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#### TPA will pass but PC is key

Inside U.S. Trade, 2-14 ["Boustany Sees Significant Effort To Lock In House GOP Support For TPA," 2-14-14, l/n, accessed 2-19-14]

Rep. Charles Boustany (R-LA), who is helping to informally whip House Republicans on a pending Trade Promotion Authority (TPA) bill, said last week that he is "guardedly optimistic" about the level of support within the caucus for the legislation, but that a lot of work is still needed to round up sufficient Republican votes. In a Feb. 7 interview with Inside U.S. Trade, Boustany indicated that "a lot of work" is still needed to round up Republican votes because many members are not yet focused on TPA given other priorities. They are reluctant to take a position one way or another without having looked at the details of the pending bill, he said. He said five House Republicans that he reached to last week about the TPA bill appeared generally favorable toward it, but remain undecided at this point. He stressed that this outreach is "still an educational process." Boustany said efforts to round up Republican votes for the TPA bill face "headwinds posed by outside groups," though he did not elaborate who was lobbying these members to oppose the legislation. He said claims by one TPA opponent that 50-70 Republicans would vote against TPA seem "a little high." At the same time, he stressed that Republicans do not want to take anything for granted. "When we mark people in the 'yes' column, we want to be absolutely certain they're in the 'yes' column," he said. House Speaker John Boehner (R-OH) last week implicitly acknowledged the extent of Republican opposition to the bill by saying his party alone cannot muster the 218 votes needed for House passage. Boustany seemed to signal that the House GOP leadership may be willing to back off its demand that there must be at least 50 Democrats in favor before it can be put up for a House vote. He referred to this number as a "general starting point" to put the administration "on notice that they're going to have to step up their game." In general, he stressed that President Obama's entire Cabinet should be on the Hill pushing for TPA, also known as fast track. Boustany said this is "a really important time for the president to get involved with Wyden, [Senate Majority Leader Harry Reid (D-NV)], and to really expend the political capital to let these guys know this is a top priority."

#### The plan is a huge loss for Obama –Democrats cracking down on war powers makes Obama look weak

Paterno 6/23/2013 (Scott, Writer for Rock the Capital, “Selfish Obama” http://www.rockthecapital.com/06/23/selfish-obama/)

Now we have a Democratic president who wants to make war and does not want to abide by the War Powers Resolution. But rather than truly test the constitutionality of the measure, he is choosing to simply claim that THIS use of US military power is not applicable.¶ This is an extraordinarily selfish act, and one liberals especially should fear. POTUS is setting a precedent that subsequent presidents will be able to use – presidents that the left might not find so “enlightened.” Left as is, President Obama has set a standard where the president can essentially attack anywhere he wants without congressional approval for as long as he wants so long as he does not commit ground forces.¶ That is an extraordinarily selfish act. Why selfish? Because the president is avoiding congress because he fears a rebuke – from his own party, no less. The politically safe way to both claim to be decisive and to not face political defeat at the hands of Democrats – a defeat that would signal White House weakness – is to avoid congress all together. Precedent be damned, there is an election to win after all.

#### Capital is key to get a deal through

Atkinson 2/6/14 (Robert, The Huffington Post, President of the Information TEchnology and Innovation Foundation")

Judging by congressional reaction to the trade elements in the State of the Union, President Obama still has his work cut out for him if he's going to sell his plan to reticent Democrats (who remain unconvinced of the benefits of trade) and Republicans (who may not want to give him a big "win" in an election year). The bottom line is that the president is going to have to become far more involved if he wants to see movement on his top trade priorities this year.¶ To be clear, there's plenty at stake. Apart from removing the most obvious barriers to trade, like tariffs, U.S. negotiators are pushing for the TPP to contain strong and enforceable protections for intellectual property (IP), as well as reductions in non-tariff barriers in order to help ensure the U.S. maintains its global edge in innovation. This push is especially important in areas such as life sciences and information technology, where growth in exports means growth in high-paying jobs. According to the [Department of Commerce](http://www.uspto.gov/news/publications/IP_Report_March_2012.pdf), IP-intensive industries account for over 27 percent of all jobs in the U.S. economy. By enabling U.S. innovation, we lay the groundwork for future innovation, as companies reinvest in the substantial R&D necessary to develop new medicines, software and other cutting-edge products that the world needs and wants.¶ Unfortunately, there's certainly cause for concern where IP rights are concerned regarding the TPP. Five participants in the TPP negotiations, Canada, Chile, Peru, Mexico and Vietnam, are on the USTR's Watch or Priority Watch List of the [2013 Special 301 Report](http://www.ustr.gov/about-us/press-office/reports-and-publications/2013/2013-special-301-report), which annually reviews countries that maintain inadequate and ineffective intellectual property protection and enforcement. In addition, ITIF's [Global Innovation Policy Index](http://www2.itif.org/2012-global-innovation-policy-index.pdf) lists Chile, Malaysia, Mexico, Peru and Vietnam in either its lower-middle or lower tier of innovation policy capacity. In order to ensure we realize the potential of the TPP, our negotiators must guarantee IP rights and global trade rules will be respected, protected and enforced the way we do here in the United States. The only way we can do that is if the President shows he's serious about concluding a high-standard agreement.How can this be accomplished in 2014? First, President Obama needs to personally lobby hesitant members of Congress to pass Trade Promotion Authority legislation with broad bipartisan support. This action will send a clear signal to the rest of the world that the United States is serious about its belief that open and fair trade benefits producers and consumers both in the United States and in our partner nations around the world.

#### TPA is key to major trade deals

Nawaguna, 12-10 -- Reuters staff

[Elvina, "U.S. Congress could OK trade promotion bill in early 2014, lawmaker says," Reuters, 12-10-13, www.reuters.com/article/2013/12/10/us-usa-trade-idUSBRE9B919020131210, accessed 1-3-14]

The Obama administration has said it needs Congress to approve TPA, which would allow any trade deal to move swiftly through Congress. With TPA, lawmakers cannot amend or filibuster trade deals but can still vote for or against them. The administration needs that fast-track rule to clinch two huge trade deals, the Trans-Pacific Partnership (TPP) with 11 other Pacific Rim countries, and the Transatlantic Trade and Investment Partnership (TTIP) with the European Union. The administration argues that TPA, which expired in 2007, is useful in coaxing countries to put their best deal on the table without fearing that Congress could reopen and amend them.

#### Protectionism leads to Nuclear war

**Panzner 8** – faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase (Michael, “Financial Armageddon: Protect Your Future from Economic Collapse,” p. 136-138)

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

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#### The Counsel to the President of the United States should request to the Office of Legal Counsel for legal counsel and coordination on the President’s war powers authority. The Office of Legal should recommend that the President strike down targeted killing involving drone strikes on the grounds that it violates international law.

#### CP is competitive and solves

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

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#### There are currently no judicial or statutory restrictions on drone use – maintaining that freedom is key to the president’s ability to wage war

**Druck 12** – JD Candidate @ Cornell

(Judah, Cornell Law Review, 98 Cornell L. Rev. 209, NOTE: DRONING ON: THE WAR POWERS RESOLUTION AND THE NUMBING EFFECT OF TECHNOLOGY-DRIVEN WARFARE)

On March 19, 2011, American forces began attacking various targets controlled by Muammar el-Qaddafi as part of NATO's support for the Libyan antigovernment resistance. n1 Promising that no ground [\*210] troops would be used during these operations, n2 President Barack Obama ordered strikes on Qaddafi forces using Tomahawk missiles and bombings from warplanes. n3 This order would later include the use of unmanned Predator drones, signaling a shift toward a supporting role for NATO. n4 Fighting lasted for months, ultimately culminating in the ousting of Qaddafi by rebel forces. n5¶ Despite the limited nature of the U.S. intervention, questions concerning the legality of the President's actions quickly arose. n6 Under the 1973 War Powers Resolution (WPR), n7 which was enacted in the wake of protests during the Vietnam War, the President is required to cease any use of military forces in "hostilities" within sixty days of the conflict's beginning unless he receives congressional authorization to the contrary. n8 Having acted without any support from Congress in the first sixty days, the President had seemingly presented a clear example of a WPR violation. Yet President Obama and State Department legal adviser Harold Koh rejected this view by arguing that the use of force in Libya had not involved the type of "hostilities" covered by the WPR. n9 Emphasizing the absence of U.S. casualties and lack of exposure to "exchanges of fire with hostile forces," the President stood firmly behind his decision to intervene in Libya without consulting Congress. n10¶ [\*211] Legislators, pundits, and academics alike broadly criticized this legal analysis. n11 Yet aside from these particularized complaints, the President ultimately faced no discernible repercussions (judicial, legislative, or social challenges) for his actions. n12 From a historical perspective, the absence of substantial backlash is unsurprising: since its inception, the WPR has generally failed to prevent presidents from using military action in an arguably illegal manner. n13 In those situations, courts, n14 legislators, n15 and social movements n16 have failed to challenge this sort of presidential action, setting the stage for President Obama's similar neglect of the WPR.¶ But perhaps we can examine the apathetic treatment of President Obama's actions in Libya in a different light, one that focuses on the changing nature and conception of warfare itself. Contrary to larger-scale conflicts like the Vietnam War, where public (and political) outrage set the stage for Congress's assertion of war-making power through the WPR, n17 the recent U.S. intervention did not involve a draft, nor a change in domestic industry (requiring, for example, civilians [\*212] to ration food), and, perhaps most importantly, did not result in any American casualties. n18 Consequently, most analyses of the Libyan campaign focused on its monetary costs and other economic harms to American taxpayers. n19 This type of input seems too nebulous to cause any major controversy, especially when contrasted with the concurrent costs associated with the wars in Iraq and Afghanistan. n20 In a sense, less is at stake when drones, not human lives, are on the front lines, limiting the potential motivation of a legislator, judge, or antiwar activist to check presidential action. n21 As a result, the level of nonexecutive involvement in foreign military affairs has decreased.¶ The implications are unsettling: by ameliorating many of the concerns often associated with large-scale wars, technology-driven warfare has effectively removed the public's social and political limitations that previously discouraged a President from using potentially illegal military force. As President Obama's conduct illustrates, removing these barriers has opened the door to an unfettered use of unilateral executive action in the face of domestic law. n22 Consequently, as war becomes more and more attenuated from the American psyche, a President's power to use unilateral force without repercussions will likely continue to grow.

#### The aff constrains us war powers would uniquely decimate Obama and the military’s ability to deter enemies ---- makes terrorism and global nuclear war more likely

WAXMAN 2013 - law professor at Columbia Law School, co-chairs the Roger Hertog Program on Law and National Security (Matthew Waxman, “The Constitutional Power to Threaten War,” August 27, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777)

As a prescriptive matter, Part II also shows that examination of threatened force and the credibility requirements for its effectiveness calls into question many orthodoxies of the policy advantages and risks attendant to various allocations of legal war powers, including the existing one and proposed reforms.23 Most functional arguments about war powers focus on fighting wars or hostile engagements, but that is not all – or even predominantly – what the United States does with its military power. Much of the time it seeks to avert such clashes while achieving its foreign policy objectives: to bargain, coerce, deter.24 The President’s flexibility to use force in turn affects decision-making about threatening it, with major implications for securing peace or dragging the United States into conflicts. Moreover, constitutional war power allocations affect potential conflicts not only because they may constrain U.S. actions but because they may send signals and shape other states’ (including adversaries’) expectations of U.S. actions.25 That is, most analysis of war-powers law is inward-looking, focused on audiences internal to the U.S. government and polity, but thinking about threatened force prompts us to look outward, at how war-powers law affects external perceptions among adversaries and allies. Here, extant political science and strategic studies offer few clear conclusions, but they point the way toward more sophisticated and realistic policy assessment of legal doctrine and proposed reform. More generally, as explained in Part III, analysis of threatened force and war powers exposes an under-appreciated relationship between constitutional doctrine and grand strategy. Instead of proposing a functionally optimal allocation of legal powers, as legal scholars are often tempted to do, this Article in the end denies the tenability of any such claim. Having identified new spaces of war and peace powers that legal scholars need to take account of in understanding how those powers are really exercised, this Article also highlights the extent to which any normative account of the proper distribution of authority over this area depends on many matters that cannot be predicted in advance or expected to remain constant.26 Instead of proposing a policy-optimal solution, this Article concludes that the allocation of constitutional war powers is – and should be –geopolitically and strategically contingent; the actual and effective balance between presidential and congressional powers over war and peace in practice necessarily depends on fundamental assumptions and shifting policy choices about how best to secure U.S. interests against potential threats.27 I. Constitutional War Powers and Threats of Force Decisions to go to war or to send military forces into hostilities are immensely consequential, so it is no surprise that debates about constitutional war powers occupy so much space. But one of the most common and important ways that the United States uses its military power is by threatening war or force – and the constitutional dimensions of that activity receive almost no scrutiny or even theoretical investigation. A. War Powers Doctrine and Debates The Constitution grants Congress the powers to create military forces and to “declare war,”28 which the Supreme Court early on made clear includes the power to authorize limited uses of force short of full-blown war.29 The Constitution then vests the President with executive power and designates him commander in chief of the armed forces,30 and it has been well-accepted since the Founding that these powers include unilateral authority to repel invasions if the United States is attacked.31 Although there is nearly universal acceptance of these basic starting points, there is little legal agreement about how the Constitution allocates responsibility for the vast bulk of cases in which the United States has actually resorted to force. The United States has declared war or been invaded only a handful of times in its history, but it has used force – sometimes large-scale force – hundreds of other times.32 Views split over questions like when, if ever, the President may use force to deal with aggression against third parties and how much unilateral discretion the President has to use limited force short of full-blown war. For many lawyers and legal scholars, at least one important methodological tool for resolving such questions is to look at historical practice, and especially the extent to which the political branches acquiesced in common practices.33 Interpretation of that historical practice for constitutional purposes again divides legal scholars, but most would agree at least descriptively on some basic parts of that history. In particular, most scholars assess that from the Founding era through World War II, Presidents and Congresses alike recognized through their behavior and statements that except in certain narrow types of contingencies, congressional authorization was required for large-scale military operations against other states and international actors, even as many Presidents pushed and sometimes crossed those boundaries.34 Whatever constitutional constraints on presidential use of force existed prior to World War II, however, most scholars also note that the President asserted much more extensive unilateral powers to use force during and after the Cold War, and many trace the turning point to the 1950 Korean War.35 Congress did not declare war in that instance, nor did it expressly authorize U.S. participation.36 From that point forward, presidents have asserted broad unilateral authority to use force to address threats to U.S. interests, including threats to U.S. allies, and that neither Congress nor courts pushed back much against this expanding power.37 Concerns about expansive presidential war-making authority spiked during the Vietnam War. In the wind-down of that conflict, Congress passed – over President Nixon’s veto – the War Powers Resolution,38 which stated its purpose as to ensure the constitutional Founders’ original vision that the “collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.”39 Since then, presidentialists have argued that the President still retains expansive authority to use force abroad to protect American interests,40 and congressionalists argue that this authority is tightly circumscribed.41 These constitutional debates have continued through the first decade of the 21st century. Constitutional scholars split, for example, over President Obama’s power to participate in coalition operations against Libya without congressional authorization in 2011, especially after the War Powers Resolution’s 60-day clock expired.42 Some argue that President Obama’s use of military force without specific congressional authorization in that case reflects the broad constitutional discretion presidents now have to protect American interests, at least short of full-blown “war”, while others argue that it is the latest in a long record of presidential violations of the Constitution and the War Powers Resolution.43 B. Threats of Force and Constitutional Powers These days it is usually taken for granted that – whether or not he can make war unilaterally – the President is constitutionally empowered to threaten the use of force, implicitly or explicitly, through diplomatic means or shows of force. It is never seriously contested whether the President may declare that United States is contemplating military options in response to a crisis, or whether the President may move substantial U.S. military forces to a crisis region or engage in military exercises there. To take the Libya example just mentioned, is there any constitutional limitation on the President’s authority to move U.S. military forces to the Mediterranean region and prepare them very visibly to strike?44 Or his authority to issue an ultimatum to Libyan leaders that they cease their brutal conduct or else face military action? Would it matter whether such threats were explicit versus implicit, whether they were open and public versus secret, or whether they were just a bluff? If not a constitutional obstacle, could it be argued that the War Powers Resolution’s reporting requirements and limits on operations were triggered by a President’s mere ultimatum or threatening military demonstration, insofar as those moves might constitute a “situation where imminent involvement in hostilities is clearly indicated by the circumstances”? These questions simply are not asked (at least not anymore).45 If anything, most lawyers would probably conclude that the President’s constitutional powers to threaten war are not just expansive but largely beyond Congress’s authority to regulate directly. From a constitutional standpoint, to the extent it is considered at all, the President’s power to threaten force is probably regarded to be at least as broad as his power to use it. One way to look at it is that the power to threaten force is a lesser included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the primary issue of the scope of presidential power to actually use it. If one interprets the President’s defensive war powers very broadly, to include dealing with aggression not only directed against U.S. territories but also against third parties,46 then it might seem easy to conclude that the President can also therefore take steps that stop short of actual armed intervention to deter or prevent such aggression. If, however, one interprets the President’s powers narrowly, for example, to include only limited unilateral authority to repel attacks against U.S. territory,47 then one might expect objections to arguably excessive presidential power to include his unilateral threats of armed intervention. Another way of looking at it is that in many cases, threats of war or force might fall within even quite narrow interpretations of the President’s inherent foreign relations powers to conduct diplomacy or his express commander in chief power to control U.S. military forces – or some combination of the two – depending on how a particular threat is communicated. A President’s verbal warning, ultimatum, or declared intention to use military force, for instance, could be seen as merely exercising his role as the “sole organ” of U.S. foreign diplomacy, conveying externally information about U.S. capabilities and intentions.48 A president’s movement of U.S. troops or warships to a crisis region or elevation of their alert level could be seen as merely exercising his dayto- day tactical control over forces under his command.49 Generally it is not seriously contested whether the exercise of these powers alone could so affect the likelihood of hostilities or war as to intrude on Congress’s powers over war and peace.50 We know from historical examples that such unilateral military moves, even those that are ostensibly pure defensive ones, can provoke wars – take, for example, President Polk’s movement of U.S. forces to the contested border with Mexico in 1846, and the resulting skirmishes that led Congress to declare war.51 Coming at the issue from Congress’s Article I powers rather than the President’s Article II powers, the very phrasing of the power “To declare War” puts most naturally all the emphasis on the present tense of U.S. military action, rather than its potentiality. Even as congressionalists advance interpretations of the clause to include not merely declarative authority but primary decision-making authority as to whether or not to wage war or use force abroad, their modern-day interpretations do not include a power to threaten war (except perhaps through the specific act of declaring it). None seriously argues – at least not any more – that the Declare War Clause precludes presidential threats of war. This was not always the case. During the early period of the Republic, there was a powerful view that beyond outright initiation of armed hostilities or declaration of war, more broadly the President also could not unilaterally take actions (putting aside actual military attacks) that would likely or directly risk war,52 provoke a war with another state,53 or change the condition of affairs or relations with another state along the continuum from peace to war.54 To do so, it was often argued, would usurp Congress’s prerogative to control the nation’s state of peace or war.55 During the Quasi-War with France at the end of the 18th century, for example, some members of Congress questioned whether the President, absent congressional authorization, could take actions that visibly signaled an intention to retaliate against French maritime harassment,56 and even some members of President Adams’ cabinet shared doubts.57 Some questions over the President’s power to threaten force arose (eventually) in relation to the Monroe Doctrine, announced in an 1823 presidential address to Congress and which in effect declared to European powers that the United States would oppose any efforts to colonize or reassert control in the Western Hemisphere.58 “Virtually no one questioned [Monroe’s proclamation] at the time. Yet it posed a constitutional difficulty of the first importance.”59 Of course, Monroe did not actually initiate any military hostilities, but his implied threat – without congressional action – risked provoking rather than deterring European aggression and by putting U.S. prestige and credibility on the line it limited Congress’s practical freedom of action if European powers chose to intervene.60 The United States would have had at the time to rely on British naval power to make good on that tacit threat, though a more assertive role for the President in wielding the potential for war or intervention during this period went hand in hand with a more sustained projection of U.S. power beyond its borders, especially in dealing with dangers emanating from Spanish-held Florida territory.61 Monroe’s successor, John Quincy Adams, faced complaints from opposition members of Congress that Monroe’s proclamation had exceeded his constitutional authority and had usurped Congress’s by committing the United States – even in a non-binding way – to resisting European meddling in the hemisphere.62 The question whether the President could unilaterally send militarily-threatening signals was in some respects a mirror image of the issues raised soon after the Constitution was ratified during the 1793 Neutrality Controversy: could President Washington unilaterally declare the United States to be neutral as to the war among European powers. Washington’s politically controversial proclamation declaring the nation “friendly and impartial” in the conflict between France and Great Britain (along with other European states) famously prompted a back-and-forth contest of public letters by Alexander Hamilton and James Madison, writing pseudonymously as “Pacificus” and “Helvidius”, about whether the President had such unilateral power or whether it belonged to Congress.63 Legal historian David Currie points out the irony that the neutrality proclamation was met with stronger and more immediate constitutional scrutiny and criticism than was Monroe’s threat. After all, Washington’s action accorded with the principle that only Congress, representing popular will, should be able to take the country from the baseline state of peace to war, whereas Monroe’s action seemed (at least superficially) to commit it to a war that Congress had not approved.64 Curiously (though for reasons offered below, perhaps not surprisingly) this issue – whether there are constitutional limits on the President’s power to threaten war – has almost vanished completely from legal discussion, and that evaporation occurred even before the dramatic post-war expansion in asserted presidential power to make war. Just prior to World War II, political scientist and presidential powers theorist Edward Corwin remarked that “[o]f course, it may be argued, and has in fact been argued many times, that the President is under constitutional obligation not to incur the risk of war in the prosecution of a diplomatic policy without first consulting Congress and getting its consent.”65 “Nevertheless,” he continued,66 “the supposed principle is clearly a maxim of policy rather than a generalization from consistent practice.” In his 1945 study World Policing and the Constitution, James Grafton Rogers noted: [E]xamples of demonstrations on land and sea made for a variety of purposes and under Presidents of varied temper and in different political climates will suffice to make the point. The Commander-in-Chief under the Constitution can display our military resources and threaten their use whenever he thinks best. The weakness in the diplomatic weapon is the possibility of dissidence at home which may cast doubt on our serious intent. The danger of the weapon is war.67 At least since then, however, the importance to U.S. foreign policy of threatened force has increased dramatically, while legal questions about it have receded further from discussion. In recent decades a few prominent legal scholars have addressed the President’s power to threaten force, though in only brief terms. Taylor Reveley noted in his volume on war powers the importance of allocating constitutional responsibility not only for the actual use of force but also “[v]erbal or written threats or assurances about the circumstances in which the United States will take military action …, whether delivered by declarations of American policy, through formal agreements with foreign entities, by the demeanor or words of American officials, or by some other sign of national intent.”68 Beyond recognizing the critical importance of threats and other non-military actions in affecting war and peace, however, Reveley made little effort to address the issue in any detail. Among the few legal scholars attempting to define the limiting doctrinal contours of presidentially threatened force, Louis Henkin wrote in his monumental Foreign Affairs and the Constitution that: Unfortunately, the line between war and lesser uses of force is often elusive, sometimes illusory, and the use of force for foreign policy purposes can almost imperceptibly become a national commitment to war. Even when he does not use military force, the President can incite other nations or otherwise plunge or stumble this country into war, or force the hand of Congress to declare or to acquiesce and cooperate in war. As a matter of constitutional doctrine, however, one can declare with confidence that a President begins to exceed his authority if he willfully or recklessly moves the nation towards war…69 The implication seems to be that the President may not unilaterally threaten force in ways that are dramatically escalatory and could likely lead to war, or perhaps that the President may not unilaterally threaten the use of force that he does not have the authority to initiate unilaterally.70 Jefferson Powell, who generally takes a more expansive view than Henkin of the President’s war powers, argues by contrast that “[t]he ability to warn of, or threaten, the use of military force is an ordinary and essential element in the toolbox of that branch of government empowered to formulate and implement foreign policy.”71 For Powell, the President is constantly taking actions as part of everyday international relations that carry a risk of military escalation, and these are well-accepted as part of the President’s broader authority to manage, if not set, foreign policy. Such brief mentions are in recent times among the rare exceptions to otherwise barren constitutional discussion of presidential powers to threaten force. That the President’s authority to threaten force is so well-accepted these days as to seem self-evident is not just an academic phenomenon. It is also reflected in the legal debates among and inside all three branches of government. In 1989, Michael Reisman observed: Military maneuvers designed to convey commitment to allies or contingent threats to adversaries … are matters of presidential competence. Congress does not appear to view as within its bailiwick many low-profile contemporaneous expressions of gunboat diplomacy, i.e., the physical interposition of some U.S. war-making capacity as communication to an adversary of United States’ intentions and capacities to oppose it.72 This was and remains a correct description but understates the pattern of practice, insofar as even major and high-profile expressions of coercive diplomacy are regarded among all three branches of government as within presidential competence. In Dellums v. Bush – perhaps the most assertive judicial scrutiny of presidential power to use large-scale force abroad since the end of the Cold War – the district court dismissed on ripeness grounds congressmembers’ suit challenging President George H. W. Bush’s intended military operations against Iraq in 1991 and seeking to prevent him from initiating an offensive attack against Iraq without first securing explicit congressional authorization for such action.73 That at the time of the suit the President had openly threatened war – through ultimatums and deployment of several hundred thousand U.S. troops – but had not yet “committed to a definitive course of action” to carry out the threat meant there was no justiciable legal issue, held the court.74 The President’s threat of war did not seem to give the district court legal pause at all; quite the contrary, the mere threat of war was treated by the court as a non-issue entirely.75 There are several reasons why constitutional questions about threatened force have dropped out of legal discussions. First, the more politically salient debate about the President’s unilateral power to use force has probably swallowed up this seemingly secondary issue. As explained below, it is a mistake to view threats as secondary in importance to uses of force, but they do not command the same political attention and their impacts are harder to measure.76 Second, the expansion of American power after World War II, combined with the growth of peacetime military forces and a set of defense alliance commitments (developments that are elaborated below) make at least some threat of force much more common – in the case of defensive alliances and some deterrent policies, virtually constant – and difficult to distinguish from other forms of everyday diplomacy and security policy.77 Besides, for political and diplomatic reasons, presidents rarely threaten war or intervention without at least a little deliberate ambiguity. As historian Marc Trachtenberg puts it: “It often makes sense … to muddy the waters a bit and avoid direct threats.”78 Any legal lines one might try to draw (recall early attempts to restrict the President’s unilateral authority to alter the state of affairs along the peacetime-wartime continuum) have become blurrier and blurrier. In sum, if the constitutional power to threaten war ever posed a serious legal controversy, it does so no more. As the following section explains, however, threats of war and armed force have during most of our history become a greater and greater part of American grand strategy, defined here as long-term policies for using the country’s military and non-military power to achieve national goals. The prominent role of threatened force in U.S. strategy has become the focus of political scientists and other students of security strategy, crises, and responses – but constitutional study has not adjusted accordingly.79 C. Threats of Force and U.S. Grand Strategy While the Korean and Vietnam Wars were generating intense study among lawyers and legal scholars about constitutional authority to wage military actions abroad, during that same period many political scientists and strategists – economists, historians, statesmen, and others who studied international conflict – turned their focus to the role of threatened force as an instrument of foreign policy. The United States was building and sustaining a massive war-fighting apparatus, but its security policy was not oriented primarily around waging or winning wars but around deterring them and using the threat of war – including demonstrative military actions – to advance U.S. security interests. It was the potential of U.S. military might, not its direct application or engagement with the enemy, that would do much of the heavy lifting. U.S. military power would be used to deter the Soviet Union and other hostile states from taking aggressive action. It would be unsheathed to prompt them to back down over disputes. It would reassure allies that they could depend on U.S. help in defending themselves. All this required that U.S. willingness to go to war be credible in the eyes of adversaries and allies alike. Much of the early Cold War study of threatened force concerned nuclear strategy, and especially deterrence or escalation of nuclear war. Works by Albert Wohlstetter, Herman Kahn, and others not only studied but shaped the strategy of nuclear threats, as well as how to use limited applications of force or threats of force to pursue strategic interests in remote parts of the globe without sparking massive conflagrations.80 As the strategic analyst Bernard Brodie wrote in 1946, “Thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them.”81 Toward that end, U.S. government security and defense planners during this time focused heavily on preserving and improving the credibility of U.S. military threats – while the Soviet Union was doing likewise.82 The Truman administration developed a militarized version of containment strategy against the Soviet empire, emphasizing that stronger military capabilities were necessary to prevent the Soviets from seizing the initiative and to resist its aggressive probes: “it is clear,” according to NSC-68, the government document which encapsulated that strategy, “that a substantial and rapid building up of strength in the free world is necessary to support a firm policy intended to check and to roll back the Kremlin's drive for world domination.”83 The Eisenhower administration’s “New Look” policy and doctrine of “massive retaliation” emphasized making Western collective security both more effective and less costly by placing greater reliance on deterrent threats – including threatened escalation to general or nuclear war. As his Secretary of State John Foster Dulles explained, “[t]here is no local defense which alone will contain the mighty landpower of the Communist world. Local defenses must be reinforced by the further deterrent of massive retaliatory power.”84 As described in Evan Thomas’s recent book, Ike’s Bluff, Eisenhower managed to convince Soviet leaders that he was ready to use nuclear weapons to check their advance in Europe and elsewhere. In part due to concerns that threats of massive retaliation might be insufficiently credible in Soviet eyes (especially with respect to U.S. interests perceived as peripheral), the Kennedy administration in 1961 shifted toward a strategy of “flexible response,” which relied on the development of a wider spectrum of military options that could quickly and efficiently deliver varying degrees of force in response to foreign aggression.85 Throughout these periods, the President often resorted to discrete, limited uses of force to demonstrate U.S. willingness to escalate. For example, in 1961 the Kennedy administration (mostly successfully in the short-run) deployed intervention-ready military force immediately off the coast of the Dominican Republic to compel its government's ouster,86 and that same year it used military exercises and shows of force in ending the Berlin crisis;87 in 1964, the Johnson administration unsuccessfully used air strikes on North Vietnamese targets following the Tonkin Gulf incidents, failing to deter what it viewed as further North Vietnamese aggression.88 The point here is not the shifting details of U.S. strategy after World War II – during this era of dramatic expansion in asserted presidential war powers – but the central role of credible threats of war in it, as well as the interrelationship of plans for using force and credible threats to do so. Also during this period, the United States abandoned its long-standing aversion to “entangling alliances,”89 and committed to a network of mutual defense treaties with dependent allies. Besides the global collective security arrangement enshrined in the UN Charter, the United States committed soon after World War II to mutual defense pacts with, for example, groups of states in Western Europe (the North Atlantic Treaty Organization)90 and Asia (the Southeast Asia Treaty Organization,91 as well as a bilateral defense agreement with the Republic of Korea,92 Japan,93 and the Republic of China,94 among others). These alliance commitments were part of a U.S. effort to “extend” deterrence of Communist bloc aggression far beyond its own borders.95 “Extended deterrence” was also critical to reassuring these U.S. allies that their security needs would be met, in some instances to head off their own dangerous rearmament.96 Among the leading academic works on strategy of the 1960s and 70s were those of Thomas Schelling, who developed the theoretical structure of coercion theory, arguing that rational states routinely use the threat of military force – the manipulation of an adversary’s perceptions of future risks and costs with military threats – as a significant component of their diplomacy.97 Schelling distinguished between deterrence (the use of threats to dissuade an adversary from taking undesired action) and compellence (the use of threats to persuade an adversary to behave a certain way), and he distinguished both forms of coercion from brute force: “[B]rute force succeeds when it is used, whereas the power to hurt is most successful when held in reserve. It is the threat of damage to come that can make someone yield of comply. It is latent violence that can influence someone’s choice.”98 Alexander George, David Hall, and William Simons then led the way in taking a more empirical approach, reviewing case studies to draw insights about the success and failure of U.S. coercive threats, analyzing contextual variables and their effects on parties’ reactions to threats during crises. Among their goals was to generate lessons informed by history for successful strategies that combine diplomatic efforts with threats or demonstrations of force, recognizing that the United States was relying heavily on threatened force in addressing security crises. Coercive diplomacy – if successful – offered ways to do so with minimal actual application of military force.99 One of the most influential studies that followed was Force Without War: U.S. Armed Forces as a Political Instrument, a Brookings Institution study led by Barry Blechman and Stephen Kaplan and published in 1977.100 They studied “political uses of force”, defined as actions by U.S. military forces “as part of a deliberate attempt by the national authorities to influence, or to be prepared to influence, specific behavior of individuals in another nation without engaging in a continued contest of violence.”101 Blechman and Kaplan’s work, including their large data set and collected case studies, was important for showing the many ways that threatened force could support U.S. security policy. Besides deterrence and compellence, threats of force were used to assure allies (thereby, for example, avoiding their own drive toward militarization of policies or crises) and to induce third parties to behave certain ways (such as contributing to diplomatic resolution of crises). The record of success in relying on threatened force has been quite mixed, they showed. Blechman and Kaplan’s work, and that of others who built upon it through the end of the Cold War and the period that has followed,102 helped understand the factors that correlated with successful threats or demonstrations of force without resort or escalation to war, especially the importance of credible signals.103 After the Cold War, the United States continued to rely on coercive force – threatened force to deter or compel behavior by other actors – as a central pillar of its grand strategy. During the 1990s, the United States wielded coercive power with varied results against rogue actors in many cases that, without the overlay of superpower enmities, were considered secondary or peripheral, not vital, interests: Iraq, Somalia, Haiti, Bosnia, and elsewhere. For analysts of U.S. national security policy, a major puzzle was reconciling the fact that the United States possessed overwhelming military superiority in raw terms over any rivals with its difficult time during this era in compelling changes in their behavior.104 As Daniel Byman and I wrote about that decade in our study of threats of force and American foreign policy: U.S. conventional and nuclear forces dwarf those of any adversaries, and the U.S. economy remains the largest and most robust in the world. Because of these overwhelming advantages, the United States can threaten any conceivable adversary with little danger of a major defeat or even significant retaliation. Yet coercion remains difficult. Despite the United States’ lopsided edge in raw strength, regional foes persist in defying the threats and ultimatums brought by the United States and its allies. In confrontations with Somali militants, Serb nationalists, and an Iraqi dictator, the U.S. and allied record or coercion has been mixed over recent years…. Despite its mixed record of success, however, coercion will remain a critical element of U.S. foreign policy.105 One important factor that seemed to undermine the effectiveness of U.S. coercive threats during this period was that many adversaries perceived the United States as still afflicted with “Vietnam Syndrome,” unwilling to make good on its military threats and see military operations through.106 Since the turn of the 21st Century, major U.S. security challenges have included non-state terrorist threats, the proliferation of nuclear and other weapons of mass destruction (WMD), and rapidly changing power balances in East Asia, and the United States has accordingly been reorienting but retaining its strategic reliance on threatened force. The Bush Administration’s “preemption doctrine” was premised on the idea that some dangerous actors – including terrorist organizations and some states seeking WMD arsenals – are undeterrable, so the United States might have to strike them first rather than waiting to be struck.107 On one hand, this was a move away from reliance on threatened force: “[t]he inability to deter a potential attacker, the immediacy of today’s threats, and the magnitude of potential harm that could be caused by our adversaries’ choice of weapons, do not permit” a reactive posture.108 Yet the very enunciation of such a policy – that “[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively”109 – was intended to persuade those adversaries to alter their policies that the United States regarded as destabilizing and threatening. Although the Obama administration pulled back from this rhetoric and placed greater emphasis on international institutions, it has continued to rely on threatened force as a key pillar of its strategy with regard to deterring threats (such as aggressive Iranian moves), intervening in humanitarian crises (as in Libya), and reassuring allies.110 With regard to East Asia, for example, the credible threat of U.S. military force is a significant element of U.S. strategy for deterring Chinese and North Korean aggression as well as reassuring other Asian powers of U.S. protection, to avert a destabilizing arms race.111 D. The Disconnect Between Constitutional Discourse and Strategy There is a major disconnect between the decades of work by strategists and many political scientists on American security policy and practice since the Second World War and legal analysis and scholarship of constitutional war powers during that period. Lawyers and strategists have been relying on not only distinct languages but distinct logics of military force – in short, when it comes to using U.S. military power, lawyers think in terms of “going to war” while strategists focus on potential war and processes leading to it. These framings manifest in differing theoretical starting points for considering how exercises of U.S. military might affect war and peace, and they skew the empirical insights and normative prescriptions about Presidential power often drawn from their analyses. 1. Lawyers’ Misframing Lawyers’ focus on actual uses of force – especially engagements with enemy military forces – as constitutionally salient, rather than including threats of force in their understanding of modern presidential powers tilts analysis toward a one-dimensional strategic logic, rather than a more complex and multi-dimensional and dynamic logic in which the credible will to use force is as important as the capacity to do so. As discussed above, early American constitutional thinkers and practitioners generally wanted to slow down with institutional checks decisions to go to war, because they thought that would make war less likely. “To invoke a more contemporary image,” wrote John Hart Ely of their vision, “it takes more than one key to launch a missile: It should take quite a number to start a war.”112 They also viewed the exercise of military power as generally a ratchet of hostilities, whereby as the intensity of authorized or deployed force increased, so generally did the state of hostilities between the United States and other parties move along a continuum from peace to war.113 Echoes of this logic still reverberate in modern congressionalist legal scholarship: the more flexibly the President can use military force, the more likely it is that the United States will find itself in wars; better, therefore, to clog decisions to make war with legislative checks.114 Modern presidentialist legal scholars usually respond that rapid action is a virtue, not a vice, in exercising military force.115 Especially as a superpower with global interests and facing global threats, presidential discretion to take rapid military action – endowed with what Alexander Hamilton called “[d]ecision, activity, secrecy, and dispatch”116 – best protects American interests. In either case the emphasis tends overwhelmingly to be placed on actual military engagements with adversaries. Strategists and many political scientists, by contrast, view some of the most significant use of military power as starting well before armed forces clash – and including important cases in which they never actually do. Coercive diplomacy and strategies of threatened force, they recognize, often involve a set of moves and countermoves by opposing sides and third parties before or even without the violent engagement of opposing forces. It is often the parties’ perceptions of anticipated actions and costs, not the actual carrying through of violence, that have the greatest impact on the course of events and resolution or escalation of crises. Instead of a ratchet of escalating hostilities, the flexing of military muscle can increase as well as decrease actual hostilities, inflame as well as stabilize relations with rivals or enemies. Moreover, those effects are determined not just by U.S. moves but by the responses of other parties to them – or even to anticipated U.S. moves and countermoves.117 Indeed, as Schelling observed, strategies of brinkmanship sometimes operate by “the deliberate creation of a recognizable risk of war, a risk that one does not completely control.”118 This insight – that effective strategies of threatened force involve not only great uncertainty about the adversary’s responses but also sometimes involve intentionally creating risk of inadvertent escalation119 – poses a difficult challenge for any effort to cabin legally the President’s power to threaten force in terms of likelihood of war or some due standard of care.120 2. Lawyers’ Selection Problems Methodologically, a lawyerly focus on actual uses of force – a list of which would then commonly be used to consider which ones were or were not authorized by Congress – vastly undercounts the instances in which presidents wield U.S. military might. It is already recognized by some legal scholars that studying actual uses of force risks ignoring instances in which President contemplated force but refrained from using it, whether because of political, congressional, or other constraints.121 The point here is a different one: that some of the most significant (and, in many instances, successful) presidential decisions to threaten force do not show up in legal studies of presidential war powers that consider actual deployment or engagement of U.S. military forces as the relevant data set. Moreover, some actual uses of force, whether authorized by Congress or not, were preceded by threats of force; in some cases these threats may have failed on their own to resolve the crisis, and in other cases they may have precipitated escalation. To the extent that lawyers are interested in understanding from historical practice what war powers the political branches thought they had and how well that understanding worked, they are excluding important cases. Consider, as an illustration of this difference in methodological starting point, that for the period of 1946-1975 (during which the exercise of unilateral Presidential war powers had its most rapid expansion), the Congressional Research Service compilation of instances in which the United States has utilized military forces abroad in situations of military conflict or potential conflict to protect U.S. citizens or promote U.S. interests – which is often relied upon by legal scholars studying war powers – lists only about two dozen incidents.122 For the same time period, the Blechman and Kaplan study of political uses of force (usually threats) – which is often relied upon by political scientists studying U.S. security strategy – includes dozens more data-point incidents, because they divide up many military crises into several discrete policy decisions, because many crises were resolved with threat-backed diplomacy, and because many uses of force were preceded by overt or implicit threats of force.123 Among the most significant incidents studied by Blechman and Kaplan but not included in the Congressional Research Service compilation at all are the 1958-59 and 1961 crises over Berlin and the 1973 Middle East War, during which U.S. Presidents signaled threats of superpower war, and in the latter case signaled particularly a willingness to resort to nuclear weapons.124 Because the presidents did not in the end carry out these threats, these cases lack the sort of authoritative legal justifications or reactions that accompany actual uses of force. It is therefore difficult to assess how the executive branch and congress understood the scope of the President’s war powers in these cases, but historical inquiry would probably show the executive branch’s interpretation to be very broad, even to include full-scale war and even where the main U.S. interest at stake was the very credibility of U.S. defense commitments undergirding its grand strategy, not simply the interests specific to divided Germany and the Middle East region.

