth to the assurances**.222 **Critics claim that current practice shrouds the assurances in a veil of secrecy**. At the same time, **the fact that only the Executive Branch reviews the assurances leads these critics to conclude that the decision-maker has a vested interest in concluding that the assurances are reliable**. In part **because the Executive Branch faces widespread criticism over issues related to detention**, Guantanamo, and torture, **a unilateral reliance by the Executive Branch on assurances** (which the public associates with all three issues) **is viewed with similar skepticism**. **The criticisms may have gained additional traction in the public’s mind because the U.S. government has not responded** directly **to these criticisms**.

**Long timeframe for waivers**

**The Economist 13** (5-4-13, "The oubliette" The Economist) www.economist.com/news/united-states/21577061-desperate-protest-prisoners-guant-namo-has-shamed-barack-obama-oubliette

Mr Warner says that if, with the president’s views and legal background, Mr Obama “can’t get this done, I don’t know who could.” It is hard to see a future presidential candidate matching his troublesome pledge to shut the prison. And **for** Mr **Obama** as well, **time is running out. Even if he chose to use his waiver powers, and leant on other governments to accept detainees, the diplomacy, including gathering** the **necessary assurances on security and humane treatment, would take time.**

### The Add-Ons

**Pakistan's judicial independence is threatened now**

Shabbir Ahmad **Khan**, PhD Scholar, West Virginia University, "Judicial Independence," EXPRESS TRIBUNE, 12--24--**12**, http://tribune.com.pk/story/483823/judicial-independence/

As far as the decisional independence of a judge is concerned, the judiciary as an independent institution also ensures individual independence. However, it is not true that judges make decisions in isolation. Lee Epstein and Jack Knight in their book, The Choices Justices Make (1998) and Lawrence Baum, in Judges and Their Audiences: A Perspective on Judicial Behaviour (2006) focus on the issue of how individual judges make their decisions. According to them, judges are human beings and they seek respect, popularity, approbation and approval from those around them including colleagues, lawyers, policy groups, media, branches of government and the public. Baum also challenges the prevailing conventional wisdom theory in judicial behaviour that judges at higher levels seek only to promote good laws and good policy. In fact, Baum’s argument is a continuation of the scholarly rejection of the traditional legal models of judicial behaviour. **In Pakistan, neither the judiciary as an institution nor the individual judges are independent.** The formation of different benches for the different cases in the superior courts and the ratio of dissenting opinions are crude examples. The jurists and scholars also make the distinction between judicial independence and judicial activism. **Independence of judiciary is the hallmark of liberal democracies**. On the other hand, our judicial process is based on arbitrary principles, from the appointment and removal of judges to the process of deciding the cases. And particularly, the absolute powers of the chief justices to grant cases to different benches. The suo-motu power of judges is another example of arbitrary nature of the court procedure. The ‘rule of four’ is applied in the US Supreme Court to grant certiorari, i.e., four justices out of a total of nine decide by vote whether or not to hear a case.

**That threatens massive instability**

Nasira **Iqbal**, retired justice, Lahore High Court, "Judicial Independence Abroad: The Struggle Continues," HUMAN RIGHTS v. 36, Winter 20**09**, www.americanbar.org/publications/human\_rights\_magazine\_home/human\_rights\_vol36\_2009/winter2009/judicial\_independence\_abroad.html

Recent encroachments on independence. The defining moment in the Supreme Court’s move toward judicial independence came on March 9, 2007, when Chief Justice Iftikhar Muhammad Chaudhry was suspended by General Pervez Musharraf on alleged charges of misuse of power when he did not oblige Musharraf and refused to resign. He had worked hard to clear the backlog of cases while simultaneously taking suo moto notice and deciding thousands of human rights cases of poor and vulnerable victims of injustice across the country. He gave judgments against the excesses of public functionaries regardless of the consequences. In the Pakistan Steel Mills case, he declared that the Cabinet Committee on Privatization, headed by the prime minister, grossly violated the law in selling the mills. While pursuing the case of so-called “missing persons,” he held the government responsible and observed that it was the duty of the state to protect people’s lives and to ensure their safety. He also canceled, as harmful to the environment, the New Murree Project and other urban development schemes undertaken by the government to benefit various members of the power elite. Thousands of lawyers, citizens, and the media rallied to his support. Lawyers took to the streets in peaceful processions and boycotted the courts. Ultimately, Chaudhry was reinstated by the judgment of a fifteen-member bench of the Supreme Court on July 20 of that year. On November 3, however, Musharraf preempted an impending court decision against his reelection and invoked emergency powers, suspending the constitution. Under his directions, the chief justice and seven other judges were arrested. Musharraf replaced Chaudhry with Justice Abdul Hameed Dogar. Dogar promptly obliged by declaring Musharraf validly elected as president and by declaring valid Musharraf’s National Reconciliation Ordinance, which provided immunity from prosecution to numerous corrupt public functionaries. Martial law was lifted and a considerably disfigured version of the constitution was restored on December 15. General elections were held in February 2008. On March 24, the newly elected government released Chaudhry, his colleagues, and his family from incarceration. Musharraf resigned under pressure on August 18. Asif Ali Zardari, who promised to restore Chaudhry to office, was elected president on September 6, but the restoration of the judiciary to its pre-November 3, 2007, position has still not come to pass. Those who have benefited from the judgments of a pliant judiciary, particularly by the validation of the dubious National Reconciliation Ordinance, are not eager to accept an independent judiciary. However, **the lawyers’ movement and the proactive media have forced average citizens to realize that good governance, economic and social justice, peace, stability, freedom from terror, and credibility in the comity of nations cannot be achieved without an independent judiciary. The future destiny of Pakistan will be determined by** the elected representatives **of the people. Rule of law must be upheld by an independent, impartial judiciary. The alternative is a descent into chaos.**

**Global nuclear war**

William **Pitt**, NYT best selling author on international affairs, "Unstable Pakistan Threatens the World," ARAB AMERICAN NEWS, 5--8--**09**, www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183

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But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all.**Pakistan is now trembling on the edge of violent chaos,** and is doing so **with nuclear weapons** in its hip pocket,right in the middle of one of the most dangerous neighborhoods in the world**.**The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that **Pakistan**, and **India, and Russia, and China all possess nuclear weapons** and share the same space means any ongoing or **escalating violence** over there **has** the **real potential to crack open the very gates of Hell** itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools.About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believedPakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spinesof those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario**. If Pakistani militants** ever succeed in **toppl**ing **the government**, several very dangerous events could happen at once. **Nuclear-armed India** could **be galvanized into military action** of some kind,**as could** nuclear-armed **China or** nuclear-armed **Russia.** If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured,the specter (or reality) o**f** loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster.We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely serious about addressing the situation. So should we all.

