## Contention 1: Rhetoric

#### Use of credibility justifications allow presidential adventurism and lock presidents into war

Sitaraman ’14 (January; Ganesh - Assistant Professor of Law @ Vanderbilt) “Credibility and War Powers” http://www.harvardlawreview.org/issues/127/january14/forum\_1024.php#\_ftn4

B. The Case Against Credibility The OLC’s policy argument that reliance on the credibility of the United Nations Security Council is a legitimate “national interest” that justifies presidential action without prior congressional approval is troubling. Political science research, basic logical reasoning about credibility, and concerns about future OLC expansion of the “credibility” category all suggest that credibility arguments should be left out of the constitutional law of war powers. First, research in political science has demonstrated that credibility arguments are logically problematic and without serious historical support. Constitutional doctrine should not rest on such logically and factually flawed premises. All the other justifications for independent presidential authority have at least arguable policy justifications. The defensive interests in repelling attacks and protecting American lives and property abroad rely on the country’s obligation to protect its citizens. The regional interest, while certainly broader and opaque in its boundaries, can be justified on policy grounds. When the Bosnia Opinion (1995) referenced the American national interest in European security and stability, it was in the context of the recent end of a half-century-long Cold War that divided Europe — which itself was the product of a half-century defined by two world wars that began in Europe and led to American involvement.55 Case by case, regional arguments can be contested, but they at least offer the possibility of a policy justification. Credibility arguments are on a far weaker foundation. To be sure, one might argue that that there is a difference between national credibility, which political scientists have investigated, and the credibility of international institutions. While the actor is different, the distinctions are minor. An international institution’s likelihood of acting in any given situation is understood ex ante to be a function, at least in part, of its procedures and decision rules. The U.N. Security Council, for example, is famously limited by the permanent five’s veto powers. If anything, this fact means that past actions and reputational credibility theories will almost invariably be weaker when applied to the United Nations, as compared to a single country, because action depends on multinational agreement. Second, the United States interest in the “credibility” of the U.N. Security Council is questionable on its own terms. The Libya Opinion states that the United States is not required to act when the Security Council has authorized action.56 The OLC has also explicitly recognized that the United States may use force without Security Council authorization.57 The opinions thus allow the United States to abandon the credibility of the Security Council if the United States does not want to use force. This might not be too troubling, as it is surely possible for the President to have authority to act, but choose not to use it. But for those who defend the U.N. credibility argument, it should be extremely troubling that the United States can abandon the credibility of the Security Council if the U.N. does not authorize force and the United States wants to act anyway. Because the U.N. Charter’s provisions limit the use of force in the absence of self-defense or a Security Council resolution,58 U.S. action without U.N. authorization would actually undermine the United Nations’ credibility. In other words, OLC is trying to have it both ways. Third, the presence of credibility arguments in OLC opinions creates a risk that future opinions will build on these flawed foundations — expanding credibility from the U.N. to the nation’s credibility more generally. The Kosovo case provides an example of creep in precedent. In the Libya Opinion, OLC referred to the 1999 Kosovo action as a “precedent.” In public discourse, Kosovo was justified in part on the credibility of NATO (there was no U.N. resolution for Kosovo).59 If the Kosovo action is now “precedent,” it is possible that future OLC lawyers will expand the credibility justification to NATO, other international organizations,60 or maybe even to the credibility of the United States’ threats. The expansion of the credibility argument in constitutional doctrine is troubling because it could allow Presidents to bootstrap themselves into war. If the president knows that she can act independently to engage America in a conflict if there is a credibility interest at stake, then she has an incentive to create credibility interests. A strategic president could decide to declare “red lines” in order to build for herself the constitutional authority necessary to enforce those “red lines” in the future.61 While conscientious executive branch lawyering could obviously stop the country from sliding down this slippery slope, there is nonetheless a risk that future OLC opinions will expand credibility to encompass such situations.62 Indeed, the Syria case suggests that the “national interests” prong is generally subject to slippage.63 The U.N. Security Council did not authorize action in Syria and the Obama Administration did not claim that U.S. persons or property were at risk. Still, President Obama seemed confident he could act without congressional authorization. Professor Harold Koh has offered a defense of the use of force in Syria, absent prior congressional authorization. Citing the Bosnia (1995) and Libya (2011) opinions, he identifies “promoting regional stability and preventing destruction of the near-century-old ban on chemical weapons” as sufficient national interests.64 It is striking, however, that the latter interest is not referenced specifically in either of the opinions Koh cites. It is also worth noting that Koh’s argument is not a credibility argument, as it is defined here. The literature in political science — and the argument here — is about the credibility of threats, not the robustness of international norms (even if the word “credibility” is used to describe robustness). There may be non-credibility reasons to enforce international norms and one could debate whether those reasons are sufficient to justify unilateral presidential action,65 but the point here is simply to bury credibility arguments. Given the possibility of slippage from current doctrine, credibility arguments are a loaded gun, ready to be fired by hawkish presidents who have willing executive branch lawyers.

#### Those conflicts go nuclear

Arbatov, 13 [Military Power in World Politics in the 21st Century Alexei Arbatov is Director of the International Security Center at the Institute of World Economy and International Relations; Full Member of the Russian Academy of Sciences, Real and Imaginary Threats, http://eng.globalaffairs.ru/number/Real-and-Imaginary-Threats-15925]

At the same time, there is an ongoing rivalry between them, involving indirect means and local conflicts, for economic, political and military influence in the post-Soviet space and in some regions (especially rich in raw materials) in Asia, Africa and Latin America. In addition, they are seeking to gain military and technological advantages over rivals to exert political and psychological pressure on them (missile defense, and high-precision conventional weapons, including suborbital and hypersonic ones). Military force is used to stake one’s claim to control over important geographical areas and lines of communication (the Eastern Mediterranean, the Black Sea, the Hormuz and Taiwan Straits, the Strait of Malacca, the South China Sea, shipping lanes in the Indian Ocean, extensions of the continental shelf and communications in the Arctic, etc.). Intense rivalry is going on in arms markets (especially in countries of the Middle East, Asia, Latin America, and North Africa). This rivalry involves political leverage and has political consequences. Of all hypothetical conflicts among the great powers, a conflict between China and the U.S. over Taiwan would be of the greatest danger. There is a possibility of an aggravation of the crisis over South China Sea islands, in which Southeast Asian countries will support the U.S. against China. Generally, U.S.-Chinese rivalry for domination in the Asia-Pacific region is becoming the epicenter of global military-political confrontation and competition. Failure of cooperation among the great powers and alliances against common security threats (terrorism, the proliferation of WMD and their delivery systems) is quite imaginable, which would bring about inability to counter new challenges and threats and an increasing chaos in the world economy and politics. More likely are conflicts between major regional powers: India and Pakistan, Israel (together with or without the United States) and Iran, and North and South Korea. The danger of these conflicts is exacerbated by their possible escalation to a nuclear war. The greatest threat in this regard is posed by military-political confrontation in South Asia.

#### Specifically, red lines encourage Russian aggression, forcing US military response over Ukraine

Kaplan 3/3/14 (Rebecca is a political reporter for CBSNews.com) “Ukraine conflict tests Obama's credibility on the world stage” http://www.cbsnews.com/news/ukraine-conflict-tests-obamas-credibility-on-the-world-stage/

The crisis in Ukraine has brought out a fresh round of critics of President Obama's foreign policy who see a pattern emerging: the president tries to assert his authority and direct events on the world stage with empty threats, which inevitably have no follow through. With each instance, U.S. power grows weaker as foreign powers view Mr. Obama as the president who cried wolf. The latest case: Mr. Obama's public warning to Russia to stay out of Ukraine was followed by an invasion just days later. It's just the latest failure, say critics who point to Syria as an example. As the country spiraled into civil war and evidence emerged that President Bashar Assad had used chemical weapons against his own people - a "red line" the president had laid down in the past - the president went to the Rose Garden and said he planned to seek congressional approval for a military intervention in the region. Less than two weeks later, he had to abandon the option and pursue diplomatic solutions amid low congressional interest. Even now, the Syrian regime has missed deadlines for destroying its chemical weapons stock with little more than a public scolding in return. And Russia similarly flouted U.S. warnings by sending troops into the Crimean peninsula over the weekend in what Secretary of State John Kerry called "an incredible act of aggression." "President Obama does have a credibility problem. He talks about a red line in Syria for chemical weapons and then he lets it be blurred. He says that Russia will have to pay costs if it intervenes in Ukraine. And then within hours, the military intervention begins," said Washington Post columnist David Ignatius on CBS News' "Face the Nation" Sunday. The president isn't even entertaining military options in Ukraine, and is instead looking to isolate Russia and expose its inconsistent rhetoric about sovereignty rights. Kerry has threatened a variety of economic sanctions, and the U.S. has already suspended planning meetings for the June G8 conference scheduled to be held in Sochi, Russia. Even so, some experts say President Obama is not strong enough to force Russia's hand with just a diplomatic strategy. "I think that there are numerous non-military options for us out there. The problem is I don't think that the president right now is very credible. And I think that Putin thinks he has got Obama's number. And so he's going to do what he wants to do and dare the president for the next step," said Danielle Pletka, the vice president for foreign and defense policy studies at the American Enterprise Institute. Republican leaders in Congress were more blunt in their assessment of the situation on the Sunday talk shows. "Stop going on television and trying to threaten thugs and dictators; it is not your strong suit," Sen. Lindsey Graham, R-S.C. advised the president on CNN's "State of the Union." "Every time the president goes on national television and threatens Putin or anyone like Putin, everybody's eyes roll, including mine. We have a weak and indecisive president that invites aggression." House Intelligence Committee Chairman Mike Rogers, R-Mich., said on "Fox News Sunday" that Russia was "running circles around" the U.S. "[Russian President Vladimir] Putin is playing chess, and I think we are playing marbles," he said. "And I don't think it's even close," he said, tracing the roots of an emboldened Russia back to the administration's 2009 decision to scrap a proposed Bush-era antiballistic missile shield in Poland and the Czech Republic. But the fact that the latest crisis has put the U.S. into conflict with Russia adds a fresh dimension to the question of whether the president has a credibility problem on the world stage. Putin has a well-documented history of going to great lengths to preserve his country's sphere of influence in the region, including the use of military operations to combat separatist movements in Chechnya and Georgia, maintaining a troop presence in Moldova, and even working against western intervention in places like Syria. It's a pattern that precedes Putin, said CBS News National Security Correspondent David Martin on "Face the Nation." He pointed to conflicts dating to the 1960s in Hungary and the former nation of Czechoslovakia, as well as the war with Georgia in 2008. "When the Soviet Union or Russia feels like the countries on its periphery are threatened, it takes action. And I don't think it really is determined by who is in the White House," Martin said. Mr. Obama had sought a so-called "reset" of Russian relations during his presidency, a distant memory with every day that has passed in the Ukrainian conflict. Putin's desire to maintain Russia's influence in international affairs may have accelerated a growing loss of power abroad. "This episode ends any notion that the Russians would be swayed solely by our goodwill on issues of geopolitical import and that the conflicts and tensions of old were of our making," said CBS News senior national security analyst Juan Zarate, the author of the forthcoming book, "Treasury's War: The Unleashing of a New Era of Financial Warfare." "Now, it will be extremely difficult to push the Russians back. It will take diplomatic and political capital and sacrifice if we are serious. I'm not sure we or the international community have proven we're willing to sacrifice much in recent years -- even in other cases when the costs are lower and the solutions less complicated," Zarate said. The Russian invasion of Ukraine also came just days after the Obama administration unveiled plans to scale back the Army to its smallest size since the 1930s. "I think there is perception...that the United States is stepping back, not just in some parts of the world," Pletka said on "Face the Nation." "One of the reasons that you have a large and a capable and a multi-faceted military is not so you can fight; it's so you don't have to fight. And that deterrent power, I think, is being diminished substantially."