Of course, one might argue that because the threatened military actions were never carried out in these cases, it is impossible to know if the President would have sought congressional authorization or how Congress would have reacted to the use of force; nonetheless, it is easy to see that in crises like these a threat by the President to use force, having put U.S. credibility on the line in addition to whatever other foreign policy stakes were at issues, would have put Congress in a bind. 3. Lawyers’ Mis-Assessment Empirically, analysis of and insights gleaned from any particular incident – which might then be used to evaluate the functional merits of presidential powers – looks very different if one focuses predominantly on the actual use of force instead of considering also the role of threatened force. Take for example, the Cuban Missile Crisis – perhaps the Cold War’s most dangerous event. To the rare extent that they consider domestic legal issues of this crisis at all, lawyers interested in the constitutionality of President Kennedy’s actions generally ask only whether he was empowered to initiate the naval quarantine of Cuba, because that is the concrete military action Kennedy took that was readily observable and that resulted in actual engagement with Soviet forces or vessels – as it happens, very minimal engagement.125 To strategists who study the crisis, however, the naval quarantine is not in itself the key presidential action; after all, as Kennedy and his advisers realized, a quarantine alone could not remove the missiles that were already in Cuba. The most consequential presidential actions were threats of military or even nuclear escalation, signaled through various means including putting U.S. strategic bombers on highest alert.126 The quarantine itself was significant not for its direct military effects but because of its communicative impact in showing U.S. resolve. If one is focused, as lawyers often are, on presidential military action that actually engaged the enemy in combat or nearly did, it is easy to dismiss this case as not very constitutionally significant. If one focuses on it, as strategists and political scientists often do, on nuclear brinkmanship, it is arguably the most significant historical exercise of unilateral presidential powers to affect war and peace.127 Considering again the 1991 Gulf War, most legal scholars would dismiss this instance as constitutionally a pretty uninteresting military conflict: the President claimed unilateral authority to use force, but he eventually sought and obtained congressional authorization for what was ultimately – at least in the short-run – a quite successful war. For the most part this case is therefore neither celebrated nor decried much by either side of legal war powers debates,128 though some congressionalist scholars highlight the correlation of congressional authorization for this war and a successful outcome.129 Political scientists look at the case differently, though. They often study this event not as a successful war but as failed coercive diplomacy, in that the United States first threatened war through a set of dramatically escalating steps that ultimately failed to persuade Saddam Hussein to withdraw from Kuwait.130 Some political scientists even see U.S. legal debate about military actions as an important part of this story, assessing that adversaries pay attention to congressional arguments and moves in evaluating U.S. resolve (an issue taken up in greater detail below) and that congressional opposition to Bush’s initial unilateralism in this case undermined the credibility of U.S. threats.131 Whether one sees the Gulf War as a case of (successful) war, as lawyers usually do, or (unsuccessful) threatened war, as political scientists usually do, colors how one evaluates the outcome and the credit one might attach to some factors such as vocal congressional opposition to initially-unilateral presidential moves. Notice also that legal analysis of Presidential authority to use force is sometimes thought to turn partly on the U.S. security interests at stake, as though those interests are purely contextual and exogenous to U.S. decision-making and grand strategy. In justifying President Obama’s 2011 use of force against the Libyan government, for example, the Justice Department’s Office of Legal Counsel concluded that the President had such legal authority “because he could reasonably determine that such use of force was in the national interest,” and it then went on to detail the U.S. security and foreign policy interests.132 The interests at stake in crises like these, however, are altered dramatically if the President threatens force: doing so puts the credibility of U.S. threats at stake, which is important not only with respect to resolving the crisis at hand but with respect to other potential adversaries watching U.S. actions.133 The President’s power to threaten force means that he may unilaterally alter the costs and benefits of actually using force through his prior actions.134 The U.S. security interests in carrying through on threats are partly endogenous to the strategy embarked upon to address crises (consider, for example, that once President George H.W. Bush placed hundred of thousands of U.S. troops in the Persian Gulf region and issued an ultimatum to Saddam Hussein in 1990, the credibility of U.S. threats and assurances to regional allies were put on the line).135 Moreover, interests at stake in any one crisis cannot simply be disaggregated from broader U.S. grand strategy: if the United States generally relies heavily on threats of force to shape the behavior of other actors, then its demonstrated willingness or unwillingness to carry out a threat and the outcomes of that action affect its credibility in the eyes of other adversaries and allies, too.136 It is remarkable, though in the end not surprising, that the executive branch does not generally cite these credibility interests in justifying its unilateral uses of force. It does cite when relevant the U.S. interest in sustaining the credibility of its formal alliance commitments or U.N. Security Council resolutions, as reasons supporting the President’s constitutional authority to use force.137 The executive branch generally refrains from citing the similar interests in sustaining the credibility of the President’s own threats of force, however, probably in part because doing so would so nakedly expose the degree to which the President’s prior unilateral strategic decisions would tie Congress’s hands on the matter. \* \* \* In sum, lawyers’ focus on actual uses of force – usually in terms of armed clashes with an enemy or the placement of troops into hostile environments – does not account for much vaster ways that President’s wield U.S. military power and it skews the claims legal scholars make about the allocation of war powers between the political branches. A more complete account of constitutional war powers should recognize the significant role of threatened force in American foreign policy. II. Democratic Checks on Threatened Force The previous Parts of this Article showed that, especially since the end of World War II, the United States has relied heavily on strategies of threatened force in wielding its military might – for which credible signals are a necessary element – and that the President is not very constrained legally in any formal sense in threatening war. Drawing on recent political science scholarship, this Part takes some of the major questions often asked by students of constitutional war powers with respect to the actual use of force and reframes them in terms of threatened force. First, as a descriptive matter, in the absence of formal legal checks on the President’s power to threaten war, is the President nevertheless informally but significantly constrained by democratic institutions and processes, and what role does Congress play in that constraint? Second, as a normative matter, what are the strategic merits and drawbacks of this arrangement of democratic institutions and constraints with regard to strategies of threatened force? Third, as a prescriptive matter, although it is not really plausible that Congress or courts would ever erect direct legal barriers to the President’s power to threaten war, how might legal reform proposals to more strongly and formally constrain the President’s power to use force indirectly impact his power to threaten it effectively? For reasons discussed below, I do not consider whether Congress could legislatively restrict directly the President’s power to threaten force or war; in short, I set that issue aside because assuming that were constitutionally permissible, even ardent congressionalists have exhibited no interest in doing so, and instead have focused on legally controlling the actual use of force. Political science insights that bear on these questions emerge from several directions. One is from studies of Congress’ influence on use of force decisions, which usually assume that Congress’s formal legislative powers play only a limited role in this area, and the effects of this influence on presidential decision-making about threatened force. Another is international relations literature on international bargaining138 as well as literature on the theory of democratic peace, the notion that democracies rarely, if ever, go to war with one another.139 In attempting to explain the near-absence of military conflicts between democracies, political scientists have examined how particular features of democratic governments – electoral accountability, the institutionalized mobilization of political opponents, and the diffusion of decision-making authority regarding the use of force among executive and legislative branches – affect decision-making about war.140 These and other studies, in turn, have led some political scientists (especially those with a rational choice theory orientation) to focus on how those features affect the credibility of signals about force that governments send to adversaries in crises.141 My purpose in addressing these questions is to begin painting a more complete and detailed picture of the way war powers operate, or could operate, than one sees when looking only at actual wars and use of force. This is not intended to be a comprehensive account but an effort to synthesize some strands of scholarship from other fields regarding threatened force to inform legal discourse about how war powers function in practice and the strategic implications of reform. The answers to these questions also bear on raging debates among legal scholars on the nature of American executive power and its constraint by law. Initially they seem to support the views of those legal scholars who have long believed that in practice law no longer seriously binds the President with respect to war-making.142 That view has been taken even further recently by Eric Posner and Adrian Vermeule, who argue that “[l]aw does little constraint the modern executive” at all, but also observe that “politics and public opinion” operate effectively to cabin executive powers.143 The arguments offered here, however, do more to support the position of those legal scholars who describe a more complex relationship between law and politics, including that law is constitutive of the processes of political struggle.144 That law helps constitute the processes of political struggles is true of any area of public policy, though, and what is special here is the added importance of foreign audiences – including adversaries and allies, alike – observing and reacting to those politics, too. Democratic Constraints on the Power to the Threaten Force Whereas most lawyers usually begin their analysis of the President’s and Congress’s war powers by focusing on their formal legal authorities, political scientists usually take for granted these days that the President is – in practice – the dominant branch with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. A major school of thought, however, is that congressional members 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 threatened actions, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; even when it cannot, congressional members can oblige the President expend lots of 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. 145 This statement also highlights the important point, alluded to earlier, that force and threatened force are not neatly separable categories. Often limited uses of force are 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”146 – 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 floor statements, committee oversight hearings, resolution votes, and funding decisions.147 These official actions prevent the President “from monopolizing the nation’s political discourse” on decisions regarding military actions can thereby make it difficult for the President to depart too far from congressional preferences.148 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.149 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on executive’s decisions regarding force than can opponents among the general public. Moreover, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements.150 In short, these findings among political scientists suggest that, even without having to pass legislation or formally approve of actions, Congress often operates as an important check on threatened force by providing the president’s political opponents with a forum for registering dissent from the executive’s decisions regarding force in ways that attach domestic political costs to contemplated military actions or even the threats to use force. 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.151 Political¶ opponents within a legislature also have few electoral incentives to collude in an¶ executive’s bluff, and they are capable of expressing opposition to a threatened use of¶ force in ways that could expose the bluff to a threatened adversary.152 This again narrows¶ the President’s range of viable policy options for brandishing military force. Counter-intuitively, 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, congress members’ hands are often tied: policy¶ opposition at that stage risks being portrayed as undermining our troops in the field.153¶ Perhaps, it could be argued, the President takes this phenomenon into account and¶ therefore discounts political opposition to threatened force; he can assume that such¶ opposition will dissipate if he carries it through. Even if that is true, before that point¶ occurs, however, members of Congress may have communicated messages domestically¶ and communicated signals abroad that the President will find difficult to counter.154 The bottom line is that a body of recent political science, while confirming the¶ President’s dominant position in setting policy in this area, also reveals that policymaking¶ with respect to threats of force is significantly shaped by domestic politics and¶ that Congress is institutionally positioned to play a powerful role in influencing those¶ politics, even without exercising its formal legislative powers. Given the centrality of¶ threatened force to U.S. foreign policy strategy and security crises, this suggests that the¶ practical war powers situation is not so imbalanced toward the President as many assume. B. Democratic Institutions and the Credibility of Threats A central question among constitutional war powers scholars is whether robust¶ checks – especially congressional ones – on presidential use of force lead to “sound”¶ policy decision-making. Congressionalists typically argue that legislative control over¶ war decisions promotes more thorough deliberation, including more accurate weighing of¶ consequences and gauging of political support of military action.155 Presidentialists¶ usually counter that the executive branch has better information and therefore better¶ ability to discern the dangers of action or inaction, and that quick and decisive military¶ moves are often required to deal with security crises.156 If we are interested in these sorts of functional arguments, then reframing the¶ inquiry to include threatened force prompts critical questions whether such checks also¶ contribute to or detract from effective deterrence and coercive diplomacy and therefore¶ positively or negatively affect the likelihood of achieving aims without resort to war.¶ Here, recent political science provides some reason for optimism, though the scholarship¶ in this area is neither yet well developed nor conclusive. To be sure, “soundness” of policy with respect to force is heavily laden with¶ normative assumptions about war and the appropriate role for the United States in the¶ broader international security system, so it is difficult to assess the merits and¶ disadvantages of constitutional allocations in the abstract. That said, whatever their¶ specific assumptions about appropriate uses of force in mind, constitutional war powers¶ scholars usually evaluate the policy advantages and dangers of decision-making¶ allocations narrowly in terms of the costs and outcomes of actual military engagements¶ with adversaries. The importance of credibility to strategies of threatened force adds important new¶ dimensions to this debate. On the one hand, one might intuitively expect that robust democratic checks would generally be ill-suited for coercive threats and negotiations –¶ that institutional centralization and secrecy of decision-making might better equip nondemocracies¶ to wield threats of force. As Quincy Wright speculated in 1944, autocracies¶ “can use war efficiently and threats of war even more efficiently” than democracies,157¶ especially the American democracy in which vocal public and congressional opposition¶ may undermine threats.158 Moreover, proponents of democratic checks on war powers¶ usually assume that careful deliberation is a virtue in preventing unnecessary wars, but¶ strategists of deterrence and coercion observe that perceived irrationality is sometimes¶ important in conveying threats: “don’t test me, because I might just be crazy enough to¶ do it!”159 On the other hand, some political scientists have recently called into question this¶ view and concluded that the institutionalization of political contestation and some¶ diffusion of decision-making power in democracies of the kind described in the previous¶ section make threats to use force rare but especially credible and effective in resolving¶ international crises without actual resort to armed conflict. In other words, recent¶ arguments in effect turn some old claims about the strategic disabilities of democracies¶ on their heads: whereas it used to be generally thought that democracies were ineffective¶ in wielding threats because they are poor at keeping secrets and their decision-making is¶ constrained by internal political pressures, a current wave of political science accepts this¶ basic description but argues that these democratic features are really strategic virtues.160 Rationalist models of crisis bargaining between states assume that because war is¶ risky and costly, states will be better off if they can resolve their disputes through¶ bargaining rather than by enduring the costs and uncertainties of armed conflict.161¶ Effective bargaining during such disputes – that which resolves the crisis without a resort¶ to force – depends largely on states’ perceptions of their adversary’s capacity to wage an¶ effective military campaign and its willingness to resort to force to obtain a favorable¶ outcome. A state targeted with a threat of force, for example, will be less willing to resist¶ the adversary’s demands if it believes that the adversary intends to wage and is capable of¶ waging an effective military campaign to achieve its ends. In other words, if a state¶ perceives that the threat from the adversary is credible, that state has less incentive to¶ resist such demands if doing so will escalate into armed conflict. The accuracy of such perceptions, however, is often compromised by¶ informational asymmetries that arise from private information about an adversary’s¶ relative military capabilities and resolve that prevents other states from correctly¶ assessing another states’ intentions, as well as by the incentives states have to¶ misrepresent their willingness to fight – that is, to bluff.162 Informational asymmetries¶ increase the potential for misperception and thereby make war more likely; war,¶ consequentially, can be thought of in these cases as a “bargaining failure.”163 Some political scientists have argued in recent decades – contrary to previously common wisdom – that features and constraints of democracies make them better suited than non-democracies to credibly signal their resolve when they threaten force. To bolster their bargaining position, states will seek to generate credible signals of their resolve by taking actions that can enhance the credibility of such threats, such as mobilizing military forces or making “hand-tying” commitments from which leaders cannot back down without suffering considerable political costs domestically.164 These domestic audience costs, according to some political scientists, are especially high for leaders in democratic states, where they may bear these costs at the polls.165 Given the potentially high domestic political and electoral repercussions democratic leaders face from backing down from a public threat, they have considerable incentives to refrain from bluffing. An adversary that understands these political vulnerabilities is thereby more likely to perceive the threats a democratic leader does issue as highly credible, in turn making it more likely that the adversary will yield.166 Other scholars have recently pointed to the special role of legislative bodies in signaling with regard to threatened 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.167 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.168 This restraining effect on the ability of governments to issue threats simultaneously makes those threats that the government issues more credible, if an observer assumes that the President would not be issuing it if he anticipated strong political opposition. Especially when 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 demonstrating that political conditions domestically favor the use of force should it be necessary.169 In some cases, Congress may communicate greater willingness than the president to use force, for instance through non-binding resolutions.170 Such powerful signals of resolve should in theory make adversaries more likely to back down. The credibility-enhancing effects of legislative constraints on threats are subject to dispute. Some studies question the assumptions underpinning theories of audience costs – specifically the idea that democratic leaders suffer domestic political costs to failing to make good on their threats, and therefore that their threats are especially credible171 – and others question whether the empirical data supports claims that democracies have credibility advantages in making threats.172 Other scholars dispute the likelihood that leaders will really be punished politically for backing down, especially if the threat was not explicit and unambiguous or if they have good policy reasons for doing so.173 Additionally, even if transparency in democratic institutions allows domestic dissent from threats of force to be visible to foreign audiences, it is not clear that adversaries would interpret these mechanisms as political scientists expect in their models of strategic interaction, in light of various common problems of misperception in international relations.174 These disputes are not just between competing theoretical models but also over the links between any of the models and real-world political behavior by states. At this point there remains a dearth of good historical evidence as to how foreign leaders interpret political maneuvers within Congress regarding threatened force. Nevertheless, at the very least, strands of recent political science scholarship cast significant doubt on the intuition that democratic checks are inherently disadvantageous to strategies of threatened force. Quite the contrary, they suggest that legislative checks – or, indeed, even the signaling functions that Congress is institutionally situated to play with respect to foreign audiences interpreting U.S. government moves – can be harnessed in some circumstances to support such strategies. C. Legal Reform and Strategies of Threatened Force Among legal scholars of war powers, the ultimate prescriptive question is whether the President should be constrained more formally and strongly than he currently is by legislative checks, especially a more robust and effective mandatory requirement of congressional authorization to use force. Calls for reform usually take the form of narrowing and better enforcement (by all three branches of government) of purported constitutional requirements for congressional authorization of presidential uses of force or revising and enforcing the War Powers Resolutions or other framework legislation requiring express congressional authorization for such actions.175 As applied to strategies of threatened force, generally under these proposals the President would lack authority to make good on them unilaterally (except in whatever narrow circumstances for which he retains his own unilateral authority, such as deterring imminent attacks on the United States). Whereas legal scholars are consumed with the internal effects of war powers law, such as whether and when it constrains U.S. government decision-making, the analysis contained in the previous section shifts attention externally to whether and when U.S. law might influence decision-making by adversaries, allies, and other international actors. In prescriptive terms, if the President’s power to use force is linked to his ability to threaten it effectively, then any consideration of war powers reform on policy outcomes and longterm interests should include the important secondary effects on deterrent and coercive strategies – and how U.S. legal doctrine is perceived and understood abroad.176 Would stronger requirements for congressional authorization to use force reduce a president’s opportunities for bluffing, and if so would this improve U.S. coercive diplomacy by making ensuing threats more credible? Or would it undermine diplomacy by taking some threats off the table as viable policy options? Would stronger formal legislative powers with respect to force have significant marginal effects on the signaling effects of dissent within Congress, beyond those effects already resulting from open political discourse? These are difficult questions, but the analysis and evidence above helps generate some initial hypotheses and avenues for further research and analysis. One might ask at this point why, though, having exposed as a hole in war powers legal discourse the tendency to overlook threatened force, this Article does not take up whether Congress should assert some direct legislative control of threats – perhaps statutorily limiting the President’s authority to make them or establishing procedural conditions like presidential reporting requirements to Congress. This Article puts such a notion aside for several reasons. First, for reasons alluded to briefly above, such limits would be very constitutionally suspect and difficult to enforce.177 Second, even the most ardent war-power congressionalists do not contemplate such direct limits on the President’s power to threaten; they are not a realistic option for reform. Instead, this Article focuses on the more plausible – and much more discussed – possibility of strengthening Congress’s power over the ultimate decision whether to use force, but augments the usual debate over that question with appreciation for the importance of credible threats. A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued: In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the *most* important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179 In his veto statement on the War Powers Resolution, President Nixon echoed these concerns, arguing that the law would undermine the credibility of U.S. deterrent and coercive threats in the eyes of both adversaries and allies – they would know that presidential authority to use force would expire after 60 days, so absent strong congressional support they could assume U.S. withdrawal at that point.180 In short, those who oppose tying the president’s hands with mandatory congressional authorization requirements to use force sometimes argue that doing so incidentally and dangerously ties his hands in threatening it. A critical assumption here is that presidential flexibility, preserved in legal doctrine, enhances the credibility of presidential threats to escalate.