#### 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

### Legit Addon

**US legitimacy has been severely damaged by detention—plan is key to reverse negative perceptions**

Randall 10 (Diane, executive secretary of the Friends Committee on National Legislation, 7-18-10, "America must be better than Guantanamo" Washington Post) www.washingtonpost.com/blogs/on-faith/wp/2013/07/18/america-must-be-better-than-guantanamo/

If President Barack Obama and the U.S. Congress want to act immediately to bolster the flagging faith among the international community and among much-needed allies in the Arab World, there is one policy lever that could help: Guantanamo Bay. Speaking as the head of a Quaker faith lobby in Washington DC, and as someone who just returned, this month, from the protested and politically active streets of Istanbul, I can attest to the urgency of this moment. From Istanbul to Sana’a, from Beirut to Baghdad, and from Cairo to Kabul, the protests are becoming more common, calls for reform more frequent, and disregard for America’s role in the region more apparent. Whatever moral authority America once commanded continues to wither as we violate our country’s cherished values of human rights and the rule of law with the continued operation of Guantanamo. There, at Guantanamo, 166 detainees live in captivity; over 80 of those men have been on a hunger strike, many being force-fed against their will. Over half of the total detainees have been cleared of charges and await release. The world watches our government’s inaction to address this injustice. Additionally, and in violation of international law prohibitions against “cruel, inhumane and degrading treatment,” several dozen inmates who remain on hunger strike are being force fed. After being physically immobilized, a two-foot long nasal tube is lodged into their bodies. The process ruptures the protective lining of their throats and stomachs and ruptures any sense of dignity, causing injury to body and soul. The harm to these detainees is awful in the very action, but the fact that America — which considers itself the standard bearer for freedom and justice — is allowing this wound to fester harms our nation’s effectiveness with nations around the globe. This Pentagon malpractice is fueling, quite fast and furiously, anti-American sentiment abroad. And while Sens. Diane Feinstein (D-CA) and Richard Durbin (D-IL) have called for the Pentagon to end force feedings and implement the same prisoner protections currently in place at federal prisons, the world isn’t seeing the nuance among America’s leadership. Beyond the absolute illegality and the severe human rights implications here, the message America is sending to leaders in Yemen, Sudan, Egypt, Pakistan, Afghanistan, Syria, and Libya is one that encourages the contravening of the rule of law, criminal justice, and due process in a court.

**Legitimacy is crucial to sustainable and effective US hegemony—judicial review is key**

**Knowles 9** [Spring, 2009, Robert Knowles is a Acting Assistant Professor, New York University School of Law, “American Hegemony and the Foreign Affairs Constitution”, ARIZONA STATE LAW JOURNAL, 41 Ariz. St. L.J. 87]

**American unipolarity has created a challenge for realists. Unipolarity was thought to be inherently unstable because other nations, seeking to protect their own security**, form alliances to counter-balance the leading state. n322 **But no nation or group of nations has yet attempted to challenge America's military predominance**. n323 Although some realists predict that [\*140] counter-balancing will occur or is already in some ways occurring, n324 William Wohlforth has offered a compelling explanation for why true counter-balancing, in the traditional realist sense, will probably not happen for decades. n325 American unipolarity is unprecedented. n326 First, **the United States is geographically isolated from other potential rivals**, who are located near one another in Eurasia. n327 **This mutes the security threat that the U.S. seems to pose while increasing the threats that potential rivals seem to pose to one another**. n328 Second, **the U.S. far exceeds the capabilities of all other states in every aspect of power** - military, economic, technological, and in terms of what is known as "soft power." **This advantage "is larger now than any analogous gap in the history of the modern state system."** n329 Third, **unipolarity is entrenched as the status quo** for the first time since the seventeenth century, multiplying free rider problems for potential rivals and rendering less relevant all modern previous experience with balancing. n330 Finally, the potential rivals' possession of nuclear weapons makes the concentration of power in the United States appear less threatening. A war between great powers in today's world is very unlikely. n331 These factors make the current system much more stable, peaceful and durable than the past multi-polar and bipolar systems in which the United States operated for all of its history until 1991. **The lack of balancing means that the U**nited **S**tates, **and by extension the executive branch, faces** much **weaker external constraints on its exercise of power** than in the past. n332 Therefore, **the internal processes of the U.S. matter now more than any other nations' have in history**. n333 And **it is these internal processes**, as much as external developments, **that will determine the durability of American unipolarity. As one realist scholar has argued, the U.S. can best ensure the [\*141] stability of this unipolar order by ensuring that its predominance appears legitimate**. n334 **Hegemonic orders take on hierarchical characteristics**, with the preeminent power having denser political ties with other nations than in a unipolar order. n335 **Stability in hegemonic orders is maintained in part through security guarantees and trade relationships that result in economic specialization** among nations. n336 For example, if Nation X's security is supplied by Hegemon Y, Nation X can de-emphasize military power and focus on economic power. In a hegemonic system, **the preeminent state has "the power to shape the rules of international politics according to its own interests."** n337 **The hegemon**, in return, **provides public goods for the system as a whole**. n338 **The hegemon possesses** not only superior command of military and economic resources but "**soft" power, the ability to guide other states' preferences and interests.** n339 **The durability and stability of hegemonic orders depends on other states' acceptance of the hegemon's role. The hegemon's leadership must be seen as legitimate.** n340 [\*142] **The U**nited **S**tates **qualifies as a global hegemon**. In many ways, **the U.S. acts as a world government**. n341 **It provides public goods for the world**, such as security guarantees, the protection of sea lanes, and support for open markets. n342 After World War II, the U.S. forged a system of military alliances and transnational economic and political institutions - such as the United Nations, NATO, the International Monetary Fund, and the World Bank - that remain in place today. The U.S. provides security for allies such as Japan and Germany by maintaining a strong military presence in Asia and Europe. n343 Because of its overwhelming military might, the U.S. possesses what amounts to a "quasi-monopoly" on the use of force. n344 This prevents other nations from launching wars that would tend to be truly destabilizing. Similarly, **the United States provides a public good through its efforts to combat terrorism** and confront - even through regime change - rogue states. n345 **The U**nited **S**tates also **provides a public good through its promulgation and enforcement of international norms. It exercises a dominant influence on the definition of international law because it is the largest "consumer" of such law and the only nation capable of enforcing it on a global scale.** n346 The U.S. was the primary driver behind the establishment of the United Nations system and the development of contemporary treaties and institutional regimes to effectuate those treaties in both public and private international law. n347