#### Makes nuclear war and extinction likely

Baum 3/7/14 (Seth- Executive Director, Global Catastrophic Risk Institute) “Best And Worst Case Scenarios for Ukraine Crisis: World Peace And Nuclear War” http://www.huffingtonpost.com/seth-baum/best-and-worst-case-scena\_b\_4915315.html

No one yet knows how the Ukraine crisis will play out. Indeed, the whole story is a lesson in the perils of prediction. Already we have a classic: "Putin's Bluff? U.S. Spies Say Russia Won't Invade Ukraine," published February 27, just as Russian troops were entering Crimea. But considering the best and worst cases highlights some important opportunities to make the most of the situation. Here's the short version: The best case scenario has the Ukraine crisis being resolved diplomatically through increased Russia-Europe cooperation, which would be a big step towards world peace. The worst case scenario has the crisis escalating into nuclear war between the United States and Russia, causing human extinction. Let's start with the worst case scenario, nuclear war involving the American and Russian arsenals. How bad would that be? Put it this way: Recent analysis finds that a "limited" India-Pakistan nuclear war could kill two billion people via agricultural declines from nuclear winter. This "limited" war involves just 100 nuclear weapons. The U.S. and Russia combine to possess about 16,700 nuclear weapons. Humanity may not survive the aftermath of a U.S.-Russia nuclear war. It seems rather unlikely that the U.S. and Russia would end up in nuclear war over Ukraine. Sure, they have opposing positions, but neither side has anywhere near enough at stake to justify such extraordinary measures. Instead, it seems a lot more likely that the whole crisis will get resolved with a minimum of deaths. However, the story has already taken some surprising plot twists. We cannot rule out the possibility of it ending in direct nuclear war. A nuclear war could also occur inadvertently, i.e. when a false alarm is misinterpreted as real, and nuclear weapons are launched in what is believed to be a counterattack. There have been several alarmingly close calls of inadvertent U.S.-Russia nuclear war over the years. Perhaps the most relevant is the 1995 Norwegian rocket incident. A rocket carrying scientific equipment was launched off northern Norway. Russia detected the rocket on its radar and interpreted it as a nuclear attack. Its own nuclear forces were put on alert and Boris Yeltsin was presented the question of whether to launch Russia's nuclear weapons in response. Fortunately, Yeltsin and the Russian General Staff apparently sensed it was a false alarm and declined to launch. Still, the disturbing lesson from this incident is that nuclear war could begin even during periods of calm. With the Ukraine crisis, the situation today is not calm. It is even more tense than last year, when the United States was considering military intervention in Syria. By coincidence, Israel had a pre-scheduled ballistic missile defense test during that brief period. Despite the tensions, Israel conducted its test, launching two missiles from the Mediterranean towards Israel. Russian radar again picked up the launch, initially suspecting it was the start of military action before Israel set the record straight. This incident could have escalated, especially because the U.S. and Russia had opposing positions on Syria. Fortunately, the confusion was quickly resolved and no escalation occurred. Russia and the U.S. can reduce the risk of inadvertent nuclear war by keeping their nuclear detection and launch forces at normal or day-to-day levels of alert. This means that the forces will be less likely to falsely interpret any detected signal as an attack, and less likely to mistakenly launch an attack in response to a false alarm. Using a normal posture instead of a heightened nuclear alert level gives both sides more time to correctly interpret what signals they detect. This could help prevent an inadvertent nuclear war. Meanwhile, all parties involved can also take reasonable steps to reduce tension levels. This can be achieved by emphasizing diplomatic solutions instead of military interventions, and by preventing any military activities from escalating beyond Ukraine. Everyone should hope that such steps are taken.

#### Even absent Ukraine showdown or escalation, it sets the stage for Russia expansion – Crimea indicates a key policy pivot and Putin is willing to exploit Obama credibility failures

Charap & Darden 3/3/14 (Samuel is IISS Senior Fellow for Russia and Eurasia. Keith is an Associate Professor in the School of International Service at American University.) “Samuel Charap and Keith Darden: Russia’s unclear motives in Ukraine” http://www.iiss.org/en/politics%20and%20strategy/blogsections/2014-d2de/february-1d08/ukraine-russia-088f

What has ensued since then, however, is another matter altogether. Russia has taken deeply disturbing steps following the breakdown of the 21 February negotiated settlement. It is too early to say with any confidence how this will end, but it is clear that moves to take control over key installations on the Crimean peninsula, first using personnel from Russia’s Black Sea Fleet – which is stationed there under a bilateral agreement, and subsequently reinforcements from Russia – might well be a prelude to war, long-term occupation, partition or some combination thereof. The signals coming from Moscow, including a presidential request for authority to deploy forces to Ukraine which was immediately approved in the upper house of parliament by a unanimous vote, are certainly troubling. These moves represent an unprecedented departure from previous Russian policy, a point that might be lost as a result of the previous hyperbole about Russian aggression. Why did this happen? There are two possible frames for understanding the shift. The first sees these recent moves as a reactive effort to avoid what decision-makers in Moscow perceived as a direct threat to Russian interests in Ukraine. Discussions with Russian interlocutors in recent days suggest that Moscow’s narrative about events in Ukraine is more than just propaganda. Putin and his inner circle might well have convinced themselves that the collapse of the 21 February agreement resulted at least in part from a Western plot to install a loyal government in Kiev that included far-right leaders who would revoke Russia’s basing agreement in Crimea, quickly move Ukraine to EU and NATO membership, repress the country’s Russian minority and further cement regime change as an acceptable modus operandi in international affairs. An escalation spiral set in as Russia tried at first to deter what it saw as hostile behaviour. This frame explains recent Russian moves as fundamentally reactive to events, and perceptions of events, on the ground in Ukraine, and not as a shift in objectives. Russian policy there has always been focused on avoiding worst-case outcomes. In other words, Moscow knows what it does not want: a threat to its national security, an undoing of bilateral economic ties, the empowerment of Russophobic political forces or political and economic instability. Furthermore, Russia wants to avoid precedents of coercive removal of a sitting government, particularly in cases in which the West is perceived to be involved, either by tacitly approving a revolution or explicitly promoting one. That objective, driven by Moscow’s anxieties about the legitimacy of its own rule, determines Russian policy in Syria as well, but proximity amplifies its importance in Ukraine. And that explains Moscow’s outrage at the immediate unravelling of the negotiated settlement brokered by EU foreign ministers on 21 February and subsequent resistance to recognising the new authorities in Kiev. It is certainly not out of love for Yanukovich, whom Putin has despised for nearly a decade. Indeed, although Russia has granted Yanukovich shelter, he pointedly noted that he had been unable to see Putin during his 28 February press conference. Far-fetched though it may be from a Western perspective, this first frame suggests that Moscow believed its nightmare, worst-case scenario was unfolding, and was taking all measures seen as necessary to prevent it from coming to pass. If we are seeing an escalatory spiral, intentions cannot be deduced from outcomes on the ground. The second frame provides a far more sinister reading of Russia’s recent actions, suggesting its motives are aggressive or even territorially expansionist. A comparison with the Russia–Georgia war of August 2008 demonstrates that what has happened this week in Crimea is far worse and could have revealed a very different Russia. In 2008 the Georgian military, under Mikheil Saakashvili, used force in South Ossetia. Russia’s all-out invasion followed an artillery assault on the South Ossetian regional capital, Tskhinvali, and an attack on a Russian peacekeeping base. Russian soldiers and citizens were killed; it was only then that Russia escalated into a full-fledged military invasion. Regardless of how one regards Russian motives in the conflict, or the proportionality of Moscow’s response, the Georgian government was the first to move from periodic gun battles to massive shelling and thus gave Russia’s subsequent actions a pretext. Russian citizens and forces had come under attack. In Crimea, there has been no such pretext for military intervention. Certainly, there were ominous signs coming from Kiev. Immediately after President Yanukovich fled, a new government was formed that included members of far-right parties or had far-right affiliations, particularly in the areas of national security and law enforcement. Officials allowed nationalist paramilitaries to patrol the streets and to work alongside troops from the Ministry of Internal Affairs. The language rights that Russian-speakers had enjoyed since 2012 were abolished (although the government reversed itself and vetoed the law following the Russian invasion and autonomist moves in eastern provinces). But no actions were taken against the Russian population. There were no attacks on Russian civilians in Crimea. The central government in Kiev was not using force to repress ethnic Russians in Kiev, Kharkiv, Donetsk or any of the other Russophile regions of the country. In response to demonstrations in the Crimean capital, Simferopol, Ukrainian authorities did not use force. They did not prevent Russian nationalist groups from assembling and demonstrating. Even when the government in Simferopol ousted its prime minister and announced a referendum on autonomy, Kiev made no moves to employ its military or police forces. The Ukrainian government’s response to events in Crimea has been measured and cautious. This is precisely what makes these events so unsettling. The conventional wisdom (reflected in the first frame) is that Russia primarily seeks stability on its borders. After all, had the Kremlin wanted to provoke secessionist movements among the Russophile regions of Ukraine or northern Kazakhstan, it would not have been difficult to do so. Crimea? The Russians could easily have had it if they wanted it. The large Russian and Russophile communities in Ukraine and Kazakhstan served Russian interests far more outside Russian borders than the burden they would have represented if they lived within those borders. Without Crimea’s voters, Yanukovich could not have won the 2010 presidential elections. With the substantial Russian-speaking and Russophile communities in Ukraine amounting to nearly half of the country’s population, Russia was virtually assured that Ukraine would continue to be a close partner in economic and security matters. Gaining Crimea to lose Ukraine just did not seem like a rational trade-off. The aggressive military moves that we have seen this week suggest that we could be witnessing a more fundamental shift in the underlying principles of Russian policy, either a shift towards a deliberate policy of sowing unrest in its neighbourhood for geopolitical ends or even of outright territorial expansion. This week, as events were escalating in Crimea, the Duma began consideration of a law to simplify the procedures for a foreign territory to join the Russian Federation. Doing so would require little more than a referendum. The city council of Donetsk has already voted to support holding such a referendum in the Donbass region. This, combined with the announcement that the Kremlin would be authorised to use the Russian military on the territory of Ukraine, suggests that after all these years of crying wolf about Russia’s expansionist ambitions, the wolf may finally have arrived. Policy prescriptions for the Western response differ drastically depending on which frame one accepts. To a certain extent, path dependency may have already pushed Western leaders to adopt the second. In other words, US and EU policy has long assumed that Russia is inherently hostile to Ukraine; for many, recent events have merely validated that assumption. Following that logic, subjecting Moscow to sanctions and international isolation, and a full backing of the new Ukrainian government, are the next steps. While this course of events might be the only politically feasible one at this point, it carries with it serious risks of a global confrontation. If the first frame described above – an escalatory spiral – is closer to the truth, that would be a tragic outcome. Indeed, if Russian objectives are not to carve up Ukraine at any cost, Western leaders have an obligation to seek common ground with Moscow. Russian officials have expressed their desire to return to the 21 February agreement in order to defuse the crisis. That is clearly impossible. But something other than the status quo in Kiev, negotiated with the involvement of all major Ukrainian political parties, is not. Engagement with Russia at this point will certainly not be easy, and has the potential to be extremely unpleasant. But it might be required if something much worse than the events of recent days is to be avoided.