### 1NC

#### Terror threat low now- weakened terrorists not focused on large-scale attacks on the West- best intel

Ackerman, 13 -- Wired senior reporter

[Spencer, "Spy Chiefs Point to a Much, Much Weaker Al-Qaida," Wired, 3-13-13, www.wired.com/dangerroom/2013/03/spy-terrorism/, accessed 9-18-13, mss]

Don’t ever expect the heads of the U.S.’ 16-agency spy apparatus to say it outright. But the testimony they provided Tuesday morning to a Senate panel described al-Qaida, the scourge of the U.S. for 12 years, as a threat that’s on the verge of becoming a spent force, if they’re not already. James Clapper, the director of national intelligence, and his colleagues at the CIA, Defense Intelligence Agency, National Counterterrorism Center and State Department, never made that contention outright to the Senate Select Committee on Intelligence on Tuesday. But in their annual public briefing on the threats America faces, they focused on their budgets and on cyber attacks more than they did terrorism. Not only was that itself a big change in the annual exercise, what they said about the threat from al-Qaida was mostly cheerful news. Al-Qaida’s core in Pakistan is so degraded that it is “probably unable to carry out complex, large-scale attacks in the West,” Clapper testified. (.pdf) Its regional affiliates, in Iraq, Somalia and northern Africa, are focused on local attacks. Despite all the online propaganda seeking to radicalize American Muslim, homegrown jihadis will attempt “fewer than ten domestic plots per year.” Last year, the plots hit the single digits; no one died from them. Matt Olsen, the director of the National Counterterrorism Center, testified that those attempts are and are likely to remain “unsophisticated.” Those al-Qaida manages to inspire may be “wayward knuckleheads,” Olsen said, but they’ll remain a challenge for the spy apparatus to monitor and disrupt. The exception is al-Qaida in the Arabian Peninsula, the Yemen affiliate of the organization, which remains the one most inclined to attack the U.S. at home. FBI director Robert Mueller said the threat to U.S. airliners from that affiliate is “undiminished.” Attacking outside Yemen remains a priority for the organization. But Clapper said they’ll have to balance that agenda with both their aspirations in Yemen and the degree to which “they have individuals who can manage, train, and deploy operatives for U.S. operations.” To be clear, not a single spy chief said that al-Qaida is no longer a big deal. Not a single spy chief said that al-Qaida no longer threatens the United States. And not a single spy chief so much as hinted that it’s time for U.S. officials to consider the global war on terrorism finished. Ever since the Benghazi attack of September, those officials and their spy chiefs have stopped predicting that al-Qaida is on the verge of defeat. If anything, Clapper warned that the budget crunch he’s under might make it harder to spot and prevent the next al-Qaida attack. Yet the picture they presented of al-Qaida is no longer one of a determined global movement growing in strength; seeking the world’s deadliest weapons; and capable of pulling off complex, mass-casualty assaults. Benghazi, and the January attack on an Algerian oil field, look like models for the terrorist threats of the future: ones that occur far from U.S. soil, launched by unaffiliated groups that are primarily focused on a local agenda, yet sufficiently inspired by al-Qaida’s rhetoric or sympathetic to its worldview that unsecured western targets of opportunity are in its cross-hairs. Left unsaid and un-debated at the hearing: whether that diminished threat means it’s time to roll back the U.S. global wartime apparatus; or whether it’s only diminished because of an aggressive wartime apparatus that **needs to keep doing what it’s doing, lest the threat re-emerge**.

#### Drones key- disruption, decapitation, and destroys safe havens, specialists, and training

Byman, 13 -- Georgetown University Security Studies professor

[Daniel, Brookings Institution Saban Center for Middle East Policy Senior Fellow, "Why Drones Work," Foreign Affairs, July/August 2013, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman, accessed 8-28-13, mss]

Despite President Barack Obama’s recent call to reduce the United States’ reliance on drones, they will likely remain his administration’s weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries’ capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid. NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban -- top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders.

#### Terrorism causes extinction- retaliation

Ayson 10 - Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington (Robert, July. “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects.” Studies in Conflict & Terrorism, Vol. 33, Issue 7. InformaWorld.)

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ … long-standing interest in all things nuclear.”42 American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, bothRussia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability.

### Solvency

#### Obama can circumvent the plan- covert loopholes are inevitable

**Lohmann 1-28**-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

### Deterence Adv.

#### Perception of weak drone norms is key to continue Russian drone development ---- that is critical to deterring Chechnyan terrorists

ROSMAN 2011 – Yeshiva University, Topic Paper (Rosman, Jordan, Last Cited 2011 articles, http://yu.edu/uploadedfiles/Admissions/Events/YUNMUN/Position\_Papers/DISEC/Rosman\_DISEC\_Topic%201.pdf)

Unmanned Drones as Weapons The Russian Federation believes that the use of UAVs, or Unmanned Aerial Vehicles, is imperative to fight against terrorism worldwide . Russia’s use of unmanned drones both internally and externally was necessitated by Russia’s fight against Chechnyan terrorism before the Russian - Chech n yan armistice of 2009 1 . The atrocities committed by the Chechnyan terrorists include the bombing of a Moscow movie theater, metro station and an arcade — all civilian populations. Sadly, these attacks are emulated worldwide by other terrorist groups such as Al Qaeda, the Taliban, and the Real IRA 2 . Drones are absolutely essential , as insurgents worldwide are concealing themselves in failed states in regions of the Middle East and Africa. As acts of self defense and international security from terrorism, the deployment of drones do es not violate human rights. In more recent times, the United States’ government has received criticism for its frequent use of un manned drones in Afghanistan and Pakistan in its fight against terrorists groups such as Al Qaeda and the Taliban. However, having felt the repercussions of terrorism inflicted by radical Islamic groups, Russia understands the need for these attacks coordi nated by the U.S. They have proved to be an effective weapon as demonstrated by the killing of Al Qaeda leader Anwar al Awl aki. Furthermore, unmanned drones allow targeted killings a t little to no risk to government personnel carrying them out, and they can be operated remotely from the home s tate. The Russian gove rnment believes that, to defend oneself, a nation does not need the consent of another nation to deploy unma nned drones on the condition that the other nation is a failed state such as Afghanista n or Somalia which cannot control terrorist activity arising within its own borders . 3 The legality and human rights issue of the deployment of unmanned drones is irrelevant for the purpose of self defense against terrorists. The Special Rapporteur rep ort issued by the Human Rights Council in May of 2010 contains an inherent hypocrisy and naivety which is why Russian officials have chosen not to directly respond to it. The report sets out guidelines for nations to follow in their coordination of ―target ed killings‖. The guidelines of this report are unrealistic in that it would be nearly impossible for a nation to conduct a targeted killing abiding by every single rule. Both the United States and Russia were harshly criticized in the report despite havin g lawfully follow ed a majority of the guidelines in both nations ’ attempt s to eradicate terrorism. For example the report states ― In the absence of consent, or in addition to it, States may invoke the right to self defence as justification for the extrater ritorial use of force involving targeted killings ‖ 4 . It is incontrovertible to state that U.S and Russian detonated attacks have been coordinated in the name of self defense. Russia has used its drones to end the atrocities coordinated by Chechnyan terrorists in their attempt to slaughter civilian populations. Likewise, the majority of U.S deployment of unmanned drones have been retaliatory attacks against Al Qaeda — the masterminds of 9/11. Most of the nations of the world have not felt the repercussions of terrorism like Russia and U.S have. While it is tragic that many Pakistani, Yemeni, Afghan , and Somali citizens have been accidentally killed, Russia believes that the blame falls on the failed governments of those regions 5 . The fact these failed governmen ts cannot control the influx of terrorists into their borders leaves nations threatened by terrorism, such as Russia, Israel, and the U.S, with no choice but to conduct preemptive attacks. Furthermore, the Russian Federation believes that these attacks do not violate the legal rights of those killed due to the fact that self d efense supercedes the due process rights of pernicious insurgents. 6 Overall, Russia believes that nations, in attempt to eradic ate terror ism, should follow many of the guidelines s et out by the Human Rights Council. However, it is unrealistic to believe that a country can conduct an attack while simultaneously abiding by every single law.

#### Nuke war --- they can attack the Sochi border otherwise

McKillop 1-21-14 [Andrew, former expert in policy and programming with the European Commission in Brussels, writes and consults about the impact of oil prices on the economy and currently advises the ECOHABITAT sustainable housing and property development project near the French, Belgium and Luxemburg borders, “The Sochi 2014 Olympics. Theater for Terror and Counter-Terror. Russia’s “Lost Islamic Bomb Lady”,” <http://www.globalresearch.ca/the-sochi-2014-olympics-theater-for-terror-and-counter-terror-russias-lost-islamic-bomb-lady/5365616>]

Chechnya has become ever more critical to Kremlin strategists, the front line theater for Russian-Saudi conflict with Sochi an easy ride from its borders. This theater is particularly acute due to the fact that Syria has thousands of fighters who, according to the Russian Spetznaz special services, are a serious and real threat for the country. Ramzan Kadyrov, the former Chechen rebel placed in charge by Kremlin and an adept at counter-terror war, has on many recent occasions said that Islamist insurgents in Chechnya have reached “plague proportions” and in his view are only biding their time before moving north to Russia – and to Europe.¶ Syria Split Could Set Russia Alight¶ State Douma deputy and Foreign relations commission chief Anatoly Ermolin, with a long military track record in Chechnya and the Caucuses during the 1990s bluntly says : “I think this is one of the most dangerous things for any government. They (the Islamists) are very serious and believe they can organize an Islamic state….They consider (Russia) to be their territory. We are dry wood; it’s very easy to set fire to the situation.”¶ Ermolin is openly alarmed and alarmist because he believes the disastrous conflict in Syria divided Russia and NATO-member countries into two camps, with the US-led west leaning to support or at least tolerance of the Islamists, despite the increasingly frenzied extremist nature of Syria’s opposition. For Russia this means it is next in line for destabilization, by Islam under the guise of, and stoked by Western-Russian rivalry and conflict. Ermolin says there can soon be a major realignment of international relations and vital interests.¶ Add the Saudi terror chief, Prince Bandar Bin Sultan (photo, left) into this mix and the fuse is nearly lit. The London Telegraph reported back in October about Saudi Arabia’s under the table offer to Russia for a chance to ‘control the world’s oil market’ in some type of strategic alliance between OPEC and Russia – but only if Russia would wash its hands of the Assad regime in Syria. That was the carrot. The stick was somewhat more barbaric:¶ Bandar threatened to unleash his Chechen terrorists in order to shutdown, and possibly kill civilians at Sochi. He is alleged to have said:¶ ‘‘I can give you a guarantee to protect the Winter Olympics next year. The Chechen groups that threaten the security of the Games are controlled by us’’¶ Beyond Saudi Arabia international racketeering and extortion, in there is fear in Germany, France, the UK and Italy – as there is in Russia, of what happens when thousands of young “jihadis” return from the Syrian war. Russian foreign relations experts like Ermolin say this will be the acid test, and in the Middle East will surely and certainly coincide with the equally rising threat of more open and wider conflict between Sunni Saudi Arabia, and Shia Iran. The dangers of another Iran-Sunni war like the 1980-88 Iran-Iraq war are claimed by Russian policy experts to have been completely underestimated in the west. As they and Russian military analysts say, the potential for a repeat of the 1980-88 war “going nuclear” is high.¶ Russian experts also say the dangers of Iran itself destabilizing and “turning to terror” have been ignored or underestimated in the west. Both Saudi Arabia and Israel, backed by the US and several EU countries, especially France give either open or covert support to anti-Iranian Sunni terror movements, making all out Iran-versus-Sunni war the logical follow-up. In the case of Iranian defeat, spillover will, the Russians say, be large scale regional, not contained. As a result, although never stated as a driver for US and European thawing towards Iran, the risk of Iran being destabilized have to be taken seriously

#### Drone prolif doesn’t escalate or cause terrorism

**Singh ’12** [Joseph Singh is a researcher at the Center for a New American Security, an independent and non-partisan organization that focuses on researching and analyzing national security and defense policies, also a research assistant at the Institute for Near East and Gulf Military Analysis (INEGMA) North America, is a War and Peace Fellow at the Dickey Center, a global research organization, “Betting Against a Drone Arms Race,” 8-13-12, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>]

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.¶ Non-state actors, on the other hand, have even more reasons to steer clear of drones:¶ – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue.¶ – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose.¶ – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face.¶ – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts.¶ In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### No accidental launch

Williscroft ‘10 (Six patrols on the *John Marshall* as a Sonar Technician, and four on the *Von Steuben* as an officer – a total of twenty-two submerged months. Navigator and Ops Officer on *Ortolan* & *Pigeon* – Submarine Rescue & Saturation Diving ships. Watch and Diving Officer on *Oceanographer* and *Surveyor*. “Accidental Nuclear War” http://www.argee.net/Thrawn%20Rickle/Thrawn%20Rickle%2032.htm, 2010)

Is there a realistic chance that we could have a nuclear war by accident? Could a ballistic submarine commander launch his missiles without specific presidential authorization? Could a few men conspire and successfully bypass built-in safety systems to launch nuclear weapons? The key word here is “realistic.” In the strictest sense, yes, these things are possible. But are they realistically possible? This question can best be answered by examining two interrelated questions. Is there a way to launch a nuclear weapon by accident? Can a specific accidental series of events take place—no matter how remote—that will result in the inevitable launch or detonation of a nuclear weapon? Can one individual working by himself or several individuals working in collusion bring about the deliberate launch or detonation of a nuclear weapon? We are protected from accidental launching of nuclear weapons by mechanical safeguards, and by carefully structured and controlled mandatory procedures that are always employed when working around nuclear weapons. Launching a nuclear weapon takes the specific simultaneous action of several designated individuals. System designers ensured that conditions necessary for a launch could not happen accidentally. For example, to launch a missile from a ballistic missile submarine, two individuals must insert keys into separate slots on separate decks within a few seconds of each other. Barring this, the system cannot physically launch a missile. There are additional safeguards built into the system that control computer hardware and software, and personnel controls that we will discuss later, but—in the final analysis—without the keys inserted as described, there can be no launch—it’s not physically possible. Because the time window for key insertion is less than that required for one individual to accomplish, it is physically impossible for a missile to be launched accidentally by one individual. Any launch must be deliberate. One can postulate a scenario wherein a technician bypasses these safeguards in order to effect a launch by himself. Technically, this is possible, but such a launch would be deliberate, not accidental. We will examine measures designed to prevent this in a later column. Maintenance procedures on nuclear weapons are very tightly controlled. In effect always is the “two-man rule.” This rule prohibits any individual from accessing nuclear weapons or their launch vehicles alone. Aside from obvious qualification requirements, two individuals must be present. No matter how familiar the two technicians may be with a specific system, each step in a maintenance procedure is first read by one technician, repeated by the second, acknowledged by the first (or corrected, if necessary), performed by the second, examined by the first, checked off by the first, and acknowledged by the second. This makes maintenance slow, but absolutely assures that no errors happen. Exactly the same procedure is followed every time an access cover is removed, a screw is turned, a weapon is moved, or a controlling publication is updated. Nothing, absolutely nothing is done without following the written guides exactly, always under two-man control. This even applies to guards. Where nuclear weapons are concerned, a minimum of two guards—always fully in sight of each other—stand duty. There is no realistic scenario wherein a nuclear missile can be accidentally launched...ever...under any circumstances...period!

