# \*\*\*CTBT 1AC\*\*\*

# \*Iran Adv.\*

#### Contention One: Iran

#### Deal failure is inevitable in the status quo - lack of credibility – comprehensive policy is key

Zarif, 1-15-14

[Maseh Zarif is deputy director at the American Enterprise Institute’s Critical Threats Project., "Iran action plan is no step forward," globalpublicsquare.blogs.cnn.com/2014/01/15/iran-action-plan-is-no-step-forward/, accessed: 2-11-14]

Obama administration officials have been preening since the announcement that the November 2013 “Joint Plan of Action” (JPA) deal with Iran will be implemented beginning January 20. But the credibility of the deal – and the negotiators that struck it – is in trouble for one simple reason: The JPA fails to verifiably eliminate Iran’s ability to develop nuclear weapons. Or more succinctly, in Iranian President Hassan Rouhani’s words: “In Geneva agreement world powers surrendered to Iranian nation's will.”

It became apparent during negotiations last year that the administration was ready for a deal that left Iran with considerable options in developing a nuclear weapon. The “first step” agreement did nothing to force Iran to address weaponization-related activities or its pursuit of ballistic missiles, which could serve as delivery vehicles for a nuclear warhead. And over-reliance on Iranian cooperation with the International Atomic Energy Agency will be another problem. Indeed, Tehran just postponed a forthcoming meeting with the IAEA on weaponization questions.

Uranium enrichment and other related projects will continue unchecked, despite officials’ arguments that Iran’s nuclear fuel cycle activities would be halted in significant ways. Indeed, a senior administration official conceded this week that the testing and feeding of advanced-generation centrifuges will be allowed under the deal’s implementation plan. The Iranians will, as a result, continue to improve their ability to produce enriched uranium more efficiently.

After a reporter subsequently asked why it was not preferred that such research be halted, the U.S. official responded: “Well, I mean, one can always imagine other things, but that’s the arrangement that was made.” The inherent message – “we took what we could get” – is another sign of weakness for an administration already hemorrhaging credibility. In practical terms, this approach will embolden the Iranians to continue extracting important concessions and to exploit the forthcoming implementation period in ways that could negate the claimed merits of the agreement.

The prospects that some of the flaws inherent in the first step will be resolved at a later stage are dim. Most significantly, language agreed upon for the outline of a potential final deal suggested that core elements of Iran’s nuclear weapons program, most notably uranium enrichment, could remain intact. The administration’s positions and negotiating record thus far demonstrate its emphasis on process rather than substance and its prioritization of a deal over achieving an outcome that prevents Iran from getting nuclear weapons.

An overarching but related problem for the administration is its unwillingness to acknowledge and confront the broader issue. The regime and its leadership remain fundamentally hostile to the U.S. worldview. They pursue a regional agenda that is inimical to American interests and those of our allies and partners. One only need review some of what the Iranian regime and its agents have been up to over the last several months to understand that.

Tehran has long been aiding the al-Assad regime in the Syrian war, deploying Iranian military personnel, enlisting Hezbollah and Iraqi Shia militia fighters, and sending financial and other military support. Since the JPA was signed in November 2013, Iran reportedly sent 330 truckloads worth of weapons and related equipment into Syria from Iraq, where it has stoked sectarian tensions through its relationship with Iraq’s current government. In Bahrain, authorities seized arms and explosives being sent from Iran in late December before announcing details about an alleged Iranian-backed terrorist cell.

Across the broader Middle East and beyond, Iran foments instability and undermines U.S. policies and allies. The JPA has not changed that reality. Some interlocutors directly involved in nuclear negotiations, whom administration officials have defended as reasonable counterparts, have been unambiguous about where the regime’s interests and tendencies lie. While Secretary Kerry was reprimanding Congress for its effort to increase the credibility of future pressure against Iran and declaring that “this is the time for statesmanship,” his Iranian counterpart, Foreign Minister Javad Zarif, was in Beirut offering praise for and laying a wreath at the tomb of Lebanese Hezbollah terrorist Imad Mughniyeh. Mughniyeh was responsible for the 1983 bombing of the U.S. Marine barracks in Lebanon, among other attacks.

There will inevitably be a great deal of noise and misdirection over the coming months. For all that might change, a great deal will likely remain the same. For Iran, the period during the scheduled implementation of the JPA will be reminiscent of the period before it: the regime’s leadership will seek to maintain and develop their nuclear weapons program and options, weaken the sanctions regime, and attempt to advance efforts to dominate the broader Middle East at the expense of American influence and interests.

Unless the Obama administration confronts these realities and works to prevent Iran’s pursuit of its ambitions, it will lose the next six months as it has lost the last six months.

#### Makes sanctions inevitable

Emery, 12-3-13

[Christian Emery is a Lecturer in International Relations at the University of Plymouth. He completed his PhD at the University of Birmingham and was a Fellow in the Department of International Relations at the London School of Economics between 2010 and 2013. He is the author of several articles and book chapters on US foreign policy and US-Iranian relations and he has written for a variety of mainstream media outlets. ‘US Foreign Policy and the Iranian Revolution‘, "Trust, not sanctions, was the key to the nuclear deal with Iran", blogs.lse.ac.uk/europpblog/2013/12/03/trust-not-sanctions-was-the-key-to-the-nuclear-deal-with-iran/, accessed: 2-11-14]

Future problems

We should not lose sight of the fact that this interim deal is the first step in a long and difficult process. Long term success will depend in equal measure on Iran’s willingness to permanently limit parts of its nuclear programme, which it has invested a huge amount of political and financial capital in, and Obama’s political determination to unpick the complex web of financial sanctions currently levied against Iran.

Obama can face down the shrill neo-conservative voices who immediately filed the deal under their go-to category of appeasement. Such critics see the deal as symptomatic of Obama’s feckless refusal to arrest the steady decline of American power and credibility in the world. The larger problem facing the White House comes in trying to persuade Congress to hold fire on further sanctions.

Here Obama faces a daunting task; Congress is already preparing further financial sanctions targeted on Iran’s oil sector that, if passed, could see Iran walking away from the interim deal. Secretary of State Kerry was sent to plead with Congressional leaders to hold fire, but instead faced criticism over the extent to which Congress was unaware of years of secret diplomacy with Iran. Obama cannot even rely on his own party: Democratic senators Schumer and Menendez, long term champions of sanctions, have both indicated their determination to keep fighting the good fight. Meanwhile, Democratic majority leader Harry Reid, who has the political and procedural ability to disrupt sanctions, has signalled his unwillingness to do so.

This will be a major concern for President Obama’s team, but one must assume that Congress’ potential intransigence has been discussed during secret talks with Iran. Obama will do his utmost to hold back Congress, and his hand will be strengthened if Iran quickly demonstrates its determination to hold up its side of the bargain. Yet, if he fails, he also has the ability to provide sanctions relief by Executive Order. He also has the capacity to limit the extent to which sanctions are applied or interpreted. Furthermore, even Congress cannot prevent the EU from dropping their sanctions. Most importantly, however, even recalcitrant Congressmen will be aware that they will be held accountable if they torpedo this deal and Washington finds itself dealing with a new war in the Middle East.

The real significance of what was achieved in Geneva lies not just in the concessions offered by Iran, considerable as they are, but in how both sides seem to have finally persuaded each other of their good intentions. This will surely be tested over the next six months, but should it hold, both sides will be rewarded with a transformational foreign policy victory.

#### Tanks Geneva and causes Israel strikes

**Leubsdorf, 1/22/14 –** former Washington Bureau chief of The Dallas Morning News (Carl, Dallas Morning News, “Hard-liners’ mischief-making threatens Iran nuke talks” <http://www.dallasnews.com/opinion/columnists/carl-p-leubsdorf/20140122-carl-leubsdorf-hard-liners-mischief-making-threatens-iran-nuke-talks.ece>)

The measure’s most dangerous provision, according to various published reports, reads as follows:

“If the government of Israel is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program, the United States should stand with Israel and provide in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic and economic support to the Government of Israel in the defense of its territory, people and existence.”

While not requiring U.S. action, critics note the language suggests the mere existence of an Iranian “nuclear weapon program” would be sufficient to compel Israel to attack “in legitimate self-defense.” And it says the U.S. “should” provide such an Israeli attack with “military, diplomatic and economic support” according to U.S. laws and congressional constitutional responsibility.

In effect, that could enable the hard-liners who control the Israeli government to kill the talks or try to drag the United States into a war against Iran if they decide that Iranian compliance with the current agreement is insufficient to protect Israel.

The measure would also enable Congress to kill any agreement the West reaches with Iran by overriding Obama’s decision to waive existing sanctions.

#### Global war

**Reuveny, 10** – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash.

For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.

Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground.

All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well.

By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.

Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond.

Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war.

During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve.

Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat.

In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.

An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean.

Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe.

From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops.

Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony.

Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.

Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted.

If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force.

While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

# \*North Korea Adv.\*

#### Contention Two: North Korea

#### North Korea is shifting back toward confrontation---weak US credibility of threat causes war

Julian Ryall 9/10, Japan Correspondent for The Daily Telegraph, "Back to business as usual for North Korea", 2013, www.dw.de/back-to-business-as-usual-for-north-korea/a-17077430