Moreover, **controlling international norms are** [\*143] sometimes **embodied in the U.S. Constitution and domestic law rather than in treaties or customary international law.** For example, **whether terrorist threats will be countered effectively depends "in large part on U.S. law regarding armed conflict, from rules that define the circumstances under which the President can use force to those that define the proper treatment of enemy combatants.**" n348 **These public goods provided by the United States stabilize the system by legitimizing it and decreasing resistance to it.** **The transnational** political and economic **institutions created by the U**nited **S**tates **provide other countries with informal access to policymaking and tend to reduce resistance to American hegemony, encouraging others to "bandwagon"** with the U.S. rather than seek to create alternative centers of power. n349 American hegemony also coincided with the rise of globalization - the increasing integration and standardization of markets and cultures - which tends to stabilize the global system and reduce conflict. n350 **The legitimacy of American hegemony is strengthened and sustained by the democratic and accessible nature of the U.S. government. The American constitutional separation of powers is an international public good. The risk that it will hinder the ability of the U.S. to act swiftly, coherently or decisively** in foreign affairs **is counter-balanced by the benefits it provides in permitting foreigners multiple points of access to the government**. n351 Foreign nations and citizens lobby Congress and executive branch agencies in the State, Treasury, Defense, and Commerce Departments, where foreign policy is made. n352 They use the media to broadcast their point of view in an effort to influence the opinion of decision-makers. n353 Because the United States is a nation of immigrants, many American citizens have a specific interest in the fates of particular countries and form "ethnic lobbies" for the purpose of affecting foreign policy. n354 **The courts,** too, **are accessible to foreign nations and non-citizens. The Alien Tort Statute is emerging as an** [\*144] **important vehicle for adjudicating tort claims among non-citizens in U.S. courts.** n355 Empires are more complex than unipolar or hegemonic systems. Empires consist of a "rimless-hub-and-spoke structure," with an imperial core - the preeminent state - ruling the periphery through intermediaries. n356 The core institutionalizes its control through distinct, asymmetrical bargains (heterogeneous contracting) with each part of the periphery. n357 Ties among peripheries (the spokes) are thin, creating firewalls against the spread of resistance to imperial rule from one part of the empire to the other. n358 The success of imperial governance depends on the lack of a "rim." n359 Stability in imperial orders is maintained through "divide and rule," preventing the formation of countervailing alliances in the periphery by exploiting differences among potential challengers. n360 Divide-and-rule strategies include using resources from one part of the empire against challengers in another part and multi-vocal communication - legitimating imperial rule by signaling "different identities ... to different audiences." n361 Although the U.S. has often been labeled an empire, the term applies only in limited respects and in certain situations. Many foreign relations scholars question the comparison. n362 However, the U.S. does exercise informal imperial rule when it has routine and consistent influence over the foreign policies of other nations, who risk losing "crucial military, economic, or political support" if they refuse to comply. n363 The "Status of Force Agreements" ("SOFAs") that govern legal rights and responsibilities of U.S. military personnel and others on U.S. bases throughout the world are typically one-sided. n364 And the U.S. occupations in Iraq and Afghanistan had a strong imperial dynamic because those regimes depended on American support. n365 [\*145] But the management of empire is increasingly difficult in the era of globalization. Heterogeneous contracting and divide-and-rule strategies tend to fail when peripheries can communicate with one another. The U.S. is less able control "the flow of information ... about its bargains and activities around the world." n366 In late 2008, negotiations on the Status of Force Agreement between the U.S. and Iraq were the subject of intense media scrutiny and became an issue in the presidential campaign. n367 Another classic imperial tactic - the use of brutal, overwhelming force to eliminate resistance to imperial rule - is also unlikely to be effective today. The success of counterinsurgency operations depends on winning a battle of ideas, and collateral damage is used by violent extremists, through the Internet and satellite media, to "create widespread sympathy for their cause." n368 The abuses at Abu Ghraib, once public, harmed America's "brand" and diminished support for U.S. policy abroad. n369 Imperial rule, like hegemony, depends on maintaining legitimacy.B. Constructing a Hegemonic Model International relations scholars are still struggling to define the current era. The U.S.-led international order is unipolar, hegemonic, and, in some instances, imperial. In any event, this order diverges from traditional realist assumptions in important respects. It is unipolar, but stable. It is more hierarchical. The U.S. is not the same as other states; it performs unique functions in the world and has a government open and accessible to foreigners. And the stability and legitimacy of the system depends more on successful functioning of the U.S. government as a whole than it does on balancing alliances crafted by elite statesmen practicing realpolitik. "World power politics are shaped primarily not by the structure created by interstate anarchy but by the foreign policy developed in Washington." n370 These differences require a new model for assessing the institutional competences of the executive and judicial branches in foreign affairs. [\*146] One approach would be to adapt an institutional competence model using insights from a major alternative theory of international relations - liberalism. Liberal IR theory generally holds that internal characteristics of states - in particular, the form of government - dictate states' behavior, and that democracies do not go to war against one another. n371 Liberalists also regard economic interdependence and international institutions as important for maintaining peace and stability in the world. n372 Dean Anne-Marie Slaughter has proposed a binary model that distinguishes between liberal, democratic states and non-democratic states. n373 Because domestic and foreign issues are "most convergent" among liberal democracies, Slaughter reasons, the courts should decide issues concerning the scope of the political branches' powers. n374 With respect to non-liberal states, the position of the U.S. is more "realist," and courts should deploy a high level of deference. n375 One strength of this binary approach is that it would tend to reduce the uncertainty in foreign affairs adjudication. Professor Nzelibe has observed that it would put courts in the difficult position of determining which countries are liberal democracies. n376 But even if courts are capable of making these determinations, they would still face the same dilemmas adjudicating controversies regarding non-liberal states. Where is the appropriate boundary between foreign affairs and domestic matters? How much discretion should be afforded the executive when individual rights and accountability values are at stake? To resolve these dilemmas, an institutional competence model should be applicable to foreign affairs adjudication across the board. In constructing a new realist model, it is worth recalling that the functional justifications for special deference are aimed at addressing problems of a particular sort of role effectiveness - which allocation of power among the branches will best achieve general governmental effectiveness in foreign affairs. In the twenty-first century, **America's global role has changed, and the best means of achieving effectiveness in foreign affairs have changed as well. The international realm remains highly political** - if not as much as in the past - but **it is American politics that matters most.** If the U.S. is truly an empire - [\*147] and in some respects it is - the problems of imperial management will be far different from the problems of managing relations with one other great power or many great powers. Similarly, **the management of hegemony or unipolarity requires a different set of competences.** Although American predominance is recognized as a salient fact, there is no consensus among realists about the precise nature of the current international order. n377 The hegemonic model I offer here adopts common insights from the three IR frameworks - unipolar, hegemonic, and imperial - described above. First, the "hybrid" hegemonic model assumes that the goal of U.S. foreign affairs should be the preservation of American hegemony, which is more stable, more peaceful, and better for America's security and prosperity, than the alternatives. If the United States were to withdraw **from its global leadership role, no other nation would be capable of taking its place. n378 The result would be radical instability and a** greater risk of major war. n379 In addition, the United States would no longer benefit from the public goods it had formerly produced; as the largest consumer, it would suffer the most. Second, the hegemonic model assumes that **American hegemony is unusually stable and durable**. n380 As noted above, **other nations have many incentives to continue to tolerate the current order**. n381 And although other nations or groups of nations - China, the European Union, and India are often mentioned - may eventually overtake the United States in certain areas, such as manufacturing, **the U.S. will remain dominant in most measures of capability for decades.** According to 2007 estimates, the U.S. economy was projected to be twice the size of China's in 2025. n382 **The U.S. accounted for half of the world's military spending in 2007 and holds enormous advantages in defense technology that far outstrip would-be competitors. n383 Predictions of American decline are not new, and they have thus far proved premature.** n384 [\*148] Third, **the hegemonic model assumes that preservation of American hegemony depends not just on power, but legitimacy. n385 All three IR frameworks for describing predominant states - although unipolarity less than hegemony or empire - suggest that legitimacy is crucial to the stability and durability of the system.** **Although empires and predominant states in unipolar systems can conceivably maintain their position through the use of force, this is much more likely to exhaust the resources of the predominant state and to lead to counter-balancing or the loss of control. n386 Legitimacy as a method of maintaining predominance is far more efficient.** The hegemonic model generally values courts' institutional competences more than the anarchic realist model. **The courts' strengths in offering a stable interpretation of the law, relative insulation from political pressure, and power to bestow legitimacy are important for realizing the functional constitutional goal of effective U.S. foreign policy.** This means that courts' treatment of deference in foreign affairs will, in most respects, resemble its treatment of domestic affairs. Given the amorphous quality of foreign affairs deference, this "domestication" reduces uncertainty. **The increasing boundary problems caused by the proliferation of treaties and the infiltration of domestic law by foreign affairs issues are lessened by reducing the deference gap**. And **the dilemma caused by the need to weigh different functional considerations** - liberty, accountability, and effectiveness - **against one another is made less intractable because it becomes part of the same project that the courts constantly grapple with in adjudicating domestic disputes.**

**U.S. leadership is key to global stability and preventing great power wars**

Yuhan Zhang, Carnegie Endowment for International Peace, and Lin Shi, Columbia University, “America’s Decline: A Harbinger of Conflcit and Rivalry,” EAST ASIA FORUM, 1—22—11, <http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/>

This does not necessarily mean that the US is in systemic decline, but it encompasses a trend that appears to be negative and perhaps alarming. Although the US still possesses incomparable military prowess and its economy remains the world’s largest, the once seemingly indomitable chasm that separated America from anyone else is narrowing. Thus, the global distribution of power is shifting, and the inevitable result will be a world that is less peaceful, liberal and prosperous, burdened by a dearth of effective conflict regulation. Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear,many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However,asthehegemonythat drew these powers together withers,so will the pulling power behind the US alliance.The result will be aninternationalorder where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America’s emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain ‘rules the waves.’ Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere’s security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America’s influence declines? Given that America’s authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return tothe problems of the 1930s:regional blocs, trade conflicts and strategic rivalry.Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington’s withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973). A world without American hegemony is one where great power wars re-emerge, the liberal international system is supplanted by an authoritarian one, and trade protectionism devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

**Courts Solve: A2 “Rollback—Obama” 2AC**

**Obama wants the courts to take the blame**

**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.**

**Presidents yield to the court**

David M. **O'Brien**, Professor, University of Virginia, STORM CENTER: THE SUPREME COURT IN AMERICAN POLITICS, 5th Edition, **2K**, p. 372.