#### No scenario for losing deterrence

Kristensen ‘12 -- FAS nuclear weapons expert [Hans, "DOD: Strategic Stability Not Threatened Even by Greater Russian Nuclear Forces," FAS, 10-10-12, www.fas.org/blog/ssp/2012/10/strategicstability.php, accessed 1-27-13, mss]

DOD: Strategic Stability Not Threatened Even by Greater Russian Nuclear Forces A Department of Defense (DOD) report on Russian nuclear forces, conducted in coordination with the Director of National Intelligence and sent to Congress in May 2012, concludes that even the most worst-case scenario of a Russian surprise disarming first strike against the United States would have “little to no effect” on the U.S. ability to retaliate with a devastating strike against Russia. I know, even thinking about scenarios such as this sounds like an echo from the Cold War, but the Obama administration has actually come under attack from some for considering further reductions of U.S. nuclear forces when Russia and others are modernizing their forces. The point would be, presumably, that reducing while others are modernizing would somehow give them an advantage over the United States. But the DOD report concludes that Russia “would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty” (emphasis added). The conclusions are important because the report come after Vladimir Putin earlier this year announced plans to produce “over 400” new nuclear missiles during the next decade. Putin’s plan follows the Obama administration’s plan to spend more than $200 billion over the next decade to modernize U.S. strategic forces and weapons factories. The conclusions may also hint at some of the findings of the Obama administration’s ongoing (but delayed and secret) review of U.S. nuclear targeting policy. No Effects on Strategic Stability The DOD report – Report on the Strategic Nuclear Forces of the Russian Federation Pursuant to Section 1240 of the National Defense Authorization Act for Fiscal Year 2012 – was obtained under the Freedom of Information Act. It describes the U.S. intelligence community’s projection for the likely development of Russian nuclear forces through 2017 and 2022, the timelines of the New START Treaty, and possible implications for U.S. national security and strategic stability. Much of the report’s content was deleted before release – including general and widely reported factual information about Russian nuclear weapons systems that is not classified. But the important concluding section that describes the effects of possible shifts in the number and composition of Russian nuclear forces on strategic stability was released in its entirety. The section “Effects on Strategic Stability” begins by defining that stability in the strategic nuclear relationship between the United States and the Russian Federation depends upon the assured capability of each side to deliver a sufficient number of nuclear warheads to inflict unacceptable damage on the other side, even with an opponent attempting a disarming first strike. Consequently, the report concludes, “the only Russian shift in its nuclear forces that could undermine the basic framework of mutual deterrence that exists between the United States and the Russian Federation is a scenario that enables Russia to deny the United States the assured ability to respond against a substantial number of highly valued Russian targets following a Russian attempt at a disarming first strike” (emphasis added). The DOD concludes that such a first strike scenario “will most likely not occur.” But even if it did and Russia deployed additional strategic warheads to conduct a disarming first strike, even significantly above the New START Treaty limits, DOD concludes that it “would have little to no effects on the U.S. assured second-strike capabilities that underwrite our strategic deterrence posture” (emphasis added). In fact, the DOD report states, the “Russian Federation…would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty, primarily because of the inherent survivability of the planned U.S. Strategic force structure, particularly the OHIO-class ballistic missile submarines, a number of which are at sea at any given time.” Implications These are BIG conclusions with BIG implications. They reaffirm conclusions made by DOD in 2010 [http://www.foreign.senate.gov/publications/download/executive-report-111-06-treaty-with-russia-on-measures-for-further-reduction-and-limitation-of-strategic-offensive-arms-the-new-start-treaty], but the new report is important because it comes after Russia earlier this year announced plans to produce “over 400” nuclear missiles over the next decade. In the real world, however, Russian nuclear forces are not increasing. Even with Putin’s missile production plan, simultaneous retirement of older missile will continue the downward trend and result in a net reduction of Russian strategic nuclear forces over the next decade and a half. This fact has not stopped some from arguing against additional U.S. nuclear reductions. Their argument is that reductions are unwise at a time when Russia and others are modernizing their nuclear forces. Others have even argued that Russia could break out of the New START Treaty by cheating and presumably achieve some strategic advantage. Even the U.S. Senate’s advice and consent resolution that in 2010 approved the New START Treaty required that “the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States” (emphasis added). A similar obsession with numbers was echoed in the 2012 report by the State Department’s International Strategic Advisory Board on future U.S.-Russian “Mutual Assured Stability,” which concluded that it requires some “rough parity” of nuclear forces. (A similar number obsession has evolved with NATO about non-strategic nuclear weapons, but that’s another story). But the DOD report appears to conclude that such warnings and parity requirement are missing the point. Strategic stability and deterrence today are provided by a secure retaliatory capability, primarily ballistic missile submarines. In fact, although ICBMs and bombers also play a role in the U.S. nuclear posture, they seem oddly absent from the report’s description of what is required to maintain strategic stability based on a sufficient secure retaliatory capability. Retaining that capability, it seems, does not even require the ballistic missile submarines to be on alert (although the report doesn’t explicitly say so). It only requires that a sufficient number of submarines “are at sea” and secure at any given time – or perhaps even only in a crisis. Likewise, the conclusion that a Russian disarming first strike “will most likely not occur” may be obvious to most but, if formal, seems to remove the need for having ICBMs on alert, as long as a sufficient number of submarines are at sea to provide the basic deterrence that underpins strategic stability.

### I-Law Adv.

#### International law solves nothing

Acharya 13 – Associate Professor of Law, Gonzaga University School of Law (Upendra D., May, “GLOBALIZATION, DEREGULATION, POWER, AND AGENCY: GLOBALIZATION AND HEGEMONY SHIFT: ARE STATES MERELY AGENTS OF CORPORATE CAPITALISM?” 36 B.C. Int'l & Comp. L. Rev. 937, Lexis)

I. PROCESS OF HEGEMONY: INTERNATIONAL LAW, POWER, AND DETERRITORIALIZATION¶ ¶ Discussions of hegemonic international law posit that international law is relatively weak, that it is nothing more than epiphenomenal, [\*940] merely a production of normative standards that mirror the interests of powerful states. n14 The hegemonic international law theory also posits that hegemons (powerful nations among the many sovereign states) define the course of states' behavior by creating and influencing international law to give effect to the hegemons' interests and condone actions that support those interests. n15 This Part critically observes hegemons' techniques and methods of consolidating power, n16 leading to the next Part's discussion addressing an emerging corporate-centric hegemonic international law, a new form of international law contrasted to Vagts's state-centric hegemonic international law. n17¶ ¶ Because international law is based on the mutual consent of sovereign states, each participating state must have common values and interests for international law to be effective. n18 Political, cultural, religious, [\*941] and economic traditions were naturally varied among states before the implementation of international law. n19 Because of this variation, the powerful Western states superimposed self-styled Western values such as democracy, a definitive structure of rule of law, industrial development, perception of peace, and eventually capitalism on less-influential or less-powerful states. n20 Western hegemons present these values as though they are prerequisites for stability. n21 In reality, however, formal consent to these values allows (in the creation of international law) the hegemon to disrupt existing value structures--an inherently destabilizing action--and take advantage of the less-powerful states' resources. n22 This process of obtaining consent is so sophisticated that it frequently requires engaging lawyers and legal scholars to guide less-powerful states. n23 These scholars typically represent Western education and ideologies within the scope of the broader interests of hegemons, imposing Western legal traditions on non-Western states. n24¶ ¶ Despite maintaining consent to superimposed Western norms, international law lacks a formal enforcement and compliance authority. n25 Nevertheless, fragmented informal or non-legal authority has been institutionalized through means controlled by hegemons that can make others comply with the norms. n26 In this scattered and pseudo-legal compliance mechanism, hegemons may comply with international law when faced with worldwide pressure and opposition from competing [\*942] hegemons. n27 For non-hegemons, a hint of pressure, economic or otherwise, is sometimes sufficient to force compliance with the regime. n28¶ ¶ According to Antonio Gramsci:¶ ¶ [H]egemony presupposes that account be taken of the interests and the tendencies of the groups over which hegemony is to be exercised, and that a certain compromise equilibrium should be formed--in other words, that the leading group [hegemons] should make sacrifices of an economic-corporate kind. But . . . such sacrifices and such a compromise cannot touch the essential . . . [they] must necessarily be based on the decisive function exercised by the leading group in the decisive nucleus of economic activity. n29¶ ¶ ¶ ¶ B.S. Chimni also noted the current influence of what he terms the "transnational capitalist class," that produces a culture in which "the third world counterparts essentially act as 'transmission belts and filtering devices for the imposition of the transnational agenda.'" n30¶ ¶ [\*943] International law, in its creation and application, has been a victim of the hegemonic power consolidation process. n31 Rather than recognizing and respecting the common goals and values of a pluralistic world, international law deems hegemons' values those of "true" civilization, held in esteem and aspired to by all others at the expense of unique and insightful non-Western thought. n32 Now in the era of globalization, evolving hegemonic international law theory warrants questioning whether states are really the hegemons in today's world. In order to address this question, it is important to analyze the processes of hegemony in the development of international law and to identify when the course of the hegemonic process departed from state-centric to corporate-centric hegemony.

#### No impact to disease

Posner ‘5 (Richard A, judge on the U.S. Court of Appeals, Seventh Circuit, and senior lecturer at the University of Chicago Law School, Winter. “Catastrophe: the dozen most significant catastrophic risks and what we can do about them.” http://findarticles.com/p/articles/mi\_kmske/is\_3\_11/ai\_n29167514/pg\_2?tag=content;col1, March 11, 2005)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extiinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease. The reason is improvements in medical science. But the comfort is a small one. Pandemics can still impose enormous losses and resist prevention and cure: the lesson of the AIDS pandemic. And there is always a lust time.

#### Not rapid

McGrath ’13 (Matt McGrath, Environment correspondent, BBC News, “Climate slowdown means extreme rates of warming 'not as likely'”, http://www.bbc.co.uk/news/science-environment-22567023, May 19, 2013)

Scientists say the recent downturn in the rate of global warming will lead to lower temperature rises in the short-term. Since 1998, there has been an unexplained "standstill" in the heating of the Earth's atmosphere. Writing in Nature Geoscience, the researchers say this will reduce predicted warming in the coming decades. But long-term, the expected temperature rises will not alter significantly. “Start Quote The most extreme projections are looking less likely than before” Dr Alexander Otto University of Oxford The slowdown in the expected rate of global warming has been studied for several years now. Earlier this year, the UK Met Office lowered their five-year temperature forecast. But this new paper gives the clearest picture yet of how any slowdown is likely to affect temperatures in both the short-term and long-term. An international team of researchers looked at how the last decade would impact long-term, equilibrium climate sensitivity and the shorter term climate response. Transient nature Climate sensitivity looks to see what would happen if we doubled concentrations of CO2 in the atmosphere and let the Earth's oceans and ice sheets respond to it over several thousand years. Transient climate response is much shorter term calculation again based on a doubling of CO2. The Intergovernmental Panel on Climate Change reported in 2007 that the short-term temperature rise would most likely be 1-3C (1.8-5.4F). But in this new analysis, by only including the temperatures from the last decade, the projected range would be 0.9-2.0C. Ice The report suggests that warming in the near term will be less than forecast "The hottest of the models in the medium-term, they are actually looking less likely or inconsistent with the data from the last decade alone," said Dr Alexander Otto from the University of Oxford. "The most extreme projections are looking less likely than before."

#### We adapt

Mendelsohn ‘9 – Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: <http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf>

These statements arelargely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences**.** The science and economicsof climate change is quite clear that emissions over the next few decades will lead to onlymild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these **“**potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### United States not key to solve warming and inevitable

Grose ‘13 (Thomas K., National Geographic News Writer, “As U.S. Cleans Its Energy Mix, It Ships Coal Problems Abroad”, March 15, 2013)

Ready for some good news about the environment? Emissions of carbon dioxide in the United States are declining. But don't celebrate just yet. A major side effect of that cleaner air in the U.S. has been the further darkening of skies over Europe and Asia. The United States essentially is exporting a share of its greenhouse gas emissions in the form of coal, data show. If the trend continues, the dramatic changes in energy use in the United States—in particular, the switch from coal to newly abundant natural gas for generating electricity—will have only a modest impact on global warming, observers warn. The Earth's atmosphere will continue to absorb heat-trapping CO2, with a similar contribution from U.S. coal. It will simply be burned overseas instead of at home. "Switching from coal to gas only saves carbon if the coal stays in the ground," said John Broderick, lead author of a study on the issue by the Tyndall Center for Climate Change Research at England's Manchester University. The U.S. Energy Information Administration (EIA) released data this week showing that United States coal exports hit a record 126 million short tons in 2012, a 17 percent increase over the previous year. Overseas shipments surpassed the previous high mark set in 1981 by 12 percent. The United States clearly is using less coal: Domestic consumption fell by about 114 million tons, or 11 percent, largely due to a decline in the use of coal for electricity. But U.S. coal production fell just 7 percent. The United States, with the world's largest coal reserves, continued to churn out the most carbon-intensive fuel, producing 1 billion tons of coal from its mines in 2012. Emissions Sink The EIA estimates that due largely to the drop in coal-fired electricity, U.S. carbon emissions from burning fossil fuel declined 3.4 percent in 2012. If the numbers hold up, it will extend the downward trend that the U.S. Environmental Protection Agency (EPA) outlined last month in its annual greenhouse gas inventory, which found greenhouse gas emissions in 2011 had fallen 8 percent from their 2007 peak to 6,703 million metric tons of CO2 equivalent (a number that includes sources other than energy, like methane emissions from agriculture). In fact, if you don't count the recession year of 2009, U.S. emissions in 2011 dropped to their lowest level since 1995. President Barack Obama counted the trend among his environmental accomplishments in his State of the Union address last month: "Over the last four years, our emissions of the dangerous carbon pollution that threatens our planet have actually fallen." The reason is clear: Coal, which in 2005 generated 50 percent of U.S. electricity, saw its share erode to 37.4 percent in 2012, according to EIA's new short-term energy outlook. An increase in U.S. renewable energy certainly played a role; renewables climbed in those seven years from 8.7 percent to 13 percent of the energy mix, about half of it hydropower. But the big gain came from natural gas, which climbed from 19 percent to 30.4 percent of U.S. electricity during that time frame, primarily because of abundant supply and low prices made possible by hydraulic fracturing, or fracking. The trend appears on track to continue, with U.S. coal-fired plants being retired at a record pace. But U.S. coal producers haven't been standing still as their domestic market has evaporated. They've been shipping their fuel to energy-hungry markets overseas, from the ports of Norfolk, Baltimore, and New Orleans. Although demand is growing rapidly in Asia—U.S. coal exports to China were on track to double last year—Europe was the biggest customer, importing more U.S. coal last year than all other countries combined. The Netherlands, with Europe's largest port, Rotterdam, accepted the most shipments, on pace for a 24 jump in U.S. coal imports in 2012. The United Kingdom, the second largest customer, saw its U.S. coal imports jump more than 70 percent. The hike in European coal consumption would appear to run counter to big government initiatives across the Continent to cut CO2 emissions. But in the European Union, where fracking has made only its initial forays and natural gas is still expensive, American coal is, well, dirt cheap. European utilities are now finding that generating power from coal is a profitable gambit. In the power industry, the profit margin for generating electricity from coal is called the "clean dark spread"; at the end of December in Great Britain, it was going for about $39 per megawatt-hour, according to Argus. By contrast, the profit margin for gas-fired plants—the "clean spark spread"—was about $3. Tomas Wyns, director of the Center for Clean Air Policy-Europe, a nonprofit organization in Brussels, Belgium, said those kinds of spreads are typical across Europe right now. The EU has a cap-and-trade carbon market, the $148 billion, eight-year-old Emissions Trading System (ETS). But it's in the doldrums because of a huge oversupply of permits. That's caused the price of carbon to fall to about 4 euros ($5.23). A plan called "backloading" that would temporarily extract allowances from the market to shore up the price has faltered so far in the European Parliament. "A better carbon price could make a difference" and even out the coal and gas spreads, Wyns said. He estimates a price of between 20 and 40 euros would do the trick. "But a structural change to the Emissions Trading System is not something that will happen very quickly. A solution is years off." The Tyndall Center study estimates that the burning of all that exported coal could erase fully half the gains the United States has made in reducing carbon emissions. For huge reserves of shale gas to help cut CO2 emissions, "displaced fuels must be reduced globally and remain suppressed indefinitely," the report said. Future Emissions It is not clear that the surge in U.S. coal exports will continue. One reason for the uptick in coal-fired generation in Europe has been the looming deadline for the EU's Large Combustion Plant Directive, which will require older coal plants to meet lower emission levels by the end of 2015 or be mothballed. Before that phaseout begins, Wyns says, "there is a bit of a binge going on." Also, economic factors are at work. Tyndall's Broderick said American coal companies have been essentially selling surplus fuel overseas at low profit margins, so there is a likelihood that U.S. coal production will decrease further. The U.S. government forecasters at EIA expect that U.S. coal exports will fall back to about 110 million tons per year over the next two years, due to economic weakness in Europe, falling international prices, and competition from other coal-exporting countries. The Paris-based International Energy Agency (IEA) calls Europe's "coal renaissance" a temporary phenomenon; it forecasts an increasing use of renewables, shuttering of coal plants, and a better balance between gas and coal prices in the coming years. But IEA does not expect that the global appetite for coal will slacken appreciably. The agency projects that, by 2017, coal will rival oil as the world's primary energy source, mainly because of skyrocketing demand in Asia. U.S. coal producers have made clear that they aim to tap into that growing market.

**Global air pollution inevitable**

**Watson ‘5** (Traci, Staff Writer – USA Today, “Air Pollution From Other Countries Drifts into USA”, USA Today, 3-13, http://www.usatoday.com/weather/resources/climate/2005-03-13-pollution-\_x.htm)

Americans drive imported cars, wear imported clothes and chug imported beers. Now scientists are discovering another, less welcome import into the USA: air pollution. Mercury from China, dust from Africa, smog from Mexico — all of it drifts freely across U.S. borders and contaminates the air millions of Americans breathe, according to recent research from Harvard University, the University of Washington and many other institutions where scientists are studying air pollution. There are no boundaries in the sky to stop such pollution, no Border Patrol agents to capture it. Pollution wafting into the USA accounts for 30% of the nation's ozone, an important component of smog, says researcher David Parrish of the National Oceanic and Atmospheric Administration. By the year 2020, Harvard University's Daniel Jacob says, imported pollution will be the primary factor degrading visibility in our national parks. While the United States is cutting its own emissions, some nations, especially China, are belching out more and more dirty air. As a result, overseas pollution could partly cancel out improvements in U.S. air quality that have cost billions of dollars.

#### No water impact

Allouche ‘11 (Jeremy Allouche, research Fellow, water supply and sanitation @ Institute for Development Studies, former professor – MIT, PhD in International Relations from the Graduate Institute of International Studies [“The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade,” Food Policy, Volume 36, Supplement 1, Pages S3–S8, Science Direct, January 2011)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable. Lessons from history: alarmist scenarios, resource wars and international relations In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an instrumental purpose; security and conflict are here used for raising water/food as key policy priorities at the international level. In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none of these declarations have been followed up by military action. The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems. None of the various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18). As shown in The Basins At Risk (BAR) water event database, more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 ( [FAO, 1978] and [FAO, 1984]). The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however no direct correlation between water scarcity and transboundary conflict. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example [Allouche, 2005], [Allouche, 2007] and [Rouyer, 2000]). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians ( [Dinar and Dinar, 2005] and [Brochmann and Gleditsch, 2006]). In terms of international relations, the threat of water wars due to increasing scarcity does not make much sense in the light of the recent historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable. The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict ( [Brauch, 2002] and [Pervis and Busby, 2004]). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, the evidence base to substantiate the connections is thin ( [Barnett and Adger, 2007] and [Kevane and Gray, 2008]).

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#### CBW terror causes extinction- multiple reasons

**Kellman ‘8** (Barry Kellman is the director of the International Weapons Control Center, “Bioviolence: A Growing Threat”, The Futurist, May-June 2008, http://www.wfs.org/March-April09/MJ2008\_Kellman.pdf)

A looming danger confronts the world—the threat of bioviolence. It is a danger that will only grow in the future, yet we are increasingly failing to confront it. With every passing day, committing a biocatastrophe becomes a bit easier, and this condition will perpetuate for as long as science progresses. Biological warfare is as old as conflict, of course, but in terms of the objectives of traditional warfare— gaining territory or resources, compelling the surrender of an opposing army—biological weapons weren’t very effective. If the objective is to inflict mass death and panic on a mixed population, however, emerging bioweapons offer remarkable potential. We would be irresponsible to presume that radical jihadists like al Qaeda have ignored said potential. What’s New in Bioviolence? Bioviolence refers to the many ways to inflict disease as well as the many people who might choose to do so, whether heads of states, criminals, or fanatics. Fortunately, doing bioviolence is technically far more difficult than using conventional explosives. Natural pathogens like anthrax are difficult to weaponize. Smallpox remains unavailable (presumably); plague is readily treatable; Ebola k i l l s t o o q u i c k l y t o i g n i t e a p a ndemic. But emerging scientific disciplines—notably genomics, nanotechnology, and other microsciences— could alter these pathogens for use as weapons. These scientific disciplines offer profound benefits for humanity, yet there is an ominous security challenge in minimizing the danger of their hostile application. For exampl e , highly dangerous agents can be made resistant to vaccines or antibiotics. In Australia, scientists introduced a gene into mousepox (a cousin of smallpox) to reduce pest populations—it worked so well that it wiped out 100% of affected mice, even those that had immunity against the disease. Various bacterial agents, such as plague or tularemia (rabbit fever), could be altered to increase their lethality or to evade antibiotic treatment. Diseases once thought to be eradicated can now be resynthesized, enabling them to spread in reg ions where there is no natural immunity. The polio virus has been synthesized from scratch; its creators called it an “animate chemical.” Soon, it may be resynthesized into a form that is contagious even among vaccinated popu l a t i o n s . Recreation of long eradicated livestock diseases could ravage herds severely lacking in genetic diversity, damage food supplies , and cause devastating economic losses. Perhaps the greatest biothreat is the manipulation of the flu and other highly contagious viruses, such as Ebola. Today, scientists can change parts of a virus’s genetic material so that it can perform specific functions. The genomic sequence of the Spanish flu virus that killed upwards of 40 million people nearly a century ago has been widely published; any savvy scientist could reconstruct it. The avian flu is even more lethal, albeit not readily contagious via casual aerosol delivery. A malevolent bioscientist might augment its contagiousness. The Ebola virus might be manipulat ed so that i t ki l l s more slowly, allowing it to be spread farther before its debilitating effects altogether consume its carrier. A bit further off is genetic manipulation of the measles virus—one of the great killers in human history—rendering useless the immunizations that most of us receive in early childhood. Soon , laboratory resynthesis of smallpox may be possible. Advanced drug delivery systems can be used to disseminate lethal agent s to broad populations . Bioregulators — small organic compounds that modify body systems— could enhance targeted delivery technologies. Some experts are concerned that new weapons could be aimed at the immune, neurological, and neuroendocrine systems. Nanotechnology that lends itself to mechanisms for advanced disease detection and drug delivery—such as gold nanotubes that can administer drugs directly into a tumor—could also deliver weaponized agents deep into the body, substantially raising the weapon’s effectiveness. Altogether, techniques that were on the frontiers of science only a decade or two ago are rapidly mutating as progress in the biological sciences enables new ways to produce lethal catastrophe. Today, they are on the horizon. Within a decade, they will be pedestrian. According to the National Academies of Science, “The threat spectrum is broad and evolving—in some ways predictably, in other ways unexpectedly. In the future, genetic engineering and other technologies may lead to the development of pathogenic organisms with unique, unpredictable characteristics.” For as far into the future as we can possibly see, every passing day it becomes slightly easier to commit a violent catastrophe than it was the day before. Indeed, the rapid pace of advancing science helps explain why policies to prevent such a catastrophe are so complicated. Bioviolence Jihad? Some experts argue that terrorists and fanatics are not interested in bioviolence and that the danger might therefore be overblown. Since there have been no catastrophic bioviolence attacks, these experts argue, terrorists lack the intention to make bioweapons. Hopefully, they are correct. But an enormous amount of evidence suggests they are wrong. From the dawn of biology’s ability to isolate pathogens, people have pursued hostile applications of biological agents. It is perilous to ignore this extensive history by presuming that today’s villains are not fervent about weaponizing disease. Not a single state admits to having a bioweapons program, but U.S. int e l l i g e n c e o f f i c i a l s a s s e r t t h a t a s many as 10 states might have active programs, including North Korea, Iran, and Syria. Moreover, many terrorist organizations have expressed interest in acquiring biological weapons. Whatever weight the taboo against inflicting disease might have for nation-states, it is obviously irrelevant to terrorists, criminals, and lunatics. Deterrence by threat of retaliation is essentially meaningless for groups with suicidal inclinations who are likely to intermingle with innocent civilians. Al -Qaeda and aff i l iat ed I s lami c fundamentalist organizations have overtly proclaimed their intention to develop and use bioweapons. The 11th volume of al-Qaeda’s Encyclopedia of Jihad is devoted to chemical and biological weapons. Indeed, alQaeda has acknowledged that “biological weapons are considered the least complicated and easiest to manufacture of all weapons of mass destruction.” Al-Qaeda is widely reported to have acquired legal pathogens via publicly available scientific sources. Before 9/11, al-Qaeda operatives reportedly purchased anthrax and plague from arms dealers in Kazakhstan, and the group has repeatedly urged followers to recruit microbiology and biotechnology experts. Follow ing th e Ta l iban ’ s fa l l , f iv e a l Qaeda biologi cal weapons labs in Afghanistan tested positive for anthrax. Documents calculating aerial dispersal methods of anthrax via balloon were discovered in Kabul, along with anthrax spore concentrate at a nearby vaccine laboratory. According to a lengthy fatwa commissioned by Osama bin Laden, jihadists are entitled to use weapons of mass destruction against the infidels, even if it means killing innocent women, children, and Muslims. No matter that these weapons cannot be specifically targeted. “[N]othing is a greater duty, after faith itself, than repelling an enemy attacker who sows corruption to religion and the world.” According to the fatwa, “No conditions limit this: one repels the enemy however one can.” The sentiment might be reprehen sible, but it is certainly not irrational. Even the most passionate terrorists must realize that conventional attacks are not bringing the West to its knees. The 9/11 strikes, the bombing of the Madrid and London subways, and numerous smaller attacks have all put civilization on edge, but history marches inexorably forward. A few thousand people can be killed, yet Western armies still traverse the world, and Western economies still determine winners and losers. From this perspective, the stakes must be raised. Bioviolence is perhaps the most dire, easiest means to execute existential danger. What Might Bioviolence Accomplish? Envision a series of attacks against capitals of developing states that have close diplomatic linkages with the United States. The attacks would carry a well-publicized yet simple warning: “If you are a friend of the United States, receive its officials, or suppo r t i t s po l i c i e s , thou sand s o f y o u r p e o p l e wi l l g e t s i c k . ” How many a t ta ck s in how many c i t i e s would it take before international diplomacy, to say nothing of international transit, comes to a crashing halt? In comparison to use of conventional or chemical weapons, the potential death toll of a bioattack could be huge . Al though the numbe r of victims would depend on where an attack takes place, the type of pathogen, and the sophistication of the weapons maker, there is widespread consensus among experts that a heightened attack would inflict casualties exceedable only by nuclear weapons. In comparison to nuclear weapons, bioweapons are far easier and cheaper to make and transport, and they can be made in facilities that are far more difficult to detect. The truly unique characteristic of c e r t a i n bioweapons t h a t d i s t i nguishes them from every other type of weapon is contagion. No other type of weapon can replicate itself and spread. Any other type of attack, no matter how severe, occurs at a certain moment in time at an identifiable place. If you aren’t there, you are angry and upset but not physically injured by the attack. An attack with a contagious agent can uniquely spread, potentially imperiling target populations far from where the agents are released. A b i o - o ff e n d e r c o u l d i n f e c t h i s minions with a disease and send them across borders before symptoms are obvious. Carriers will then spread it to other unsuspecting victims who would themselves become extended bioweapons, carrying the disease indiscriminately. There are challenges in executing such an attack, but fanatical terrorist organizations seem to have an endless supply of willing suicide attackers. All this leads to the most important characteristic of bioviolence: It raises incomparable levels of panic. Contagious bioviolence means that planes fly empty or perhaps don’t fly at all. People cancel vacation and travel plans and refuse to interact with each other for fear of unseen affliction. Public entertainment events are canceled; even going to a movie becomes too dangerous. Ultimately, bioviolence is about hiding our children as everyone becomes vulnerable to our most fundamental terror: the fear of disease. For people who seek to rattle the pillars of modern civilization and perhaps cause it to collapse, effective use of disease would set in motion political, economic, and health consequences so severe as to call into question the ability of existing governments to maintain their citizens’ security. In an attack’s wake, no one would know when it is over, and no government could credibly tell an anxious population where and when it is safe to resume normal life. While it is difficult to specify when this danger will strike, there should be no doubt that we are vulnerable to a rupture. Just as planes flying into the Twin Towers on September 11, 2001, instantly became a historical marker dividing strategic perspectives before from after, the day that disease is effectively used as an instrument of hate will profoundly change everything. If you want to stop modern civilization in its tracks, bioviolence is the way to go. The notion that no one will ever commit catastrophic bioviolence is simply untenable. What Can We Do? How can we confront these growing dangers? First, we must appreciate the global nature of the problem. Perpetrators from anywhere can get p a t h o g e n s f ro m v i r t u a l l y e v e r ywhe re . Biore s earch labs that onc e were concentrated in about two dozen developed states are proliferating, expanding the risk that lethal agents could be diverted and misused. The knowledge needed to weaponize pathogens is available on the Internet. An attack can be prep a r e d t h ro u g h e a s y n e tw o r k s o f transnational communication. Once a bioweapon is prepared, terrorists or other perpetrators from anywhere can slide across national boundaries and release disease anonymously. Once released, a contagious agent would spread without regard for boundaries, race, religion, or nationality. Public health responses would have to be internationally coordinated. New modes of international l egal coope rat ion would immediately be needed to investigate the crime. Thus, bioviolence dangers shrink the planet into an interdependent neighborhood. It makes no sense for any particular country to try to insulate its homeland from these dangers. No missile defense system will p ro t e c t u s f rom b i o v i o l e n c e . Improved border security will not keep disease at bay. National efforts to enhan c e m ed i ca l p repa redn e s s hav e virtues, but these defenses can be readily circumvented. To prevent bioviolence requires policies that focus on humanity as a species and that are implemented everywhere with centralized governance. Antibioviolence policies must be global. Ye t , advanc ing ant i -bioviol enc e policies is what the international community does worst. Bioviolence dangers are unnecessarily high because national and international antibioviolence strategies are gap-ridden, often incoherent, and not globally observed. As a result, we are all virtually naked in the face of unacceptable dangers. No ot her t hreat pre s ent s such a s tark cont ras t between severity of harm and a failure of leadership to reduce risks. Most important, existing institutional arrangements are inadequate. In sharp contrast to most other global security challenges, there is no responsible international authority that defines relevant prohibitions and responsibilities, implements policies over time, or evaluates whether obligations are being fulfilled. With regard to global bioviolence prevent i o n p o l i c i e s , t h e r e ’ s n o b o d y i n charge. No one is responsible; no one is accountable. The absence of authority is profoundly dangerous. Bioviolence prevention and preparedness requires a sizable orchestra, made up of various instruments, to play complicated music in harmony. Today, there is not a bad “conductor”, there is no conductor at all. The result is cacophony. Simply stated, bioviolence is the dark s ide of global izat ion, ye t int e rna tional alarms of bioviolence ring nowhere! We need a comprehensive national and international strategy for bioviol enc e prevent ion . [Se e box: “Five S t r a t e g i e s f o r P r e v e n t i n g B i oviolence,” page 30.] Policies should be pursued within an integrated approach that enables each policy to gain strength from all the others. Such policies are potentially available and effective, but they demand progressive changes in our global order. The Security Mission Global bioviolence prevention and preparedness policies are imperative, but also imperative is recognition that the world faces natural disease horrors. Where mass public health challenges are daily phenomena, the risks of terrorists using pathogens must be weighed against more tangible natural threats. Simply stated, it is illegitimate to insist that every nation adopt policies for preventing human-inflicted disease without acknowledging the silent genocide of natural disease that is responsible for millions of deaths. But neither is it legitimate to view bioviolence dangers as distractions from efforts to combat natural disease and therefore to put off beneficial measures until those afflictions are defeated. To do so frustrates forward movement on cost-effective initiatives that could help build an international security architecture for advancing science and health. Thus, bioviolence prevention must be a facet of a broad international commitment to: 1. Prevent the spread of disease ( e .g. , through publ i c -heal th measures). 2. Enhance protection against and cures for disease (e.g., through vaccination and drug therapies). 3. Supervise the conduct of biological science. 4. Criminalize unauthorized or improper use of pathogens. From this foundation should flow a policy commitment to the growth of bioscience as a global public good. Policies to encourage its worldwide spread deserve vigorous support. This governance mission should, therefore, be conceived as a global covenant . As bios c i enc e goe s forward as a fundamental pillar of human progress, all nations must undertake common responsibilities to prevent bioviolence even as the burdens associated with those responsibilities are differentiated according to wealth and capability. From everyone according to their abilities—to all for the benefit of all. The United Nations’ Importance The United Nations represents the b e s t venu e fo r a new gove rnanc e platform that can accommodate the need for an integrated global strategy agains t bioviol enc e . Only the United Nations has the necessary in ternational legitimacy, and only the Uni t ed Nat ions can int egrat e the many sectors—health, law enforcement, science, military, emergency preparedness—that must devote expertise and resources. A primary consideration here is to minimize any bureaucratic reshuffling. There is certainly no need to modify or replicate existing capabilities. Many relevant governance tasks are already addressed by one or more international organizations. For example, the World Health Organization should continue to be responsible for addressing the health implications of a pandemic, whether natural or malevolent. Interpol should continue to be responsible for a d d re s s i n g b i o v i o l e n c e ’ s l aw e nforcement implications. Indeed, the UN’s role should be only to coordinate the performance of these tasks. Broadly viewed, the United Nations should be able to undertake three functions: First, a specific UN agency should stimulate bioscience development by incorporating security concerns into the fabric of scientific undertakings and by assisting countries in using bioscience in ways that are consistent with policies for preventing bioviolence. Because science, development, and security can and must be mutually reinforcing, this agency’s primary responsibilities would be to promote and distribute knowledge and build capacity to fulfill obligations, especially in developing nations. Second, a UN office should coordinate activities among the relevant international/regional organizations, professional networks, and expert bodies. For example, three major international organizations focus on health (World Health Organization, Animal Health Organization, and the Food and Agriculture Organization); Interpol and Europol both focus on law enforcement; a large array of organizations focus on conveyance of dangerous items (e.g., International Maritime Organization, International Civil Aviation Organization). This UN office should be a steering mechanism to engage each of these orga nizations’ specialized expertise and to identify synergies. Third, a Security Council Committee should be authorized to investigate bioviolence preparations as well as respond and coordinate assistance to a bioviolence attack. Situations that call for investigation or response arise rarely, but they carry disproportionate significance for international peace and security. The Security Council Committee should not advance programmatic agendas, but it should be able to wield expertise and political muscle in volatile situations. Its primary mission would be to enable the international community to sustain global order in the face of a bioviolence challenge. Ever since someone harnessed a new technology to create a weapon with more devastating effects, there has been a link—a double helix—between the progress of science and the pursuit of security. This is inevitable. These dangers of bioviolence do not a rg u e f o r re l i n q u i s h i n g s c i e n t i f i c progress, but they disprove notions tha t n ew cha l l eng e s can b e e ff e ct ive ly addre s s ed wi th ye s t e rday’ s policies. At bottom is a condition unique to this historical era: Scientific progress is intertwined with escalating malevolence threatening human security. Progressing capabilities improve our l ive s and ye t , inext r i cably, enable truly harmful weapons against humanity. Here are the challenges to international peace and security at the beginning of the third millennium. Failing to do the right thing in response to these challenges could have dire consequences for all humanity.