"President [Barack] Obama is fluctuating one way and then another on Syria and the diplomatic and military credibility of the US has been damaged, which means that Washington's threats of force against North Korea become weaker day by day," said Yoichi Shimada, a professor of international relations at Japan's Fukui Prefectural University. "At the same time, South Korea is intent on restarting the Kaesong industrial park as a token of its goodwill towards the regime," he said. "This will earn a great deal of money for the North and you can be sure that money will then be used by the regime to build yet more nuclear weapons and missiles."¶ The expert went on to say that "this action by the South Korean government is tantamount to a violation of United Nations sanctions on the North."¶ The other key player in the region is China, which supported UN sanctions against Pyongyang after it test-fired a missile in December and carried out its third underground nuclear test in February of this year.¶ There was widespread optimism that Beijing had finally cracked down on its errant neighbor and was imposing controls that would limit North Korea's ability to acquire nuclear technology and export missile know-how.¶ Encouragement from China¶ But analysts now say it is business as usual once again between Beijing and Pyongyang and the North's exports are simply crossing the border into China and beyond while atomic technology - as well as the all-important luxury goods that the elite of the regime require to sustain their lifestyles - flow in the opposite direction.¶ "A couple of months ago China was being tough on the regime, but that's over now," said Professor Hiroyasu Akutsu, a North Korea expert at Japan's National Institute of Defense Studies, told DW. "It's not clear yet exactly how much China is now aiding the North, but there are clearly loopholes in the sanctions-based approach to dealing with the regime," he said.¶ Prof. Akutsu believes China's quiet about-face on enforcing international sanctions mirrors its actions in 2009, when it again supported the UN Security Council when it implemented Resolution 1874 in an attempt to isolate North Korea and encourage the regime to give up its weapons to develop and deploy a nuclear weapon.¶ "The international community expected China to get tough and stay touch on Pyongyang, but within months the aid had restarted," he said. "It's the same this time around."¶ Aggression on hold¶ North Korea has not yet returned to the aggression that it demonstrated earlier in the year - most famously when it threatened to turn Seoul into a "sea of fire" and to launch ballistic missiles at targets in the continental US.¶ "They appear to be quiet at this point and are engaging in dialogue with the South, but that is in order to win back the support of China and they are really just pretending to be quiet," Prof. Akutsu said. "The North is biding its time and looking for an excuse to restart its nuclear and missile tests. They need to carry out those tests to become the 'strong, prosperous and great power' that they always say they are going to be."¶ If the North is looking for an excuse to return to the hectoring bombast of the past, the US-South Korean Security Consultative Meeting scheduled to take place in Seoul on October 2 could be it.¶ At the meeting, the two governments will unveil a plan designed to deter the North from using its nuclear capabilities as a threat to the region and the wider world.¶ The two nations have been carrying out joint research on a "tailored deterrence strategy" that envisions the use of escalating political, diplomatic and military responses to any threat.¶ In addition to the "nuclear umbrella" that the US also guarantees to the South, the strategy includes a missile defense system and even the option of precision military strikes on North Korean nuclear facilities should Pyongyang indicate that it is planning to launch a missile with a nuclear warhead.¶ That possibility has taken a large step forward, according to a US intelligence assessment of Pyongyang's advances in miniaturizing its nuclear warheads to the point they can be attached to a missile. Instead of being some years off, Washington now believes that North Korea's scientists may be as little as 12 months away from perfecting the technology.¶ Return to confrontation¶ The comments emerging from the North also suggest that it is slowly moving away from engagement and back to confrontation.¶ "Everything depends on the behavior of the US and South Korea," Kim Myong-chol, executive director of The Center for North Korea-US Peace and unofficial spokesman for the regime in North Korea, told DW. "We in the North want peace, but this pressure on us from the US and South Korea is unnecessary and it cannot work," he said.¶ "North Korea has the capability to strike targets in the US within an hour. We could vaporize the US and that would be the end of both America and South Korea. It is my opinion that the US will surrender in the next two years and sign a peace treaty with North Korea," he added. "After that, the Korean peninsula will be reunited within another two years."

#### North Korea’s threatening war---only credible threats solve

Tom Rogan 13, BA in War Studies and MSc in Middle East Politics, "North Korea nuclear test", 2/11, www.tomroganthinks.com/2013/02/north-korea-nuclear-test.html

North Korea is threatening a further nuclear test and evidence suggests that this threat is more than rhetoric. While the North Koreans are steadily improving their ICBM capability, we already know that they have an albeit basic nuclear weapons facility. To be honest, although the North Koreans are loud, aggressive and seemingly unpredictable, their unpredictability has predictable contours. In essence, North Korea's foreign policy is similar to the actions of a young child. When a child wants attention or gifts, they cry. When North Korea wants attention or gifts (economic aid), it threatens war. True, the North Koreans sometimes take major action, most recently sinking a South Korean ship in 2010. But it's also true that whether headed by il-Sung, Jong-il or Jong-un, the North Korean regime resides on a foundation of luxury and patronage. It's leaders don't want to die. For all their threats, the North Koreans are cognizant that war with the US would be an act of suicide. With American resolve and strength, North Korea can be deterred.

#### Korean war goes nuclear, spills over globally---risk of miscalc is high and this time is different

Steven Metz 13, Chairman of the Regional Strategy and Planning Department and Research Professor of National Security Affairs at the Strategic Studies Institute, 3/13/13, “Strategic Horizons: Thinking the Unthinkable on a Second Korean War,” http://www.worldpoliticsreview.com/articles/12786/strategic-horizons-thinking-the-unthinkable-on-a-second-korean-war

Today, North Korea is the most dangerous country on earth and the greatest threat to U.S. security. For years, the bizarre regime in Pyongyang has issued an unending stream of claims that a U.S. and South Korean invasion is imminent, while declaring that it will defeat this offensive just as -- according to official propaganda -- it overcame the unprovoked American attack in 1950. Often the press releases from the official North Korean news agency are absurdly funny, and American policymakers tend to ignore them as a result. Continuing to do so, though, could be dangerous as events and rhetoric turn even more ominous. ¶ In response to North Korea's Feb. 12 nuclear test, the U.N. Security Council recently tightened existing sanctions against Pyongyang. Even China, North Korea's long-standing benefactor and protector, went along. Convulsed by anger, Pyongyang then threatened a pre-emptive nuclear strike against the United States and South Korea, abrogated the 1953 armistice that ended the Korean War and cut off the North-South hotline installed in 1971 to help avoid an escalation of tensions between the two neighbors. A spokesman for the North Korean Foreign Ministry asserted that a second Korean War is unavoidable. He might be right; for the first time, an official statement from the North Korean government may prove true. ¶ No American leader wants another war in Korea. The problem is that the North Koreans make so many threatening and bizarre official statements and sustain such a high level of military readiness that American policymakers might fail to recognize the signs of impending attack. After all, every recent U.S. war began with miscalculation; American policymakers misunderstood the intent of their opponents, who in turn underestimated American determination. The conflict with North Korea could repeat this pattern. ¶ Since the regime of Kim Jong Un has continued its predecessors’ tradition of responding hysterically to every action and statement it doesn't like, it's hard to assess exactly what might push Pyongyang over the edge and cause it to lash out. It could be something that the United States considers modest and reasonable, or it could be some sort of internal power struggle within the North Korean regime invisible to the outside world. While we cannot know whether the recent round of threats from Pyongyang is serious or simply more of the same old lathering, it would be prudent to think the unthinkable and reason through what a war instigated by a fearful and delusional North Korean regime might mean for U.S. security. ¶ The second Korean War could begin with missile strikes against South Korean, Japanese or U.S. targets, or with a combination of missile strikes and a major conventional invasion of the South -- something North Korea has prepared for many decades. Early attacks might include nuclear weapons, but even if they didn't, the United States would probably move quickly to destroy any existing North Korean nuclear weapons and ballistic missiles. ¶ The war itself would be extremely costly and probably long. North Korea is the most militarized society on earth. Its armed forces are backward but huge. It's hard to tell whether the North Korean people, having been fed a steady diet of propaganda based on adulation of the Kim regime, would resist U.S. and South Korean forces that entered the North or be thankful for relief from their brutally parasitic rulers. As the conflict in Iraq showed, the United States and its allies should prepare for widespread, protracted resistance even while hoping it doesn't occur. Extended guerrilla operations and insurgency could potentially last for years following the defeat of North Korea's conventional military. North Korea would need massive relief, as would South Korea and Japan if Pyongyang used nuclear weapons. Stabilizing North Korea and developing an effective and peaceful regime would require a lengthy occupation, whether U.S.-dominated or with the United States as a major contributor. ¶ The second Korean War would force military mobilization in the United States. This would initially involve the military's existing reserve component, but it would probably ultimately require a major expansion of the U.S. military and hence a draft. The military's training infrastructure and the defense industrial base would have to grow. This would be a body blow to efforts to cut government spending in the United States and postpone serious deficit reduction for some time, even if Washington increased taxes to help fund the war. Moreover, a second Korean conflict would shock the global economy and potentially have destabilizing effects outside Northeast Asia. ¶ Eventually, though, the United States and its allies would defeat the North Korean military. At that point it would be impossible for the United States to simply re-establish the status quo ante bellum as it did after the first Korean War. The Kim regime is too unpredictable, desperate and dangerous to tolerate. Hence regime change and a permanent ending to the threat from North Korea would have to be America's strategic objective. ¶ China would pose the most pressing and serious challenge to such a transformation of North Korea. After all, Beijing's intervention saved North Korean dictator Kim Il Sung after he invaded South Korea in the 1950s, and Chinese assistance has kept the subsequent members of the Kim family dictatorship in power. Since the second Korean War would invariably begin like the first one -- with North Korean aggression -- hopefully China has matured enough as a great power to allow the world to remove its dangerous allies this time. If the war began with out-of-the-blue North Korean missile strikes, China could conceivably even contribute to a multinational operation to remove the Kim regime. ¶ Still, China would vehemently oppose a long-term U.S. military presence in North Korea or a unified Korea allied with the United States. One way around this might be a grand bargain leaving a unified but neutral Korea. However appealing this might be, Korea might hesitate to adopt neutrality as it sits just across the Yalu River from a China that tends to claim all territory that it controlled at any point in its history. ¶ If the aftermath of the second Korean War is not handled adroitly, the result could easily be heightened hostility between the United States and China, perhaps even a new cold war. After all, history shows that deep economic connections do not automatically prevent nations from hostility and war -- in 1914 Germany was heavily involved in the Russian economy and had extensive trade and financial ties with France and Great Britain. It is not inconceivable then, that after the second Korean War, U.S.-China relations would be antagonistic and hostile at the same time that the two continued mutual trade and investment. Stranger things have happened in statecraft.