**The Court has** often **been the focus of presidential campaigns and power struggles**. But **Presidents seldom** openly **defy** particular **decisions by the Court.** Presidential defiance is, perhaps, symbolized by the following famous remark attributed to Andrew Jackson: "John Marshall has made his decision, now let him enforce it." Jackson's refusal to enforce the decision in Worcester v. Georgia ( 1832), which denied state courts jurisdiction over crimes committed on Indian lands, in fact simply left enforcement problems up to the courts and legislatures. During the Civil War, Lincoln ordered his military commanders to refuse to obey writs of habeas corpus issued by Chief Justice Taney. On less dramatic occasions, Presidents have also instructed their attorneys general to refuse to comply with other court orders**. In major confrontations, Presidents generally yield to the Court**. **Nixon complied with the** **ruling** in New York Times Co. v. United States, **which struck down**, as a prior restraint on freedom of the press, **an injunction against the publication of the Pentagon Papers**—a t**op-secret report detailing the history of America's involvement in Vietnam.** Then, in 1974, he submitted to the Court's decision in United States v. Nixon, ordering the release of White House tape recordings pertinent to the trial of his former Attorney General John Mitchell and other presidential assistants for conspiracy and obstruction of justice.

### Legitimacy DA: 2AC

#### Legitimacy isn’t tied to individual decisions

Ura 13 (Joseph Daniel, Ph.D. Political Science, University of North Carolina at Chapel Hill (2006). Assistant Professor Department of Political Science Texas A&M, 6-20-13, "Supreme Court Decisions in Favor of Gay Marriage Would Not Go ‘Too Far, Too Fast’" Pacific Standard) www.psmag.com/politics/supreme-court-tk-60537/

AN ARRAY OF RESEARCH in political science—due substantially to James Gibson of Washington University, Gregory Caldeira of Ohio State University, and their collaborators—shows that the Supreme Court’s legitimacy is not dependent on agreement on individual questions of policy between the Court and the public. Instead, judicial legitimacy rests on the public’s perception that the Court uses fair procedures to make principled decisions—as compared to the strategic behavior of elected legislators. These perceptions are supported by a variety of powerful symbols representing the close association between the Supreme Court and the law and its impartiality, such as black robes, the image of blind justice, and the practice of calling the members “justices.” The public’s response to the Supreme Court’s decision in Bush v. Gore, which resolved the contested presidential election in 2000, is perhaps the classic example of the nature and influence of the Court’s legitimacy. Despite the bitter partisan conflict that precipitated the case, the enormous political implications of the decision, the blatant partisan divisions on the Court, and the harsh tone of the dissenting justices, the best evidence available indicates that the public’s loyalty to the Supreme Court did not diminish as a result of the case. In particular, neither Democrats nor African-Americans significantly turned against the Court after the decision.

#### Legitimacy is resilient

Gibson 06 (James L. Professor of Government & Professor of African, June, 15, “The Legitimacy of the United States Supreme Court in a Polarized Polity,” Pa24, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=909162)

Conventional political science wisdom holds that contemporary American politics is characterized by deep and profound partisan and ideological divisions. Unanswered is the question of whether those divisions have spilled over into threats to the legitimacy of the United States Supreme Court. Since the Court is often intimately involved in making policy in many policy areas that divide Americans, including the contested 2000 presidential election, it is reasonable to hypothesize that loyalty toward the institution depends upon policy and/or ideological agreement and partisanship. Using data stretching from 1987 through 2005, the analysis reveals that Court support has not declined. Nor is it connected to partisan and ideological identifications. Instead, support is embedded within a larger set of relatively stable democratic values. Institutional legitimacy may not be obdurate, but it does not seem to be caught up in the divisiveness that characterizes so much of American politics - at least not at present.

### Court Stripping DA: 2AC

#### Congress won’t retaliate

Baum 04 (Lawrence, professor of political science at the Ohio State University and holds a doctorate from the University of Wisconsin. A widely recognized authority on the court system, Baum is the author of *Judges and Their Audiences: A Perspective on Judicial Behavior* (2006), *American Courts: Process and Policy,* 5th Edition (2001) and *The Puzzle of Judicial Behavior* (1997), as well as numerous articles on topics such as the implementation of court decisions, change in Supreme Court policies, and interaction between the Supreme Court and Congress., The Supreme Court, Eight Edition, CQ Press, 2004, page 215-216 cabal//wej)

Despite such moves, it is striking how little use Congress has made of its enormous powers over the Court over the past century. Of the many actions that members of Congress threatened against the conservative Court in the early part of the twentieth century, culminating in Franklin Roosevelt's Court-packing plan, none was carried out.61 All the attacks on the liberal Court in the second half of the century resulted in nothing more serious than the salary "punishment" of 1964 and 1965. Why has Congress been so hesitant to use its powers, even at times when most members are unhappy about the Court's direction? Several factors help to explain this hesitancy. First, there are always some members of Congress who agree with the Court's policies and lead its defense. Second, serious forms of attack against the Court, such as impeachment and reducing its jurisdiction, seem illegitimate to many people. Finally, when threatened with serious attack, the Court sometimes retreats to reduce the impetus for congressional action. For these reasons, the congressional bark at the Supreme Court has been a good deal worse than its bite.

### Russia Addon

**Russia’s rule of law deficit undermines cooperation and internal stability—plan is key to restoring our credibility to deal with this issue**

Sarah E. **Mendelson**, Director, Human Rights and Security Initiative, Center for Strategic and International Studies, “U.S.-Russian Relations and the Democracy and Rule of Law Deficit,” CENTURY FOUNDATION REPORT, 20**09**, p. 3-4.