### Yep

#### Strong AQAP disrupts global trade

**The Week 8-7**-13 [International news service, “Yemen terror threat – why the West is so worried by AQAP,” <http://www.theweek.co.uk/world-news/54494/yemen-terror-threat-al-qaeda-aqap-west-worried>]

AQAP is a force to be reckoned with: It first emerged in 2007 after its parent organisation was defeated in Saudi Arabia. According to BBC security correspondent Frank Gardner, AQAP "is not the biggest offshoot of the late Osama bin Laden's organisation, nor is it necessarily the most active... But Washington considers AQAP to be by far the most dangerous to the West because it has both technical skills and global reach." It also has close links with al-Qaeda in Pakistan, and it is 'chatter' between leaders in Yemen and Pakistan that has prompted the current crisis.¶ The West cannot stamp it out: AQAP is sustained by local factors including wild terrain, economic misery, tribal divisions and the weakness of the Yemeni state, "battered by the Arab spring and the threat from secessionist movements", Ian Black of The Guardian explains. The US has used unmanned drones against terror cells but they are a double-edged sword and foster ill-feeling towards the west. "In Yemen, the US drones are deeply unpopular, sometimes hitting the wrong targets and wiping out whole extended families," says the BBC.¶ AQAP continues to thrive: Despite operating from remote Yemeni backwaters, the group produces a magazine called Inspire, which The Guardian describes as "a magnet for jihadists from Pakistan to Mali". The group's leader, Nasser al-Wahayshi, is now believed to be deputy leader of the entire al-Qaeda network while chief bombmaker Ibrahim al-Asiri has shown himself to be a sophisticated operator. In 2009 he "built an explosive device so hard to detect it was either packed flat next to the wearer's groin or perhaps even concealed inside his body," says the BBC. He was also behind the underpants bomb, worn by Omar Farouk Abdulmutallab.¶ Yemen rmains strategically important: "Yemen's control over one of the most important naval straits in the world, the Strait of Bab-el-Mandeb, which is located between Yemen and the Horn of Africa, underscores this geostrategic importance," says Geopolitical Monitor. "Commercial liners and oil tankers pass through the strait on their way to and from the Suez Canal. International stakeholders are concerned that al-Qaeda will take advantage of the current transitional conditions in Yemen to threaten shipping and international trade."

#### Global trading stability solves great power wars- collapse causes conflict

**Hillebrand ‘10** [Evan E., Senior Economist for the Central Intelligence Agency and Professor of Diplomacy at the University of Kentucky, Deglobalization Scenarios: Who Wins? Who Loses?, Global Economy Journal, Volume 10, Issue 2]  
  
A long line of writers from Cruce (1623) to Kant (1797) to Angell (1907) to Gartzke (2003) have theorized that economic interdependence can lower the likelihood of war. Cruce thought that free trade enriched a society in general and so made people more peaceable; Kant thought that trade shifted political power away from the more warlike 117 7 aristocracy, and Angell thought that economic interdependence shifted cost/benefit calculations in a peace-promoting direction. Gartzke contends that trade relations enhance transparency among nations and thus help avoid bargaining miscalculations. There has also been a tremendous amount of empirical research that mostly supports the idea of an inverse relationship between trade and war. Jack Levy said that, ―While there are extensive debates over the proper research designs for investigating this question, and while some empirical studies find that trade is associated with international conflict, most studies conclude that trade is associated with peace, both at the dyadic and systemic levels‖ (2003, p 127). There is another important line of theoretical and empirical work called Power Transition Theory that focuses on the relative power of states and warns that when rising powers approach the power level of their regional or global leader the chances of war increase (Tammen, Lemke, et al, 2000). Jacek Kugler (2006) warns that the rising power of China relative to the United States greatly increases the chances of great power war some time in the next few decades. The IFs model combines the theoretical and empirical work of the peace-through-trade tradition with the work of the power transition scholars in an attempt to forecast the probability of interstate war. Hughes (2004) explains how he, after consulting with scholars in both camps, particularly Edward Mansfied and Douglas Lemke, estimated the starting probabilities for each dyad based on the historical record, and then forecast future 118 8 probabilities for dyadic militarized interstate disputes (MIDs) and wars based on the calibrated relationships he derived from the empirical literature. The probability of a MID, much less a war, between any random dyad in any given year is very low, if not zero. Paraguay and Tanzania, for example, have never fought and are very unlikely to do so. But there have been thousands of MIDs in the past and hundreds of wars and many of the 16,653 dyads have non-zero probabilities. In 2005, the IFs base year—the last year of the data base and the starting year for all simulations—the average probability across the 183 countries represented in the model of a country being involved in at least one war was estimated to be 0.8%, with 104 countries having a probability of at least 1 war approaching zero. A dozen countries8, however have initial probabilities over 3%. The globalization scenario projects that the probability for war will gradually decrease through 2035 for every country—but not every dyad--that had a significant (greater than 0.5% chance of war) in 2005. The decline in prospects for war stems from the scenario’s projections of rising levels of democracy, rising incomes, and rising trade interdependence—all of these factors figure in the algorithm that calculates the probabilities. Not all dyadic war probabilities decrease, however, because of the power transition mechanism that is also included in the IFs model. The probability for war between China and the US, for example rises as the power9 of China rises gradually toward the US level but in these calculations the probability of a China/US war never gets very high.10 Deglobalization raises the risks of war substantially. In a world with much lower average incomes, less democracy, and less trade interdependence, the average probability of a country having at least one war in 2035 rises from 0.6% in the globalization scenario to 3.7% in the deglobalization scenario. Among the top-20 war-prone countries, the average probability rises from 3.9% in the globalization scenario to 7.1% in the deglobalization scenario. The model estimates that in the deglobalization scenario there will be about 10 wars in 2035, vs. only 2 in the Globalization Scenario11. Over the whole period, 2005-2035, the model predicts four great power wars in the deglobalization scenario vs. 2 in the globalization scenario.12 Winners and Losers Deglobalization in the form of reduced trade interdependence, reduced capital flows, and reduced migration has few positive effects, based on this analysis with the International Futures Model. Economic growth is cut in all but a handful of countries, and is cut more in the non-OECD countries than in the OECD countries. Deglobalization has a mixed impact on equality. In many non-OECD countries, the cut in imports from the rest of the world increases the share of manufacturing and in 61 countries raises the share of income going to the poor. But since average productivity goes down in almost all countries, this gain in equality comes at the expense of reduced incomes and increased poverty in almost all countries. The only winners were a small number of countries that were small and poor and not well integrated in the global economy to begin with—and the gains from deglobalization even for them were very small. Politically, deglobalization makes for less stable domestic politics and a greater likelihood of war. The likelihood of state failure through internal war, projected to diminish through 2035 212 1 with increasing globalization, rises in the deglobalization scenario particularly among the non-OECD democracies. Similarly, deglobalization makes for more fractious relations among states and the probability for interstate war rises.

## UQ

#### Drones are winning the war for us now – Kerry’s statements

Levine and Karimi 8/2, Adam Levine and Faith Karimi, “Kerry says Pakistan drone strikes to end ‘very soon’,” August 2, 2013, <http://www.cnn.com/2013/08/01/politics/pakistan-drones>

Following talks with the Pakistani government, Secretary of State John Kerry said the United States is making progress in the war on terror, and hopes to end the use of drone strikes "very soon."¶ The secretary of state told a Pakistani television station that President Barack Obama has a "very real timeline" for ending the strikes.¶ He did not provide specifics on the timeline.¶ "We hope it's going to be very, very soon," Kerry said Thursday, according to a transcript provided by the State Department.¶ "I believe that we're on a good track. I think the program will end as we have eliminated most of the threat and continue to eliminate it," Kerry said.¶ He added that the cessation depends on "a number of factors" and that Washington is working on it with the Pakistani government.¶ A State Department statement later addressed Kerry's remarks.¶ "Today, the secretary referenced the changes that we expect to take place in that program over the course of time, but there is no exact timeline to provide," the statement said.¶ However, it said, the goal is to get to a place where threats are eliminated and drones are not needed.¶ "Now, we're all realistic about the fact that there is a threat that remains and that we have to keep up ... the fight in this and other places around the world," Marie Harf, a State Department spokeswoman, said. "So this was in no way indicating a change in policy. It's really been reinforcing things I think we've said for months on this."¶ The United States ramped up strikes in the tribal region in the first few years of Obama's presidency. But the number of strikes in Pakistan has since dropped partly because of al Qaeda's decline in the country and more U.S. focus on threats from al Qaeda groups in other countries, such as Yemen.¶ In May, Obama defended the use of drone strikes as a necessary evil, but one that must be used with more temperance as the United States' security situation evolves.¶ America prefers to capture, interrogate and prosecute terrorists, but there are times when this isn't possible, Obama said in a speech at the National Defense University in Washington.¶ Terrorists intentionally hide in remote locations and putting boots on the ground is often out of the question, he said.¶ However, he urged caution and discipline.¶ "To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance," Obama said at the time. "For the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power -- or risk abusing it."¶ Increased oversight is important, but not easy, Obama said.¶ Drone strikes in the tribal regions bordering Afghanistan have drawn heated opposition in Pakistan because of civilian casualties.¶ The drone strikes have further roiled relations between the two nations, which flared following a 2011 raid by U.S. commandos on a compound in Abbottabad, Pakistan, that killed al Qaeda leader Osama bin Laden.¶

#### Terrorism has decreased drastically – we are winning and there is no impact

Bump 4/16, Philip Bump, writer for the Atlantic Wire, “In Fact, the US has been Winning the War on Terror,” April 16, 2013, <http://news.yahoo.com/fact-u-winning-war-terror-200054845.html>

Terror in the United States have evolved since 1970: once the tool of left-wing radicals, then right-wing radicals, terrorist attacks are now uncommon, often unsuccessful, and not nearly as deadly. We have heard a lot in recent days that the Boston Marathon bombing is the sort of attack we should expect. But historic data suggests it largely isn't. The University of Maryland is home to a project called START, the National Consortium for the Study of Terrorism and Responses to Terrorism. The project has tracked every terror attack around the world from 1970 to the end of 2011 and provides a database of their research [at their website](http://www.start.umd.edu/start/). (START[defines a terror attack](http://www.start.umd.edu/gtd/using-gtd/) as "the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.") After seeing [the Washington Post cite its data](http://www.washingtonpost.com/blogs/wonkblog/wp/2013/04/16/eight-facts-about-terrorism-in-the-united-states/), we took a look at what the full database shows about terror attacks. Relative to the rest of the world, the United States has had a high number of terror attacks since 1970.¶ The countries that have experienced the most terror attacks over the past four decades are those you might suspect: Iraq, Colombia, India, and Pakistan. Others may be less expected for all but experienced foreign policy buffs: Spain, Peru, Turkey. The United States is 14th on the list — ahead of Chile, Guatemala, and Lebanon.¶ But there used to be far more attacks in the United States than there are now.¶ The number of attacks has plummeted since the early 1970s, when radical groups attacked police and businesses. There was a slight resurgence during the mid-1990s, when anti-abortion activists began attacking clinics and supporters. The spike in May of 2002 was the result of [a series of 18 pipe bombs](http://en.wikipedia.org/wiki/Luke_Helder) placed in mailboxes in the Midwest.¶ Most attacks in the United States have been in New York, California, and Florida.¶ California, New York, and Florida have, combined, seen as many terror attacks since 1970 as all of the rest of the states (and D.C.) combined. Massachusetts is eighth on the list, but it has seen fewer than 1/11th the attacks that California has.¶ The number of people killed and injured varies widely — but most attacks have zero fatalities.¶ In only 11 percent of attacks was anyone killed. Excluding one attack, all of the terror attacks since 1970 have averaged .19 deaths per attack, making any event with a fatality an aberration. The one exception that skews that number was 9/11. Including that attack raises that figure to 1.46 fatalities per attack. 9/11 comprises 86.6 percent of all terror-attack deaths in the U.S. since 1970. (It also necessitates that the scale used for deaths and injuries be logarithmic.)¶ People are slightly more likely to be wounded in attacks. An average of just over one person is wounded in each attack. The increase in fatalities visible in 2009 is almost entirely due to the shooting at Fort Hood.¶ Businesses are the most common target of attacks.¶ The target of attacks changes over time, but since 1970, more attacks have targeted businesses than anything else. Attacks on private citizens, which one would assume includes the attack in Boston, are third-most common.¶ Bombs are used in attacks most frequently.¶ Almost half of all terror attacks in the United States since 1970 have used bombs. Relatively few attacks have employed firearms as a primary strategy.¶ These trends are not static, but more recent attacks don't stray too far from the pattern. [In a report released last December](http://www.start.umd.edu/start/publications/START_IUSSDDataTerroristAttacksUS_1970-2011.pdf), START articulates data about attacks since 2001.¶ There were a total of 207 terrorist attacks in the United States between 2001 and 2011.¶ Total attacks declined from a high of 40 in 2001 to nine in 2011.¶ Between 2001 and 2011, we recorded a total of 21 fatal terrorist attacks in the United States.¶ The highest proportion of unsuccessful attacks since 1970 occurred in 2011, when four out of nine recorded attacks were unsuccessful. …¶ The most common weapons used in terrorist attacks in the United States from 2001 to 2011 were incendiary devices (53 percent of all weapons used) and explosives (20 percent of all weapons used).¶ Successful attacks are more and more rare; attacks that result in fatalities, rarer still. The attack in Boston did enormous physical and psychological damage. We can be somewhat consoled that it is an aberration.¶

## Link Wall

### AT: Transparency

### 1NC

#### Transparency collapses counter-terror- signals how to avoid response

Corn, 13 -- South Texas College of Law Presidential Research Professor of Law

[Geoffrey, former JAG officer and chief of the law of war branch of the international law division of the US Army, Lieutenant Colonel, U.S. Army (Retired), Senate Armed Services Committee Hearing, "The law of armed conflict, the use of military force, and the 2001 Authorization for Use of Military Force," Congressional Documents and Publications, 6-16-13, l/n, accessed 8-23-13, mss]

In terms of increased transparency, it is my opinion that Congress should be extremely cautious in demanding public disclosure of aspects of the targeting process beyond those that have already been disclosed by the Executive. To that end, I believe it is important to note that the Executive has disclosed substantial aspects of this process. In fact, in my thirty years of military and academic service, I cannot recall a period of time where Executive officials have been anywhere as open in disclosing strategic and operational decision-making processes than during this conflict. I believe demanding more transparency poses significant operational risk, and is, at this point in time, unjustified and unnecessary. While calls for greater transparency are certainly understandable, I believe **each additional layer** of disclosure **risks** **compromising** the effectiveness of **U.S. operations**. Ultimately, it is this effectiveness that must remain the priority interest in the transparency debate. It must also be noted that this risk is exacerbated by the nature of the threat and the threat identification methodology. Disclosing target identification methodology to a conventional enemy poses little risk - that enemy knows exactly what indicia of threat identification friendly forces will rely on, and cannot modify that indicia. **With an unconventional enemy**, this is not the case. Instead, **disclosure** **of** these **indicia** will **enable the enemy to alter** patterns of **behavior** in order **to avoid attack**. In my view, Congress certainly has a legitimate interest in being made aware of such indicia in a forum that ensures operational security. However, like so many wartime decisions, the public appetite for greater insight into these processes must yield to considerations of operational success.

### 2NC – Byman Extension

#### Drones key to counter-terror- they disrupt operations and communication, decapitate leaders and key specialists, eliminate save havens and training grounds- that’s Byman.

#### That outweighs- A. Denying safe havens makes international terrorism impossible

CRT, 6 [Country Reports on Terrorism, annual report published by the U.S. Department of State, "Chapter 3 -- Terrorist Safe Havens," 4-28-6, www.state.gov/j/ct/rls/crt/2005/, accessed 8-19-13, mss]

Physical safe havens provide security for many senior terrorist leaders, allowing them to plan and to inspire acts of terrorism around the world. The presence of terrorist safe havens in a nation or region is not necessarily related to state sponsorship of terrorism. In most instances cited in this chapter, areas or communities serve as terrorist safe havens despite the government’s best efforts to prevent this. Denying terrorists safe haven plays a major role in undermining terrorists’ capacity to operate effectively, and thus forms a key element of U.S. counterterrorism strategy as well as the cornerstone of UN Security Council Resolution 1373 that was adopted in September 2001. UNSCR 1373 specifically targets terrorists’ ability to move across international borders and find safe haven, to solicit and move funds, and to acquire weapons; it also calls on states that do not have laws criminalizing terrorist activity and support to enact such laws.

#### B. Denying large-group activity makes international terrorism impossible

Robb, 4 -- DOD counter-terrorism planner

[John, worked in the area of counterterrorism with the United States Special Operations Command, participating in global operations as a mission commander, pilot and mission planner, "The Optimal Size of a Terrorist Network," 3-24-4, globalguerrillas.typepad.com/globalguerrillas/2004/03/what\_is\_the\_opt.html, accessed 8-28-13, mss]

This chasm (between 9-25 members) nicely matches the problem period in the development of terrorist and guerrilla networks that studies of guerrilla groups refer to. The amount of damage a small (7-8 member) group can do is limited to narrow geographies and therefore does not represent a major threat. Once a network grows to 45-50 members, they can mount large attacks across multiple geographies. They are also very difficult to eliminate due to geographically dispersion of cells. However, during the transition to a larger group they are vulnerable to disruption. This vulnerability necessitates fast counter-terrorist action (this gives credibility to the military strategists who claim we didn't have enough troops in Iraq immediately after the war, nor were we quick enough to establish martial law) during that short period of time a network is transitioning in size.