#### North Korea’s deterrable --- prefer data based on the Kim regime’s foreign policy and structure

Daniel Byman 10, professor in the Security Studies Program at Georgetown University, and Jennifer Lind, Assistant Professor in the Department of Government, Dartmouth College, “"Keeping Kim: How North Korea's Regime Stays in Power"”, Policy Brief, Belfer Center for Science and International Affairs, Harvard Kennedy School, July http://belfercenter.ksg.harvard.edu/publication/20269/keeping\_kim.html?breadcrumb=%2Fexperts%2F1079%2Fjennifer\_lind%3Fgroupby%3D2%26page%3D1%26hide%3D1%26id%3D1079%26back\_url%3D%252Fexperts%252F%26%3Bback\_text%3DBack%2Bto%2Blist%2Bof%2Bexperts

\* Hardly an Erratic Regime. The Kim regime's foreign policy behavior, though frequently called erratic or crazy, has a rational basis. International provocations help to stoke popular nationalism, shoring up the regime’s domestic position, particularly within the military.¶ \* The Paradox of Sanctions. Effective sanctions—those that target Kim's power base—are likely to be rejected by key stakeholder countries because of the risk they pose of regime collapse and the chaos that would likely ensue.¶ THE STAYING POWER OF THE KIM REGIME¶ Predictions of the Kim regime's demise have been widespread for many years, particularly in the 1990s, as upwards of 1 million North Koreans perished in a famine. Limited openness in the form of bustling markets and some cross-border trade were viewed as a possible threat to the regime's control. Recently, analysts have argued that North Korean bellicosity—for example, the March 2010 attack on a South Korean warship and its nuclear and missile tests in 2009—is aimed at a domestic audience: an effort by a weak regime to shore up support among the North Korean military in advance of succession. Analysts also point to surprising popular protests after Pyongyang's botched 2009 currency reform and to increased information flows as reasons to think the regime may soon fall.¶ Decisionmakers and analysts, however, often underestimate the power of tyranny. Like other dictatorships, the Kim regime relies on numerous tools of authoritarian control to stay in power.¶ Although data are opaque, Kim Jong-il's hold on power seems more secure than many pundits suggest: the regime does not appear vulnerable to coups d'état or revolution. The greatest threat to the Kim regime is the challenge of succession. Prior to his death in 1994, Kim Il-sung skillfully applied a variety of tools from the "authoritarian toolbox" to ensure a smooth transfer of power for his son—for example, creating a cult of personality around the younger Kim. The current regime has not yet made similar preparations for Kim Jong-il's successor, which raises the risk of contested succession and regime collapse after Kim's death or incapacitation.¶ Understanding the Kim regime's resilience requires an understanding of the tools it has used to stay in power. The first is social engineering—creating a country where the very building blocks of opposition are lacking. North Korea has no merchant or land-owning class, independent unions, or clergy. Intellectuals are regime-loyal bureaucrats, not dissidents, and strict restrictions on the activities of students have cowed them into submission.¶ Second, the regime pushes an ideology. The Supreme Leader (suryong) system established Kim Il-sung as the center of a cult of personality. At the core of the regime's juche ideology is nationalism with a xenophobic, even racist, slant. Anti-Japanese sentiment, hostility to South Korea, and propaganda against the United States create legitimacy for the regime. As the regime inculcates its ideology and cult of personality, it strives for tighter controls on information. In the 1990s, after the famine, the regime's control of information decreased and cross-border smuggling grew, but recently the regime has tried to reassert its control.¶ Perhaps most important, the North Korean regime is brutal in its use of force. Dissent is detected through an elaborate network of informants working for multiple internal security agencies. People accused of relatively minor offenses undergo "reeducation"; those accused of more serious transgressions are either immediately executed or interred in miserable political prison camps. Even more daunting, according to the "three generations" policy, the regime punishes not only the individual responsible for the transgressions but his or her whole family.¶ At the same time, Kim Jong-il uses perks and rewards to co-opt military and political elites. Members of this class receive more and better food, in addition to the most desirable jobs working for the regime. During the famine, the core class was protected, so that the famine's devastation was concentrated on the people deemed least loyal. This group acquiesced to the succession of Kim Jong-il after his father's death; it keeps Kim in power and will influence his choice of successor. Kim Jong-il has co-opted the military by bestowing on it policy influence and prestige, as well as a large share—perhaps 25 percent—of the national budget. The military also has a favored position in policy circles and is lauded in regime propaganda. Nuclear weapons provide another tool for cultivating the military's support. They bring prestige to an institution whose morale has been challenged by hunger and by its relative inferiority to South Korea's military forces.¶ Kim Jong-il's regime manipulates foreign governments to generate the hard currency needed to buy off elites and sustain his military. China and the Soviet Union propped up North Korea during Kim Il-sung's reign. Kim Jong-il continues to rely on Chinese patronage, but he has also been adept at extracting extensive aid from his adversaries. Since the late 1990s, Pyongyang has used promises of denuclearization to extort more than $6 billion in aid, as well as hundreds of thousands of tons of food, not only from South Korea but also from the United States, China, and Japan. Economic initiatives associated with South Korea's sunshine policy, such as the Kaesong Industrial Complex, have also provided Pyongyang with a significant revenue stream. Although Seoul initially announced cuts in this economic support after the March 2010 attack on the South Korean warship, only a few months later it began to backtrack.¶ Should co-optation fail and domestic elites grow dissatisfied, the Kim regime has coup-proofed North Korean institutions in ways that deter, detect, and thwart anti-regime activity among these elites. North Korean military leaders are chosen for their political loyalty rather than military competence. Key positions are granted to individuals with family or other close ties. Kim Il-sung ruled with the help of relatives and his fellow anti-Japanese guerrillas. Kim Jong-il relies on multiple and competing internal security agencies to reduce the unity of the security forces and to maximize the information he receives about anti-regime activities. The Kim regime has created parallel security forces to protect itself from a military coup.¶ IMPLICATIONS AND POLICY RECOMMDENDATIONS¶ This analysis suggests several implications for foreign policy toward North Korea, in particular the effort to pressure Pyongyang to give up its nuclear arsenal. Sanctions aimed at weakening North Korea's broader economy are unlikely to exert much coercive pressure on Pyongyang; Kim Jong-il (like Joseph Stalin, Saddam Hussein, and many other dictators) protects his elite core while shifting the burden of sanctions to the people. A more effective economic lever with which to move the regime would be to directly threaten its access to hard currency and luxury goods, which it needs to bribe elites. Policies such as freezing North Korean assets overseas and embargoing luxury items are thus the most promising options.¶ Ironically, the United States and other countries will be hesitant to apply the kinds of sanctions that have the best chance of success. In China, South Korea, and the United States, fears of war or chaos on the Korean Peninsula and the calamity of refugees pouring across borders are likely to lead these states to continue to prop up the Kim regime, helping it to weather crises and keeping the country poor, starved, and brutalized.¶ North Korea is unlikely to yield to pressure to relinquish its nuclear arsenal. Although much debate focuses on the regime's security motivations for acquiring nuclear weapons, these weapons also serve as a tool of its survival. They help to curry the favor of the military, and they provide a bargaining chip that earns the regime billions of dollars in hard currency.¶ In contrast to the media, which persist in portraying Kim Jong-il as a madman or an incompetent playboy, this analysis shows him to be a shrewd, if reprehensible, leader. His meticulous use of the authoritarian toolbox reveals him to be a skilled strategic player. Kim shows every sign of being rational—and thus deterrable.¶Should the United States reject a deterrence strategy toward North Korea (as it ultimately did toward Iraq), limited military operations undertaken with the goal of inciting a coup or popular revolt are unlikely to succeed in this coup-proofed dictatorship. Air strikes would do little to stir up popular unrest or sufficient anger among the military elite to topple Pyongyang's regime. Rather, they would inflame nationalism at the popular level and likely increase the military's loyalty to the leadership. Kim's regime would be able to blame any resulting economic problems on the bombings rather than on its own bungling. Toppling the Kim regime, then, is unlikely to work with coercive strikes and would instead require a full invasion, a course the United States is unlikely to choose because of the tremendous instability it would unleash.

#### Only credibility of threats can prevent Kim Jong Un from initiating conflict

David S. Maxwell 12, the Associate Director of the Center for Peace and Security Studies and the Security Studies Program in the School of Foreign Service of Georgetown University, “IS THE KIM FAMILY REGIME RATIONAL AND WHY DON’T THE NORTH KOREAN PEOPLE REBEL?”, January, Foreign Policy Research Institute, http://www.fpri.org/enotes/2012/201201.maxwell.nkorea.html

With the death of Kim Jong-il and the ensuing temporary focus on North Korea, I was recently asked some questions that I think are worth considering. In light of the negative reaction of the South Korean stock markets to the rumor that the North had conducted a nuclear test, I was asked whether the North would ever carry out the irrational act of using its very limited nuclear weapons against the South when such an action would cause the end of the regime? In addition, given the horrendous suffering of the North, many rightly question why North Koreans do not rebel against the tyrannical and criminal dictatorship -- arguably one of the worst violators of human rights in modern history -- of the Kim Family Regime (KFR)? This paper will provide some thoughts on the answers to these separate but inter-related questions.¶ IS NORTH KOREA RATIONAL?¶ The political entity North Korea, or more specifically the Kim Family Regime, is very rational in the sense that it knows what it wants and works tirelessly to achieve it. The regime’s operating strategy can be broken down as follows:¶ Vital national interest: survival of the Kim Family Regime (not the nation-state but the regime).¶ Strategic aim: reunification of the Peninsula under the control of the DPRK (the only way to ensure the long-term survival of the KFR -- because anything else means that it will not survive)¶ Key condition to achieve its strategic aim: get US forces off the Peninsula (or in Sun Tzu terms “split the alliance”).¶ International political aim: to be recognized as a nuclear power.¶ Why does the North want (or need in its calculus) nuclear weapons? First and foremost it believes that it needs its nuclear program as a necessary deterrent. We should understand that the lessons that the regime has learned from Iraq and Libya are that their downfalls were a result of their not yet having developed nuclear weapons. Of course if anything happens to limit Iran’s development of such weapons (like what happened to Syria’s covert reactor several years ago) that lesson will only be reinforced.¶ Second, the nuclear program has proved to be an extremely useful strategic instrument in its diplomatic toolkit that has resulted in a range of political and economic concessions over the years and it will exploit that tool for as long as the regime is in existence.¶ Third, in my opinion, the regime is not suicidal at all and everything that it does and will do is focused on protecting its vital national interest. However, as irrational as it may seem to us that could include launching a war (particularly if the regime believes it is threatened and has no other alternative). And what is really dangerous to the region is that by the nature of the system no one is going to tell Kim Jong-un that his military is not capable of winning and the information that he receives from people around him (who have to act like sycophants in order to survive) can make a very irrational decision to us seem very rational to him.¶ Fourth, deterrence has been effective against the North. Hwang Jong Yop's debriefings suggest that the North has never initiated an attack on the ROK because it knows that it cannot win a nuclear war with the US and it believes that the US would use nuclear weapons against it. [1] This calculation drove its need for its own nuclear deterrent, which the regime had been trying to develop since the 1950's. Ironically, the very effectiveness of our deterrent drove the North to possess its own.¶ Lastly, I think an examination of the regime's actions over the past 60 years shows that it has been very rationally following its own "play book" to protect its vital national interests based on its understanding of the international and peninsula security situation. It has been singularly focused on its vital national interest and achieving its strategic aim as well as using provocations to gain political and economic concessions.¶ Of course on the flip side there are myriad reasons to judge the North as irrational: Is it rational to think it can win a war with the ROK, let alone with the ROK-US alliance? Is it rational to use provocations up to and including either the use or sale of nuclear weapons or capabilities? Is it rational to starve some 23 million people to allow the regime to survive? Was it rational to attack and hijack the Pueblo? Is it rational to attempt multiple assassinations to kill the South Korean leadership (at least twice in Seoul and once in Rangoon) and to use terrorist action against the South and international community? Is it rational to trade in myriad illicit activities to include being one of the world's largest and most proficient counterfeiters (to include that of US currency but also cigarettes and drugs such as Viagra and methamphetamines)? Is it rational to turn down Chinese help for economic reform (because such reform would likely end the regime)? Of course from our perspective the answer to my rhetorical questions is no but we cannot just view the problem from our perspective or even through the eyes of South Koreans, who are now vastly different than the North Korean regime. From the Kim Family Regime’s perspective, it has acted in a very rational way and, if we look at things carefully, we should see it has acted in a very predictable way over the past 60 years.