#### Failure to check Russia leads to aggressive Russian expansionism

Olcott 3/5/14 (Martha-SENIOR ASSOCIATE¶ RUSSIA AND EURASIA PROGRAM AND¶ CO-DIRECTOR¶ AL-FARABI CARNEGIE PROGRAM ON CENTRAL ASIA “After Crimea: Will Kazakhstan be Next in Putin’s Reintegration Project?” http://carnegieendowment.org/2014/03/05/after-crimea-will-kazakhstan-be-next-in-putin-s-reintegration-project/h2ia

If unchecked, Russia’s seizure of key objects in Crimea will be the first step in changing the map of Eurasia. Vladimir Putin’s assertion of a need to use military force to protect Russian citizens and the entire “Russian-speaking population” is ominous. It should be read as a warning that Russia’s president wants to reverse what he says are two of the great catastrophes of the twentieth century: the collapse of the Russian Empire and the breakup of the Soviet Union.¶ Seeing himself as the “protector” of all Russians, Putin had good reason to be upset by the unfolding developments in Ukraine. The disgraced ally, Viktor Yanukovych, and the revelations of his lavish lifestyle in the global media were embarrassing and raise questions about how other Russian-backed autocrats are spending state funds.¶ And the new inchoate government in Kyiv played its part in inciting Putin’s anger. Not content to simply turn toward the EU, United States, and IMF for solutions, the interim government decided to scrap the 2012 law that legalized the use of the Russian language—this was like waving a red flag in front of a bull.¶ Putin could have behaved like an international statesman, expressing shock and ignorance of Yanukovych’s corruption and ensuring Russia influenced any IMF bailout efforts. To make them truly international he could have pressed to include Ukraine’s debts to both Russia and China in the dealings and proffered his own bailout as well.¶ But Putin’s actions speak to other motives—the Russian leader’s real goal is to achieve what he terms an “integration project” of the territories of the former U.S.S.R. that is designed to reinvigorate and restore Russia’s civilization to what he sees as its rightful place. Putin has taken this as his mission and believes that if he’s successful it will earn him an enduring place in Russian history.¶ Every nation and great culture strives for a renaissance, but this can’t be done through the use or threat of force, or at the cost of other nations and peoples seeking to define and achieve their own national dreams. Yet this is precisely what Putin seeks to do by taking advantage of the political confusion in Ukraine to reassert Russian nationalist claims on Crimea and potentially on the eastern and southern regions of the country.¶ Are other regions in the former Soviet Union facing the same risk as Ukraine?¶ Presumably Kazakhstan could come next. Kazakhstan also has a large Russian minority population and the Russian language is set to be gradually phased out from public life. Previewing Moscow’s response, Vladimir Zhironovskii, the Russian nationalist leader and convenient buffoon, called for the creation of a Central Asian Federal Region with a capital in Verny (the Russian imperial name for Almaty) in February.¶ Russia vowed to respect Kazakhstan’s territorial integrity (just as it did with Ukraine) in 1994, when the country relinquished control of its share of the U.S.S.R.’s nuclear weapons. But Kazakhstan has still been careful in its response to events in Ukraine.¶ The Kazakh leadership remained silent about the crisis until March 3, preferring to concentrate on the fifteenth anniversary of the formation of Nur Otan, the ruling party, while official media reported developments in Ukraine in a straightforward fashion.¶ When Kazakhstan’s Ministry of Foreign Affairs finally issued a statement it was careful to distance the country both from Russia’s actions and from the various G-7 member calls for sanctions. It urged all sides to find a resolution through negotiations and respect for the fundamental principles of international law.¶ For the leadership in Astana nothing good can come from Russia’s actions in Crimea. President Nursultan Nazarbayev has publicly endorsed “deep integration” with Russia on numerous occasions (despite growing public dissatisfaction over its economic costs), but the future is unclear.¶ What will happen when the nearly 74-year-old leader passes from the scene? Will the Kremlin be content with a successor who is also pro-integration with Russia? Or will various behind-the-scenes dealers try to stimulate the dissatisfactions of Kazakhstan’s ethnic Russians and Russian-speaking minorities to get them to exercise their “right” of national self-determination and rejoin the “Russian motherland”? This would be totally unacceptable to the rest of Kazakhstan’s increasingly patriotic population, who like the people in much of Ukraine would not want to submit quietly.¶ Putin will not ensure his historic legacy through the acquisition of Crimea alone. His vision requires some form of a greater Russia either territorially or extraterritorially constituted. But this is not a vision that can be peacefully achieved or long sustained. There are simply too many people in Ukraine, Kazakhstan, and elsewhere in the former Soviet territory (including in Russia itself) that will not tolerate it. Instead, they will choose migration, stagnation, or violence in response.¶ Russia’s moves also threaten the future security of Europe and the United States. It doesn’t mean, however, that NATO military action is the answer. If diplomacy continues to fail, then U.S. and EU leaders have to be prepared to introduce meaningful economic sanctions. Of course the economic security of some European states will be temporarily at risk if Russia cuts off oil and gas flows in response. But paying an economic price today could help ensure the security of Europe and the United States in the future.¶ Focus must be on checking Putin’s provocation in Ukraine and preventing him from taking another step—in Kazakhstan or anywhere else—in his reintegration project.

#### That causes US-Russia nuclear war

Blank ‘7 (Stephen Blank , Research Professor of National Security Affairs at the Strategic Studies Institute of the U.S. Army War College, “Russian Democracy, Revisited” Spring, http://www.securityaffairs.org/issues/2007/12/blank.php, accessed January 12th from Google)