### 2NC – Foreign Fighters

#### Drones deter foreign fighters- that’s the only threat to the US

Cilluffo, 12 -- George Washington University Homeland Security Policy Institute director

[Frank, previously served as special assistant to the president for homeland security under George W. Bush, "Open Relationship: The United States is Doing Something Right in the War on Terror," Foreign Policy, www.foreignpolicy.com/articles/2012/02/15/open\_relationship, accessed 8-19-13, mss]

But first, let's remember why this phenomenon matters. Foreign fighters, especially those emanating from the West, bolster terrorist and insurgent factions within conflict zones. Foreign fighters, as well as the bridge figures who recruit them, inspire, radicalize, and motivate individuals to the jihadi cause. Foreign fighters serve key operational and propaganda functions -- in essence, they provide both effect and affect. Their role makes them a threat to Western policy objectives. Together, their ability to return home, their Western passports, and their familiarity with potential targets they may select to attack make them a direct threat to Western security. There is no shortage of examples of Westerners who trained in the FATA and then went on to execute (or attempt to execute) attacks against the West. Consider Najibullah Zazi, who planned to bomb the New York City subway but was thwarted by U.S. law enforcement and intelligence officials. Or Faisal Shahzad, the so-called Times Square bomber, whose car bomb fortunately fizzled. Or Mohammad Sidique Khan, the ringleader of the 7/7 homicide/suicide bombings that killed more than 50 and wounded over 700 in London in 2005. Or Eric Breininger, a young German national featured in propaganda videos of the Islamic Jihad Union, who was ultimately killed in Waziristan. And the list goes on. It's definitely good news that there may be a drop in the number of Western foreign fighters traveling to the FATA, but it should come as no surprise. First and foremost, military actions -- including the use of drones -- have made the environment less hospitable for those traveling to it. These military activities have had significant operational effects on al Qaeda (and associated entities) by disrupting pipelines to the region, activities of key facilitators, and training camps. The challenge now is to continue, consolidate, and solidify these gains. Recent U.S. and allied military successes undoubtedly serve also as a strong deterrent. Think of it as suppressive fire: The more time al Qaeda and its ilk spend looking over their shoulders, the less time they have to train, plot, and execute terrorist attacks. And with al Qaeda senior leaders on their back heels, now is the time to exploit this unique window of counterterrorism opportunity by maintaining, if not accelerating, the operational tempo.

### 2NC – Disruption

#### Drones key to counter-terror- disruption

Young, 13 -- Harvard International Review associate staff

[Alex, “A Defense of Drones,” Harvard International Review, 2-25-13, http://hir.harvard.edu/a-defense-of-drones]

Critics also claim that eliminating only the senior leaders of terrorist organizations does not make significant progress in eradicating the group as a whole. This argument falls short on two fronts. First, killing the leaders of Al Qaeda, the Taliban, and similar networks does hinder their operations: decapitating terrorist groups interrupts their planning, recruitment, and execution of attacks – not necessarily because each leader is irreplaceably vital to the success of the group (although some are), but because the threat of death from the skies shifts the strategic calculations of living leaders, changing the actions of the group. The Los Angeles Times of March 22nd, 2009, quoting an anonymous counterterrorism official, reported that Al Qaeda leaders are wondering who's next to be killed in a drone strike and have started hunting down people inside al Qaeda who they think are responsible for collaborating with the US on drone strike planning. The threat of drone strikes sows divisive suspicion inside enemy groups and distracts them from accomplishing their objectives. Moreover, drone strikes have disrupted al Qaeda’s system for training new recruits. The Times of London reports that in 2009, Al Qaeda leaders decided to abandon their traditional training camps because bringing new members to a central location offered too easy a target for drone strikes. Foreign Policy emphasized this trend on November 2nd, 2012, arguing that, “destroying communication centers, training camps and vehicles undermines the operational effectiveness of al-Qaeda and the Taliban, and quotes from operatives of the Pakistan-based Haqqani Network reveal that drones have forced them into a ‘jungle existence’ where they fear for the lives on a daily basis.” The threat of death from the skies has forced extremist organizations to become more scattered. More importantly, though, drone strikes do not only kill top leaders; they target their militant followers as well. The New America Foundation, a think tank that maintains a database of statistics on drone strikes, reports that between 2004 and 2012, drones killed between 1,489 and 2,605 enemy combatants in Pakistan. Given that Al Qaeda, the Pakistani Taliban, and the various other organizations operating in the region combined do not possibly have more than 1,500 senior leaders, it follows that many, if not most, of those killed were low-level or mid-level members – in many cases, individuals who would have carried out attacks. The Los Angeles Times explains that, “the Predator campaign has depleted [Al Qaeda’s] operational tier. Many of the dead are longtime loyalists who had worked alongside Bin Laden […] They are being replaced by less experienced recruits.” Drones decimate terrorist organizations at all levels; the idea that these strikes only kill senior officials is a myth. The Obama Administration shows no signs of slowing down its drone war. A drone strike killed two prominent Al Qaeda members in South Waziristan on January 3rd, and four more on January 10th. Contrary to common criticisms of drone warfare, though, this continued use of unmanned airstrikes is absolutely a good course of action from the CIA and the White House. Drone warfare has proved to be a step forward, not backward, in the United States’ struggle to subdue international terrorist organizations. Unmanned airstrikes are highly accurate and effective at disrupting terrorism; drones are and must remain an integral part of the War on Terror.

### 2NC – Deterrence

#### Targetted killing deters key terrorists

Kroening, 12 -- Georgetown University government professor

[Matthew, and Barry Pavel, Atlantic Council vice president and director of the Brent Scowcroft Center on International Security at the Atlantic Council, “How to Deter Terrorism,” The Washington Quarterly, 35:2, Spring 2012, <http://csis.org/files/publication/TWQ_12Spring_Kroenig_Pavel.pdf>]

Direct response strategies are those that aim to deter an adversary by threatening to retaliate against the adversary for taking hostile action. This type of strategy is probably the most widely understood form of deterrence. These strategies also are sometimes referred to as ‘‘retaliation’’ or ‘‘punishment’’ strategies. While it may be true that it is difficult to deter suicide bombers with retaliatory threats, not all members of a terrorist network are suicide bombers. Many terrorist leaders, financiers, supporters, radical clerics, and other members of terrorist networks value their lives and possessions. Simple **threats of** imprisonment and **death** against these actors **can deter terrorist activity**. For example, the United Kingdom has shown that threatening imprisonment can deter radical clerics from preaching incendiary sermons. Before 2005, a number of clerics presided over large congregations in mosques in London and openly advocated terrorism against Western powers. Sheikh Omar Bakri Mohammed preached that Muslims will give the West ‘‘a 9/11 day, after day, after day’’ unless Western governments change their policies in the Middle East.7 These clerics also lived comfortable lives, making them vulnerable to cost imposition strategies. Many lived in stately manors in upscale London neighborhoods and could sometimes be seen on weekends with their families, carrying large shopping bags from fashionable department stores.8 After the July 2005 terrorist bombings in London, Tony Blair announced his intention to pass legislation that would ban the ‘‘glorification of terrorism.’’9 The law, passed in March 2006, had an immediate effect. Rather than face prosecution at the hands of British authorities, prominent clerics left the United Kingdom for other countries, or changed their tune nearly overnight, renouncing previous calls to incite violence and speaking out against terrorism.10 While Britain’s ‘‘glorification’’ law raises difficult civil liberty issues (many critics describe it as a partial ban on free speech), it also demonstrates that radical clerics can be deterred from preaching incendiary sermons by threatening imprisonment. Furthermore, other members of a terrorist organization’s support network also can be deterred by simple threats of retaliation. According to a 9/11 Commission Staff Report, for example, the Saudi government’s enhanced scrutiny of donors after 9/11 appears to have deterred some terrorist financing.11 The lesson for counterterrorism is clear: the simple threat to punish individuals engaging in terrorist activity can have a significant deterrent effect. The United States should, therefore, do more to work with friends and allies to put laws on the books (where they do not already exist) to punish terror activity, develop capabilities and partnerships to increase the probability that those participating in terrorism are identified, and work to make sure that terrorists whether operating on the battlefields of Afghanistan or the streets of London receive appropriate punishment. Sometimes, this could mean a prison sentence; others, a Predator drone strike. Moreover, terrorist organizations themselves might also be deterred by the threat of retaliation. While it has become cliche´ to point out that terrorists lack a return address, many successful organizations actually depend heavily on a safe haven from which to operate. Hamas controls Gaza, Hezbollah has Lebanon, and before 9/11 al-Qaeda was extended a safe haven in Afghanistan. To the degree that a state can threaten to revoke an important safe haven, terrorist leaders may be deterred. The Moro Islamic Liberation Front (MILF) in the Philippines, for example, may have been deterred from cooperating with Jemaah Islamiyah and al-Qaeda by the threat of U.S. retaliation.12

### 2NC – Decapitation

#### Drone decapitation key to counter-terror

Watts, 11 -- George Washington University Homeland Security Policy Institute senior fellow [Clinton, Navanti Group senior analyst, former U.S. Army Officer and former Special Agent with the FBI, and Frank J. Cilluffo, Director of HSPI, "Embrace, Don't Chase Yemen's Chaos," 7-14-11, securitydebrief.com/2011/07/14/countering-the-threat-posed-by-aqap-embrace-don’t-chase-yemen’s-chaos/, accessed 8-19-13, mss]

Of all the counterterrorism approaches attempted in recent years, no strategy has been more effective at disrupting AQ than targeted leadership decapitation, largely accomplished through drone and SOF operations. Bin Laden himself noted that AQ’s ability was extremely limited and persistently disrupted by the repeated elimination of his lieutenants by drone attacks. While they might be quickly replaced, replacements are usually less capable and charismatic than their predecessors. AQAP’s bombmaker, al Asiri, created three increasingly innovative bombs for recent AQAP terrorist plots and reports this week indicate he is aggressively pursuing a fourth generation device embedded in suicide bombers. Shabab’s Warsame likely sought out AQAP for bomb training from Asiri. Awlaki is an American-born cleric with global appeal and an in-depth understanding of the U.S. Eliminating AQAP’s key leaders such as Awlaki and Asiri will immediately reduce AQAP’s operational capability and AQAP will not readily be able to replace these two individuals. The strategy we advocated was limited, focused on the near term, and not designed to eliminate AQAP’s existence. Drones and SOF are for reducing AQAP’s immediate threat.

## Detterence

### 2NC- No impact

#### Prolif doesn’t cause wars- restraint wins out

**Goure ’12** [ Daniel Goure, PhD in international relations and Russian studies from the Johns Hopkins University, is a vice president of the Lexington Institute, was a member of the Defense Department’s Transition Team, served as director of the Office of Strategic Competitiveness for the Secretary of Defense and was a senior analyst with the Center for Naval Analyses, Science Applications International Corporation, SRS Technologies, R&D Associates and System Planning Corporation, has been a consultant for the Departments of State, Defense, and Energy, has been an adjunct professor in graduate programs at the Center for Peace and Security Studies at Georgetown University, and an adjunct professor at National Defense University, “Drones and the Changing Nature of Warfare: Hold the Presses!” <http://www.cato-unbound.org/2012/01/13/daniel-goure/drones-changing-nature-warfare-hold-presses>]

Despite the proliferation of drones, particularly by the United States, at best it can be argued that the proliferation of unmanned aerial systems (UASs) is changing tactics, particularly with respect to operations on land. The predominant mission of drones today is to collect information, primarily electro-optical data in the form of pictures and full motion video. The overwhelming majority of drone flying hours are conducted by systems such as Aerovironment’s Wasp, Puma, and Raven; Insitu’s ScanEagle; and Textron’s Shadow for the purpose of providing overwatch for maneuvering Army and Marine Corps units. Even the vaunted Predator, a variant of which, the MQ-9 Reaper, is the platform employed for armed strikes, is predominantly employed for intelligence, surveillance, and reconnaissance missions. The larger systems such as Northrop Grumman’s Global Hawk and Lockheed Martin’s stealthy RQ-170 Sentinel are intended solely to gather intelligence.¶ Armed drones serve a niche function. They are useful in situations where real-time tactical intelligence is required in order to launch a weapon and the operating environment is extremely benign. Because they can loiter in the area of a suspected target, waiting for positive identification and the proper time to strike with the least possibility of inflicting collateral damage, they are far less lethal than any other aerial weapons system.¶ Attempts to connect an increased tendency to use force are supported neither by the evidence nor by logic. The frequency and intensity of conflicts has declined even as the ability to conduct remote combat has increased exponentially. There were only a handful of drones available to the U.S. military when Operations Enduring Freedom and Iraqi Freedom began. The lack of unmanned systems appears to have posed no obstacle to the decision to initiate either operation.¶ It is difficult to accord any serious influence over the conduct of air operations in past or current conflicts to the presence of armed drones. In the era before drones, the U.S. imposed ten year long no-fly zones over northern and southern Iraq. In addition, the number of drone sorties in total is but a tiny fraction of all aerial sorties. Armed drone sorties constitute only a small fraction of total drone missions. Cortright notes that since 2009 there have been 239 drone strikes into Pakistan. However, for the month of January 2011, Coalition forces in Afghanistan flew 387 sorties in which guns were fired or munitions expended.[2] These statistics suggest a clear preference on the part of the military for manned aerial systems and not drones in the conduct of tactical air operations. Cortright also reports that 145 drone strikes were conducted during Operation Odyssey Dawn—the liberation of Libya. Actually this is an incorrect statement. While drones were used over Libya, these were not armed flights, hence they were sorties and not strikes. But this is good example of the breathless quality of much of the analysis today of the implications of drones for warfare. Look at the numbers. The U.S. alone conducted some 3,500 sorties during Operation Odyssey Dawn. So drones amounted to 4% of the total. By the way, the United States and United Kingdom also launched 228 Tomahawk cruise missiles during this operation, 112 on the first night of the conflict. If we are to accord to weapon systems influence over the decision to use force, then in the case of Libya, precedence must be given based simply on the number of sorties conducted to cruise missiles, aerial refueling tankers, tactical fighters, and even cargo planes before we come to the little-used drone.¶ The availability of unmanned aerial systems in no way makes conflict more likely or more brutal. Quite the opposite, in fact, seems to be the case. The presumption that were it not for the availability of drones, the U.S. would refrain from conducting military operations against terrorists based in Pakistan is highly dubious. We have an example of an alternative military option: Operation Enduring Freedom. As Joshua Goldstein pointed out in a recent article, the use of armed drones in Pakistan may have prevented the use of far bloodier means. “Armed drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way.”[3] According to Robert Woodward’s reporting on President Obama’s decision to deploy additional forces to Afghanistan in 2009, a number of senior advisors proposed a lower-cost, smaller deployment based on increased use of special operations forces and unmanned aerial vehicles.

#### Prolif impacts are hype- won’t cause war

**Trombly ‘12** [Dan, B.A. in International Affairs from George Washington University, Associate at Caerus Analytics, LLC, former Open Source Intelligence Analyst for GS5, LLC, former Research Assistant/Writer at the Foundation for Defense of Democracies, “Don't Fear Their Reapers,” June 13, <http://www.cnas.org/blogs/abumuqawama/2012/06/dont-fear-their-reapers.html>]

One of the most misleading ideas in commentary on modern weapons and warfare is that of the karmic theory of new weapons technology, particularly with regard to drones. Despite the many legitimate concerns about the legality, morality, and efficacy of targeted killing programs, commentators and analysts all too often engage in threatmongering about unmanned systems proliferation. We see it most often in articles like this one by Michael Ignatieff, or this by Steve Clemons asking ominous questions such as “What Happens When They Get Drones?” Adam has noted similar veins of commentary about cyberweapons. These arguments are doubly aggravating because they misunderstand both the nature of the platforms they discuss and the logic of strategic behavior in international relations, leading to a conclusion that cannot distinguish blowback or proliferation from karma, replacing what should be a debate centered on policy and empirical assessment with prophecy centered on instruments and unrealistic hypotheticals.¶ Many - and not just Clemons or Ignatieff - have worried about the proliferation of military technologies, and for good reasons. Some advantages are structural, but technological advantages are dynamic and impossible to preserve. In the case of drones, commentators and analysts have feared a coming “drone arms race” where someday Americans might face rival fleets of foreign drones, and concerns that U.S. policies policies of using drones to conduct targeted killings might somehow result in rival powers unleashing it on us.¶ But what does the U.S. really have to fear from Russian or Chinese drones, or a new norm of targeted killing? Whatever it does, it certainly won’t resemble what we’ve meted out to the rest of the world in the past decade, contrary to Ignatieff’s and others’ portentous warnings. I’ll venture a bold prediction here: in our lifetimes, no foreign power will ever deploy drones in a targeted killing campaign against the United States as it has employed drones in Pakistan or Yemen. To believe they would first requires misunderstanding the technology.¶ Firstly, drones capable of launching armed attacks from over-the-horizon are not extremely cheap, they are about as expensive as manned strike craft, as Winslow Wheeler has noted. Why AQ would want to spend dozens or hundreds of millions of dollars on a drone when they could furnish a martyr with a Cessna or bring in enormous quantities of operatives, firearms, or explosives in for the same price is completely beyond me. We’ve seen the face of the day when “the enemy has drones,” and it’s a nincompoop who thinks he can collapse the Pentagon with RC planes, not a technothriller antihero.¶ Secondly, when rival states get drones, they still won’t be able to conduct a targeted killing campaign in the U.S. without massively enhancing their conventional power projection. American drones operate from airbases in-theater, and they’ve never operated in airspace that wasn’t either cleared of hostile air defenses or under the control of a government granting tacit acquiescence to the strike program. The U.S. would have no compunctions shooting down hostile drones or laying waste to whatever facilities and governments were hosting or commanding them. In other words, outside of the context of a broader conventional operation against U.S. forces, it’s difficult to see the logic in another country launching drone strikes against the U.S.¶ Even in areas where the geographic and logistical constraints were conquerable, under what kind of scenario would a hostile state be able to launch drone strikes against U.S. interests and simply sit idly by and take it? To prevent America from retaliating would require destroying its conventional military capability, which means a general war. Drones do not create impunity. Diplomatic and military power to deter retaliation or noncompliance create impunity¶ Nor is there really a sensible reason a hostile power would need drones to conduct assassinations or bombings inside the U.S., if they chose that policy. As for the norm of “targeted killing,” many countries have used assassination as a method of dealing with enemies of the state - whether they be terrorists, criminals, or even just dissidents. Targeted killings predated drones, after all, and so have covert attacks inside U.S. borders. Proxy, terrorist, and criminal groups have already pioneered technologies and TTPs for killing Americans in foreign borders without a conventional ground invasion - they’re the ones that al Qaeda, the IRGC and Qods Force, the Soviet-era intelligence services, and others have been using for decades.¶ Other countries have even assassinated targets on American soil before - Pinochet’s DINA car bombed a Chilean dissident in Washington, DC, and revolutionary Iran had a counterrevolutionary activist shot in Bethesda. Why use drones when these simpler and more effective methods exist? The era of irregular assassinations and bombings against U.S. interests isn’t coming - it’s come and gone and come again, because drones are just a means to targeted killing that happened to be convenient for a wealthy superpower to employ against soft targets in permissive airspace, not the sine qua non of targeted killing itself.¶ The same conventional, geographical, and logistical constraints that prevent hostile aircraft from running rampant across the Western world, and the same prudential considerations that discourage rival powers from wantonly assassinating American citizens inside U.S. borders, will prevent drones from doing the same. Russia and China are far more likely to employ these aircraft against hostile non-state actors rather than fruitlessly dispatching them against the U.S. or its allies, except as part of a broader conventional conflict. Drones could proliferate to Russia, China, Pakistan, Iran, and whatever other states and Americans would never need to fear Ignatieff’s ludicrous threat of “the same heaven-sent vengeance” it inflicts upon foreign populations, because no power will ever have the geographical and strategic superiority the U.S. maintains over weak states and the militants operating within them.¶ There are merits to creating legal frameworks that clarify the use of targeted killings, but framing the problem as controlling the technology is absurd. An arms control framework on drones is a hollow thing, it protects Americans from weapons our enemies neither need nor would use in any plausible scenario. Threat assessments from technology proliferation should be based on plausible scenarios and strategic logic, not Kantian assumptions of moral equivalence divorced from the context of how the technology is actually used.

### 2NC/ 1AR- Accidental

#### Empirics disprove accidents escalate

Quinlan ‘9 (Sir Michael Quinlan, Former Permanent Under-Secretary of State UK Ministry of Defense, Thinking About Nuclear Weapons: Principles, Problems, Prospects, p. 63-69, The book reflects the author's experience across more than forty years in assessing and forming policy about nuclear weapons, mostly at senior levels close to the centre both of British governmental decision-making and of NATO's development of plans and deployments, with much interaction also with comparable levels of United States activity in the Pentagon and the State department, 2009)

There have certainly been, across the decades since 1945, many known accidents involving nuclear weapons, from transporters skidding off roads to bomber aircraft crashing with or accidentally dropping the weapons they carried (in past days when such carriage was a frequent feature of readiness arrangements it no longer is). A few of these accidents may have released into the nearby environment highly toxic material. None however has entailed a nuclear detonation. Some commentators suggest that this reflects bizarrely good fortune amid such massive activity and deployment over so many years. A more rational deduction from the facts of this long experience would however be that the probability of any accident triggering a nuclear explosion is extremely low. It might be further nested that the mechanisms needed to set of such an explosion are technically demanding, and that in a large number of ways the past sixty years have seen extensive improvements in safety arrangements for both the design and the handling of weapons. It is undoubtedly possible to see respects in which, after the cold war, some of the factors bearing upon risk may be new or more adverse; but some are now plainly less so. The years which the world has come through entirely without accidental or unauthorized detonation have included early decades in which knowledge was sketchier, precautions were less developed, and weapon designs were less ultra-safe than they later became, as well as substantial periods in which weapon numbers were larger, deployments immure widespread arid diverse, movements more frequent, and several aspects of doctrine and readiness arrangements more tense. Similar considerations apply to the hypothesis of nuclear war being mistakenly triggered by false alarm. Critics again point to the fact, as it is understood, of numerous occasions when initial steps in alert sequences for US nuclear forces were embarked upon, or at least called for, by indicators mistaken or misconstrued. In none of these instances, it is accepted, did matters get at all near to nuclear launch—extraordinary good fortune again, critics have suggested. But the rival and more logical inference from hundreds of events stretching over sixty years of experience presents itself once more: that the probability of initial misinterpretation leading far towards mistaken launch is remote. Precisely because any nuclear weapon processor recognizes the vast gravity of any launch, release sequences have many steps, and human decision is repeatedly interposed as well as capping the sequences. To convey that because a first step was prompted the world somehow came close to accidental nuclear war is wild hyperbole, rather like asserting, when a tennis champion has lost his opening service game, that he was nearly beaten in straight sets. History anyway scarcely offers any ready example of major war started by accident even before the nuclear revolution imposed an order-of-magnitude increase of caution. In was occasion conjectured that nuclear war might be triggered by the real but accidental or unauthorized launch of a strategic nuclear-weapon delivery system in the direction of a potential adversary. No such launch is known to have occurred in over sixty years. The probability of it is therefore very low. But even if it did happen, the further hypothesis of it initiating a general nuclear exchange is far-fetched. It fails to consider the real situation of decision-makers, as pages 63-4 have brought out. The notion that cosmic holocaust might be mistakenly precipitated in this way belongs to science fiction.

### 2NC/ 1AR- Nuclear Primacy

#### Nuclear not key

Beckley ‘12 **--** Harvard Belfer Center International Security research fellow (Michael, research fellow in the International Security Program at Harvard Kennedy School's Belfer Center for Science and International Affairs, he will become an assistant professor of political science at Tufts University in the fall of 2012, "China's Century?" International Security, Winter 11/12, l/n, accessed 2-9-12, mss)

The RAND study found that nuclear weapons were of less importance than conventional capabilities for national influence. Thus, I do not consider them in the following analyses. The authors of the RAND study explain: " Even though nuclear weapons have become the ultima ratio regum in international politics, their relative inefficacy in most situations other than those involving national survival implies that their utility will continue to be significant but highly restricted. The ability to conduct different and sophisticated forms of conventional warfare will, therefore, remain the critical index of national power because of its undiminished utility, flexibility, responsiveness and credibility." n82

#### Deterrence is sufficient in the status quo – primacy is a paper tiger

Bin ‘6 (Li Bin, a Chinese physicist, works on arms control and international security, professor of the Department of International Relations and Institute of International Studies, Tsinghua University, directs the Arms Control Program at Tsinghua University, 2006, “Paper Tiger with Whitened Teeth”, Issue 4, http://www.chinasecurity.us/index.php?option=com\_content&view=article&id=213&Itemid=8&lang=zh)

The Lieber and Press paper also raises the concern that China might use nuclear weapons to destroy American cities if the United States supports the separatists in Taiwan in a war for separation, a suggestion which arose from a Chinese military scholar.6 In fact, a more accurate interpretation of this comment is that China could extend its nuclear deterrence to dissuade mass conventional attack from the United States in a Sino-U.S. war over Taiwan. The idea is that China could compensate for its conventional inferiority vis-à-vis the United States by adding the influence of nuclear weapons. However, the United States should not be concerned about this for two reasons. First, China’s leaders fully understand that nuclear weapons are a paper tiger in this kind of conventional conflict. No matter who is defeated in conventional war (if it ever came to that), neither China nor the United States would be able to alter the outcome using nuclear weapons. The second reason is that to deter a nuclear attack (minimum deterrence) does not require nuclear primacy. A retaliatory nuclear force larger than the base criterion described by Robert McNamara should be sufficient for this purpose.7 The coercive power of minimum nuclear deterrence (deterring others from using nuclear weapons) has been held by the United States for over half a century. If the United States would achieve nuclear primacy today, it would make little contribution to the U.S. minimum nuclear deterrence.

#### History proves

Blair and Yali ‘6 (Bruce G. Blair, President of the World Security Institute, author of numerous articles and books on security issues including the Logic of Accidental Nuclear War and Global Zero Alert for Nuclear Forces, and Chen Yali, editor in chief of Washington Observer, a Program Manager of Chen Shi China Research Group, Autumn 2006, “The Fallacy of Nuclear Primacy”, pp. 51-77, World Security Institute, <http://www.wsichina.org/cs4_4.pdf>.)

All sides all but ignored the theoretical first strike capability of the United States during the past 15 years (and much longer in the case of China). This history is not a perfect crucible for testing all of the professors’ hypotheses, but the preponderance of evidence so far refutes their argument. What this recent history really seems to be suggesting is that U.S. nuclear primacy is an academic artifice that was and is practically useless for understanding America’s relations with other nuclear powers. Nuclear primacy in modern times offers no exploitable political leverage. Russia and China appear quite confident in their deterrent arsenals in spite of the lopsided U.S. advantage estimated by models of nuclear war.