#### Empirics prove

Salon 11 “Lesson from the Korean Crisis: North Korea Can be Deterred”, 1-7, http://open.salon.com/blog/don\_rich/2011/01/07/lesson\_from\_the\_korean\_crisis\_north\_korea\_can\_be\_deterred

That link is good news, as it shows the the latest Korean crisis appears to have finally truly de-escalated, and it offers the lesson in the title: North Korea can be deterred, at least over some significant ranges of political disputes with South Korea and the United States, which is good news.¶ That is an important bit of information, because North Korea is a nuclear armed state that might possibly, possibly, on a good day, be able to hit American territory with one or two nuclear weapons with their extended version of the Taepodong II, if their missile could be launched before it was attacked by American and South Korean planes, get past the Airborne Laser of the Air Force, avoid the interceptors in Alaska and atVandenburg, and possibly also avoid an Aegis deployed on the West Coast, and it is only one or two that they are currently even possibly, possibly capable of attempting such a stunt with, at least as a single barrage.¶ The North Korean's nuclear weapons would not be very accurate, like within miles, and "at best" from the North Korean point of view, they would "only" go off at a yield of, given their two tests, five kilotons yield, less than half of Hiroshima, and would be at least as likely to "fizzle," and basically just create an unpleasant hazmat situation, if their warhead survived re-entry, but, that is still a nuclear weapons issue, and therefore an issue of something that the United States needs to deter.¶ Whether or not North Korea could be deterred once it acquired nuclear weapons was actually subject to a non-trivial amount of debate, and was the subject of some worry as the increase in tensions on the Korean Peninsula began with the sinking of the Cheonan in March 2010.¶ All summer long after the Cheonan, the United States and South Korea conducted military exercises to deter the North Koreans from further attacks, including the South Korean military exercises on and around Yeonpyeong Island last November, drills that finished with North shelling South Korean territory on said island.¶ That properly made a lot of people pretty nervous, especially when the next South Korean military exercises were set to go live fire while the North was threatening to shell these wargames too.¶ Russia had announced that "major conflict" could be imminent within hours after a Security Council Resolution to de-escalate tensions on the Korean Peninsula failed to pass, over Chinese objections as to blame for the situation.¶ There was in other words a non-zero possibility of a war at that point, and that was true the second the Cheonan went under water last March.¶ Fortunately, the North Koreans then proceeded to do something after the failure of the Security Council Resolution to pass, which their conduct had raised a lot of doubts about, which was to then act like they could be deterred, by announcing they would not shell the South Korean wargames after all.¶ They further de-escalated tensions on January 5 by calling for talks with South Korea, which of course was probably part of the point of this whole exercise in the first place, beyond the desire to show that the DPRK will still be here after Kim Jong il passes away.¶ But that wouldn't seem to be the whole story, because surely that is a big risk to take just to make that statement over sucession, and the existence of their nuclear weapons program shows why.¶ If you have nuclear weapons, you need from your own safety point of view to be thought of as deterrable, at least over some range of political disputes.¶ This need is because if you have nuclear weapons and are thought to not be deterrable over any range of political objectives, the correct thing to do for any potential target is to attack you, before you attack them.¶That conclusion that the North Koreans in part launched this crisis to show that they could be deterred as part of their motive is still consistent with the DPRK domestic politics aspect of these events, and is still consistent as well with the acknowledgement that the North Koreans probably went to up to the brink of war in order to bargain over their future, where the brinksmanship was to get leverage in such talks by showing resolve.¶ But still, these events also seemingly established that the North Koreans could be deterred, and that is actually in the interest of the North Koreans as a nuclear weapons state, even if they still want to be seen as "semi-crazy," to maximize bargaining leverage with the South.¶ That is kind of obnoxious, because of the dead people and the scare-nuisance factor, but also shows that if the North Koreans are what is known in the literature as "risk acceptant," which is a fancy way of saying that the North Koreans will pull some crazy stunts sometimes that have a high potential to get out of hand, nuclear deterrence theory still applies to the North Koreans, at least across some intervals of political objectives, which is nice to know, since if nuclear deterrence theory did not apply to the North Koreans, we would have to attack them, which they also know that we know that they know..., and again may have been the most important functionality and certainly is the most important lesson of these events of all, and which is good news.

#### Tailored incentives are key --- targeting leaders and the elite makes deterrence effective

JEFFREY S. LANTIS 9, Associate Professor in the Department of Political Science at The College of Wooster, “Strategic Culture and Tailored Deterrence: Bridging the Gap between Theory and Practice”, Contemporary Security Policy, Vol.30, No.3 (December 2009), pp.467-485, http://www.contemporarysecuritypolicy.org/assets/CSP-30-3-Lantis.pdf

What are the implications of strong leadership for tailored deterrence? Dominant leaders who link themselves to prevailing cultural narratives may have a profound impact on security policy. If, drawing from insights in constructivism, one views the relationship between elites and strategic cultures as mutually constitutive, the leaders themselves become an important target of tailored deterrence initiatives. Elite allegiance to strategic culture also may be understood through the lens of emerging scholarship on identity and strategic choice. George emphasizes, 'the effectiveness of deterrence and coercive diplomacy is highly context dependent'.52 Much of the existing literature on strategic culture tends to focus on its role in authoritarian states, implying that there are more measurable strains of strategic culture manifest in certain types of political ideology, doctrine, and discourse. But recent case studies also suggest the power of elites to carry forward and shape strategic culture. Glenn Chafetz, Hillel Abramson, and Suzette Grillot suggest that the leaders of Ukraine and Belarussia demonstrated different attitudes toward acceding to the Nuclear Nonproliferation Treaty (NPT) after the collapse of the Soviet Union, partly as a function of strategic cultural orientations.5 Rodney Jones' study of Indian strategic culture emphasizes the interplay between leaders and a complex historical foundation. While deeply influenced by history, he argues, 'India's strategic culture is elite-driven and patrician-like rather than democratic in inspiration or style\*. Successful leaders tap into a larger common historical narrative, the 'near mystical features of India's strategic culture\* in shaping policy decisions. Murhaf Jouejati's study of Syrian strategic culture suggests that the al-Assad family has identified closely with Ba'athist secular traditions in the region to promote their own interests.55¶ Tailoring deterrence toward potential adversaries involves the identification of political leaders and elites, as well as individuals in the national military command, who should be the targets of important threat (or incentive) messages. -American responses to North Korea's nuclear weapon tests in 2006 and 2009 may demonstrate the evolution of deterrence messages. In 2006 President Bush declared that it was in the United States national interests to prevent North Korea from developing nuclear weapons. He added, in no uncertain terms that the United States would 'hold North Korea fully accountable for the consequences' if it provided nuclear weapons or materials to other countries or non-state actors. In early 2009 the Obama administration appears to have diversified its instruments of diplomacy from opening a back-channel to North Korea and pushing a new set of highly targeted sanctions through the UN Security Council focused on individuals and firms doing business with that country. Former President Clinton's surprise visit and personal meetings with Kim Jong-il in August 2009 seemed to augment policies and messages targeted at select individuals in the leadership structure.

# \*Multilateralism Adv.\*

#### Contention Three: Multilateralism

#### It prevents imminent great power wars that makes extinction inevitable

**Dyer**, 12/30/**2004** (Gwynne – former senior lecturer in war studies at the Royal Military Academy Sandhurt, The End of War, The Toronto Star, p. lexis)

The "firebreak" against nuclear weapons use that we began building after Hiroshima and Nagasaki has held for well over half a century now. But the proliferation of nuclear weapons to new powers is a major challenge to the stability of the system. So are the coming crises, mostly environmental in origin, which will hit some countries much harder than others, and may drive some to desperation. Add in the huge impending shifts in the great-power system as China and India grow to rival the United States in GDP over the next 30 or 40 years and it will be hard to keep things from spinning out of control. With good luck and good management, we may be able to ride out the next half-century without the first-magnitude catastrophe of a global nuclear war, but the potential certainly exists for a major die-back of human population. We cannot command the good luck, but good management is something we can choose to provide. It depends, above all, on preserving and extending the multilateral system that we have been building since the end of World War II. The rising powers must be absorbed into a system that emphasizes co-operation and makes room for them, rather than one that deals in confrontation and raw military power. If they are obliged to play the traditional great-power game of winners and losers, then history will repeat itself and everybody loses.