Gvosdev defends his brand of realism as a moral policy based on prudential calculations that seek to maximize benefits and minimize losses. In other words, while Russia is admittedly far from an ideal state, we can live with it as it is. But is this policy towards Russia realistic in Gvosdev’s own terms? In fact, Russia’s foreign policy is fundamentally adversarial to America and to Western interests and ideals. Moreover, thanks to Russia’s domestic political structure, not only will this foreign policy trend expand if unchecked, it will almost certainly lead Russia into another war. Russia’s conduct in 2006 serves as a microcosm of this problem. Last year, Russia gratuitously provoked international crises by threatening Ukraine, Moldova, Belarus and Georgia over energy. It showed neither the will nor the capacity to arrest or reverse proliferation in Iran or North Korea. It displayed its readiness to amputate Georgia by force and annex its former territories to Russia. It attempted to undermine the OSCE and block it from fulfilling its treaty-mandated functions of monitoring elections. It refused to negotiate seriously over energy and economics with the European Union. It recognized Hamas as a legitimate government, gave it aid, and sold it weapons. And it sold weapons to Iran, Venezuela, China and Syria, knowing full well that many of these arms will be transferred to terrorists. At home, meanwhile, Russian President Vladimir Putin is widening state control over ever more sectors of the economy, including defense, metals, and the automotive industry. Foreign equity investment in energy and many other fields is increasingly excluded from Russia in favor of Kremlin-dominated monopoly. Russia is even seeking to convert the Commonwealth of Independent States (CIS) into an oil and gas cartel that supports its own interests, rather than those of other producers. Possibly, the United States can abide such a Russia. But it is clear that America’s partners and allies, particularly those in Eastern Europe and the “post-Soviet space,” cannot long live with a government whose policies seem essentially driven by a unilateralist quest for unchecked power. Russia’s current objectives seem to be incompatible with any notion of world order based on the principles accepted by it and its partners in 1989-91. Russia evidently covets recognition as a great power or energy superpower free from all international constraints and obligations and answerable to nobody. As the political scientist Robert Legvold wrote back in 1997, Russia “craves status, not responsibility.”1 It should come as no surprise that this irresponsibility still characterizes Russian diplomacy. After all, it is the hallmark of the Russian autocracy which Putin has restored with a vengeance. Autocracy logically entails empire, an autarchic and patrimonial concept of the Russian state that is owned by the Tsar, controlled by his servitors, and which survives only by expansion. Just as autocracy means that the Tsar is not bound by or responsible to any domestic institution or principle, it also means that in foreign policy, Russia does not feel obligated to honor its own prior treaties and agreements. The struggle to get Moscow to adhere to the 1999 OSCE Summit accords it itself signed—as well as its conduct during the Russo-Ukrainian energy crisis of 2006—fully confirms that point; whatever else happened in both cases, Moscow broke its own contract with the OSCE and with Kyiv. These are far from anomalies. Foreign Minister Sergei Lavrov himself said not long ago that Russia refuses to be bound by foreign standards, or conform to them.2 He has also insisted that the West respect Russian interests in the CIS, but shows no reciprocal respect for the treaties Russia has signed and since violated. Nor does he say that Russia must respect the interests of CIS governments themselves.3 By doing so, Lavrov has confirmed the warnings of analysts like Dmitry Trenin of the Carnegie Endowment for International Peace, who caution that Russia does not want to *belong* to a larger institutional grouping.4 Under these conditions, as both Western and Russian firms are learning all too well, property rights are conditional—if not entirely absent. Property is the Tsar’s to control, and he or his agents grant rents to their subordinates in return for service, which tragically is generally inefficient, self- and rent-seeking, and utterly corrupt. Today, this formula is visible in Russia’s pervasive official corruption, widespread criminality, and the absence of any sense of national interests among the country’s new “boyar” class. Such a system also entails an autarchic economy hostile to foreign investment and influence. Democratic and civilian control of Russia’s multiple militaries likewise is absent, and critics of the regime or reformers are routinely killed or threatened by those forces. The most recent examples of this tragic phenomenon are the assassinations of former FSB agent Alexander Litvinenko and journalist Anna Politkovskaya, and the attempted poisoning of former Prime Minister Yegor Gaidar. Russian and Western observers both recognize that the Tsarist model is back, albeit with some Soviet accretions. And true to this model, the Kremlin today operates largely by fiat and fear. Much of Vladimir Putin’s popularity clearly derives from the state monopoly over a large swath of the national media, growing fear of the police among ordinary Russians, and the sense of prosperity provided by seven years of (largely energy-based) economic growth. Absent the official cult of personality and with a free media, undoubtedly things would be rather different. All of which is to say that it is clear that, while the United States must engage with Russia, America cannot simply accept these deformities as the necessary price for doing business with Moscow. It is not simply a matter of “lecturing” Russia, as its elites have accused Washington of doing for decades. Genuine realism requires an engagement with Russia that respects its interests but which tells the truth and responds to its numerous violations of international obligations. Such realism also requires understanding that the reversion to Russian autocracy is not merely a matter of Russia’s sovereign choice, as Putin’s ideologues pretend. It is a threat to all of Russia’s neighbors because it inherently involves a quest for empire, since Moscow understands its full sovereignty to be attainable only if that of its neighbors is diminished. It is deeply ironic that Russia can pursue such policies today largely because of the West. In order to maintain its empire, Russia must offer all kinds of hidden and overt subsidies in energy, weapons, or other forms of economic and political currency. It can only afford to do so by charging its European energy customers full market price, even as it refuses to do the same at home. Likewise, for all its benefits, U.S. funding for Cooperative Threat Reduction enables Russia to spend ever more on its armed forces, which it otherwise could not afford to do. By itself, Russia cannot pay for the rising outlays on its armed forces, its ambitious goals for re-equipping them and converting them into a power projection force beyond its borders, or their current, bloated size. Under the circumstances, a realistic Western policy cannot abandon the borderlands to Moscow. If it has reason to believe that it enjoys freedom of action there, Moscow will promptly extend its dysfunctional political system to those lands, either directly or indirectly. In either case, it will create security vacuums which are ripe for conflict and which threaten both its own and European security. Russia’s inability to quell the Chechen uprising despite twelve years of utterly brutal warfare illustrates this quite clearly. Indeed, both wars with Chechnya (in 1994 and again in 1999) were launched to secure the domestic base of first the Yeltsin and then the incoming Putin regimes.5 Since then, the fighting has engulfed the entire North Caucasus, putting Russia, thanks to its own misguided policies, at greater actual risk of terrorism. It is precisely to avoid Russian expansionism and support for rogue regimes and proliferation that it is necessary to press Russia to return to the spirit and letter of the treaties it has signed and which make up the constitutional basis of Europe’s and Eurasia’s legitimate order. We should not pressure Russia because it is insufficiently democratic, but rather because it has freely given its word to treaties and conventions that must be upheld if any kind of international order is to be preserved. Admittedly, this means that America must reorient its policies to stop seeking to extend or impose democracy. No matter how deeply held, the ideas of the current Administration enjoy no special legitimacy abroad, whereas international obligations do. Likewise, we must make clear that while the interests of the kleptocracy that passes for government in Russia are advanced by lawlessness and imperial predation, neither the interests of the Russian people nor the security of Eurasia is advanced by such policies. Quite the contrary; those policies entail long-term stagnation and war, not progress, peace, or security. Thus a realistic policy towards Russia necessarily means realigning the values which we promote. They should be those of international law and of enhanced security for both peoples and states, not untrammeled unilateralism or that might makes right. But such realism also means fearlessly proclaiming and acting upon the truth that Russian scholars themselves know and admit: Russia today remains a risk factor in world politics.6 This is largely because its domestic political arrangements oblige Moscow to pursue a unilateral and neo-imperial policy fundamentally antithetical to the security of Eurasian states, including its own. Accountability is an important virtue for all states, but for Russia it is indispensable. Without it, the Kremlin could very well succumb to imperial temptation, at the cost of international catastrophe.

#### Makes the risk of nuclear war uniquely high – tensions increase the chances of miscalc

Barret, Baum, & Hostetler ’13 (Jun, 28; Anthony- Global Catastrophic Risk Institute; Seth- Center for Research on Environmental Decisions, Columbia University; Kelly- Department of Geography, Pennsylvania State University) “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia”

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years,1 potentially leading to collapse of modern civilization worldwide and even the extinction of humanity.2 Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.3 (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.4) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter- attack. However, concerns about the extreme disruptions that a first attack would cause in the other side’s forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack.5 Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.6 However, it has also been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk.7 While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack.8 False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.9 Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb,10 especially if such an event occurs during a crisis between the United States and Russia.11 A variety of nuclear terrorism scenarios are possible.12 Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States.13 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.14 It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.-Russian crisis conditions,15 with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.-Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.16

## Contention 2: Credibility

#### Obama’s use of threats fail in the squo- wrecks US credibility

Galbraith ’13 (Jean - Assistant Professor of Law, Rutgers School of Law at Camden.) “INTERNATIONAL LAW AND THE DOMESTIC ¶ SEPARATION OF POWERS” http://www.utexas.edu/law/journals/tlr/sources/Volume%2092/Issue%204/Bradley/DSB/Bradley.fn294.3.SB.pdf

Libya ¶ President Obama’s decision to use force in Libya demonstrates just how ¶ much the executive’s independent war powers have developed since the ¶ Founding. On March 19, 2011, following a U.N. Security Council ¶ Resolution authorizing the use of force, President Obama and European ¶ allies initiated “a military intervention on a scale not seen in the Arab world ¶ since the Iraq war.”143 “Operation Odyssey Dawn” enforced a no-fly-zone ¶ over Libya and carried out extensive bombing of strategic targets in order to ¶ “prevent Qaddafi from overrunning those who oppose him.”144 In advising ¶ the President that he could constitutionally undertake this intervention ¶ without Congressional authorization, the Office of Legal Counsel relied ¶ mainly on past practice, explaining that “[e]arlier opinions of this Office ¶ and other historical precedents establish the framework for our analysis.”145 ¶ In its memorandum, OLC’s use of international law was notably ¶ limited. Unlike the State Department’s memorandum on the President’s use ¶ of force in Korea, the OLC memorandum did not directly rely on ¶ international law in its constitutional interpretation. Instead, for OLC, the ¶ only legal relevance of the Security Council’s resolution was that it ¶ triggered an “important” U.S. interest” – namely, “preserving the credibility ¶ and effectiveness of the United Nations Security Council.”146 Gone was the ¶ argument that the President had the independent authority under the Take ¶ Care Clause to implement a Security Council Resolution, and gone was the ¶ claim that the Security Council Resolution changed the nature of the action ¶ from “war” to “police action”.147 Instead, OLC simply relied on past ¶ practice, mostly of recent vintage, including a 1980 OLC Memorandum on ¶ Presidential Power to Use the Armed Forces Abroad without Statutory ¶ Authorization and the OLC memoranda supporting the 1992 intervention in ¶ Somalia, the 1994 intervention in Haiti, and the 1995 deployment to ¶ Bosnia.148 ¶ These prior OLC memoranda in turn relied heavily on past practices in ¶ which international law played a role, but ignored or watered down how ¶ international law helped justify these practices. In terms of minor ¶ engagements, the memoranda simply emphasized the large number of times ¶ the President has used force abroad with little discussion of the ¶ contemporaneous justifications given for these uses.149 Durand v. Hollins ¶ and the bombardment of Greytown became straightforward precedents for ¶ the President’s power to respond to attacks against American citizens ¶ without any consideration either of the international legal roots of this ¶ power or the relevance of Greytown’s piratical character.150 Even more ¶ interesting was the way the memoranda relied on treaty-based precedents ¶ and yet downplayed the importance of the treaty obligations in describing ¶ these precedents. All four memoranda explicitly used the Korean War as a ¶ precedent but described it in ways that minimized the role that international ¶ law played in its constitutional justification.151 (This occurred even though¶ the interventions at issue in the Haiti and Somalia memoranda were, like the ¶ Korean War, authorized by the U.N. Security Council, and one might ¶ therefore think the international legal reasoning used in the Korean War ¶ would have been applicable.) None of the four memoranda suggested that ¶ the Security Council’s role might affect whether the intervention constitutes ¶ a “war”. Only the oldest of these memoranda – the 1980 one – reiterated ¶ the claim that the President has authority under the Take Care Clause to use ¶ force to advance U.S. international legal commitments and the ¶ memorandum was hesitant to treat the Korean War as an example of this ¶ authority.152 The later three memoranda simply dropped the Take Care ¶ Clause justification altogether.153 These three memoranda did rely on the ¶ one remaining use of international law for constitutional purposes made ¶ during the Korean War: the claim that support for the United Nations ¶ constitutes a key U.S. interest. Even here, however, the argument was ¶ watered down: where this was a “paramount” U.S. interest in the Korea ¶ Memorandum, it slipped to being a “vital” U.S. interest in the Somalia and ¶ Bosnia, and Haiti interventions154 – and, as noted above, dwindled still ¶ further in the Libya Memorandum to being simply an “important” U.S. ¶ interest.155 ¶ Constitutional decision-making on the use of force has thus become ¶ almost entirely divorced doctrinally from international law, even though ¶ international law helped justify past practices on which the current doctrine ¶ relies. This divorce has important implications for the President’s power to ¶ initiate military interventions without Congressional support. On the one ¶ hand, international law no longer provides a direct boost to Presidential ¶ power as a matter of doctrine (although it may still serve as a source of ¶ extra-constitutional legitimacy). This is not very significant, however, ¶ because international law is no longer directly needed for these boosts – ¶ instead, constitutional actors can support sole Presidential uses of force ¶ simply by pointing to past practices without further considering the ¶ international legal roots of these practices. On the other hand – and more ¶ significantly – the divorce between constitutional decision-making and ¶ international law means that international law no longer supplies any ¶ recognized limits on the President’s power to initiate military interventions. ¶ International law has ceased to be used as a boundary between ¶ constitutionally acceptable and constitutionally dubious independent ¶ Presidential uses of force; instead, recent OLC memoranda treat the ¶ President as having the constitutional authority to initiate the use of force in ¶ violation of international law.156