## Ilaw

### 2NC No Impac to CIL

#### No impact to international law – hegemonic power consolidation, varied state interests, and lack of an enforcement authority gut its effectiveness – that’s Acharya

#### **Empirics disprove effectiveness, and international organizations solve the impact**

Kim et al. 13 – Assistant Professor of Sociology at Ewha Womans University. She received her Ph.D. from University of Minnesota in 2012. She studies the interplay between globalization and law (Minzee, Wesley Longhofer, Assistant Professor of Organization & Management in the Goizueta Business School at Emory University, Elizabeth Heger Boyle, Professor of Sociology & Law at the University of Minnesota, Hollie Nyseth Brehm, Ph.D. Candidate in the Department of Sociology at the University of Minnesota, September, “When Do Laws Matter? National Minimum-Age-of-Marriage Laws, Child Rights, and Adolescent Fertility, 1989-2007,” 47 Law & Soc'y Rev. 589, Lexis)

We expect world polity norms, represented by international treaties and ties to international nongovernmental organizations (INGOs), to affect adolescent fertility as well. Previous research tends to find a weak effect of international laws on desired outcomes, such as in the cases of physical integrity rights (Hafner-Burton & Tsutsui 2005), children's survival and development rights (Boyle & Kim 2009), and governments' material commitment to free, universal education (Kim & Boyle 2011; but see Simmons 2009). In such studies, the effect of ratifying international treaties is often indirect, operating through other mechanisms like international organizations. Still, we hypothesize that the ratification of treaties concerned with child marriage will be associated with decreases in adolescent fertility over time, although it is possible this effect will be offset by other global factors.

### 2NC/1AR- Warming No Impact

#### Archeology disproves environmental extinction

AFP ’13 (Agence France-Presse, “Climate change boosted human development: study”, May 21, 2013)

PARIS — Early humans living in South Africa made cultural and industrial leaps in periods of wetter weather, said a study Tuesday that compared the archaeological record of Man's evolution with that of climate change. Anatomically modern humans, Homo sapiens, first made their appearance in Africa during the Middle Stone Age which lasted from about 280,000 to 30,000 years ago. Some of the earliest examples of human culture and technology are found in South Africa -- with fossil evidence of innovative spurts whose cause has left scientists puzzled. The record reveals that a notable period of human advancement occurred about 71,500 years ago, and another between 64,000 and 59,000 years ago. Examples of such innovation include the use of symbols, linked to the development of complex language, in engravings, the manufacture and use of stone tools and personal adornment with shell jewellery. "We show for the first time that the timing of... these periods of innovation coincided with abrupt climate change," study co-author Martin Ziegler of the Cardiff University School of Earth and Ocean Sciences told AFP of the study in the journal Nature Communications. "We found that South Africa experienced wetter conditions during these periods of cultural advance. "At the same time, large parts of sub-Saharan Africa experienced drier conditions, so that South Africa potentially acted as a refugium for early humans." Ziegler and a team reconstructed the South African climate over the past 100,000 years using a sediment core drilled out from the country's east coast. The core shows changes in river discharge and rainfall. "It offers for the first time the possibility to compare the archaeological record with a record of climate change over the same period and thus helps us to understand the origins of modern humans," Ziegler said by email. Co-author Chris Stringer of London's Natural History Museum said the findings supported the view that population growth fuelled cultural advancement through increased human interactions. "Such climate-driven pulses in southern Africa and more widely were probably fundamental to the origin of key elements of modern human behaviour in Africa and to the subsequent dispersal of Homo sapiens from its ancestral homeland," concluded the study.

#### Alt causes to the terminal impact outweigh

Guterl ’13 (Fred Guterl is an award-winning journalist and executive editor of Scientific American. He worked for ten years at Newsweek, most recently as deputy editor, covering the most important trends in science, technology, and international affairs. He lives in the New York City area with his wife and two children, “Animal Forecast Could Humans Go Extinct?”, http://mobile.slate.com/articles/health\_and\_science/animal\_forecast/2013/02/human\_extinction\_could\_a\_mass\_extinction\_kill\_homo\_sapiens.html, February 22, 2013)

If a mass extinction is happening, climate change would not have had much time to factor into it. Most of the species loss has so far has had little to do with pumping carbon into the atmosphere. Humans as a species have ravaged the Earth in many other ways. Fishing the waters with factory trawlers, clearing forests for wood and palm oil plantations, carrying strange flora and fauna in the bilge of ships from port to port—all these things, and more, have contributed.

#### Warming won’t cause extinction

Barrett ‘7 (Scott, Professor of natural resource economics @ Columbia University, “Why Cooperate? The Incentive to Supply Global Public Goods, introduction”, 2007)

First, climate change does not threaten the survival of the human species.5 If unchecked, it will cause other species to become extinction (though biodiversity is being depleted now due to other reasons). It will alter critical ecosystems (though this is also happening now, and for reasons unrelated to climate change). It will reduce land area as the seas rise, and in the process displace human populations. “Catastrophic” climate change is possible, but not certain. Moreover, and unlike an asteroid collision, large changes (such as sea level rise of, say, ten meters) will likely take centuries to unfold, giving societies time to adjust. “Abrupt” climate change is also possible, and will occur more rapidly, perhaps over a decade or two. However, abrupt climate change (such as a weakening in the North Atlantic circulation), though potentially very serious, is unlikely to be ruinous. Human-induced climate change is an experiment of planetary proportions, and we cannot be sur of its consequences. Even in a worse case scenario, however, global climate change is not the equivalent of the Earth being hit by mega-asteroid. Indeed, if it were as damaging as this, and if we were sure that it would be this harmful, then our incentive to address this threat would be overwhelming. The challenge would still be more difficult than asteroid defense, but we would have done much more about it by now.

### 2NC No Water Wars

#### No impact to water scarcity- most recent studies prove

Walsh 13 (Brian, is a senior writer for TIME magazine, covering energy and the environment, citing Wendy Barnaby who is editor of *People & Science*, the magazine published by the British Science Association, December 10, 2013, “New Mideast Pipeline Deal Shows Why Water Doesn’t Start Wars”, http://science.time.com/2013/12/10/new-mideast-pipeline-deal-shows-why-water-doesnt-start-wars///TS)

On Dec. 9, Israel, Jordan and the Palestinian Authority signed a major deal that calls for the construction of a large desalination plant in Jordan that would take billions of gallons of water from the Dead Sea and convert it to clean drinking water—water that would be shared by Jordan and Israel. The leftover brine water would be pumped via a new, 100-mile pipeline and discharged back into the Dead Sea, the massive lake that has water 10 times as salty as that found in the oceans. The deal also calls for Israel to increase the amount of water it sells to the parched Palestinian Authority by as much as 30 million cu. meters. Silvan Shalom, the Israeli water and energy minister, called the agreement “of the highest diplomatic, economic, environmental and strategic importance.” My colleague Karl Vick in Jerusalem has more on the deal, which environmentalists have a number of qualms about. The Dead Sea has been shrinking for years, with the lake’s surface area declining by 20% over the past two decades as water from the River Jordan, which feeds into the Dead Sea, has been appropriated for farming and domestic use in Israel, Syria and Jordan. The deal itself looks to be much smaller than a mega-project that has been on the drawing board for almost 20 years. But even if the Dead Sea deal is less than historic, it’s still a deal, hammered out by entities that usually have a hard time even speaking to each other. And it’s a reminder that contrary to the much-repeated phrase that “the next world war will be fought over water,” similar deals tend to be the rule with international disputes over water, not the exception. Far from being a source of violent conflict—like religion or oil—water is something that even bitter rivals can usually sit down and discuss, however reluctantly. I don’t blame you if you don’t believe me. The idea that water is a limited resource that will inevitably be the source of conflict in arid regions of the world is considered a given in many security, foreign policy and environmental circles. Just see this piece, or this one, or that one. Or this piece, or this one, or that one. (And those are just from 2013.) Water wars were even the subject of the 2008 James Bond film Quantum of Solace—the one with the eco-villain named Greene who was going to corner the Bolivian market on water, which I have to say, is pretty dull compared to irradiating the gold in Fort Knox (Goldfinger) or flooding all of Silicon Valley (A View to a Kill). Even Mark Twain, referring to disputes between Western U.S. states over the Colorado River, memorably said that “whiskey is for drinking. Water is for fightin’ over.” But when it comes to actual armed conflict—as opposed to wars of words—I’m sorry to say that Mr. Twain has it wrong. That’s what science journalist Helen Barnaby discovered when she began work a number of years ago on a proposed book about water wars. In the course of her research, Barnaby discovered that there hasn’t been an actual war between two nations over water for about 4,500 years, back when Lagash and Umma, two Mesopotamian city-states located in what is now southern Iraq, took up arms over boundary canals. Sandra Postel and Aaron Wolf found that between the years of 805 and 1984, countries signed more than 3,600 water-related treaties. Their analysis of 1,831 international water-related treaties over the second half of the 20th century found that two-thirds of the encounters were of a cooperative nature. India and Pakistan have abided by the World Bank-arbitrated Indus Waters Treaty since 1960, and none of the three wars the bitter rivals have fought were caused by water disputes. Even as Palestinians and Israelis kill each other, water professionals on both sides interact through the Joint Water Committee, established by the Oslo-II Accords in 1995. As Barnaby put it herself in a Nature essay in 2009: Countries do not go to war over water, they solve their water shortages through trade and international agreements. Cooperation, in fact, is the dominant response to shared water resources. Drawing on research from Tony Allan at the School of Oriental and African Studies in London and the late Gideon Fishelson from Tel Aviv University, Barnaby notes that much of the water we consume is actually “embedded” in the goods we consume, like fruits and vegetables. (This is also known as “virtual water.”) While temperate countries like the U.S. can produce more than enough water to meet their population’s needs—about 1 cu. meter per year for drinking, 100 cu. meters for washing and cleaning, and 1,000 cu. meters a year to grow food—arid countries like Israel have long since outgrown their water supplies, as Barnaby writes: Ten million people now live between the Jordan River and the Mediterranean Sea. If they were to be self-sufficient in food, they would need ten billion cu. meters of water per year. As it is, they have only about one-third of that: enough to grow 15-20% of their food. They import the rest in the form of food. More virtual water flows into the Middle East each year in the form of imported grain that flows down the Nile to farmers in Egypt. Nations cooperate on water, through trade and treaties, because they have no other choice. And that’s a good thing, because it means that water is one area where even fractious countries are forced by their own needs to negotiate with each other. They may threaten war over water, but they almost never resort to it.

#### Private sector and treaties solves their impact

Lee 3/22 (Sylvia Lee leads the water program at the Skoll Global Threats Fund. World Water Day 2013: Water as a Catalyst for Peace http://www.forbes.com/sites/skollworldforum/2013/03/22/world-water-day-2013-water-as-a-catalyst-for-peace/)

The news is not all dire. Historically, water has acted as a catalyst for peace. In fact, studies by experts have found that countries are more likely to cooperate over water than to fight over water. The Indus Water Treaty has withstood the test of two wars between India and Pakistan. During the Vietnam War, countries in the Mekong River basin still continued technical negotiations. After independence, nine countries in the Niger River Basin in Africa created a joint river basin authority to cooperatively manage their joint water resources. In fact, over 3,600 water-related treaties have been signed in the past 1200 years. The role to promote and improve water cooperation is not only confined to governments. Skoll Award for Social Entrepreneur, [Friends of the Earth Middle East/Ecopeace](http://www.foeme.org/www/?module=home), is a unique organization that brings together Jordanian, Palestinian and Israeli environmentalists to promote cooperative efforts to protect the Jordan River Basin and the Mountain Aquifer in the West Bank. IUCN’s Ecosystems for life project bring together scientists from India and Bangladesh to do joint research projects across boundaries. The private sector has been actively engaged in various discussions and joint initiatives such as the [CEO Water Mandate](http://www.unglobalcompact.org/Issues/Environment/CEO_Water_Mandate/), the Alliance for Water Stewardship, and the [World Business Council for Sustainable Development](http://www.wbcsd.org/) to develop a set of guidelines for the private sector to engage in water and define “good water stewardship”. Since water is a common property resource, no one owns the problem and no one owns the solution. To tackle one of the biggest challenges we face in the 21st century, we need to continue to find innovative ways to cooperate and work together to provide water security for all.

#### New tech solves

Wadhwa 3/5 (Vivek, Vivek Wadhwa is an Indian-American technology entrepreneur and academicForget The Sequester: Entrepreneurs Are Saving The Future http://www.forbes.com/sites/singularity/2013/03/05/forget-the-sequester-entrepreneurs-are-saving-the-future/)

We are also making headway in solving the global water crisis. Waterborne viruses are responsible for the majority of disease in the developing world. There are predictions that countries such as India, China, and parts of the Middle East will run out of water and that wars will break out over supplies. This seems paradoxical: 71% of the earth’s surface is water, and sanitizing and converting seawater is as simple as boiling it and condensing the vapor. The problem is the cost of energy—it is prohibitively expensive to do this in quantity. Two exciting solutions to the water problem are already working and ready to scale. The first is a product by Dean Kamen called Slingshot. Kamen is the inventor of the Segway personal transporter, an insulin pump, and many other breakthroughs. Slingshot is a vapor-compression water-purification machine that can produce about 30 liters of 100% pure distilled water per hour using the same power as a hair dryer consumes. It can transform dirty water from any source: rivers, oceans, and even raw sewage. Slingshot has been under development for more than a decade and was recently tested by Coca-Cola in five towns in Ghana for six months. The devices worked flawlessly. Kamen told me that he expects that Slingshot will cost less than $2000 when mass produced and will not require any maintenance or servicing for seven years. One device will produce enough clean water to support a village of 300 people. Coca Cola plans to test it in dozens of locations this year and will expects to roll it out on a larger scale next year. I hope that other organizations will also license the technology from Kamen and alleviate worldwide disease and suffering.

#### Their evidence is apocalyptic

Wolf et al. ‘5 (Aaron T. Wolf is Associate Professor of Geography in the Department of Geosciences at Oregon State University and Director of the Transboundary Freshwater Dispute Database. Annika Kramer is Research Fellow and Alexander Carius is Director of Adelphi Research in Berlin. Geoffrey D. Dabelko is the Director of the Environmental Change and Security Project at the Woodrow Wilson International Center for Scholars in Washington, D.C, “State of the World 2005 Global Security Brief #5: Water Can Be a Pathway to Peace, Not War by A. T. Wolf - A. Kramer - A. Carius - G. ... on”, June 1, 2005)

“Water wars are coming!” the newspaper headlines scream. It seems obvious—rivalries over water have been the source of disputes since humans settled down to cultivate food. Even our language reflects these ancient roots: “rivalry” comes from the Latin rivalis, or “one using the same river as another.” Countries or provinces bordering the same river (known as “riparians”) are often rivals for the water they share. As the number of international river basins (and impact of water scarcity) has grown so do the warnings that these countries will take up arms to ensure their access to water. In 1995, for example, World Bank Vice President Ismail Serageldin claimed that “the wars of the next century will be about water.” These apocalyptic warnings fly in the face of history: no nations have gone to war specifically over water resources for thousands of years. International water disputes—even among fierce enemies—are resolved peacefully, even as conflicts erupt over other issues. In fact, instances of cooperation between riparian nations outnumbered conflicts by more than two to one between 1945 and 1999. Why? Because water is so important, nations cannot afford to fight over it. Instead, water fuels greater interdependence. By coming together to jointly manage their shared water resources, countries build trust and prevent conflict. Water can be a negotiating tool, too: it can offer a communication lifeline connecting countries in the midst of crisis. Thus, by crying “water wars,” doomsayers ignore a promising way to help prevent war: cooperative water resources management. Of course, people compete—sometime violently—for water. Within a nation, users—farmers, hydroelectric dams, recreational users, environmentalists—are often at odds, and the probability of a mutually acceptable solution falls as the number of stakeholders rises. Water is never the single—and hardly ever the major—cause of conflict. But it can exacerbate existing tensions. History is littered with examples of violent water conflicts: just as Californian farmers bombed pipelines moving water from Owens Valley to Los Angeles in the early 1900s, Chinese farmers in Shandong clashed with police in 2000 to protest government plans to divert irrigation water to cities and industries. But these conflicts usually break out within nations. International rivers are a different story. The world’s 263 international river basins cover 45.3 percent of Earth’s land surface, host about 40 percent of the world’s population, and account for approximately 60 percent of global river flow. And the number is growing, largely due to the “internationalization” of basins through political changes like the breakup of the Soviet Union, as well as improved mapping technology. Strikingly, territory in 145 nations falls within international basins, and 33 countries are located almost entirely within these basins. As many as 17 countries share one river basin, the Danube. Contrary to received wisdom, evidence proves this interdependence does not lead to war. Researchers at Oregon State University compiled a dataset of every reported interaction (conflictive or cooperative) between two or more nations that was driven by water in the last half century. They found that the rate of cooperation overwhelms the incidence of acute conflict. In the last 50 years, only 37 disputes involved violence, and 30 of those occurred between Israel and one of its neighbors. Outside of the Middle East, researchers found only 5 violent events while 157 treaties were negotiated and signed. The total number of water-related events between nations also favors cooperation: the 1,228 cooperative events dwarf the 507 conflict-related events. Despite the fiery rhetoric of politicians—aimed more often at their own constituencies than at the enemy—most actions taken over water are mild. Of all the events, 62 percent are verbal, and more than two-thirds of these were not official statements. Simply put, water is a greater pathway to peace than conflict in the world’s international river basins. International cooperation around water has a long and successful history; some of the world’s most vociferous enemies have negotiated water agreements. The institutions they have created are resilient, even when relations are strained. The Mekong Committee, for example, established by Cambodia, Laos, Thailand, and Viet Nam in 1957, exchanged data and information on the river basin throughout the Viet Nam War. Israel and Jordan held secret “picnic table” talks to manage the Jordan River since 1953, even though they were officially at war from 1948 until the 1994 treaty. The Indus River Commission survived two major wars between India and Pakistan. And all 10 Nile Basin riparian countries are currently involved in senior government–level negotiations to develop the basin cooperatively, despite the verbal battles conducted in the media. Riparians will endure such tough, protracted negotiations to ensure access to this essential resource and its economic and social benefits. Southern African countries signed a number of river basin agreements while the region was embroiled in a series of wars in the 1970s and 1980s, including the “people’s war” in South Africa and civil wars in Mozambique and Angola. These complex negotiations produced rare moments of peaceful cooperation. Now that most of the wars and the apartheid era have ended, water management forms one of the foundations for cooperation in the region, producing one of the first protocols signed within the Southern African Development Community (SADC).

#### No water wars

**Barnaby ‘9** (Wendy, editor of People & Science, the magazine published by the British Science Association, “Do nations go to war over water?,”, <http://www.nature.com/nature/journal/v458/n7236/full/458282a.html>, March 19, 2009)

The United Nations warned as recently as last week that climate change harbours the potential for serious conflicts over water. In its World Water Development Report1 of March 2009, it quotes UN Secretary-General Ban Ki-moon noting the risk of water scarcity "transforming peaceful competition into violence". It is statements such as this that gave birth to popular notions of 'water wars'. It is time we dispelled this myth. Countries do not go to war over water, they solve their water shortages through trade and international agreements. Cooperation, in fact, is the dominant response to shared water resources. There are 263 cross-boundary waterways in the world. Between 1948 and 1999, cooperation over water, including the signing of treaties, far outweighed conflict over water and violent conflict in particular. Of 1,831 instances of interactions over international freshwater resources tallied over that time period (including everything from unofficial verbal exchanges to economic agreements or military action), 67% were cooperative, only 28% were conflictive, and the remaining 5% were neutral or insignificant. In those five decades, there were no formal declarations of war over water.

#### Their ev is bad scholarship

**Barnaby ‘9** (Wendy, editor of People & Science, the magazine published by the British Science Association, “Do nations go to war over water?,”, http://www.nature.com/nature/journal/v458/n7236/full/458282a.html, March 19, 2009)

Yet the myth of water wars persists. Climate change, we are told, will cause water shortages. The Intergovernmental Panel on Climate Change estimates that up to 2 billion people may be at risk from increasing water stress by the 2050s, and that this number could rise to 3.2 billion by the 2080s7. Water management will need to adapt. But the mechanisms of trade, international agreements and economic development that currently ease water shortages will persist. Researchers, such as Aaron Wolf at Oregon State University, Corvallis, and Nils Petter Gleditsch at the International Peace Research Institute in Oslo, point out that predictions of armed conflict come from the media and from popular, non-peer-reviewed work. There is something other than water for which shortages, or even the perceived threat of future shortages, does cause war — oil. But the strategic significance of oil is immeasurably higher than that of water. Serious interruptions of oil supplies would stop highly developed economies in their tracks. Oil is necessary for a developed economy, and a developed economy provides for all the needs of its citizens, including water. People in developed economies do not die of thirst. My encounter with Allan's work killed my book. I offered to revise its thesis, but my publishers pointed out that predicting an absence of war over water would not sell.

#### Low probability- no escalation

Victor ‘7 (David G., Professor of Law – Stanford Law School and Director – Program on Energy and Sustainable Development, “What Resource Wars?”, The National Interest, <http://www.nationalinterest.org/Article.aspx?id=16020>, November 12, 2007)

While there are many reasons to fear global warming, the risk that such dangers could cause violent conflict ranks extremely low on the list because it is highly unlikely to materialize. Despite decades of warnings about water wars, what is striking is that water wars don't happen-usually because countries that share water resources have a lot more at stake and armed conflict rarely fixes the problem. Some analysts have pointed to conflicts over resources, including water and valuable land, as a cause in the Rwandan genocide, for example. Recently, the UN secretary-general suggested that climate change was already exacerbating the conflicts in Sudan. But none of these supposed causal chains stay linked under close scrutiny-the conflicts over resources are usually symptomatic of deeper failures in governance and other primal forces for conflicts, such as ethnic tensions, income inequalities and other unsettled grievances. Climate is just one of many factors that contribute to tension. The same is true for scenarios of climate refugees, where the moniker "climate" conveniently obscures the deeper causal forces.

#### Empirics are on our side

Vayrynen ‘1 (Raimo Vayrynen, Professor of Government and International Studies at Notre Dame, former director of the Kroc Institute for International Peace Studies, 2001, Notre Dame Journal of Law, Ethics & Public Policy, 15 ND J.L. Ethics & Pub Pol’y 593, p. Lexis)

On the other hand, while the scarcity of groundwater is becoming a major political issue, predictions about “water wars” over shared rivers seem to be overblown. According to Gleditsch and Hamner, more than 250 river systems are shared between two or more countries. In an empirical study of these rivers, they find that water scarcity only has a limited tendency to foster conflicts. Moreover, if scarcity is coupled with a shared river, the probability of cooperation, rather than conflict, between countries increases significantly. A common resource problem can also prompt closer cooperation. This is evidenced, for instance, by the move towards cooperation in the utilization of the water resources of the Nile. The main change has been the increasing willingness of Egypt to cooperate with Ethiopia and Sudan, which concluded in an agreement on the use of Blue Nile waters in 1991. The new phase of cooperation is managed by the Nile Basin Initiative (N.B.I.), which is a formal organization set up by the riparian States, and with the support of the World Bank, to implement the 1996 Nile River Basin Action plan on the preservation and distribution of the river water.

#### Cooperation is more likely – empirically proven

Deen ‘7 (Thalif, Staff – IPS, “Water Wars A Myth”, Inter Press Service, Lexis, August 25, 2007)

"Despite the potential problem, history has demonstrated that cooperation, rather than conflict, is likely in shared basins," UNESCO concludes. The Stockholm International Water Institute (SIWI) says that 10- to 20-year-old arguments about conflict over water are still being recycled. "Such arguments ignore massive amounts of recent research which shows that water-scarce states that share a water body tend to find cooperative solutions rather than enter into violent conflict," the institute says. SIWI says that during the entire "intifada" -- the ongoing Palestinian uprising against Israel in the occupied territories of West Bank and Gaza -- the only thing on which the two warring parties continued to cooperate at a basic level was their shared waters. "Thus, rather than reaching for arguments for the 'water war hypotheses,' the facts seem to support the idea that water is a uniting force and a potential source of peace rather than violent conflict." SIWI said. Ghosh, co-author of the UNDP study, pointed out several agreements which were "models of cooperation", including the Indus Waters Treaty, the Israel-Jordan accord, the Senegal River Development Organisation and the Mekong River Commission. A study sponsored by the Washington-based Woodrow Wilson International Centre for Scholars points that despite newspaper headlines screaming "water wars are coming!", these apocalyptic warnings fly in the face of history. "No nations have gone to war specifically over water resources for thousands of years. International water disputes -- even among fierce enemies -- are resolved peacefully, even as conflicts erupt over other issues," it says. The study also points out instances of cooperation between riparian nations -- countries or provinces bordering the same river -- that outnumbered conflicts by more than two to one between 1945 and 1999. Why? "Because water is so important, nations cannot afford to fight over it. Instead, water fuels greater interdependence. By coming together to jointly manage their shared water resources, countries can build trust and prevent conflict," argues the study, jointly co-authored by Aaron Wolf, Annika Kramer, Alexander Carius and Geoffrey Dabelko.

# 1NR

### Overview

#### Disad turns the case

#### Deterrence- breaks down deterrence between Russian and Europe because it destroys the buffer zone between Russia and Europe re-creates the Iron curtain causes Russian emboldenment.

#### Russian terrorism causes nuclear war- newest ev.

**Larouche Pac 12-30**-13 [Lyndon Larouche Political Action Committee, “Wahhabi Terror Attacks Against Russia Escalate,” http://larouchepac.com/node/29373]

While the Western media has focused all of the news coverage on the February 2014 Sochi Winter Olympics, the reality is, as Lyndon LaRouche has been warning, that Russia is targeted for major destabilization and provocation that could escalate all the way to global thermonuclear war. Following the second suicide bombing, Russian President Vladimir Putin ordered the National Anti-Terrorism Committee to escalate counter-terrorism operations all over the country.¶ All told, there have been at least 32 serious terrorist attacks inside Russia this year. Russian authorities are investigating Wahhabi recruitment and terror training facilities in Dagestan and Abkhazia. In June, Doku Umarov, known as the "Russian Bin Laden," posted a video calling for an escalating campaign of terrorism on behalf of the "Caucasus Emirates" which he purports to run.¶ The entire Caucasus region has been thoroughly penetrated by Saudi-funded jihadist terrorists who have been operating in the region since the fall of the Soviet Union two decades ago. And there are growing reports of Wahhabi clerics recruiting Russian nationals to the Saudi fundamentalist cause. In 2000, the Russian government had filed a series of diplomatic protests to the British government, over open recruitment of Islamist terrorists at mosques throughout the UK.