#### Multilateralism solves nuclear disarm.

**Wurst**, 10/7/**2003** (Jim – staff writer for Global Security Newswire, Nations advocate multilateralism as U.N. Disarmament Committee opens, Global Security Newswire, p. http://www.nti.org/d\_newswire/issues/2003/10/7/58b40bb1-428d-4508-9a0e-09e50baef8c3.html)

The annual meeting of the U.N. General Assembly’s disarmament committee opened yesterday with key non-nuclear weapons states and U.N. officials defending multilateral efforts on disarmament and security despite increasing cases of nations ignoring such instruments. Many nations also said nuclear proliferation can never be halted without progress in nuclear disarmament. The new undersecretary general for disarmament, Nobuyasu Abe, opened the committee meeting, saying, “Given the urgent concern about the imminent spread of deadly weapons, it would not suffice merely to recite the norms of prohibition. But we need urgently to explore practical ways to strengthen international peace and security **through multilateral cooperation**.” “As in any system of law, the various multilateral instruments and institutions in the fields of disarmament, nonproliferation, and arms control depend upon three essential conditions,” he said. The first condition is that instruments must be accepted as legitimate, he said, and second, “there must be compliance with the most vital norms and ways to monitor it.” The third condition is that “there must be some credible means of enforcing such norms if and when they are violated,” he added. “If any one of these conditions has not been adequately satisfied, we will continue to face difficulties in promoting multilateral cooperation and limiting the resort to unilateralism,” Abe said. Committee chairman Ambassador Jarmo Sareva of Finland said some of the proliferation problems include more states acquiring nuclear weapons or allegations of states trying to acquire them, the development o f new weapons that do not fall under any existing international regime, such as space-based weapons, and nuclear weapons states not eliminating their stocks. **These problems have** “both contributed to and **been exacerbated by a crisis of confidence in multilateralism** and the rule of law in international relations,” he said. While there is no single solution, said Sareva, it is “a challenge that will require many tools.” “We must neither turn a blind eye to the very real shortcomings in some existing multilateral approaches to international peace and security, nor — be it out of frustration or out of design — cast aside longstanding multilateral norms and security frameworks simply because a tiny minority of states has chosen to flout them,” he said. Ambassador Sergio Queiroz Duarte of Brazil, speaking for the New Agenda Coalition, said, “To attain a nuclear weapon free world, it is vital to prevent nuclear proliferation, and at the same time it is imperative to promote nuclear disarmament.” The New Agenda Coalition is an ad hoc group of seven states — Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden — promoting steps toward nuclear disarmament, in terms of commitment made in the Nuclear Nonproliferation Treaty. Duarte said the coalition was concerned that India, Pakistan and Israel remain outside of the NPT and that North Korea has announced its withdrawl from the treaty. While not criticizing the United States by name, Duarte listed several policy concerns that **were clearly directed at Washington**. He said one “disturbing development” is the trend toward creating a “broader role of nuclear weapons as part of security strategies, including the rationalizations for the use and development of new types of weapons.” The United States is scheduled t o address the committee today. Ambassador Nugroho Wisnumurti of Indonesia said he was **concerned about the “declining role” of multilateralism** since it is “a guarantor of legitimacy and democracy in tackling the global problems confronting us.” He was also “concerned over a new, untenable doctrine of preemption even against non -nuclear states,” Wisnumurti added.

#### Failure to disarm makes extinction inevitable.

**Hari**, 10/20/**2004** (Johann – regular writer for the Times Literary Supplement, Will we wake up from our nuclear coma? – There is a strong chance of a nuclear bomb being used now, The Independent, p. lexis)

But there is no such thing as a regional nuclear war. An exchange between India and Pakistan, or between Israel and Iran, would - quite apart from killing millions of people - **risk irreparable ecological damage to the planet.** Today, along with man-made climate change, **nuclear weapons are the biggest threat to human life** as we know it. So why is hardly anybody talking about it? Partly, it's because nobody seems to have any good answers. We all know that during the Cold War, nuclear weapons were regulated by a simple doctrine: Mutually Assured Destruction (MAD). If you used a nuke, you were guaranteed to be nuked in return. What doctrine now regulates the use of these weapons? Some people believe that MAD is still a working principle. The conservative commentator Matthew Parris, for example, speaks for many on the right when he says that India and Pakistan are more stable because of nuclear weapons. "If India and Pakistan did not have nuclear weapons, they would have gone to war in 2002 ... the threat alone defused the situation. No lives were lost. This was the classic case for nuclear weapons, and it was demonstrated there ." So MAD got us through the Cold War; it will get smaller powers through their own conflicts with less bloodshed. Proliferation is a good thing. This argument is flawed for several reasons. Even when MAD was practised by two relatively stable super- power blocs for just 40 years, it nearly broke down and led to "rational suicide" on several occasions. Does anybody really think that if this is replicated across the world - **in the most tense, dangerous** and often fanatical **regions** - it will not break down sooner or later? Just one lapse, just one crazy leader testing the doctrine, condemns tens of millions of people to death. It requires delirious, wild optimism to believe MADness on every continent will keep us safe indefinitely. But more importantly, all over the world, even the strained logic of MAD is evaporating. The US government believes it will, within a generation, be safe from retaliation because of its missile shield, so MAD will no longer apply to them. Many ultra -nationalists in the Indian government in 2002 seemed to have a worrying lack of knowledge about the effects of a nuclear war, claiming that it would have "a limited effect" and "we could take it". MAD doesn't work if people don't understand the consequences. And Islamic fundamentalists who believe that death can be more glorious than life, who welcome "martyrdom", are obviously not going to be put off by retaliation. So, against our biggest security threat - al-Qa'ida - MAD is useless. I can only think of one long-term answer to the danger: phased, **tightly monitored multilateral disarmament**, reducing all the world's nuclear arsenals one step at a time. Right now, this is so far off the p olitical map it sounds crazy. But what is the alternative? There is Parris-style faith in MAD. Or there is the neoconservative solution, which is to keep thousands of nukes ourselves but deny them t o everybody else through raw force. **This is not a tenable long-term solution**. Perhaps an Israeli bombing raid on Iran's reactors will work this year - but can proliferation be dealt with that way indefinitely? How can we sustain such hypocrisy without making more countries eager to get nukes to spite us? Multilateral disarmament is deeply flawed, but the alternatives - endless proliferation or a neoconservative resort to force against any potential nuclear powers - **are more dangerous** still. Even if slow, careful nuclear disarmament didn't seem the best option to you at the height of the Cold War, it should now. Yet the people who should be making this case - groups like the Campaign for Nuclear Disarmament - have gone off on a Trotskyite tangent, campaigning on causes that have nothing to do with nukes. (Their current crusade is to put Tony Blair on trial.)

#### Multilateralism is key to space.

**Hayden**, April **2003** (Dale – Colonel in the United States Air Force and fellow at the Weatherhead Center for International Affairs – Harvard University, The International Development of Space and its impact on U.S. National Security, WCFIA Center, p. http://www.wcfia.harvard.edu/fellows/papers02-03/hayden.pdf)

Given how highly interdependent the world has become, the U.S. really has no feasible alternative to multilateralism. Furthermore, this approach is the best strategy for policymakers as it has the highest probability for long-term success. Wayne S. Smith, senior fellow at the Center for International Policy in Washington, D.C., concludes, “ In an age of instant communications, multinational and global flows of capital, the idea that even the powerful United States can decide itself is illusory.”1 It is in the national self- interest for the U.S. to build international bridges in the arena of space operations. The factors that will drive multinational cooperation--cost, limited direct influence over international players through military or economic action, international treaties and organizations, the proliferation of multinational companies and an overall desire by the U.S. to be perceived as a team player—rely on international cooperation and global interdependence.

#### Extinction is inevitable without space exploration.

Carreau 2002 (Mark, Winner – 2006 Space Communicator Award, MA in Journalism – Kansas State University, “Top Experts See Space Study As Key to Human Survival”, The Houston Chronicle, 10-19, Lexis)

With Apollo astronaut John Young leading the charge, top aerospace experts warned Friday that humanity's survival may depend on how boldly the world's space agencies venture into the final frontier. Only a spacefaring culture with the skills to travel among and settle planets can be assured of escaping a collision between Earth and a large asteroid or devastation from the eruption of a super volcano, they told the World Space Congress. "Space exploration is the key to the future of the human race," said Young, who strolled on the moon more than 30 years ago and now serves as the associate director of NASA's Johnson Space Center. "We should be running scared to go out into the solar system. We should be running fast." Scientists believe that an asteroid wiped out the dinosaurs more than 60 million years ago, and are gathering evidence of previously large collisions. "The civilization of Earth does not have quite as much protection as we would like to believe," said Leonid Gorshkov, an exploration strategist with RSC Energia, one of Russia's largest aerospace companies. "We should not place all of our eggs in one basket."

# \*Plan \*

**Thus the plan:**

**The United State federal government should require the President to notify Congress that significant armed conflict is about to be initiated no later than the point in time when the President authorizes mission accomplishment as per the Rules of Engagement for the purpose of providing U.S. armed forces with the use of force authority necessary to accomplish the anticipated military mission.**

# \*Solvency\*

#### Contention Four: Solvency

#### Plan triggers a shift to a flexible Grand Strategy that fosters credibility – solves a litany of impacts – best scholarship

Waxman, 2014

[Matthew C., is a Professor at Columbia Law School, an Adjunct Senior Fellow at the Council on Foreign Relations, and a Member of the Hoover Institution Task Force on National Security and Law , “The Power to Threaten War,” Forthcoming in YALE LAW JOURNAL, vol. 123 (2014)

Dec. 3, 2013 DRAFT, accessed: online, 12-23-13, SpS]

C. Threats, Grand Strategy, and Future Executive-Congressional Balances

Having homed in here on threatened war or force, this Article might suggest to some yet another indication of expanding or constitutionally “imperial” power of the U.S. President. That is, beyond the President’s wide latitude to use military force abroad, he can take threatening steps that could provoke or prevent war and even alter unilaterally the national interests at stake in a crisis by placing U.S. credibility on the line—the President’s powers of war and peace are therefore even more expansive than already generally supposed.

It is also important to see this analysis, however, as showing a more complex dependency of presidential powers on Congress with respect to setting and sustaining American grand strategy. Philip Bobbitt was quite correct when he decried lawyers’ undue emphasis on the Declare War clause and the commencement of armed hostilities as the critical legal events in thinking about constitutional allocations and U.S. security policy:

Wars rarely start as unexpected ambushes; they are usually the culmination of a long period of policy decisions. . . . If we think of the declaration of war as a commencing act—which it almost never is and which the Framers did not expect it to be—we will not scrutinize those steps that bring us to war, steps that are in the main statutory in nature. Moreover, we will be inclined to pretend . . . that Congress really has played no role in formulating and funding very specific foreign and security policies.208

The foreign and security policies to which Bobbitt refers include coercive and deterrent strategies.

Indeed, it is important to remember that the heavy reliance on threatened force, especially after World War II, has itself been a strategic choice by the United States—not a predestined one—and one that could only be made and continued with sustained congressional support. Since the beginning of the Cold War period, the reliance on deterrence and coercive diplomacy became so deeply engrained in U.S. foreign policy that it is easy to forget that the United States had other strategic options open to it. One option was war. Some senior policy-makers during the early phases of the Cold War believed that conflict with the Soviet Union was inevitable, so better to seize the initiative and strike while the United States held some advantages in the balance of strength.209

Another option was isolation. The United States could have retracted its security commitments to its own borders or hemisphere, as it did after World War I, ceding influence to the Soviet bloc or other political forces.210 These may have been very bad alternatives, but they were real ones and were rejected in favor of a combination of standing threats of force and discrete threats of force—sometimes followed up with demonstrative uses of force—that was only possible with congressional buy-in. That buyin came in the form of military funding for the standing forces and foreign deployments needed to maintain the credibility of U.S. threats, as well as in Senate support for defense pacts with allies.211 While a strategy of deterrent and coercive force has involved significant unilateral discretion as to how and when specifically to threaten military action in specific crises and incidents, the overall strategy rested on a foundation of executive-congressional collaboration and dialogue that played out over decades.