#### Scenario 1 is the UN

#### Loss of UN Credibility causes extinction

Tharooor, 03 [Shashi Tharoor, is the Indian Minister of State for Human Resource Development, Member of Parliament (MP) from the Thiruvananthapuram of Kerala, an author and a columnist, Tharoor subsequently obtained a Bachelor of Arts degree in history from St. Stephen's College in Delhi.[5] and went on to pursue graduate studies at The Fletcher School of Law and Diplomacy at Tufts University, from where he obtained an M.A in 1976, an M.A.L.D in 1977 and a Ph.D. in 1979 at age 23.[6], http://www.cfr.org/world/why-america-still-needs-united-nations/p7567]

Summary: Multilateralism is a means, not an end, and there is no more multilateral body than the UN. That may make it unwieldy at times, but the UN's inclusiveness is the key to the legitimacy only it can confer. The organization thus remains an essential force in international politics, and one the United States benefits from greatly. THE POWER OF LEGITIMACY In September 2002, a radical new document declared that "no nation can build a safer, better world alone." These words came not from some utopian internationalist or ivory-tower academic, but from the new National Security Strategy of the United States. For all its underpinnings in realpolitik, the strategy committed the United States to multilateralism. This statement should not have been surprising, for multilateralism, of course, is not only a means but an end. And for good reason: in international affairs, the choice of method can serve to advertise a country's good faith or disinterestedness. Most states act both unilaterally and multilaterally at times: the former in defense of their national security or in their immediate backyard, the latter in pursuit of global causes. The larger a country's backyard, however, the greater the temptation to act unilaterally across it -- a problem most acute in the case of the United States. But the more far-reaching the issue and the greater the number of countries affected, the less sufficient unilateralism proves, and the less viable it becomes. Hence the ongoing need for multilateralism -- which the U.S. National Security Strategy seemed to recognize. The United Nations is the preeminent institution of multilateralism. It provides a forum where sovereign states can come together to share burdens, address common problems, and seize common opportunities. The UN helps establish the norms that many countries -- including the United States -- would like everyone to live by. Throughout its history, the United States has seen the advantages of living in a world organized according to laws, values, and principles; in fact, the republic was not yet 30 years old when it first went to war in defense of international law (attacking the Barbary pirates in 1804), and it has done so multiple times since, including in the first Gulf War. The UN, for all its imperfections -- real and perceived -- reflects this American preference for an ordered world. That Washington has often used force on behalf of such principles makes good political sense. After all, acting in the name of international law is always preferable to acting in the name of national security. Everyone has a stake in the former, and so couching U.S. action in terms of international law universalizes American interests and comforts potential allies. When American actions seem driven by U.S. national security imperatives alone, partners can prove hard to find -- as became clear when, in marked contrast to the first Gulf War, only a small "coalition of the willing" joined Washington the second time around in Iraq. Working within the UN allows the United States to maximize what Joseph Nye calls its "soft power" -- the ability to attract and persuade others to adopt the American agenda -- rather than relying purely on the dissuasive or coercive "hard power" of military force. Global challenges also require global solutions, and few indeed are the situations in which the United States or any other country can act completely alone. This truism is currently being confirmed in Iraq, where Washington is discovering that it is better at winning wars than constructing peace. The limitations of military strength in nation building are readily apparent; as Talleyrand pointed out, the one thing you cannot do with a bayonet is to sit on it. Equally important, however, is the need for legitimacy, and here again the UN has proven invaluable. The organization's role in legitimizing state action has been both its most cherished function and, in the United States, its most controversial. As the world's preeminent international organization, the UN embodies world opinion, or at least the opinion of the world's legally constituted states. When the UN Security Council passes a resolution, it is seen as speaking for (and in the interests of) humanity as a whole, and in so doing it confers a legitimacy that is respected by the world's governments, and usually by their publics. When the resolution in question is passed under Chapter VII of the charter -- that document's enforcement provisions -- it becomes legally binding on all member states. The composition of the council that passes a particular resolution is no more relevant to its legitimacy than that of a national parliament that passes a law; congressional legislation, by the same logic, is not less binding on Americans if the majority that votes for it comes overwhelmingly from small states. The legitimacy of the UN inheres in its universality and not in its structural details, which have long been subject to the clamor for reform. Some Americans have scorned the status and conduct of many of the Security Council members that failed to support the United States on Iraq. But this unseemly sneering over the right of Angola, Cameroon, or Guinea to pass judgment in the council overlooks the valuable contribution their presence makes. The election of small countries to the council bolsters its legitimacy by enhancing its role as a repository of world opinion. Universality of membership also allows the world to view the UN as something more than the sum of its parts, as an entity that transcends the interests of any one member state. The UN guards the vital principles entrenched in its charter, notably the sovereign equality of states and the inadmissibility of interference in their internal affairs. It is precisely because the UN is the chief guardian of both these sacrosanct principles that it alone is allowed to approve derogations from them. Thus when the UN, in particular the Security Council, legislates an intervention in a sovereign state, it is still seen as upholding the basic principles even while approving a departure from them. When an individual state acts in defiance of the UN, on the other hand, it merely violates these principles. This is why so many countries, including the most powerful ones, take care to embed their actions within the framework of the principles and purposes of the UN Charter. For examples of this, one need only peruse a random selection of speeches by countries explaining their votes on the Security Council, especially those concerning military action. The value of internationally recognized principles resonates across the globe and has been reified through 58 years of repetition -- including last March, when the council debated Iraq. SHOWDOWN IN NEW YORK To suggest -- as did some critics of the UN during the Iraq crisis -- that the organization has become irrelevant overlooks the message President George W. Bush himself sent when he appeared before the General Assembly in September 2002. In calling on the Security Council to take action, Bush framed the problem of Iraq as a question not of what the United States (unilaterally) wanted, but of how to implement Security Council resolutions. Indeed, these resolutions were at the heart of the U.S. case. Had the Security Council been able to agree that force was warranted, it would have provided unique (and incontestable) legitimacy for U.S. military action. The fact that the council did not ultimately agree, however, strengthens, rather than dilutes, the rationale for approaching it in such situations. The council's refusal to serve as a rubber stamp for Washington will give any future support it lends to the United States greater credibility. Council resolutions do not serve only to codify the acceptable in the eyes of the world; they also, quite directly, lay down the law. In fact, several countries, from Norway to India, do not or cannot (as a matter of politics, policy, or constitutional law) commit forces overseas without the council's explicit authorization. Such a practice ensures that these countries will not be drawn into military adventures at the behest of one or a handful of powerful states. They send troops only when the Security Council, speaking in the name of the world as a whole, blesses an enterprise. Nonetheless, since the Iraq crisis, some critics have suggested that "coalitions of the willing" will eventually eliminate the need for formal structures such as the UN. "Multilateralism á la carte," the thinking goes, will replace "multilateralism á la charte." But even ad hoc coalitions require structure: many states, when asked by Washington to contribute troops for Iraq, have hesitated to do so without the sanction of a UN resolution or a UN-authorized command structure. International institutions give the United States' potential partners a framework within which they can feel empowered on (at least notionally) equal terms -- and without which they are not willing to participate. Put another way, the difference between a UN operation, in which everyone wears a blue helmet, and a "coalition of the willing" led by one big power is similar to that between a police squad and a posse. Posses are more difficult to find and to fund than are police. Similarly, developing countries in any coalition need financing in order to play their part, and such financing is more easily provided through the UN's agreed cost-sharing formula. Unilateralism is always more expensive than its alternative, and in today's tight world economy, the costs of international unilateralism may no longer be sustainable. Even when a Security Council resolution is not legally required for an action, the UN's imprimatur can still prove extremely useful for the United States. A council decision does not just spread expense and political risk, by diluting Washington's responsibility for a course of action that might provoke resentment or hostility. It is also easier for many governments to sell a policy to their publics if they can describe it as a response to a UN resolution, instead of to an American request. The United States has already learned this lesson: for example, when it has tried to prompt countries to revise and update their domestic security procedures or laws on terrorism, it has discovered that governments are often happier to receive the same American expert as a UN adviser than as a U.S. one. In fact, part of the value of the UN (including for Washington) is the respect in which its members hold the body. Such respect has permitted the United States, on numerous occasions, to advance its specific interests under the cover of international law. For example, UN sanctions on Libya helped the United States achieve a settlement over the Lockerbie bombing. And after the attacks of September 11, 2001, the Security Council's two subsequent resolutions provided an international framework for the global battle against terrorism. Resolution 1373 required nations to interdict arms flows and financial transfers to suspected terrorist groups, report on terrorists' movements, and update national legislation to fight them. Without the legal authority of a binding Security Council resolution, Washington would have been hard-pressed to obtain such cooperation "retail" from 191 individual states, and it would have taken decades to negotiate and ratify separate treaties and conventions imposing the same standards on all countries. As such examples demonstrate, it is clearly not in the U.S. interest to discredit the UN or the Security Council. For every rare occasion when the council thwarts Washington, there are a dozen more when it acts in accordance with U.S. wishes and compels other countries to do the same. To marginalize the council, then, would be to blunt a vital arrow in the U.S. diplomatic quiver. BEYOND LIMITS What about the Security Council's structural deficiencies? For all the carping about its outdated composition -- which, by common consensus, reflects the geopolitical realities of 1945 rather than 2003 -- no other body has acquired the kind of legitimacy it brings to bear on world affairs. The council may need reform, therefore, but until member states agree on how to go about making changes, it remains the only global body with responsibility for maintaining international peace and security. Suggestions that the UN should be replaced -- by a coalition of democracies, for example -- overlook the fact that during the Iraq debate, the most vigorous resistance to the United States in the council came from other democracies. Nor is NATO a feasible alternative to the council, because its legitimacy is geographically limited, as is that of other regional organizations. NATO authorization might have been deemed sufficient for the Kosovo campaign. But in that war, the target was another European state, Yugoslavia. NATO's imprimatur would not have been enough to justify military action in Iraq, which is why the United States and the United Kingdom tried so hard to get the Security Council's benediction for that action. In any case, the council's final vote (or lack thereof) on Iraq was not the only gauge of its relevance to that situation. Just four years ago, when NATO bombed Yugoslavia without even referring to the council (let alone securing its approval), many critics similarly argued that the UN had become irrelevant. But the Kosovo question soon came up again at the Security Council, first when an unsuccessful attempt was made to condemn the bombing, and then when arrangements had to be made to administer