#### It turns warming- A couple args. First, Russian modernization causes emissions to skyrocket causes oil and natural gas into the air, passes the tipping point. Second,

Nuclear war destroys the ozone layer – makes warming inevitable

Martin 82

[Brian Martin professor of social sciences at the University of Wollongong Journal of Peace Research, 1982, http://www.uow.edu.au/arts/sts/bmartin/pubs/82jpr.html]

(b) Ozone. Nuclear war would cause an increase in ultraviolet light from the sun which reaches the earth's surface, due to reductions in stratospheric ozone caused by its catalytic destruction by nitrogen oxides produced in nuclear explosions. This would increase the incidence of skin cancer (which is mostly non-lethal) and possibly alter agricultural productivity, but would be most unlikely to cause widespread death.[7]

### Link

#### That Grounds drones monitoring Sochi

**Sheasley 2-6**-14 [Chelsea, The Christian Science Monitor’s Asia Editor, holds a masters degree in journalism from Boston University and a BA in history from Principia College “What is Russia's security plan for Sochi Olympics? (+video),” http://www.csmonitor.com/World/Olympics/2014/0206/What-is-Russia-s-security-plan-for-Sochi-Olympics-video]

From toothpaste bomb warnings to ‘black widows,’ the run-up to the Sochi Olympics has been fraught with more security concerns than any other Games in recent memory. The 22nd Winter Games also have the largest security operation in Olympic history, with Russian authorities pledging that threats from its restive Caucasus region will not disrupt the world’s premier sporting event.¶ When the International Olympic Committee awarded the Games to Russia seven years ago, separatist groups in the Caucasus appeared to be under control and the committee was dazzled by President Vladimir Putin’s personal pledge for a safe and well-funded Winter Olympics. The event would be the first Winter Games the nation had hosted and a symbol of the new Russia.¶ Fast-forward to today, and threats against the Games by Islamic separatist groups from the Caucasus, two suicide bombings in Volgograd last month, and security warnings from the US Department of Homeland Security and the State Department have some athletes, parents, and fans feeling jittery. Russian officials counter that security concerns are overhyped – saying the most restive areas are at least 400 miles away – and will start to dissipate as competition begins.¶ Here’s a look at just what kind of security Russia has put in place, from “alpha” anti-terrorist squads to sonar equipment and drones. The so-called “ring of steel,” is an area roughly 60 miles long by 25 miles wide that surrounds Sochi. Russia has reportedly spent $2 billion on the zone, which has been sealed off the past month. Inside the area, “the local population and visitors will be subjected to near total surveillance,” The Christian Science Monitor’s Moscow correspondent reported last month. Cars that are not registered in the region are banned in the zone, and all foreigners and Russians who visit the area must register with the police within three days of arriving, according to the New York Times. ¶ How many forces are on the ground?¶ Russia Beyond the Headlines, a branch of a state-owned Russian newspaper, says that over 30,000 law enforcement officials will be providing security at the Games. Mark Galeotti, a Russian security expert at New York University told the Monitor that security measures will include about 25,000 special police, 8,000 interior troops, and up to 30,000 regular troops to patrol the borders with Georgia and the breakaway republic of Abkhazia. ¶ What about in the sky?¶ Russia will have at least a dozen drones and cutting edge S-400 and Pantsir-S anti-aircraft missiles to counter airborne threats, according to the Monitor. The water won't be left out; along the coast four anti-patrol boats with divers and sonar equipment will keep watch.

#### That re-emboldens terrorists- they’ve conceded that the only thing stopping terrorism is the threat of drone use now. They are waiting for the end to strike.

#### Russia models US self-defense precedent

Fisk & Ramos 13 (Kerstin Fisk --- PhD in Political Science focusing on interstate war @ Claremont Graduate University, Jennifer M. Ramos PhD in Polisci and Professor @ Loyola Marymount focusing on norms and foreign policy, including drone warfare and preventative use of force, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm” 15 APR 2013, International Studies Perspectives (2013), 1–23)

Russia

In January 2000, Russia updated its National Security Concept from the previous 1997 version. The Concept detailed the future direction of ensuring Russia's national security, given its perception that international relations were undergoing a period of “transformation” (Russia's National Security Concept 2000). Russia was referring to heightened tensions with the West, exacerbated by the NATO-led intervention in Kosovo (Wallander 2000). One of the most important differences between the previous blueprint for national security under President Yeltsin and the one signed into effect by acting President Vladimir Putin is that the National Security Concept of 2000 allows first use of nuclear weapons—not only against existential threats, but also “in the event of need to repulse armed aggression, if all other measures of resolving the crisis situation have been exhausted and have proven ineffective” (Permanent Representation of the Russian Federation to the Council of Europe 2000). This Concept was reaffirmed in a new military doctrine released in April 2000, in which the right to use nuclear weapons against aggression is clearly articulated.41 What is particularly noteworthy is that an earlier draft of the doctrine made an explicit commitment to non-use of preemptive or preventive attacks,42 whereas the final version of the doctrine omits this idea. This suggests that Russian military leaders and political elites were torn about making a definitive statement either way.

In 2003, within the context of the US-led intervention in Iraq, Russia officially called the action an “error.”43 However, Russia never ruled out the use of force in such cases. At one point, Foreign Minister Igor Ivanov and President Putin both suggested that armed force was an option if the Iraqi government did not comply with UN resolutions, but maintained that any such action must be accompanied by UN Security Council approval (Jasinski 2003). Though Russia joined together with France and Germany against any automatic military action in Iraq, Russia was still considered a swing vote in the UNSC; President Putin “hasn't ruled anything in, and he hasn't ruled anything out.’’44 Russia ultimately condemned the US action in Iraq, yet by mid-May of that same year, Russia and the United States were back on relatively good terms, proclaiming that their “recent differences” had been resolved.45 Our preliminary evidence suggests Russia's agreement with the principle of the intervention—one of preventive self-defense—though not with the Iraq case in particular. Rather, **Russia views such action as appropriate within the context of the war on terrorism. Because of its own strategy in its internal conflict with Chechnya, Russia has been relatively supportive of the use of preventive strikes by the U**nited **S**tates (Westphal 2003). Furthermore, Russian military forces had the authority to strike terrorists preemptively abroad, as the case of Georgia showed (Oldberg 2006:7–8).

In 2010, Russia again updated its military doctrine under President Dmitry Medvedev. Although there had been much discussion about Russia's right to use preventive and preemptive nuclear strikes leading up to the release of the doctrine, there are no explicit references to this in it (Blank 2011). Given the buildup to the release of the new doctrine, this comes as quite a surprise. In 2008, Russian military Chief of Staff General Yuri Baluyevsky remarked: “We have no plans to attack anyone, but… to defend the sovereignty and territorial integrity of Russia and its allies, military forces will be used, including preventively, including with the use of nuclear weapons.”46 This was the first time nuclear weapons had been referenced publically by Russia as a first-strike option. Russia had previously asserted that it would use preventive strikes as a defense strategy, though such strikes had not been tied to nuclear weapons. **Putin** had **argued that if other countries had the first-strike option, then so did Russia**.46 Among those countries, in Russia's view, is the United States. **Russian perceptions of US actions in this regard support the use of preventive strikes**: “The United States was ready to use nuclear weapons against Iraq in 2003, and then against Iran in 2008. This was clearly demonstrated through statements of high-profile military and political officials. So, saying the U.S. doctrine does not directly include the use of preventive nuclear strikes is not correct.”47

Although the 2010 doctrine does not specify the use of nuclear weapons in first-strike considerations, Russia clearly has supported the idea of preventive attacks. The re-election of Putin has also brought with it a renewed emphasis on military modernization. This can be seen in the country's heavy investment and interest in drones, reflected in deals with Israel and in recent domestic contracts.48 During his recent campaign, Putin advocated modernization as a means to prevent others from seizing Russia's resources. Putin has pledged $770 billion to the modernization effort in the next decade as “ever new regional wars break out in the world.”49 In particular, **Putin points out that “There also are attempts to** provoke such conflicts **even** close to Russia's and its allies’ borders. The basic principles of international law are being degraded and eroded, especially in terms of international security” (Putin 2012). Russia's Chief of General Staff and Deputy Defense Minister Nikolai Makarov has expressed his admiration for US ability to adapt to a new threat environment, saying that the revolution in military affairs achieved “new heights” through US efforts (McDermott 2011). Prominent military theorist Makhmut Gareev emphasizes that Russia must also focus on the changing nature of warfare, and precision weapons aside from nuclear weapons—the type needed for “no contact” network-centric warfare (McDermott 2011, 2012). Finally, Leonid Ivashov, President of the Academy on Geopolitical Affairs, recently stated that Russia has learned a lesson from the cases of Yugoslavia, Iraq, and Libya, and warned that the same thing can happen to Russia if it does not have offensive capabilities.50 And just a short time ago, Russia proposed to Israel a joint combat unmanned aerial vehicle program.51 **President Putin declared**, “Experts agree that **drones will play a key role in our future…You know drones are widely used in armed conflict today, and they proved to be quite effective**.”52 Similar to the case of India, **we find evidence that Russia, too, is committed to the norm of preventive self-defense.**

#### And their 1AC evidence flows neg

#### US permissive drone policy is modeled globally - collapses international law

***Alston, 2011***

*[Philip, is the John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “The CIA and Targeted Killings Beyond Borders,” Accessed: 8-14-13, SpS]*

Because the United States inevitably contributes disproportionately to the shaping of global regime rules, and because it is making more extensive overt use of targeted killings than other states, its approach will heavily influence emerging global norms. This is of particular relevance in relation to the use of drones. There are strong reasons to believe that a permissive policy on drone-fired targeted killings will come back to haunt the United States in a wide range of potential situations in the not too distant future.

In 2011 a senior official noted that while for the past two decades the United States and its allies had enjoyed “relatively exclusive access to sophisticated precision-strike technologies,” that monopoly will soon be ended.574 In fact, in the case of drones, some 40 countries already possess the basic technology. Many of them, including Israel, Russia, Turkey, China, India, Iran, the United Kingdom and France either have or are seeking drones that also have the capability to shoot laser-guided missiles. Overall, the United States accounts for less than one-third of worldwide investment in UAVs.575 On ‘Defense Industry Day’, August 22, 2010, the Iranian President unveiled a new drone with a range of 1,000 kilometers (620 miles) and capable of carrying four cruise missiles.576 He referred to the drones as a ‘messenger of honour and human generosity and a saviour of mankind’, but warned ominously that it can also be ‘a messenger of death for enemies of mankind’.577

To date, the United States has opted to maintain a relatively flexible and open-ended legal regime in relation to drones, in large part to avoid setting precedents and restricting its own freedom of action.578 But this policy seems to assume that other states will not acquire lethal drone technology, will not use it, or will not be able to rely upon the justifications invoked by the United States. These assumptions seem questionable. American commentators favoring a permissive approach to targeted killings abroad are generally very careful to add that such killings would under no circumstances be permitted within the United States.579

Thus when the United States argues that targeted killings are legitimate when used in response to a transnational campaign of terror directed at it, it needs to bear in mind that other states can also claim to be so afflicted, even if the breadth of the respective terrorist threats is not comparable. Take Russia, for example, in relation to terrorists from the Caucasus. It has characterized its military operations in Chechnya since 1999 as a counter-terrorism operation and has deployed ‘seek and destroy’ groups of army commandoes to “hunt down groups of insurgents”.580 It has been argued that the targeted killings that have resulted are justified because they are necessary to Russia’s fight against terrorism.581 Although there are credible reports of targeted killings conducted outside of Chechnya, Russia has refused to acknowledge responsibility for, or otherwise justify, such killings. It has also refused to cooperate with any investigation or prosecution.582

In 2006 the Russian Parliament passed a law permitting the Federal Security Service (FSB) to kill alleged terrorists overseas, if authorized to do so by the President.583 The law defines terrorism and terrorist activity extremely broadly, including “practices of influencing the decisions of government, local self-government or international organizations by terrorizing the population or through other forms of illegal violent action,” and also any “ideology of violence.”584

Under the law, there appears to be no restriction on the use of military force “to suppress international terrorist activity outside the Russian Federation.”585 The law requires the President to seek the endorsement of the Federation Council to use regular armed forces outside Russia, but the President may deploy FSB security forces at his own discretion. According to press accounts, at the time of the law’s passage, “Russian legislators stressed that the law was designed to target terrorists hiding in failed States and that in other situations the security services would work with foreign intelligence services to pursue their goals.”586 There is no publicly available information about any procedural safeguards to ensure Russian targeted killings are lawful, the criteria for those who may be targeted, or accountability mechanisms for review of targeting operations. In adopting the legislation, Russian parliamentarians claimed that “they were emulating Israeli and US actions in adopting a law allowing the use of military and special forces outside the country’s borders against external threats.”587

China is another case in point. It has consistently characterized unrest among its Uighur population as being driven by terrorist separatists. But Uighur activists living outside China are not so classified by other states. That means that China could invoke American policies on targeted killing to carry out a lethal attack against a Uighur activist living in Europe or the United States. The Chinese Foreign Ministry welcomed the killing of Osama bin Laden as “a milestone and a positive development for the international antiterrorism efforts,” adding ominously in reference to the Uighur situation that “China has also been a victim of terrorism”.588 When a journalist asked how American practice in Pakistan compared to possible Chinese external action against a Uighur to a senior United States counter-terrorism official the latter distinguished the situations from one another on the unconvincing grounds of Pakistan’s special relationship with the United States.589

A more realistic note was struck by Anne-Marie Slaughter after bin Laden’s killing when she observed that “having a list of leaders that you are going to take out is very troubling morally, legally and in terms of precedent. If other countries decide to apply that principle to us, we’re in trouble.”590 The conclusion to be drawn is that the United States might, in the not too distant future, need to rely on international legal norms to delegitimize the behavior of other states using lethal drone strikes. For that reason alone, it would seem prudent today to be contributing to the construction of a regime which strictly limits the circumstances in which one state can seek to kill an individual in another state without the latter’s consent and without complying with the applicable rules of international law. To the extent that the United States genuinely believes it is currently acting within the scope of those rules it needs to provide the evidence.

F. Conclusion

This Article has not sought to spell out the options open to the United States in order to bring its conduct within the law. The bottom line is that intelligence agencies, and particularly those that are effectively unaccountable, should not be conducting lethal operations abroad. Beyond that proposition, there is a great deal that the CIA could do if it so wished, including making public its commitment to comply with both IHL and IHRL, disclosing the legal basis on which it is operating in different situations involving potential killings, providing information on when, where and against whom drone strikes can be authorized, and publishing its estimates on the number and rate of civilian casualties. Full transparency is neither sought nor expected, but basic compliance with the standards applied by the US military, and both consistently and insistently demanded of other countries by the United States, is indispensable.Examining the CIA’s transparency and accountability in relation to targeted killings also sheds light on a range of other issues that international human rights law needs to tackle in a more systematic and convincing manner. They include the approach adopted by international law to the activities of intelligence agencies, the (in)effectiveness of existing monitoring mechanisms in relation to killings governed by a mixed IHL/IHRL regime, and the techniques needed to monitor effectively human rights violations associated with new technologies such as unmanned drones and robotics. International human rights institutions need to respond more robustly to the growing chorus of proposals that targeted killings be liberated from the hard-fought legal restraints that apply to them. There is a great deal at stake and these crucial issues have been avoided for too long. The principal focus of this Article has been on the question of CIA accountability for targeted killings, under both United States law and international law. As the CIA, often in conjunction with DOD Special Operations forces, becomes ever more deeply involved in carrying out extraterritorial targeted killings both through kill/capture missions and drone-based missile strikes in a range of countries, the question of its compliance with the relevant legal standards becomes even more urgent. Assertions by Obama administration officials, as well as by many scholars, that these operations comply with international standards are undermined by the total absence of any forms of credible transparency or verifiable accountability. The CIA’s internal control mechanisms, including its Inspector-General, have had no discernible impact; executive control mechanisms have either not been activated at all or have ignored the issue; congressional oversight has given a ‘free pass’ to the CIA in this area; judicial review has been effectively precluded; and external oversight has been reduced to media coverage which is all too often dependent on information leaked by the CIA itself. As a result, there is no meaningful domestic accountability for a burgeoning program of international killing. This in turn means that the United States cannot possibly satisfy its obligations under international law to ensure accountability for its use of lethal force, either under IHRL or IHL. The result is the steady undermining of the international rule of law, and the setting of legal precedents which will inevitably come back to haunt the United States before long when invoked by other states with highly problematic agendas.

### Impact

#### Russian expansionism results in nuclear war and is the most likely scenario for extinction

BLANK, RESEARCH PROFESSOR OF NATIONAL SECURITY AFFAIRS AT THE STRATEGIC STUDIES INSTITUTE AT THE UNITED STATES ARMY WAR COLLEGE, 99

[STEVEN, OIL AND GEOPOLITICS IN THE CASPIAN REGION, P31-32]

The regional structure of political force does little to encourage optimism concerning a positive strategic outcome for anyone in the Caspian basin. Recently, Armenia had allied herself to Moscow, Azerbaijan to Ankara. Under these circumstances, and given the uncertain domestic political outcomes among oil and gas producers, our ambivalence about committing forces and the dangerous regional situation of rival alliances create the potential for wider and more protracted regional conflicts that could become proxy wars for the great powers like the Third World conflicts of the 1980's. Azerbaijan and Georgia's growing efforts to secure NATO's lasting involvement in the region coupled with Russia's determination to exclude the west foster a polarization along traditional lines. Moreover, US efforts to tie energy supplies through and to Armenia if it makes peace with Baku encounter strong opposition in Yerevan and Nagorno-Karabakh, both of whose forces could easily undermine a pipeline to Turkey through Armenia, even after peace. Peace will therefore not bring pipelines to Armenia, nor will there be an oil-based incentive to make peace. So, too, could the Kurds destroy pipelines in Turkey. We must also remember that this is a territory with a high incidence of powerful earthquakes. Clearly, there are already high odds against completion of the US' favored project regardless of Russian policy, which will only abet Armenian-Kurdish obstacles to energy pipelines. Yeltsin's warnings about US efforts to obtain military-political-economic leverage in the Transcaspian and the Russian elite's extreme sensitivity regarding this region show that Moscow, too, will resolutely contest the US' expanded presence. Shevardnadze and Azerbaijani President Heydar Aliyev believes that assassination attempts against them in Feb. 1998--neither of which was the first such effort, were orchestrated by elements in Moscow. The concurrent Armenian coup that brought hard liners to power in Yetevan appears to have had Russia support as well. Past experience suggest Moscow will even threaten a Third World War if there is Turkish intervention in the Transcauscasus, and the 1997 Russo-Armenian Treaty of Friendship and Cooperation and Mutual Assistance suggest just such a possibility. Conceivably, the two larger states could then be dragged into rescue their allies from defeat. The Russo-Armenian treaty is a virtual bilateral military alliance against Baku, in that it reaffirms Russia's lasting military presence in Armenia; commits Armenia not to join NATO, and could justify further fighting in Nagorno-Karabakh or further military pressure against Azerbaijan that will impede energy exploration and marketing. It also reconfirms Russia's determination to resist an expanded US presence and remain the exclusive regional hegemon. Thus, many structural conditions for conventional war on protracted ethnic conflict where third parties intervene now exist in the Transcauscasus. Many Third World conflicts generated by the local structural factors have great potential for unintended escalation. Big powers often feel obliged to rescue their proxies and protégés. One or another big power may fail to grasp the stakes for the other side's interests here are not as clear as in (old) Europe. Hence commitments involving the use of nuclear weapons or perhaps even conventional war to prevent defeat of a client are not well established or clear, as in Europe. For instance, in 1993 Turkish noises about intervening in the Karabakh War on behalf of Azerbaijan induced Russian leaders to threaten a nuclear war in such a case. This confirms the observations of Jim Hoagland, the international correspondent for the Washington Post, that 'future wars involving Europe and America as allies will be fought wither over resources in Chaotic Third World locations or in ethnic upheavals on the southern fringe of Europe and Russia. Unfortunately, many such causes for conflict prevail across the Transcaspian. Precisely because Turkey is a NATO ally but probably could not prevail in a long war against Russia, or if it could, would trigger a potential nuclear glow not a small possibility given the erratic nature of Russia's declared nuclear strategies, the danger of a major war is higher here than anywhere else in the CIS or the so-called arc of crisis from the Balkans to China. As Richard Belts has observed, the greatest danger lies in areas where the potential for serious instability is high, both superpowers perceive vital interests, neither recognize that the other's perceived interests or commitment is as great as its own, both have the capability to inject conventional forces, and neither has willing proxies capable of settling the situation.

#### Also, Chechnan terrorism escalates

#### Chechen terrorism will cause nuclear war

Dunlop 6 - Retired Senior Scientist – Lawrence Livermore National Laboratories, and Harold Smith, Distinguished Visiting Scholar and Professor of Public Policy – University of California at Berkeley(William, “Who Did It? Using International Forensics to Detect and Deter Nuclear Terrorism”, Arms Control Today, October, http://www.armscontrol.org/print/2129)

Among these, Moscow perhaps presents the most compelling case for international cooperation on post-detonation nuclear forensics. Russia has the largest stockpile of poorly secured nuclear devices in the world. It also has porous borders and poor internal security, and it continues to be a potential source of contraband nuclear material and weapons, despite the best efforts of the Cooperative Threat Reduction (CTR) program. If terrorists obtained the nuclear material in Russia and set Moscow as their target, they would not have to risk transporting the weapon, stolen or makeshift, across international borders. Attacks by Chechen terrorists in Beslan and at the Dubrovka Theater in Moscow offer ample proof that a willingness to commit mass murder for fanatical reasons rests within Russian borders, and a foreign source of operatives, particularly from the neighboring Islamic states to the south, is by no means inconceivable.[[2](http://www.armscontrol.org/act/2006_10/print/2129#Note2)] Moscow is also a predominately Christian city where local authorities routinely discriminate against Muslim minorities. Furthermore, extremists might conclude that a nuclear blast in Moscow could inflict damage well beyond that directly stemming from the attack. The Soviet generation that came to power during the Cold War retained a memory of the United States as an ally in the Great Patriotic War. The present Russian generation has no such remembrance but seems to have retained the animosities and suspicions that were a part of the nuclear standoff. Hence, nuclear terrorists may well believe that they could cause another East-West cold war or even encourage Russia to retaliate against the United States. After all, the sinking of the Kursk was believed by some influential Russians to be the result of U.S. action.[[3](http://www.armscontrol.org/act/2006_10/print/2129#Note3)] How much more likely would be such a view if the Kremlin were destroyed? As long as the world is filled with suspicion and conflict, such reactions are to be expected and, more importantly, anticipated.[[4](http://www.armscontrol.org/act/2006_10/print/2129#Note4)] One has only to remember the early reactions and suspicions in the United States following the 1996 TWA Flight 800 airline disaster.[[5](http://www.armscontrol.org/act/2006_10/print/2129#Note5)]

#### Chechen instability spills over --- draws in Russia, Central Asia, Turkey, Iran

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When Russia finally launched a military assault on Chechnya, Fiona Hill (1995, 4) also maintained that the armed conflict had potential to escalate to involve other republics in Russia as well as other countries: “The North Caucasus is a tinderbox where a conflict in one republic has the potential to spark a regional conflagration that will spread beyond its borders into the rest of the Russian Federation, and will invite the involvement of Georgia, Azerbaijan, Turkey, and Iran, and their North Caucasian diasporas. As the war in Chechnya demonstrates, conflict in the region is not easily contained. Chechen fighters cut their teeth in the war between Georgia and Abkhazia,1 the Chechen and North Caucasian diaspora in Turkey is heavily involved in fund-raising and procuring weapons, and the fighting has spilled into republics and territories adjacent to Chechnya.”

#### Spills over into the rest of central asia

#### Central Asia war would trigger WWIII with Russia

F. William Engdhal, Global Research Associate, 10/11/08, “The Caucasus —Washington Risks nuclear war by miscalculation” http://www.globalresearch.ca/index.php?context=va&aid=9790

So far, each step in the Caucasus drama has put the conflict on a yet higher plane of danger. The next step will no longer be just about the Caucasus, or even Europe. In 1914 it was the "Guns of August" that initiated the Great War. This time the Guns of August 2008 could be the detonator of World War III and a nuclear holocaust of unspeakable horror. Nuclear Primacy: the larger strategic danger Most in the West are unaware how dangerous the conflict over two tiny provinces in a remote part of Eurasia has become. What is left out of most all media coverage is the strategic military security context of the Caucasus dispute. Since the end of the Cold War in the beginning of the 1990’s NATO and most directly Washington have systematically pursued what military strategists call Nuclear Primacy. Put simply, if one of two opposing nuclear powers is able to first develop an operational anti-missile defense, even primitive, that can dramatically weaken a potential counter-strike by the opposing side’s nuclear arsenal, the side with missile defense has "won" the nuclear war. As mad as this sounds, it has been explicit Pentagon policy through the last three Presidents from father Bush in 1990, to Clinton and most aggressively, George W. Bush. This is the issue where Russia has drawn a deep line in the sand, understandably so. The forceful US effort to push Georgia as well as Ukraine into NATO would present Russia with the spectre of NATO literally coming to its doorstep, a military threat that is aggressive in the extreme, and untenable for Russian national security. This is what gives the seemingly obscure fight over two provinces the size of Luxemburg the potential to become the 1914 Sarajevo trigger to a new nuclear war by miscalculation. The trigger for such a war is not Georgia’s right to annex South Ossetia and Abkhazia. Rather, it is US insistence on pushing NATO and its missile defense right up to Russia’s door.

Central Asian instability goes nuclear

Friedman and Winsbush 8 [Richard E. Professor of Jewish Studies at the University of Georgia S. Enders, Director of the Center for Future Security Strategies December 24, http://www.sam.gov.tr/perceptions/Volume1/March-May1996/CENTRALASIAANDTHEWEST.pdf]

Importantly, Central Asia is the only region in the world where the impact of five nuclear powers comes into play: Russia, China, Kazakhstan, Pakistan, and India. The West's interest in containing nuclear proliferation and in preventing military conflict between or among Central Asian actors is self-evident. With more independent actors and fewer restraints on independent action, Central Asia faces the prospect of greater political instability than at any time since the Soviet takeover. The interests and ambitions of most Asian states, and many Western ones, in some way meet in Central Asia.