Looking to the future, the importance of threatened force relative to other foreign policy instruments will inevitably shift again—and so, therefore, will the balance of powers between the President and Congress. United States grand strategy in the coming decades will be shaped by conditions of fiscal austerity and war weariness, for example, which may mean cutting back on some security commitments or reorienting doctrine for defending them toward greater reliance on less-expensive means (such as, perhaps, a shift from large-scale military forces to smaller ones, or greater reliance on high-technology, or even revised doctrines of nuclear deterrence).212

One possible geostrategic outlook is that the United States will retain its singular military dominance, and that it will continue to play a global policing role. Another outlook, though, is that U.S. military dominance will be eclipsed by other rising powers and diminished U.S. resources, political will, and influence.213 The latter scenario might mean that international relations will be less influenced by credible threats of U.S. intervention, and perhaps more so by the actions of regional powers and political bodies, or by institutions of global governance like the U.N. Security Council.214 These possibilities could entail a practical rebalancing of powers wielded by each branch, including the power to threaten force and other foreign policy tools.

Were the United States to retreat from underwriting its allies’ security and some elements of the global order with strong coercive and deterrent threats, one should expect different patterns of executive-congressional behavior with respect to threatening and using force, because wars and threats of wars will come about in different ways: less often as a breakdown of U.S. hegemonic commitments, for example. A hypothesis for further consideration is that reduced requirements of maintaining credible U.S. threats would also likely reduce pressure on the President to protect prerogatives to threaten force and to make good on those threats. A foreign policy strategy of more selective and reserved military engagement may be one more accommodating to case-by-case, joint executive-legislative deliberation as to the threat or use of U.S. military might, insofar as U.S. strategy would self-consciously avoid cultivating foreign reliance on U.S. power.

Besides shifting geostrategic visions, ranging from a global policing role to receding commitments, the set of tools available to Presidents for projecting power will evolve, too, as will the nature of security threats, and this will produce readjustments among the relative importance of constitutional powers and inter-branch relations. Transnational terrorist threats, for example, are sometimes thought to be impervious to deterrent threats, whether because they may hold nihilistic agendas or lack tangible assets that can be held at risk.215 Technologies like unmanned weapon systems may make possible the application of military violence with fewer risks and less public visibility than in the past.216 While discussion of these developments as revolutionary is in vogue, they are more evolutionary and incremental; their purported effects are matters of degree. Such developments will, however, retune strategies for brandishing and exercising military capabilities and the politics of using them. As an initial hypothesis, these factors may reduce the influence of congressional politics on the President’s strategic decision-making if he views foreign perceptions of American public resolve as less important to successful military strategies.

Whatever the future of U.S. power, my analysis points toward a revised agenda for thinking about war powers and their reform. If legal discourse of war powers is too narrowly focused on actual wars and forceful military engagements to the exclusion of threats of them, then so too is discussion of reforms too narrowly focused on congressional involvement at the end stages of coercive diplomacy—often long after threats have been issued and responded to, positively or negatively—rather than at earlier ones.

A more productive reform agenda (and by no means a mutually exclusive one) would focus on strengthening Congress’s role in the shaping of U.S. grand strategy more broadly. Rather than devoting its institutional energy to reasserting its control over decisions to engage the enemy with military force in particular circumstances, Congress would work to engage the executive branch more seriously and continually with regard to the general policy circumstances under which force might be contemplated. This would require Congress to do something it is not disposed to do, namely, using its other powers–such as hearings, control of funds, and statutory delegations of bounded policy discretion—to engage the executive branch on strategic questions about the way force may be wielded in advance of, or at the earliest stages of, crises. Proposals to restructure congressional national security committees include the idea of creating more consolidated, joint House-Senate national security committees, which would have greater leverage, expertise, and oversight responsibility and which would tie together the elements of U.S. power more effectively.217 These proposals should be viewed not simply as means for Congress to consult with the Executive once large-scale military intervention is imminent, but also as mechanisms enabling Congress to coordinate with the Executive on the matching of foreign policy means and ends well in advance of crises.

Knowledge of how states acquire, maintain, or lose credibility to use force remains severely limited, despite the intense emphasis on this subject in discussions of American strategy.218 A research agenda for constitutional scholars and political scientists alike could more thoroughly explore links between different internal legal arrangements within democracies and different strategies for using military power.219 Among other major questions, for instance, is whether clear legal rules or predictable and transparent decision-making processes – while constraining – can mitigate the endemic problems of misperception in international affairs that can sometimes contribute to violent escalation of crises or undermine the credibility and potency of threats.220 Moreover, these coercive or deterrent threats occur within a complex international legal and diplomatic system, including the UN Security Council and alliance or coalition relationships, so such analysis should consider the overlapping effects of doctrine and processes of the domestic and international regimes.221

From a comparative perspective, the different roles played in the international security system by the United States and its allies in Western Europe might help explain why the United States government places so much power over force decisions in the executive while its democratic allies have generally moved toward greater parliamentary control.222 The credible threat of their own military intervention plays a less significant role in the foreign and security policy of many American allies (and they may expect to use force only as part of a broad coalition of partners including the United States).223 This may explain why many democratic allies incline toward different constitutional divisions of power than the United States.

Looking internally, a question for future study of interest to both political scientists and legal scholars is whether Congress is as institutionally suited or inclined as the executive branch to consider the credibility effects of threatened or actual military actions in one case on other or future cases.224 In other words, the issue is Congress’s capacity and desire to take account of and give substantial weight to the signals it sends to other international actors with grants or denials of authorization to use force.225 A related question, critical to considering possible legal reform, is whether Congress’s inclinations with regard to credibility effects would shift were it to assume a more significant and sustained formal role in decision-making about war and force—that is, whether any such congressional policy biases are structurally inherent or a function of reigning legal doctrine.

In a hypothetical world of very stringent congressional force authorization requirements, congressional practice might shift toward more common reliance on standing authorizations regarding specific threats or categories of threats, rather than the customary practice of specific authorizations usually based on presidential requests during crises or after military operations begin. Especially if presidentialists are correct to view flexibility as critical to credibility, Congress might under such legal circumstances be inclined to authorize some wide discretion back to the President. In other words, any analysis of substantial legal and institutional reform must consider not only whether Congress would play a more significant role but perhaps also changes in its typical form of its legislative involvement.

Finally, this analysis could be extended further by disaggregating types of threatened force. This Article groups together many types of threatened force—force that threatens to deter aggression, to compel compliance with U.S. demands, to reassure allies, and so on—in making a set of general points about constitutional power allocations and strategy. Further inquiry could examine how domestic legal constraints on force enhance or inhibit particular categories of threats. For example, research could explore whether the credibility effects of legal processes vary with different types of audiences (adversaries versus allies, or closed political systems versus other democracies), or whether some particular strategies—such as extending U.S. security guarantees to allies against contemporary threats—require more or less presidential legal flexibility to be effective.226

Conclusion

It is often said that our eighteenth-century Constitution was ill-suited for twentieth-century (and now twenty-first-century) threats.227 This Article shows that changing threats are only half the story, and that the other half has been evolving strategy for confronting them.

Lawyers think “war powers” are about making war or conducting military operations. They therefore examine wars and military operations to describe how war powers are exercised, and they defend various interpretations of these powers with functional arguments about how best to wage war or military operations. However, a major component of American strategy has long been and remains the threat of war or military intervention. Expanding analysis of war powers to include the important role of credible threats, and incorporating insights from the political science of threatened force, reveals weaknesses in the orthodoxies of both presidentialists and congressionalists, and it forms the basis for a much richer understanding of the interrelationship of constitutional law and grand strategy.

#### This is especially true for short timeframe military crises – credible threats form the backbone of an effective Grand Strategy – failure to include ex ante consultation non-uniques every prez flex disad because Congress will actively undermine the executive – the plan is the only scenario that Congress delegates authority back to the president– prefer scholarship

Waxman, 11-7-13

[Matthew C., is a Professor at Columbia Law School, an Adjunct Senior Fellow at the Council on Foreign Relations, and a Member of the Hoover Institution Task Force on National Security and Law., "Syria, Threats of Force, and Constitutional War Powers" yalelawjournal.org/the-yale-law-journal-pocket-part/executive-power/syria,-threats-of-force,-and-constitutional-war-powers/, accessed: 2-9-14]

In August 2013, the Syrian government of Bashar al-Assad launched a major sarin gas attack against opponents and civilians inside Syria, flagrantly crossing the “red line”—widely interpreted as an implicit threat to intervene militarily in response to chemical weapons use—that President Obama had previously declared and reiterated in public remarks.1 Amid widespread suggestions that American credibility was now on the line, President Obama responded on August 31 with two simultaneous announcements: first, he had decided that the United States should respond militarily with limited strikes against Syrian government targets; and, second, notwithstanding his insistence that he had constitutional authority as Commander-in-Chief to take that action unilaterally, he would seek congressional approval to do so.2 The Obama Administration then began an intensive lobbying campaign to convince skeptical legislators and the public that following through on the proposed military strike was necessary not only to deter further chemical weapons attacks by Syrian government forces, but to deter the acquisition and use of weapons of mass destruction by other hostile regimes and terrorist organizations.3

Almost two hundred years earlier, another President drew a red line. In his 1823 address to Congress, President Monroe declared to European powers that the United States would oppose any efforts to colonize or reassert control in the Western Hemisphere.4 Monroe’s cabinet had been divided over the wisdom of this implied threat—which the United States at the time lacked capability to enforce without relying on British naval supremacy—but they unanimously understood that military action against any European power that crossed the line would constitutionally require congressional authorization.5 Monroe’s successor, John Quincy Adams, later faced complaints from opposition members of Congress that Monroe’s proclamation had exceeded his constitutional authority and had usurped Congress’s by committing the United States—even in a non-binding way—to resisting European meddling in the hemisphere.6