the province after the war. Only the Security Council could have approved the arrangements so as to confer on them international legitimacy and encourage all nations to extend their support and resources. And only one body was trusted enough to run the civilian administration of Kosovo: the United Nations. The same pattern was not followed precisely in the case of Iraq, but the events were similar. Resolution 1483, adopted unanimously on May 22, granted the UN a significant role in postwar Iraq. That the United States chose to give the UN such a prominent position reflects not just British pressure but also Washington's own recognition that it needs the world body. Indeed, the very fact that the United States submitted the resolution to the Security Council was an acknowledgment by Washington that there is, in Secretary-General Kofi Annan's words, no substitute for the unique legitimacy provided by the UN. The body might have been written off during the war. But as with Kosovo, it was quickly found to be essential to the ensuing peace. Of course, peace can be kept in many ways, and Kosovo, East Timor, Afghanistan, and now Iraq offer four different models for how the UN can engage in postconflict situations. But peacekeeping (which includes mediation, monitoring, and disarmament) remains exactly the kind of mission where using the UN has advantages for Washington that greatly outweigh the negatives. First, there is the obvious attraction of burden-sharing: UN peacekeeping allows other countries to help shoulder the United States' responsibility for maintaining peace around the world. Second, despite some well-publicized failures, UN peacekeeping works. The UN's "blue helmets" won the Nobel Peace Prize in 1988; since then, they have brought peace and democracy to Namibia, Cambodia, El Salvador, Mozambique, and East Timor; helped ease the U.S. burden after regime changes in Haiti and Afghanistan; and policed largely bloodless stalemates from Cyprus to the Golan Heights to Western Sahara. Third, UN peacekeeping is highly cost-effective. The UN is used to running operations on a shoestring, and it spends less per year on peacekeeping worldwide than is spent on the budgets of the New York City Fire and Police Departments. UN peacekeeping is also far cheaper than the alternative, which is war. Two days of Operation Desert Storm in 1991 cost more than the entire UN peacekeeping budget that year, and one week of Operation Iraqi Freedom would amply pay for all UN peacekeeping for 2003. The UN operation that ended the Iran-Iraq War cost less annually than the crude oil carried in two supertankers. Considering how many supertankers were placed at risk during that ruinous conflict, this makes peacekeeping an extraordinary bargain. None of this is to deny that the Security Council's record has been mixed. The body has acted unwisely at times and failed to act altogether at others: one need only think of the fate of the "safe areas" in Bosnia and the genocide in Rwanda for instances of each. The council has also sometimes been too divided to succeed, as was the case in early 2003 over Iraq. And all too often, member states have passed resolutions they had no intention of implementing. But the UN, at its best, is only a mirror of the world: it reflects divisions and disagreements as well as hopes and convictions. Sometimes it only muddles through. As Dag Hammarskjöld, the UN's second secretary-general, put it, the UN was not created to take humanity to heaven but to save it from hell. And this it has done innumerable times, especially during the Cold War, when it prevented regional or local conflicts from igniting a superpower conflagration. To suggest, on the basis of the disagreement over Iraq, that the Security Council has become dysfunctional or irrelevant is to greatly distort the record by viewing it through the prism of just one issue. Even while disagreeing on Iraq, the members of the Security Council unanimously agreed on a host of other vital issues, from Congo to Côte d'Ivoire, from Cyprus to Afghanistan. Indeed, the Security Council remains on the whole a remarkably harmonious body. Authorizing wars has never been among its principal responsibilities -- only twice in its 58 years of existence has the council explicitly done so -- and it seems unduly harsh to condemn it solely over its handling of so rare a challenge. In any case, it would be folly to discredit an entire institution for a disagreement among its members. One would not close down the Senate (or even the Texas legislature) because its members failed to agree on one bill. The UN's record of success and failure is no worse than that of most representative national institutions, yet its detractors seem to expect the UN to succeed (or at least to agree with the United States) all the time. Too often, the UN's critics seem to miss another fundamental characteristic of the world body: the way it functions both as a stage and as an actor. On the one hand, the UN is a stage on which its member states declaim their differences and their convergences. Yet the UN is also an actor (particularly in the person of the secretary-general, his staff, agencies, and operations) that executes the policies made on its stage. The general public usually fails to see this distinction and views the UN as a shapeless aggregation. Sins (of omission or commission) committed by individual governments on the UN stage are thus routinely blamed on the organization itself. Sometimes member states deliberately contribute to this confusion, as when American officials blamed the UN for not preventing genocide in Rwanda -- despite the fact that Washington itself had blocked the Security Council from taking action in that crisis. Indeed, one of the more unpleasant, if convenient, uses to which the UN has regularly been put has been to serve as a pliant scapegoat for the failures of its member states. Former Secretary-General Boutros Boutros-Ghali ruefully noted this point when alleged UN deficiencies were blamed for the purely American-made disaster in Mogadishu in October 1993. And Annan has often joked that the abbreviation by which he is known inside the organization -- "SG" -- stands for "scapegoat," not "secretary-general." There is, sadly, considerable utility in having an institution that, by embodying the collective will (or lack thereof) of 191 member states, can safely be blamed for the errors that no individual state could politically afford to admit. But those who need a whipping boy must be careful not to flog him to death. IN IT TOGETHER The UN's relevance does not stand or fall on its conduct on any one issue. When the crisis has passed, the world will still be left with, to use Annan's phrase, innumerable "problems without passports" -- threats such as the proliferation of weapons of mass destruction (WMD), the degradation of our common environment, contagious disease and chronic starvation, human rights and human wrongs, mass illiteracy and massive displacement. These are problems that no one country, however powerful, can solve alone. The problems are the shared responsibility of humankind and cry out for solutions that, like the problems themselves, also cross frontiers. The UN exists to find these solutions through the common endeavor of all states. It is the indispensable global organization for a globalizing world. Large portions of the world's population require the UN's assistance to surmount problems they cannot overcome on their own. As these words are written, civil war rages in Congo and Liberia and sputters in Côte d'Ivoire, while long-running conflicts may be close to permanent solution in Cyprus and Sierra Leone. The arduous task of nation building proceeds fitfully in Afghanistan, the Balkans, East Timor, and Iraq. Twenty million refugees and displaced persons, from Palestine to Liberia and beyond, depend on the UN for shelter and succor. Decades of development in Africa are being wiped out by the scourge of hiv/aids (and its deadly interaction with famine and drought), and the Millennium Development Goals -- agreed on with much fanfare in September 2000, at the UN's Millennium Summit, the largest gathering of heads of government in human history -- remain unfulfilled. Too many countries still lack the wherewithal to eliminate poverty, educate girls, safeguard health, and provide their people with clean drinking water. If the UN did not exist to help tackle these problems, they would undoubtedly end up on the doorstep of the world's only superpower. The UN is also essential to Americans' pursuit of their own prosperity. Today, whether one is from Tashkent or Tallahassee, it is simply not realistic to think only in terms of one's own country. Global forces press in from every conceivable direction; people, goods, and ideas cross borders and cover vast distances with ever greater frequency, speed, and ease. The Internet is emblematic of an era in which what happens in Southeast Asia or southern Africa -- from democratic advances to deforestation to the fight against aids -- can affect Americans. As has been observed about water pollution, we all live downstream now. Thus U.S. foreign policy today has become as much a matter of managing global issues as managing bilateral ones. At the same time, the concept of the nation-state as self-sufficient has also weakened; although the state remains the primary political unit, most citizens now instinctively understand that it cannot do everything on its own. To function in the world, people increasingly have to deal with institutions and individuals beyond their country's borders. American jobs depend not only on local firms and factories, but also on faraway markets, grants of licenses and access from foreign governments, international trade rules that ensure the free movement of goods and persons, and international financial institutions that ensure stability. There are thus few unilateralists in the American business community. Americans' safety, meanwhile, depends not only on local police forces, but also on guarding against the global spread of pollution, disease, terror, illegal drugs, and WMD. As the World Health Organization's successful battle against the dreaded sars epidemic has demonstrated, "problems without passports" are those that only international action can solve. Fortunately, the UN and its broad family of agencies have, in nearly six decades of life, built a remarkable record of expertise and achievement on these issues. The UN has brought humanitarian relief to millions in need and helped people rebuild their countries from the ruins of war. It has challenged poverty, fought apartheid, protected the rights of children, promoted decolonization and democracy, and placed environmental and gender issues at the top of the world's agenda. These are no small achievements, and represent issues the United States cannot afford to neglect. The United Nations is a valuable antidote to the tendency to disregard the problems of the periphery -- the kinds of problems Americans may prefer not to deal with but that are impossible to ignore. Handling them multilaterally is the obvious way to ensure they are tackled; it is also the only way. Americans will be safer in a world improved by the UN's efforts, which will be needed long after Iraq has passed from the headlines. KEEPING GULLIVER ON BOARD The exercise of American power may well be the central issue in world politics today, but that power is only enhanced if its use is perceived as legitimate. Ironically, although many in Washington distrust the world body, many abroad think the Security Council is too much in thrall to its most powerful member. The debates over Iraq proved that that is not always the case; but even if it were, it is far better to have a world organization that is anchored in geopolitical reality than one that is too detached from the verities of global power to be effective. A UN that provides a vital political and diplomatic framework for the actions of its most powerful member, while casting them in the context of international law and legitimacy (and bringing to bear on them the perspectives and concerns of its universal membership) is a UN that remains essential to the world in which we live. The goals of the charter, however, cannot be met without embracing the fundamental premise that President Harry Truman enunciated in 1945: We all have to recognize that no matter how great our strength, we must deny ourselves the license to do always as we please. No one nation ... can or should expect any special privilege which harms any other nation. ... Unless we are all willing to pay that price, no organization for world peace can accomplish its purpose. And what a reasonable price that is! The UN, from the start, assumed the willingness of its members to accept restraints on their own short-term goals and policies by subordinating their actions to internationally agreed rules and procedures, in the broader long-term interests of world order. This was an explicit alternative to the model of past centuries, when strong states developed their military power to enforce their politics, and weak states took refuge in alliances with stronger ones. This formula guaranteed large-scale warfare; as Franklin Roosevelt put it to both houses of Congress after the Allied conference at Yalta, the UN would replace the arms races, military alliances, balance-of-power politics, and "all the arrangements that had led to war" so often in the past. The UN was meant to help create a world in which its member states would overcome their vulnerabilities by embedding themselves in international institutions, where the use of force would be subjected to the constraints of international law. Power politics would not disappear from the face of the earth but would be practiced with due regard for universally upheld rules and norms. Such a system also offered the United States -- then, as now, the world's unchallenged superpower -- the assurance that other countries would not feel the need to develop coalitions to balance its power. Instead, the UN provided a framework for them to work in partnership with the United States.