Since the collapse of the Soviet Union in 1991, every U.S. administration has considered Russia’s political trajectory a national security concern. Based on campaign statements and President Barack Obama’s early personnel choices, this perspective likely will affect policy toward Russia in some way for the foreseeable future. **While** the **Obama** administration **plans to cooperate with Moscow** on a number of issues, **it will find that Russia’s** current **deficit in** the areas of **democracy and the rule of law complicate the relationship and** may, in some cases, **undermine** attempts at **engagement.** The organizers of the Century Foundation Russia Working Group have labeled this policy problem “coping with creeping authoritarianism.” Results from nearly a dozen large, random sample **surveys** in Russia since 2001 that examine the views and experiences of literally thousands of Russians, combined with other research and newspaper reporting, all s**uggest the current democracy and rule of law deficit is** rather **stark**. The deficit does not diminish the importance of Russia in international affairs, nor is it meant to suggest the situation is unique to Russia. The internal conditions of many states have negative international security implications. As Europeans repeatedly pointed out during the administration of George W. Bush, **U.S. departures from the rule of law made the** **U**nited **S**tates **increasingly problematic as a global partner**, whether through the use of force in Iraq or the manner in which the United States pursued and handled terrorist suspects. In fact, **coping with authoritarian trends in Russia** (and elsewhere) **will involve changes in U.S. policies** that have, on the surface, nothing to do with Russia. Bush administration **counterterrorism policies that authorized torture, indefinite detention** of terrorist suspects, and the rendering of detainees to secret prisons and Guantánamo **have had numerous negative unintended consequences** for U.S. national security, **including serving as a recruitment tool** for al Qaeda and insurgents in Iraq. Less often recognized, **these policies also have undercut** whatever **leverage the** **U**nited **S**tates **had, as well as limited the effectiveness of American decision-makers, to push back on authoritarian policies adopted by,** among others, the **Putin** administration. At its worst, **American departures from the rule of law** may have enabled abuse inside Russia. These departures certainly left human rights defenders isolated. **Repairing the damage to U.S. soft power and reversing the departure from human rights norms** that characterized the Bush administration’s counterterrorism policies **will provide the** Obama **administration strategic and moral authority** and **improve the ability of the United States to work with allies. It also can have** positive consequences for Obama’s Russia policy. The **changes** that **need to be made in U.S.** counterterrorism **policies**, however politically sensitive, **are** somewhat more **straightforward** than the adjustments that must be made to respond to the complex issues concerning Russia. The Obama administration must determine how best to engage Russian leaders and the population on issues of importance to the United States, given Russia’s poor governance structures, the stark drop in oil prices, Russia’s continued aspirations for great power status, and the rather serious resentment by Russians concerning American dominance and prior policies. The policy puzzle, therefore, is how to do all this without, at the same time, sacrificing our values and undercutting (yet again) U.S. soft power. This report assesses the political dynamics that have shaped Russia’s authoritarian drift, briefly addresses a few of the ways in which they matter for U.S. policy, and suggests several organizing principles to help the Obama administration manage this critical relationship. Possible approaches include working closely with Europe on a joint approach to Russia, accurately anticipating the unintended consequences of U.S. policy in one realm (such as Kosovo) for Russia policy, and embracing the rights of states to choose their own security alliances. A final important principle relates to U.S. engagement with Russians beyond the Kremlin. President Obama should speak directly to the Russian people, engaging in a manner that respects their interests and desires, but also reflects the core values of the Obama administration; that is, “reject[s] as false the choice between our safety and our ideals.”6 The Obama administration also should endorse a platform and a process for a renewed dialogue between U.S. and Russian civil society. the VIew from the KremlIn Two interactive dynamics over the past several years have shaped the dominant approach by the Russian government to the outside world: the United States declined as a world power, and at the same time, the Russian state accumulated massive wealth from high gas and oil prices. Following what many in the Russian elite view as the “humiliation” of the 1990s, by 2008, Russia was no longer a status quo power. Instead, revisionist in nature, Russian authorities focused on the restoration of great power status.7 Fueled by petrodollars, the government tackled this project in numerous ways, including military exercises around the globe, soft power projects such as a twenty-four-hour-a-day English language cable news station, “think tanks” in New York and Paris, and perhaps most important, gas and oil distribution systems meant to make Russia a central player in energy security for decades to come.8 This restoration project undoubtedly will be slowed by the current financial crisis and drop in oil revenues, but the building blocks remain in place. As the restoration project evolved, the Putin administration increasingly challenged aspects of the post–World War II and post–cold war legal, security, and economic architecture, and suggested the need for new arrangements. Many in the Russian elite seemed to view the changes that have occurred in Europe over the past twenty years, such as the enlargement of the North Atlantic Treaty Organization (NATO) and the European Union (EU), as illegitimate, driven not by the choices of local governments or populations, but by the will of Washington. Nostalgia for the Soviet era, a related sentiment, is widely shared, and is an important source of former president and now Prime Minister Vladimir Putin’s popularity.9 Some experts even suggest that many in Russia’s governing structures believe that Europe whole and free—that is, post–cold war Europe—is not in the security interest of Russia. The Carnegie Moscow Center’s Lilya Shevtsova has labeled this view “great power nationalism” and observes that the “Putin-Medvedev-Lavrov doctrine” derives from the premise that Russia seeks to contain the West—while the West is busy trying not to offend Russia.10 Some other studies suggest that Russian policymakers have attempted, in fact, to divide the United States from Europe, and generally have preferred bilateral to multilateral engagement.11 At the United Nations, Russia, together with China, repeatedly has challenged international responses to gross human rights violations in Burma, Darfur, and Zimbabwe, and it has engaged in systematic efforts to undermine the Organization for Security and Co-operation in Europe’s (OSCE) election monitoring efforts and the Council of Europe’s human rights monitoring.12 Meanwhile, Russian leaders seem to believe the current European security arrangements are soft commitments, ripe for renegotiation and restructuring. President Dmitri Medvedev has, in fact, called for a new “collective security arrangement,” at the same time reintroducing the concept of spheres of influence.13 All of these actions taken together, along with the decline in U.S. soft power, have looked at times as if some in the Russian government were trying to reset the table on human rights and international law, exporting its democracy and rule of law deficit abroad. How best can the United States, together with Europe, respond to this situation? Two additional dynamics are relevant: Russian internal weaknesses, both political and economic, but also the degree to which the Russian authorities’ assessment of the condition of the international system is correct. For example, in August 2008, Russian government officials fecklessly deployed human rights and international law rhetoric to justify the Russian use of force in South Ossetia—was that just a murky reflection of the current deeply inconsistent international order?14 Will that calculation be challenged by the Obama administration? How can it do so effectively? Will we see a new era of more robust international organizations, underpinned by respect for human rights and international law? If not, will we be in for a period of serious instability in Europe, along Russia’s borders? russIa’s democracy and rule oflaw defIcIt What makes these questions so pressing is the reality that American and European political strategy dating back to the early 1990s of integrating Russia into the Euro-Atlantic community and thus encouraging democratic development has largely failed. By 2009, Vladimir Putin’s policies have systematically closed off nearly all legitimate structures for voicing opposition. Many nongovernmental organizations are under daily pressure from the authorities.15 The parliament is dominated by a government-run party, United Russia, and outcomes of local and national elections are controlled by the authorities. The government controls national television. The few critically minded journalists that exist routinely are threatened or are under constant surveillance by the authorities, and twenty murders of journalists since 2000 have gone unsolved.16 One small newspaper known for its criticism of Kremlin policies has seen four of its journalists killed in recent years. At a minimum, the authorities have presided over an era of impunity, and at worst, some fear government authorities may have been directly involved in these deaths.17 Meanwhile, the democratic political opposition is extremely marginal and dysfunctional—irrespective of whatever government pressures are brought to bear on it. Russia has no leading liberal figures that might emerge as national leaders at present. In years past, the fighting among liberal parties was legendary, and led to multiple fratricidal losses in single-mandate districts, as liberal parties ran against one another—back when there were competitive elections for parliamentary seats.18 Today, it is unclear when or how the democratic opposition will repair itself. Yet, as political space has shrunk steadily in the past ten years, the majority of Russians do not appear to mind. In terms of the younger generation, the conventional wisdom that wealth would lead to a demand for democracy has not been borne out; only about 10 percent of survey respondents could be considered strongly supportive of democracy, while most are ambivalent. In the early 1990s, many in the West assumed that the older Soviet generation would be replaced eventually by a younger, pro-Western, pro-democratic generation. Experts and policymakers alike assumed this succession would be a natural course of events, like gravity. A similar conventional wisdom about the younger generation in Russia continues. It holds that iPods, lattes, skateboards, and other artifacts of Western consumer culture will translate into a desire for independent