A lot changed during those two hundred intervening years. As a strategic matter, the United States grew after World War II into a military superpower with global interests and global security commitments. As a legal matter, the President effectively asserted vast powers to use military force since then, too, and neither Congress nor the courts have generally stood in his way. Every student of American constitutional war powers learns that the Framers split them between the political branches: the President is the chief executive and Commander-in-Chief, but Congress has the power to raise and support a military and to declare war. Most scholars interpret the original intent of this division as giving Congress responsibility for deciding if and when the United States should use military force (except for some narrow exceptions like repelling an invasion) and giving the President responsibility for managing the military operations authorized by Congress. At least as interpreted by the executive branch and as exercised in practice, the President now wields vast unilateral discretion to use military force to protect U.S. interests.7

This basic story of American constitutional war powers—divided authority evolving with the vast expansion of U.S. military power into unilateral presidential authority—gives rise to several major debates among scholars and commentators about the functional merits of different constitutional allocations of power.8 One major dispute concerns what allocation of power best helps to avoid unnecessary and costly wars. “Congressionalists”—or those who favor tight legislative checks on the President’s authority to use force—still rely heavily on logic, invoked by James Madison at the time of the Founding, that the more flexibly the President can use military force, the more likely it is that the United States will find itself in wars; better, therefore, to clog decisions to make war with legislative checks.9 Their calls for reform usually involve narrowing and better enforcement (by all three branches of government) of purported constitutional requirements for congressional authorization of presidential uses of force, or revising and enforcing the War Powers Resolution or other framework legislation requiring express congressional authorization for military actions.10 Modern “presidentialist” legal scholars—or those who favor vast unilateral executive authority to use force—usually respond that rapid action is a virtue, not a vice, in exercising military force.11 Especially as a superpower maintaining global interests and facing global threats, presidential discretion to take rapid military action—wielded by a branch endowed with what Alexander Hamilton called “[d]ecision, activity, secrecy, and dispatch”12—best protects American interests.

Meanwhile, almost no attention has been devoted to an issue highlighted by the Syria case: How does constitutional allocation of power affect the United States’s ability to deter conduct inimical to American interests or to resolve foreign crises by threatening force—that is, by communicating through words and deeds the possible future use of armed violence to affect the behavior of other actors, usually other states?13 This lack of attention to threats of force and constitutional powers is ironic because, since World War II, such threats have formed the backbone of U.S. grand strategy. The United States has relied heavily on the manipulation of risk to deter aggression or other actions by adversaries, to coerce or compel certain actions by other states or international actors, to reassure allies, and to pursue other political designs under the shadow of armed threats.14 When wars or large-scale force actually have been used, it has been because a prior policy or strategy failed—for instance, because deterrent threats were insufficiently credible, or crises involving U.S. threats of force escalated in ways that were difficult to control. In this regard, most of the time that U.S. military power is “used”—and often when it is most successful—it does not manifest as a war or major military engagement at all. If we are worried ultimately about avoiding wars through constitutional design, we should be thinking about threats of war and the Constitution.

In a forthcoming article, titled The Power to Threaten War,15 I consider in detail the relationship between constitutional powers and strategies of threatened force. This Essay highlights several critical aspects of that relationship, especially as illustrated in the Syria case. In particular, it shows that the President’s power to carry out threats is only half the story; the other half is how distributions of constitutional power between the political branches help or impede the President’s ability to issue effective threats.

When President Obama remarked in announcing his Syria decisions that although he had the legal authority to take action without congressional authorization, “our actions will be even more effective” by obtaining it,16 he was probably correct in two narrow senses: yes, presidents have relied on similar authority in the past,17 and yes, if Congress affirmatively backed his actions at this stage, this military action would likely be more potent. But would commitment—political commitment or even legal commitment—to stronger congressional control over future U.S. decisions to intervene generally enhance the credibility and effectiveness of American threats of force? It is such future effects of any U.S. action, as the President himself acknowledged, that are critical to American strategic interests, and they are also critical to understanding the practical consequences of how constitutional war powers are allocated.

I. Constitutional Powers and Threats of Force

These days it is usually taken for granted that—whether or not he can make war unilaterally—the President is constitutionally empowered to threaten the use of force, implicitly or explicitly, through diplomatic means or shows of force. It is never seriously contested whether the President has full, independent authority to, for example, proclaim that the United States is contemplating military intervention in response to a crisis, or whether the President may move substantial U.S. military forces to a crisis region or engage in military exercises there.

From a constitutional standpoint, the President’s power to threaten force is at least as broad as his power to use it. One way to think about it is that the power to threaten force is a lesser-included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the President’s vast, primary authority to use force in protecting U.S. national interests. Depending on how a particular threat is communicated, it is likely to fall within even quite narrow interpretations of the President’s inherent foreign relations powers to conduct diplomacy or his express Commander-in-Chief power to control U.S. military forces—or some combination of the two. A President’s verbal warning, ultimatum, or declared intention to use military force, for instance, could be justified as merely exercising his role as the “sole organ” of U.S. foreign diplomacy (at least so long as he does not formally declare war), conveying externally information about U.S. capabilities and intentions.18 A president’s movement of U.S. troops or warships to a crisis region or elevation of their alert level could be justified as merely exercising his day-to-day operational control over forces under his command.19

This virtually unchecked executive authority to threaten force or war has affected U.S. security and foreign policy in ways often neglected by legal scholars, who tend to focus predominantly on actual wars and other hostile engagements of U.S. forces abroad. The Korean and Vietnam Wars are generally considered the most salient events of the Cold War for understanding constitutional allocations of war powers, yet during that time frame presidents also unilaterally wielded threats of nuclear war to deter Soviet aggression, to bargain, and to reassure allies, and they unilaterally (or sometimes with congressional backing) resorted to small-scale shows of force on dozens of occasions in pursuit of U.S. strategic interests. In the 1990s, U.S. presidents wielded threats of force against dictators or militia leaders in places such as Iraq, Haiti, and Bosnia—with varying effectiveness and prior to actual U.S. military operations that attracted the attention of legal scholars. While legal scholars have recently been focused on whether U.S. actions in Iraq and against al Qaida affiliates reflect an imperial executive, presidents have been wielding without direct legal constraint the threat of U.S. military force in East Asia—for example, to deter North Korean aggression and signal to China and restive U.S. allies American intentions to maintain regional security balances—in a manner that is sometimes consistent with defense treaties and sometimes outside them.20

The power to threaten force is significant not only for its influence in provoking or defusing crises, and perhaps causing or preventing major wars, but also because threats put American credibility and reputation for resolve on the line, and thereby alter the interests and stakes involved in carrying them out. Constitutional scholars often make much of the fact that Congress ultimately authorized the 1991 Persian Gulf war and declined to authorize the 1999 Kosovo intervention—two of the most significant U.S. military adventures following the end of the Cold War. It is important, however, to understand those congressional decisions as a very late, not early, stage of a decision tree. The President’s ability to threaten force was critically important at earlier stages in determining whether that final stage would even occur at all, and what policy payoffs would be associated with different choices.21 Once President George H.W. Bush placed hundreds of thousands of U.S. troops in the Persian Gulf region and issued an ultimatum to Saddam Hussein in 1990, the credibility of U.S. threats and assurances to regional partners were put on the line.22 In threatening force against Serbian President Slobodan Milošević over the 1999 Kosovo crisis, President Clinton and allied leaders altered the strategic stakes by putting perceptions (among both allies and adversaries) of collective NATO resolve on the line.23

In the Syria case, a major argument by executive branch officials lobbying Congress to back military action was that failure to act would have deleterious effects on U.S. capacity to deter hostile actions by Iran, North Korea, and other possible adversaries.24 They also argued that failure to act, now that the President had stated his intention to do so, would undermine U.S. allies’ confidence in American commitments to their defense.25 Many of the strongest congressional supporters of military action made similar arguments to sway their colleagues.26

Especially when taken together, these factors—the president’s vast legal authority to make threats, the importance of threats to American security strategy after World War II, and the difficulty of climbing down from threats once they are made—might mean that the shift in powers of war and peace since World War II from Congress to the President has been even more dramatic than usually supposed, at least in terms of how formal congressional checks are exercised. Political scientists have often observed, however, that Congress wields considerable political clout over the President’s decision whether to threaten force—and in ways that differ from Congress’s ability to affect ultimate decisions to use force or ongoing military operations.

Whereas most lawyers usually begin their analysis of the President’s and Congress’s war powers by focusing on their formal legal authorities, political scientists usually take for granted these days that the President is—in practice—the dominant branch with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. Yet a major school of thought holds that Congress nevertheless wields significant influence over decisions about force, and that this influence extends to threatened force, so that Presidents generally refrain from threats that would provoke strong congressional opposition. Even without any serious prospect for legislatively blocking the President’s threatened actions, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; when it cannot, congressional members can oblige the President to expend lots of political capital.27

Political opponents in legislative bodies have a ready forum for registering dissent to presidential policies of force through such mechanisms as floor statements, committee oversight hearings, resolution votes, and funding decisions.28 These official actions prevent the President from monopolizing political discourse on decisions regarding military actions and thereby make it difficult for the President to depart too far from congressional preferences with regard to wielding threats of force.29

Political opponents within a legislature also have few electoral incentives to collude in an executive’s bluff, and they are capable of expressing opposition to a threatened use of force in ways that could expose the bluff to a threatened adversary.30 Even without exercising formal legislative powers, members of Congress can shape public debate in ways that affect perceptions of U.S. resolve abroad. As William Howell and Jon Pevehouse explain, “Congress matters, and matters greatly,” not just to the decision to strike militarily but “to a nation’s ability to credibly convey resolve to enemies and allies alike.”31

The strength of these congressional political constraints on presidential threats of force is not well understood, and the Syria case demonstrates their limits. It is impossible even to know with certainty Congress’s position on whether to threaten Syria with military force over chemical weapons at the time President Obama drew a red line—as a general matter, the sprawling institutional structure of Congress and rarity of definitive collective pronouncements make that impossible.32 President Obama’s difficulty in securing congressional authorization to strike after the August 2013 Syrian gas attacks suggests that the President may have underestimated congressional wariness.33

An important question for understanding the practical consequences of war power allocations, then, is whether greater legal constraints on presidential decisions to use force—such as a much stricter requirement for legislative authorization or stronger enforcement of the War Powers Resolution—would indirectly limit even further the President’s actual flexibility in making and wielding threats. Perhaps the marginal and indirect effect of stronger congressional control of force would be substantial. However, the political system already achieves some degree of interbranch checking.