#### Scenario 2 is North Korea

#### US threats are failing now- causes a shift towards confrontation

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."

#### 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.

#### Guarantees extinction---interdependence and squo institutions don’t check

Mohan 13, C. Raja distinguished fellow at the Observer Research Foundation in New Delhi, March 2013, Emerging Geopolitical Trends and Security in the Association of Southeast Asian Nations, the People’s Republic of China, and India (ACI) Region,” background paper for the Asian Development Bank Institute study on the Role of Key Emerging Economies, http://www.iadb.org/intal/intalcdi/PE/2013/10737.pdf

Three broad types of conventional conflict confront Asia. The first is the prospect of war between great powers. Until a rising PRC grabbed the attention of the region, there had been little fear of great power rivalry in the region. The fact that all major powers interested in Asia are armed with nuclear weapons, and the fact that there is growing economic interdependence between them, has led many to argue that great power conflict is not likely to occur. Economic interdependence, as historians might say by citing the experience of the First World War, is not a guarantee for peace in Asia. Europe saw great power conflict despite growing interdependence in the first half of the 20th century. Nuclear weapons are surely a larger inhibitor of great power wars. Yet we have seen military tensions build up between the PRC and the US in the waters of the Western Pacific in recent years. The contradiction between the PRC’s efforts to limit and constrain the presence of other powers in its maritime periphery and the US commitment to maintain a presence in the Western Pacific is real and can only deepen over time.29 We also know from the Cold War that while nuclear weapons did help to reduce the impulses for a conventional war between great powers, they did not prevent geopolitical competition. Great power rivalry expressed itself in two other forms of conflict during the Cold War: inter-state wars and intra-state conflict. If the outcomes in these conflicts are seen as threatening to one or other great power, they are likely to influence the outcome. This can be done either through support for one of the parties in the inter-state conflicts or civil wars. When a great power decides to become directly involved in a conflict the stakes are often very high. In the coming years, it is possible to envisage conflicts of all these types in the ACI region. Asia has barely begun the work of creating an institutional framework to resolve regional security challenges. Asia has traditionally been averse to involving the United Nations (UN) in regional security arrangements. Major powers like the PRC and India are not interested in “internationalizing” their security problems—whether Tibet; Taipei,China; the South China Sea; or Kashmir—and give other powers a handle. Even lesser powers have had a tradition of rejecting UN interference in their conflicts. North Korea, for example, prefers dealing with the United States directly rather than resolve its nuclear issues through the International Atomic Energy Agency and the UN. Since its founding, the involvement of the UN in regional security problems has been rare and occasional. The burden of securing Asia, then, falls squarely on the region itself. There are three broad ways in which a security system in Asia might evolve: collective security, a concert of major powers, and a balance of power system.30 Collective security involves a system where all stand for one and each stands for all, in the event of an aggression. While collective security systems are the best in a normative sense, achieving them in the real world has always been difficult. A more achievable goal is “cooperative security” that seeks to develop mechanisms for reducing mutual suspicion, building confidence, promoting transparency, and mitigating if not resolving the sources of conflict. The ARF and EAS were largely conceived within this framework, but the former has disappointed while the latter has yet to demonstrate its full potential. A second, quite different, approach emphasizes the importance of power, especially military power, to deter one’s adversaries and the building of countervailing coalitions against a threatening state. A balance of power system, as many critics of the idea point out, promotes arms races, is inherently unstable, and breaks down frequently leading to systemic wars. There is growing concern in Asia that amidst the rise of Chinese military power and the perception of American decline, many large and small states are stepping up their expenditure on acquiring advanced weapons systems. Some analysts see this as a structural condition of the new Asia that must be addressed through deliberate diplomatic action. 31 A third approach involves cooperation among the great powers to act in concert to enforce a broad set of norms—falling in between the idealistic notions of collective security and the atavistic forms of balance of power. However, acting in concert involves a minimum level of understanding between the major powers. The greatest example of a concert is the one formed by major European powers in the early 18th century through the Congress of Vienna after the defeat of Napoleonic France. The problem of adapting such a system to Asia is the fact that there are many medium-sized powers who would resent any attempt by a few great powers to impose order in the region.32 In the end, the system that emerges in Asia is likely to have elements of all the three models. In the interim, though, there are substantive disputes on the geographic scope and the normative basis for a future security order in Asia.

#### 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.

#### 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.

## Plan

#### The United States federal government should statutorily restrict the war powers authority of the President of the United States to use credibility as a justification for introducing United States Armed Forces into hostilities.

## Solvency

#### Credibility claims are self defeating, should be removed

Sitaraman ’14 (January; Ganesh - Assistant Professor of Law @ Vanderbilt) “Credibility and War Powers” http://www.harvardlawreview.org/issues/127/january14/forum\_1024.php#\_ftn4

For all the talk of credibility, political scientists have offered devastating critiques of credibility arguments in the context of military threats. They have demonstrated not only that the concept is often deployed in incomplete and illogical ways but also that as a historical matter, a country’s “credibility” based on its reputation and past actions has little or no effect on the behavior of opponents in high-stakes international crises. In the crises in the run-up to World War I, in the Berlin crises of the late 1950s and early 1960s, and even in the crises leading to World War II, threats from countries that had previously backed down were not seen as less credible by their opponents. In some cases, the threats were even thought to be more credible. For constitutional lawyers, this research should be particularly troubling because credibility has migrated from foreign policy into the constitutional law of war powers. In a series of opinions, including on Somalia (1992), Haiti (2004), and Libya (2011), the Justice Department’s Office of Legal Counsel (OLC) has argued that the credibility of the United Nations Security Council is a “national interest” that can justify presidential authority to use military force without prior congressional authorization.4 This Essay argues that the credibility justification for the use of force should be removed from the constitutional law of presidential war powers. Incorporating credibility as one of the “national interests” that justify presidential use of force expands the President’s war powers significantly without a legitimate policy justification.

#### Institutional checks prevent circumvention – legislative influence, pol cap, public perception, intel leaks, and international perception deter the president from making threats they can’t follow through on

Waxman ’14 (Matthew C.- Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations.) “The Power to Threaten War”

At first blush, including the power to threaten war or force in our understanding of how the President wields military might seems to suggest a conception of presidential war powers even more expansive in scope and less checked by other branches than often supposed, especially since the President can by threatening force put the United States on a path to war that Congress will have difficulty resisting. That is partially true. But recent political science scholarship reveals that democratic politics significantly constrain the President’s decisions to threaten force. It also shows that Congress plays an important role in shaping those politics even in the absence of binding legislative action. 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 actor with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. A major school of thought, however, holds that members of Congress nevertheless wield 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 intended threats, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; even when it cannot, members of Congress can oblige the President to expend much political capital. As Jon Pevehouse and William Howell explain: When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts—thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests.150 This statement also highlights the important point, alluded to earlier, that force and threatened force are not neatly separable categories. Limited uses of force are often intended as signals of resolve to escalate, and most conflicts involve bargaining in which the threat of future violence—rather than what Schelling calls “brute force”151—is used to try to extract concessions. The formal participation of political opponents in legislative bodies provides them with a forum for registering dissent to presidential policies of force through such mechanisms as floor statements, committee oversight hearings, resolution votes, and funding decisions.152 These official actions prevent the executive branch, even if it can be considered a unitary body, “from monopolizing the nation’s political discourse” on decisions regarding military actions and can thereby make it difficult for the President to depart too far from congressional preferences when weighing strategic choices about threats.153 Members of the political opposition in Congress also have access to resources for gathering policy-relevant information from the government that informs their policy preferences. Their active participation in specialized legislative committees similarly gives opponent party members access to fact- finding resources and forums for registering informed dissent from decisions within the committee’s purview.154 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on the executive’s decisions regarding force than can opponents among the general public. Furthermore, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements.155 Under this logic, Presidents, anticipating dissent, will be more selective in issuing threats in the first place, making only those commitments that would not incite widespread political opposition should the threat be carried through.156 Moreover, with regard to the signaling so critical to effective threats, “Congress matters, and matters greatly[,] to a nation’s ability to credibly convey resolve to enemies and allies alike.”157 Political opponents within a legislature 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.158 This again narrows the President’s range of viable policy options for brandishing military force. Having called for tougher action in Bosnia during the 1992 presidential campaign, for instance, President Clinton delayed coercive military threats against Serb forces once in office, due in part to congressional opposition and infighting.159 Counterintuitively, given the President’s seemingly unlimited and unchallenged constitutional power to threaten war, it may in some cases be easier for members of Congress to influence presidential decisions to threaten military action than presidential war decisions once U.S. forces are already engaged in hostilities. It is widely believed that once U.S. armed forces are fighting, congressmembers’ hands are often tied: policy opposition at that stage risks being portrayed as undermining our troops in the field.160 Perhaps the President takes this phenomenon into account and discounts political opposition to threatened force, assuming that such opposition will dissipate if he carries it through or announces his firm intention to do so. It is also likely that actual use of force generally attracts much more interest in Congress than threats of force, so members of Congress may be much less inclined to exercise their influence when actual military action seems remote. These factors may help explain how President Obama seemingly misjudged congressional reluctance toward armed intervention in Syria when he called on Congress to authorize strikes in August 2013.161 Nonetheless, well before a final decision- point to use force occurs, members of Congress may communicate messages domestically and convey signals abroad that the President will find difficult to counter.162 In some cases, Congress may communicate greater willingness than the president to use force, such as through non-binding resolutions. For example, in May 2013, the Senate, invoking constitutional war powers as its basis, passed a resolution 99-0 calling for the United States to support Israel against Iran if it were to take military action against Iran’s nuclear weapons program.163 A generation earlier, many members of Congress publicly opposed President Jimmy Carter’s termination of the Mutual Defense Treaty with Taiwan directed at Communist China.164 Congress passed, despite the President’s objections, the Taiwan Relations Act, which was in part intended to signal a strong commitment to defend Taiwan.165 Such efforts, in addition to showing that the President and his agents do not completely control communication of threats, put pressure on the President to act while also conveying to foreign audiences a sturdy political foundation for threats the President may make along those lines.