media, justice, and human rights. In 2005 and 2007, in an environment of steadily shrinking political space, a study based at the Center for Strategic and International Studies (CSIS) explored how young Russians viewed Soviet history and Stalin. Our nationally representative surveys of 16-to- 29-year-old Russians suggested that, despite economic prosperity, most young people gravitated enthusiastically to Vladimir Putin’s ideological platform of revisionist history and nostalgia. The narrative advanced by the government concerning recent history quite simply resonated with this younger generation. In both surveys, a majority believed that Stalin did more good than bad and that the collapse of the Soviet Union was the greatest geopolitical catastrophe of the twentieth century. These findings undoubtedly reflected coordinated strategic communications efforts by government authorities, including support of a teacher’s guide rewriting Soviet history, downplaying the deaths of millions of citizens, and effacing historical memory. These actions facilitated Russia’s authoritarian trend.19 In sum, the Russian middle class and support for authoritarian governance coexist. The tacit bargain of the past decade, however, in which dissenters were punished but Russians’ pocketbooks grew, may now be threatened by the international economic crisis. Oil prices plunged from a high of $147 a barrel in July 2008 to about $40 a barrel in December 2008. If the price of oil stays low, the lubricating effect of oil and gas revenues may well dry up, laying bare Russia’s dysfunctional state institutions and challenging the authorities’ ability to govern. Economic hardship and poor governance seem, at least anecdotally, to correlate with an increase in public protest and nervousness on the part of the ruling authorities.20 Perhaps, in the long run, the mix of economic hard times and poor governance will stimulate a greater demand for democracy and the rule of law in Russia, as citizens grow unhappy with state institutions that do not function and link that dysfunction to poor governance. In the near term, we can expect growth in nationalism and xenophobia. 21 To be sure, the democracy and rule of law deficit and the growth in nationalism pose problems primarily for Russians. In the twenty-first century, independent investigative journalism and the legitimate use of courts for prosecution are necessary to fight corruption. Today, Russia is plagued by corruption, and the Russian authorities dominate both television and court decisions.22 Independent newspapers and Internet sites exist, but journalists who have engaged in investigative journalism have been killed or live under threat.23 In a state where the rule of man predominates, the population experiences the police as predatory rather than protective. Torture in police stations is said to be common and police officers who have been rotated through Chechnya are said to be especially abusive.24 In a 2004 CSIS survey of 2,400 Russians ages 16 to 65, 41 percent of respondents feared arbitrary arrest by the police.25 In a 2007 CSIS survey of 2,000 Russians ages 16 to 29, 62 percent of respondents fully or partially distrusted the police.26 While one cannot make direct comparisons for methodological reasons, it is worth bearing in mind a recent study of attitudes toward police in China, where only 25 percent reported distrust.27 Undoubtedly, the democracy and rule of law deficit varies regionally, but it is particularly worrisome in the southern regions of Russia. The government’s approach to what it perceives as widespread radical Islamic sentiment in the North Caucasus has increased violence rather than contained it. Between May 1 and August 31, 2008, there were at least 282 incidents, and between September 1 and December 31, 2008 there were at least 333.28 When the situation is at its most dire, the Russian government appears not to control this part of its territory. Many experts worry that there will be war in the North Caucasus in 2009, or possibly that, south of the border, a Russian-Georgia war will break out again.29 That prognosis may be overly gloomy, but violence is clearly on the rise and the socioeconomic conditions in the region are dire. why It matters What does any of this have to do with the Obama administration? The democracy and rule of law deficit in Russia has a range of security and human rights implications for the United States and our allies in Europe. For example, the Obama administration comes to office with a number of arms control goals. These plans may be complicated by the absence of Russian military reform that, in turn, correlates with abuse inside the army. (They are also complicated by continued government reliance on nonconventional forces: in September 2008, President Medvedev committed to modernizing the nuclear arsenal.30) Serious, joint counterterrorism efforts with the United States, Europe, and Russia are likely to remain illusive as long as the police and security services are corrupt and abusive, and the media, a potential source to expose that corruption, is largely controlled by the government. Even at the nongovernmental, track-two level, it is now difficult to have the sort of transatlantic policy dialogue on terrorism that has been common among other nations and societies since 2001.31 The most dire evidence suggests that security service personnel or contractors have been deployed abroad, in European cities, to eliminate Kremlin enemies. In the most famous example, British authorities have sought the extradition from Moscow of former KGB bodyguard and current Duma member Andrew Lugovoi for the murder by Polonium poisoning of Alexander Litvinenko in London in November 2006.32 Kremlin proxies, such as Chechnya’s Ramzan Kadyrov, may have agents doing the same on his behalf on the streets of Austria, also with apparent impunity.33 At a minimum, the Russian authorities seem to have drawn a red line at additional enlargement of Euro-Atlantic organizations. Instead of allowing states and societies to decide for themselves what alliances and security or economic arrangements they want, Russian officials speak of “zones of interest” and “neutral” spaces—presumably such as Ukraine. In the worst case scenario, the Kremlin might decide to probe the resolve of existing NATO and EU security commitments. Presumably, this realization led General James Craddock to request that NATO begin defense planning for the Baltic states.34 Some believe, although the evidence is not clear, that the May 2007 cyber attack on Estonian government agencies, banks, newspapers, and other organizations was a first probe by the Russian government.35 In the August 2008 war in Georgia, for which all sides deserve some blame, experts saw evidence of additional Russian government cyber attacks and a prime example of blatant disregard for international law as the Russian government sought to change an internationally recognized border by force.36 Meanwhile, existing Euro-Atlantic organizations are negatively and directly affected by Russia’s democracy and rule of law deficit. In recent years, the European Court of Human Rights has heard far more cases from Russia than any other country, effectively substituting for Russia’s domestic judiciary. Some European human rights lawyers argue that this situation is severely undermining the court’s efficacy and ability to handle cases from a broad range of countries. Moreover, the Russian government increasingly has failed to compensate victims or their families, apparently now risking its expulsion from the Council of Europe.37 According to numerous OSCE officials, the Kremlin has waged a systematic campaign to undercut the organization’s various monitoring efforts.38 The emergent norm of international election observation has been undermined by the Kremlin’s attempts to legitimize fraudulent elections at home and in neighboring states, supporting a wave of authoritarian governments in this region.39 an obama strategy The unprecedented economic crisis and wars in Iraq and Afghanistan dominate the initial agenda of the Obama administration. Worries over another Israeli Palestinian war, relations with Iran, nuclear proliferation, and the status of al Qaeda are somewhere next on the list of serious security challenges. Russia is, of course, on the list, as was made clear by Vice President Joseph Biden’s speech in Munich, Secretary of State Hillary Clinton’s meeting with Foreign Minister Sergei Lavrov in Geneva, the April London meeting and the July Moscow summit with President Obama and President Medvedev. The Obama administration appears keen not to let U.S.-Russia policy drift as it did in the Bush administration, and the Obama team is moving quickly to establish the organizing principles that would drive policy and guide how it copes with the political realities of Russia today, and seeking opportunities to change the relationship. As a guide to coping with creeping authoritarianism, and for planning purposes, **the Obama administration** reasonably **can** (1) assume that Russia will continue, in the near term, on an authoritarian trajectory while at the same time, try to **encourage** President **Medvedev toward more openness and engagement**; (2) consider that Russia’s political regime may grow more brittle and thus potentially more fragile, rather than more robust and invulnerable; (3) propose and prepare for joint cooperation with Moscow on a number of issues, but anticipate that these plans could be overwhelmed by internal dynamics in Russia; and (4) understand and prepare for that which is difficult to anticipate, such as the depth and length of the economic crisis, and the potential divisions within Russian leadership that might emerge over a range of issues such as whether and how to cooperate with the United States and how to address the effects of the crisis, including the use of force against civilians to stop public protest.40 The ability of any U.S. administration to shape what happens inside Russia has long been exaggerated and misunderstood. The impact of foreign assistance clearly matters to those individuals who receive funds and technical training, but recent evidence suggests that **how the U**nited **S**tates **conducts itself in the world has far more weight in terms of its ability to bolster or undermine democracy, human rights and the rule of law in other countries.**41 For example, **U.S. noncompliance with human rights norms and laws has enabled**, although not caused, **Russia’s authoritarian drift. Therefore, a robust and comprehensive effort to opt back in to international legal frameworks will have important knock-on effects for our relations with Russia, in addition to bolstering our ability to work with allies. The United States needs to shape the larger policy context in a positive, rather than a negative, way. 42 An array of** **new U.S. policies unrelated to Russia (such as** **closing Guantánamo, ending detention without charge**, and halting unlawful interrogation of terror suspects) **can help restore U.S. soft power, as well as repair the international architecture that Russia** (correctly) **views as weak and that it** (regrettably) **seeks to replace. If the United States once again is associated with justice** instead of injustice, **it will do much to shore up human rights activists inside Russia. It will also challenge core assumptions that have taken hold within the Russian elite about the hypocrisy and weakness of democracy and human rights norms within the international system.**