II. Constitutional Checks and Credible Threats

Whereas legal scholars are usually consumed with the internal effects of war powers law on actors within the U.S. government, the Syria case highlights a question about their possible external effects: how, if at all, does the legal allocation of power between the President and Congress affect the credibility of U.S. threats among adversaries, allies, and other international actors? In prescriptive terms, if the President’s power to use force is linked to his ability to threaten it effectively, then any consideration of the impact of war powers reform on policy outcomes and long-term interests should include the important secondary effects on deterrent and coercive strategies—and on how U.S. legal doctrine is observed and understood abroad.34 Would stronger requirements for congressional authorization to use force reduce a president’s opportunities for bluffing, and, if so, would this improve U.S. coercive diplomacy by making ensuing threats more credible? Or would it undermine diplomacy, including deterrence of adversaries and reassurance of allies, by taking some threats off the table as viable policy options? Would stronger formal legislative powers with respect to force have significant marginal effects on the ability to signal abroad dissent within Congress, beyond that already resulting from open American political discourse?

Intuitively, greater congressional veto power over the use of force would seem generally to undermine the credibility of threats. For this reason, it has long been assumed that democracies are at a disadvantage relative to autocracies when it comes to threats of force and saber-rattling bargaining contests under the shadow of possible war. Quincy Wright speculated in 1942 that autocracies “can use war efficiently and threats of war even more efficiently” than democracies,35 especially democracies like the United States, in which vocal public and congressional opposition may undermine threats.36

Additional, formal legal powers over war or force in the hands of Congress would, it might seem, further disable the President from wielding threats effectively, because opponents and other players in the international system might doubt not only his willingness but his ability to carry them out. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that serious restrictions on presidential use of force would mean that, in practice, “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”37 This view holds that the merits of Madisonian “clogging” with regard to waging eighteenth century wars are liabilities with regard to deterring twentieth and twenty-first century wars.38

The Syria case would seem to bear out these concerns. By giving Congress a vote, the President appears not only to have tied his own hands in carrying out his threat, but to have tipped off American rivals and partners that congressional support for new military actions (for which the President might also seek congressional authorization) is generally frail.

On the other hand, some recent strands of political science have called into question the value of presidential flexibility in wielding threats. Some of this work concludes that the institutionalization of political debate in democracies makes threats to use force rare but especially credible and effective in resolving international crises without resort to actual armed conflict.

In other words, recent arguments turn some old claims about the strategic disabilities of democracies on their heads. Whereas it used to be generally thought that democracies were ineffective in wielding threats because they are poor at keeping secrets and their decision-making is constrained by internal political pressures, a current wave of scholarship in political science accepts this basic description but argues that these democratic features are really strategic virtues.39 If that view is correct, a question for constitutional scholars is how, specifically, legal doctrine and allocations of power strengthen or weaken these features.

Some political scientists argue that democracies are less likely to bluff because transparency makes it harder to do so.40 To the extent that adversaries and allies understand this, threats will seem more serious than bluster. Informational asymmetries also increase the potential for misperception and thereby make some wars more likely; war, consequentially, can be thought of in these cases as a “bargaining failure,” and greater transparency about American policy preferences may help avoid unnecessary escalation of crises.41 For the reasons discussed in the previous section, legislative politics may already contribute to this credibility-enhancing and conflict-avoiding transparency.42 Perhaps stricter legal requirements for congressional approval of military action would push even more information about American political and policy inclinations to the surface and into the open. For example, turning more media attention to congressional opinion and elevating the significance of congressional hearings or other maneuvers might make it more difficult to conceal or misrepresent American preferences about war and peace with regard to specific crises or threats. Moreover, especially if presidentialists are correct about the importance of flexibility to credibility, in a hypothetical world of very stringent congressional force-authorization requirements, Congress might be inclined to delegate or pre-authorize some discretion back to the President.

As mentioned above, political transparency stemming from congressional debate about Syria strikes likely weakened the President’s coercive leverage abroad rather than strengthening it. But, for those interested in whether stronger inter-branch checks are inherently disadvantageous to strategies of threatened force, an important question is whether, ex ante, a legal requirement for congressional approval to launch strikes would have caused the President to be more cautious in drawing a red line to begin with and, if he did so, would have made any threat backing it especially credible in the eyes of intended audiences abroad.

Conclusion: The Constitution and American Grand Strategy

The recent Syria case has inspired much discussion about constitutional war powers and much discussion about the credibility of threats. Those two conversations should be combined because the issues are tightly linked.43

Lawyers think “war powers” are about making war or conducting military operations. They therefore examine wars and military operations to describe how war powers are exercised and they often defend various interpretations of these powers with functional arguments about how best to wage war or conduct military operations. Focusing on decisions to use force—the actual engagement of military operations in armed violence—and formal legal constraints on them misses the many decision points that lead up to them. War powers decisions—in a practical sense, not a formal sense—occur earlier along the foreign policy decision tree than is generally acknowledged or understood in legal debates. Because the United States is a superpower that plays a major role in sustaining global security, its ability to threaten war is in some respects a much more policy-significant constitutional power than its power to actually make war.

Despite the intense emphasis on it in discussions of foreign policy, knowledge of how states acquire, maintain, or lose credibility to use force remains severely limited.44 In thinking about the future of American constitutional war powers, legal scholars need to update their thinking about the strategic virtues of deliberative checks versus presidential flexibility to better account for what is known and is not known about these phenomena.

#### Lastly, linking Congressional notification to the rules of engagement seamlessly ties military logistics and Congressional notification together – this is the only mechanism that provides for meaningful consultation, promotes flexibility, and avoids circumvention

Corn, 2010

[Geoffrey, Associate Professor of Law at South Texas College of Law in Houston, Texas. Previously Lieutenant Colonel, U.S. Army and Special Assistant to the U.S. Army Judge Advocate General for Law of War Matters., "TRIGGERING CONGRESSIONAL WAR POWERS NOTIFICATION: A PROPOSAL TO RECONCILE CONSTITUTIONAL PRACTICE WITH OPERATIONAL REALITY," www.lclark.edu/live/files/4813, accessed: 12-23-13, SpS]

V. PROPOSING A ROE-LINKED NOTIFICATION PROVISION

This Article is premised on the conclusion that express congressional authorization is not a constitutionally required predicate for the initiation of armed hostilities by the United States. However, it is also premised on the equally important conclusion that this lack of an express approval requirement—perhaps the ultimate overreach of the War Powers Resolution—cannot properly be interpreted as authorizing the President to initiate all hostilities based on an assertion of inherent executive power. Instead, with the limited exceptions of response to sudden attack and genuine rescue operations, Congress retains the ultimate “check” on the assertion of executive war-making initiatives.243 Accordingly, the essential element of the effective execution of the Constitution’s shared war powers framework is providing Congress with a meaningful opportunity to exercise its constitutional role.244 “Meaningful” is the key qualifier, for it indicates that Congress must be afforded the opportunity to check an executive war-making initiative before it is presented with a fait accompli as the result of pre-notice initiation of combat.

It therefore becomes clear that pre-execution notification of a planned initiation of hostilities is essential to satisfy this constitutional imperative.245 This conclusion was central to the congressional effort to re-establish its role in the war-making process when it passed the War Powers Resolution and is equally central to the recent Miller Report proposal to amend that law.246 While the Resolution is generally regarded as ineffective,247 it is not necessarily the notification provision that led to this conclusion. In fact, that provision is perhaps the one component of the Resolution that has proved relatively successful. However, as the Miller Report’s proposal recognizes, uncertainty as to when notification is triggered has and will continue to compromise the efficacy of even that component of the Resolution.248 Unfortunately, while the Miller Report’s proposal of a “significant armed conflict” trigger249 is less susceptible to interpretive avoidance than the current Resolution notification trigger, it nonetheless fails to link notification to a military operational criteria for distinguishing responsive uses of force from initiations of hostilities.

Linking notification to the authorization of ROE measures beyond the standing “inherent” right of self-defense cures this defect. Because NCA approval is necessary for ROE measures that permit the application of combat power in a manner necessary to initiate hostilities with another state or even a non-state entity,250 a contemporaneous notification trigger provides the most effective method of ensuring notification is provided to Congress based on an operational standard for conflict initiation. In addition, required notification will be triggered by the decision-making process of the President, and not on an interpretation of the term “hostilities.” Perhaps most importantly, it will ensure notification occurs no later than the point in time when the authorization necessary to employ force for mission accomplishment is granted to the operational commander, thereby mitigating the risk of presenting Congress with a proverbial fait accompli, a result essentially conceded as acceptable by the Miller Report proposal.251

It is the opinion of this author that incorporating such a notification trigger into the proposed War Powers Consultation Act of 2009 would result in a significant improvement to that exceptionally well-conceived legislation. This improvement would result in the elimination of the one remaining source of uncertainty inherent in the proposal. To accomplish this, the definition provision of that law252 should be amended as follows:

3(A). For purposes of this Act, “significant armed conflict” means (i) any conflict expressly authorized by Congress, or (ii) any mission conducted by the U.S. armed forces pursuant to Rules of Engagement authorizing the use of force beyond the scope of authority provided by the inherent right of self-defense permitting those forces to initiate hostilities with any state or non-state opponent.

Based on this revised definition, the notification/consultation trigger of the proposed law253 should be amended as follows:

4(B). Before ordering the deployment of United States armed forces into significant armed conflict, the President shall consult with the Joint Congressional Consultation Committee. To “consult,” for purposes of this Act, the President shall provide an opportunity for the timely exchange of views regarding whether to engage in the significant armed conflict, and not merely notify the Joint Congressional Consultation Committee that the significant armed conflict is about to be initiated. In order to ensure this constitutionally meaningful consultation, the President shall engage in such consultation no later than that point in time when the President or the Secretary of Defense authorizes mission accomplishment supplement Rules of Engagement for the purpose of providing U.S. armed forces with the use of force authority necessary to accomplish the anticipated military mission. If one of the military actions described in Section 3(B) of this Act becomes a significant armed conflict as defined in Section 3(A), the President shall similarly initiate consultation with the Joint Congressional Consultation Committee.

Providing for such an operationally grounded trigger will ensure the full effectiveness of the remainder of the proposed statute with no further modifications. Even the three-day “exigency” exception will operate consistently with this amendment, for it will limit late notification to causes beyond the control of the President, namely an inability to communicate with the designated legislators. However, this ROE trigger will eliminate, or at least greatly mitigate, the risk that a President might attempt to exploit this exemption in the same way that past Presidents have exploited the current sixty-day clock.254

Enacting the War Powers Consultation Act of 2009 with this limited but important modification holds the greatest promise of finally achieving the objective that the drafters of the War Powers Resolution sought to achieve thirty-six years ago: to “fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President”256 apply to the decision to initiate armed hostilities.