#### The plan provides the necessary credibility to deter aggression

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Other scholars have recently pointed to the special role of legislative bodies in signaling and threatening force. This is especially interesting from the perspective of constitutional powers debates, because it posits a distinct role for Congress—and, again, one that does not necessarily rely on Congress’s ability to pass binding legislation that formally confines the President. Kenneth Schultz, for instance, argues that the open nature of competition within democratic societies ensures that the interplay of opposing parties in legislative bodies over the use of force is observable not just to their domestic publics but to foreign actors; this inherent transparency within democracies— magnified by legislative processes—provides more information to adversaries regarding the unity of domestic opponents around a government’s military and foreign policy decisions.178 Political opposition parties can undermine the credibility of some threats by the President to use force if they publicly voice their opposition in committee hearings, public statements, or through other institutional mechanisms. Furthermore, legislative processes—such as debates and hearings—make it difficult to conceal or misrepresent preferences about war and peace.¶ Faced with such institutional constraints, Presidents will incline to be more selective about making such threats and avoid being undermined in that way.179 This restraining effect on the ability of governments to issue threats in turn makes those threats that the government does issue more credible because observers will likely assume that the President would not issue it if he anticipated strong political opposition. Especially when legislative members of the opposition party publicly support an executive’s threat to use force during a crisis, their visible support lends additional credibility to the government’s threat by confirming that domestic political conditions favor the use of force should it be necessary.180

#### Congressional authorization requirements are key- presidents issue threats less often and other nations take them more seriously

Waxman ’14 (Matthew C.- Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations.) “The Power to Threaten War”

Even if Congress already wields informal political influence over threatened force, more potent and formal requirements of legislative force authorization or stricter enforcement of existing ones would probably push U.S. policy toward a narrower set of commitments and more reserved use of threats—a more selective coercive and deterrent strategy—in several ways. For a President, knowing that he requires legal authorization from Congress to follow through on threats raises the expected political costs of making them (even very popular ones would require spending some political capital to obtain formal legislative backing). A more formal and substantial role for Congress in authorizing the carrying out of threats would also probably amplify some of the informational effects of executive-legislative dialogue and congressional debate described in the previous Section: these processes—which could become more prominent if they have greater legal significance—make it difficult to conceal or misrepresent preferences about war and peace, and therefore reduce opportunities for bluffing. If stronger legislative checks on war and force likely mean a more narrowly selective policy of threatened force, then the previous Sections’ analysis also suggests—contrary to the common wisdom among presidentialists that tying the executive’s hands necessarily undermines the effectiveness of threats—that the credibility of those select threats may in some cases be enhanced. Returning to the Iran example with which this Article began, although a presidency that is more legally constrained in using force would have less flexibility to dictate U.S. actions, a President’s decision to draw a red-line threat could send an even more potent signal of resolve if legislation were ultimately required to carry it out, because it might more clearly communicate projected inter-branch unity behind the threat.

#### Credible threats decrease the likelihood of militarized disputes - Statistical analysis and empirics prove international actors monitor and respond to US threat statements

McManus ’13 (9/14; Roseanne- PolSci Prof@ University of Wisconsin–Madison)“Fighting Words: The Effectiveness of Statements of Resolve in International Conflict” https://mywebspace.wisc.edu/rmcmanus/web/Effect%20of%20Statements.pdf

In September 2012, as Israeli concern over Iran’s uranium enrichment program grew, the Israeli government urged the Obama Administration to issue a “red line” statement regarding the program. Demonstrating the importance they placed on such a US statement, Israeli officials repeatedly made the case for it in public, including to US news outlets and the United Nations General Assembly. They also indicated that without a US red line statement, Israel would be more likely to strike Iran unilaterally (DeYoung and Greenberg 2012; Gearan 2012; Greenberg 2012; Reuters 2012). Although the Obama Administration had already made statements of resolve regarding Iran’s enrichment program (Obama 2012), it declined to issue a more specific statement or set deadlines for Iranian cooperation (Greenberg 2012). While US and Israeli leaders disagreed about whether a red line statement was desirable, they both clearly agreed that such a US statement would be important. Israeli Prime Minister Netanyahu’s public comments indicate he believed that a US red line statement was the “only” way to “peacefully prevent Iran from getting atomic bombs” (Netanyahu 2012). Privately, Netanyahu may have also believed that if deterrence failed, such a statement would commit the United States to take action (Ignatius 2012). On the US side, the policy community seemed to believe that such a statement could tie the hands of the US president and force the United States into military action (Ignatius 2012; Zakaria 2012). This anecdote illustrates the great importance which international leaders place on statements of resolve and the belief among policymakers that statements, despite not being inherently costly, can have a profound impact on international conflicts. This belief is shared by many international relations scholars. Fearon (1994) started the recent trend of interest in statements of resolve with his theory of domestic audience costs, which many scholars have built upon. Other scholars have argued that statements of resolve are effective due to international reputational costs (Sartori 2005) or the danger of escalation (Trager 2010). While the mechanisms in these theories differ, most theories agree that making statements of resolve should lead to a more favorable outcome in conflict bargaining. Despite the persistent belief among policymakers and scholars that statements of resolve can influence international conflict outcomes, this has never been proven empirically, and some recent empirical work has raised doubts about statements’ effectiveness. This paper is the first to directly examine the effect of statements of resolve on conflict outcomes using large-N analysis. It introduces new data on resolved statements made by US presidents during militarized interstate disputes (MIDs). These data were obtained through content analysis of the full universe of statements by US presidents. I use these data to investigate the relationship between statements of resolve and MID outcomes. The results show that a higher level of resolved statements is indeed associated with a greater chance of prevailing in MIDs. This finding is both statistically and substantively significant and is robust to various specifications, including controlling for possible endogeneity between the decision to make statements and the likelihood of a favorable outcome. This suggests that statements of resolve are indeed effective at influencing the outcome of conflicts.

#### Requiring Presidential consultation with Congress creates clarity and pragmatic oversight of introducing armed forces into hostilities

James A. Baker 11, Previous Secretary of State and Lee H. Hamilton, former Democratic representative from Indiana who chaired the House Committee on Foreign Affairs, "Breaking the war powers stalemate", June 9, www.washingtonpost.com/opinions/breaking-the-war-powers-stalemate/2011/06/08/AGX0CrNH\_story.html

There is, unfortunately, no clear legal answer about which side is correct. Some argue for the presidency, saying that the Constitution assigns it the job of “Commander in Chief.” Others argue for Congress, saying that the Constitution gives it the “power to . . . declare war.” But the Supreme Court has been unwilling to resolve the matter, declining to take sides in what many consider a political dispute between the other branches of government.¶ We believe there is a better way than wasting time disputing who is responsible for initiating or continuing war.¶ Almost three years ago, we were members of the Miller Center’s bipartisan National War Powers Commission, which proposed a pragmatic framework for consultation between the president and Congress. Co-chaired by one of us and the late Warren Christopher, the commission could not resolve the legal question of which branch has the ultimate authority. Only the court system can do that. Instead, the commission strove to foster interaction and consultation, and reduce unnecessary political friction. The commission — which represented a broad spectrum of views, from Abner Mikva on the liberal end to Edwin Meese on the conservative end — made a unanimous recommendation to the president and Congress in 2008.¶ The commission’s proposed legislation would repeal and replace the War Powers Resolution. Passed over a presidential veto and in response to the Vietnam War, the 1973 resolution was designed to give Congress the ability to end a conflict and force the president to consult more actively with the legislative branch before engaging in military action. The resolution, a hasty compromise between competing House and Senate plans, stated that the president must terminate a conflict within 90 days if Congress has not authorized it. But no president has ever accepted the statute’s constitutionality, Congress has never enforced it and even the bill’s original sponsors were unhappy with the end product. In reality, the resolution has only further complicated the issue of war powers.¶ Our proposed War Powers Consultation Act offers clarity. It creates a consultation process, defines what constitutes “significant armed conflict” and identifies specific actions that both the president and Congress must take.¶ On the executive side, the president would be required to confer with a specific group of congressional leaders before committing to combat operations that last or are expected to last more than a week. Reasonable exemptions exist, including training exercises, covert operations or missions to protect and rescue Americans abroad. Likewise, if an emergency precedes engagement, or secrecy is required that precludes prior consultation, then consultation can follow within three days. Under this proposal, the strike on Osama bin Laden would plainly fall within the president’s prerogative, while an action such as our current engagement in Libya would require advance consultation and congressional action at the appropriate time.¶ On the legislative side, Congress would have to vote on a resolution of approval no later than 30 days after the president had consulted lawmakers. If Congress refused to vote yea or nay, it would do so in the face of a clear requirement to the contrary. Inaction would no longer be a realistic option.¶ Given the Constitution’s ambiguity, no solution is perfect. But Congress and the White House should view the War Powers Consultation Act as a way out of the impasse. It is what the American people want when their leaders confront the serious questions of war and peace.