**Continued human rights violations risk a Russian revolution**

Harlan **Ullman**, senior advisor, Atlantic Council, “The Third Russian Revolution,” UPI, 6—12—**13**, www.upi.com/Top\_News/Analysis/Outside-View/2013/06/12/Outside-View-The-third-Russian-Revolution/UPI-84461371009900/, accessed 8-7-13.

**Make no mistake: On the current trajectory, Russia won't be immune to** many of the **forces that provoked** the so-called colored **revolutions in** adjacent states and even **the** misnomered **Arab Awakening. A third Russian revolution is unfolding.** The only questions are when will that revolution reach a critical mass and, most importantly, will the forces of autocracy or pluralism carry the day? Russia, of course, experienced two revolutions in the 20th century. The Kaiser's Germany provoked the first by sending Lenin from Switzerland to Russia in the famous sealed train in 1917. That led to the undoing of the tsar and the Kerensky government as well as the Treaty of Brest-Litovsk that ended the war with Germany and allowed the Bolsheviks to sweep away the opposition. The second revolution came about in some seven decades later. The causes were a corrupt and fundamentally dishonest political system kept in place by a disciplined central leadership and dictatorship of the party. But that required able or at least competent leadership. Instead, the ruling Politburo became a genitocracy headed by sick, old men. Leonid Brezhnev took years to die and was replaced by two even less well general secretaries. In the mid-1970s, CIA Director William Colby repeatedly predicted Brezhnev's pending demise. It wasn't until 1982 that Colby's forecast came true. In the succession process, a few younger members were elevated to the Politburo. Because of the succession of antiquated leaders, Mikhail Gorbachev found himself moving from post to post from his appointment to the Politburo in 1979. In each post, he realized that the Soviet Union was an empty shell and each department was grossly mismanaged and underperforming. Six years later, when he became general secretary, Gorbachev was determined to save the Soviet Union and modernize the failing system. Gorbachev's tools were glasnost (openness) and perestroika (restructuring). The floodgates of reform were fully opened and the old and unworkable system couldn't resist them. By 1991, the Soviet Union was no more. In the two decades since, Vladimir **Putin has emerged as the Ironman of Russia.** In the process, **Russia has been** described and **viewed by many as a kleptocracy ruled by the few who have pillaged national wealth** for their own benefits. Under what Republicans and Democrats alike in the United States see as a government of and by thugs, **human rights have been violated; dissidents and members of the media arrested; and opponents of the Kremlin subjected to purges and show trials leading to long prison sentences.** Russia's immediate neighbors are fearful of the return of the aggressive Russian bear anxious to spread its influence through manipulating its oil and natural gas reserves for political purposes and through military maneuvers designed to intimidate. Further, cyberattacks, principally against Estonia, reinforce this perception of a neo-Soviet Union under the leadership of former KGB Colonel Putin. And Putin's commitment to far greater military spending as well as unwillingness to accept NATO's missile defenses raises sinister possibilities. **Within Russia, discontent** on the part of many Russians **is waxing. Outright theft on the part of oligarchs has gone too far. Persecution** of political **opposition is particularly vexing**. And **the health and longevity of a declining population** reflects more than excesses of consumption of vodka and harsh winters. Indeed, as a buffer to Putin's intent to ramp up his military, the Kremlin faces a very limiting factor: 90 percent of all Russian youth are unfit for military service. Unfortunately, the West in general and the United States in particular have never been very good at Kremlinology (or indeed in understanding many foreign cultures). **Whether Putin is aware of the ticking time bomb over which he presides or not, Russia is still very important to Western interests**. Syria and Iran are two major crises where Russian support could be important.

**That causes miscalc and nuclear war**

**Pry 99** (Peter Vincent, Former US Intelligence Operative, War Scare: U.S.-Russia on the Nuclear Brink, netlibrary)

**Russian internal troubles**—such as a leadership crisis, coup, or civil war—**could aggravate Russia’s fears of foreign aggression and lead to a miscalculation of U.S. intentions and to nuclear overreaction**. While this may sound like a complicated and improbable chain of events, **Russia’s story** in the 1990s **is one long series of domestic crises that have all too often been the source of nuclear close calls.** The war scares of August 1991 and October 1993 arose out of coup attempts. The civil war in Chechnya caused a leadership crisis in Moscow, which contributed to the nuclear false alarm during Norway’s launch of a meteorological rocket in January 1995. Nuclear war arising from Russian domestic crises is a threat the West did not face, or at least faced to a much lesser extent, during the Cold War. **The** Russian **military’s continued fixation on surprise-attack scenarios into the 1990s, combined with Russia’s deepening internal problems, has created a situation in which the U**nited **S**tates **might find itself the victim of a preemptive strike for no other reason than a war scare born of Russian domestic troubles.** At least in nuclear confrontations of the 1950s–1970s—during the Berlin crisis, Cuban missile crisis, and 1973 Middle East war—both sides knew they were on the nuclear brink. There was opportunity to avoid conflict through negotiation or deescalation. The nuclear war scares of the 1980s and 1990s have been one-sided Russian affairs, with the West ignorant that it was in grave peril.

# \*\*1AR\*\*

**2AC Immigration**

**Not the “best and brightest”—employers hire to pay below-market wages**

**Hira** Public Policy Rochester Institute of Technology **‘9** (Ron, Anil Hira, April 2, Business Week, “It's Time to Overhaul H-1B Visas”, http://www.businessweek.com/ magazine/content/09\_15/b4126063331942.htm)

Another myth: H-1B workers are the world's best and brightest. While some are truly exceptional, they make up a small share of the visa holders. **The minimum degree required to hold an H-1B visa is a bachelor's** degree or equivalent experience, **hardly a rare commodity. Instead**, **companies frequently turn to H-1Bs because they can be paid below-market wages**. This contradicts the visa program's intent (and helps push wages down for American employees). But it is a common practice, given the gaping loopholes in the regulations.

**US immigration strong and competitiveness is resilient**

David **Brooks** The International Herald Tribune April 7, 20**10** Wednesday “Relax. America's future is exceedingly bright” (Lexis)

The demographic growth is driven partly by fertility. **The American fertility rate is 50 percent higher than Russia, Germany or Japan,** and much higher than China. Americans born between 1968 and 1979 are more family-oriented than the boomers before them, and are having larger families. In addition, **the United States remains a magnet for immigrants**. Global attitudes about immigration are diverging, and **America is among the best at assimilating them** (while China is exceptionally poor). As a result, **half the world's skilled immigrants come to the U.S**. As Kotkin notes, between 1990 and 2005, immigrants started a quarter of the new venture-backed public companies. The **United States** already **measures at the top** or close to the top **of nearly every global measure of economic competitiveness. A comprehensive** 2008 Rand Corporation **study found** that the **U.S. leads the world in scientific and technological development**. The U**.S. now accounts for a third of the world's research-and-development spending**. Partly as a result, the average American worker is nearly 10 times more productive than the average Chinese worker, a gap that will close but not go away in our lifetimes. This produces a lot of dynamism. As Stephen J. Rose points out in his book "Rebound: Why America Will Emerge Stronger From the Financial Crisis," the number of Americans earning between $35,000 and $70,000 declined by 12 percent between 1980 and 2008. But that's largely because the number earning over $105,000 increased by 14 percent. Over the past 10 years, 60 percent of American adults made more than $100,000 in at least one or two of those years, and 40 percent had incomes that high for at least three. **As the world gets richer, demand will rise for the sorts of products Americans are great at providing** - emotional experiences. Educated Americans grow up in a culture of moral materialism; they have their sensibilities honed by complicated shows like "The Sopranos," "The Wire" and "Mad Men," and they go on to create companies like Apple, with identities coated in moral and psychological meaning, which affluent consumers crave. As the rising generation leads an economic revival, it will also participate in a communal one. We are living in a global age of social entrepreneurship. In 1964, there were 15,000 foundations in the U.S. By 2001, there were 61,000. In 2007, total private giving passed $300 billion. Participation in organizations like City Year, Teach for America, and College Summit surges every year. Suburbanization helps. For every 10 percent reduction in population density, the odds that people will join a local club rise by 15 percent. The culture of service is now entrenched and widespread. In sum, the United **States is on the verge of a demographic, economic and social revival, built on** its **historic strengths**. The U.S. has always been good at disruptive change. It's always excelled at decentralized community-building. It's always had that moral materialism that creates meaning-rich products. Surely a country with this much going for it is not going to wait around passively and let a rotten political culture drag it down.

**1AR**

**Legitimacy Resilient 1AR**

**200 years of rulings deny their arg**

**Chemerinsky 99** [Erwin, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science, University of Southern California, “The Supreme Court, Public Opinion, and the Role of the Academic Commentator”, South Texas Law Review, Fall, 40 S Tex L Rev 943]

Choper, for example, concludes from this premise that the Court should not rule on federalism or separation of powers issues so as to not squander its political capital in these areas that he sees as less important than individual rights cases. Bickel argued that the Court should practice the "passive virtues" and use justiciability doctrines to avoid highly controversial matters so as to preserve its political capital. 19 Other scholars reason from the same assumption. Daniel Conkle, for example, speaks of the "fragile legitimacy that attaches to Supreme Court pronouncements of constitutional law." 20 I am convinced that these scholars are wrong and that **the public image of the Court is not easily tarnished, and preserving it need not be a preoccupation of the Court** or constitutional theorists. **There is no evidence to support their assertion of fragile public legitimacy and almost 200 years of judicial review refute it.**

**Judicial credibility resilient, even in controversial cases**

LISA A. **Kloppenberg** September, **94** [35 b.c.l. rev 1003, Boston College Law Review, “AVOIDING CONSTITUTIONAL QUESTIONS”]

Even **the** initial **assertion that judicial credibility is fragile is not without dissenters. Two hundred years of history have disproved "predictions of doom** -- that society could not accept a government where judges had discretion to choose constitutional values," **including values involved in sensitive social issues such as desegregation and abortion**. n198 **Rather than fragile, judicial credibility can just as persuasively be characterized as robust,** and the Supreme Court arguably has reached a historically unparalleled level of stature and importance. n199 Of course, others might counter that the robust state of the Court's credibility derives from past prudence. At a minimum, support for the last resort rule based on the judiciary's limited credibility should be questioned. Although it is difficult to gauge the judiciary's credibility and viability empirically, **historical developments indicate that we do not need to take as sacred assertions that the judiciary's credibility and viability are fragile**. n200 **No link between avoiding decision of constitutional questions and judicial fragility has been proven**. For example, imagine the reaction if Brown had been decided on a plausible non-constitutional ground. Suppose a federal funding statute could have been interpreted to require any state accepting federal aid to end public school segregation. If the Court required integration in the statutory rather than constitutional bases, it seems unlikely that the public reaction would focus on the ground for decision rather than the bottom-line integration outcome.

**circumvention 1AR**

**President must comply with supreme court decisions, institutional legitimacy prevents non-compliance**

**Baum 04** (Lawrence, professor of political science at the Ohio State University and holds a doctorate from the University of Wisconsin. A widely recognized authority on the court system, Baum is the author of Judges and Their Audiences: A Perspective on Judicial Behavior (2006), American Courts: Process and Policy, 5th Edition (2001) and The Puzzle of Judicial Behavior (1997), as well as numerous articles on topics such as the implementation of court decisions, change in Supreme Court policies, and interaction between the Supreme Court and Congress., The Supreme Court, Eight Edition, CQ Press, 2004, page 217-218 cabal//wej)

Presidential Compliance. Occasionally, a Supreme Court decision requires compliance by the president, either as a party in the case or-more often-as head of the executive branch. **Some presidents and commentators have argued that the president need not obey an order of the Supreme Court**, which is a coequal body rather than a legal superior. **In any case, presidents would seem sufficiently powerful to disobey the Court with impunity. In reality their position is not that strong. The president's political power is based largely on the ability to obtain support from other policymakers. This ability**, in turn**, depends in part on perceptions of the president's legitimacy.** **Because disobedience of the Court would threaten this legitimacy**, Samuel Krislov argued, **presidents "cannot afford to defy the Court**." 65 **That conclusion is supported by presidential responses to two highly visible Court orders. In Youngstown** Sheet and Tube Co. v. Sawyer (1952), **the Court ruled that** President Harry **Truman had acted illegally during the Korean War when he seized steel mills to keep them operating if a threatened strike took place. The Court ordered an end to the seizure, and Truman immediately complied.** Even **more striking is** **U**nited **S**tates **v. Nixon** (1974). During the investigation of the Watergate scandal, President Richard **Nixon withheld recordings of** certain **conversations** in his offices **that were sought by special prosecutor Leon** Jaworski. In July 1974 **the Supreme Court ruled** unanimously **that Nixon must yield the tapes**. In oral argument before the Court, the president's lawyer had indicated that Nixon might not comply with an adverse decision. But he did comply. At the least, this compliance speeded Nixon's departure from office. He released transcripts of some of the tapes; the content provided strong evidence of presidential misdeeds; and opposition to impeachment evaporated. Fifteen days after the Court's ruling, Nixon announced his resignation. In light of that result, why did Nixon comply with the Court order? He apparently did not realize how damaging the evidence in the tapes actually was. Perhaps more important, **noncompliance would have damaged his remaining legitimacy fatally**. For many members of Congress, **noncompliance in itself would have constituted an impeachable offense**, one on which there would be no dispute about the evidence. **Under the circumstances, compliance may have been the better of two unattractive choices.**