## Plan text

#### The United States federal government should substantially increase statutory restrictions on the war powers authority of the President of the United States by establishing a federal court with jurisdiction over targeted killing orders.

## Adv

### Scenario 1

#### Squo expansion of drone warfare undermines U.S. moral standing, breeds Anti-Americanism, and undermines our credibility [edited for gendered language]

Brooks 13

Rosa Brooks, Prof of Law @ Georgetown University Law Center and Bernard Schwartz Senior Fellow at the New America Foundation, Statement for the Record Submitted the Senate Committee on Armed Services, May 16, 2013.

Former vice-chair of the Joint Chiefs of Staff General James Cartwright recently ¶ expressed concern that as a result of U.S. drone strikes, the U.S. may have “ceded some of our ¶ moral high ground.”35 Retired General Stanley McChrystal has expressed similar concerns:¶ “The resentment created by American use of unmanned [REMOTELY PILOTED] strikes… is much greater than the ¶ average American appreciates. They are hated on a visceral level, even by people who’ve never ¶ seen one or seen the effects of one,” and fuel “a perception of American arrogance.” 36 Former ¶ Director of National Intelligence Dennis Blair agrees: the U.S. needs to “pull back on unilateral ¶ actions… except in extraordinary circumstances,” Blair told CBS news in January. U.S. drone ¶ strikes are “alienating the countries concerned [and] …threatening the prospects for long-term ¶ reform raised by the Arab Spring…. [U.S. drone strategy has us] walking out on a thinner and ¶ thinner ledge and if even we get to the far extent of it, we are not going to lower the fundamental ¶ threat to the U.S. any lower than we have it now.”37¶ Mr. Chairman, Senator Inhofe, I believe it is past time for a serious overhaul of U.S.¶ counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone ¶ strikes, one that takes into account issues both of domestic legality and international legitimacy, ¶ and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist ¶ sentiment, and the future behavior or powerful states such as Russia and China. If we undertake ¶ such a rigorous cost-benefit analysis, I suspect we may come to see scaling back on kinetic ¶ counterterrorism activities less as an inconvenience than as a strategic necessity—and we may¶ come to a new appreciation of counterterrorism measures that don’t involve missiles raining ¶ from the sky.¶ This doesn’t mean we should never use military force against terrorists. In some ¶ circumstances, military force will be justifiable and useful. But it does mean we should ¶ rediscover a long-standing American tradition: reserving the use of exceptional legal authorities ¶ for rare and exceptional circumstances. ¶ Thank you for the opportunity to testify today.

#### Expansive use of targeted killing causes blowback, collateral damage, and operational errors— new guidelines key

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

Morality in armed conflict is not a mere mantra: it imposes significant demands on the nation state that must adhere to limits and considerations beyond simply killing "the other side." For better or worse, drone warfare of today will become the norm of tomorrow. Multiply the number of attacks conducted regularly in the present and you have the operational reality of future warfare. It is important to recall that drone policy is effective on two distinct levels: it takes the fight to terrorists directly involved, either in past or future attacks, and serves as a powerful deterrent for those considering involvement in terrorist activity. (53) However, its importance and effectiveness must not hinder critical conversation, particularly with respect to defining imminence and legitimate target. The overly broad definition, "flexible" in the Obama Administration's words, (54) raises profound concerns regarding how imminence is applied. That concern is concrete for the practical import of Brennan's phrasing is a dramatic broadening of the definition of legitimate target. It is also important to recall that operators--military, CIA or private contractors--are responsible for implementing executive branch guidelines and directives. (55) For that very reason, the approach articulated by Brennan on behalf of the administration is troubling. This approach, while theoretically appealing, fails on a number of levels. First, it undermines and does a profound injustice to the military and security personnel tasked with operationalizing defense of the state, particularly commanders and officers. When senior leadership deliberately obfuscates policy to create wiggle room and plausible deniability, junior commanders (those at the tip of the spear, in essence) have no framework to guide their operational choices. (56) The results can be disastrous, as the example of Abu Ghraib shows all too well. (57) Second, it gravely endangers the civilian population. What is done in the collective American name poses danger both to our safety, because of the possibility of blow-back attacks in response to a drone attack that caused significant collateral damage, and to our values, because the policy is loosely articulated and problematically implemented.(58) Third, the approach completely undermines our commitment to law and morality that defines a nation predicated on the rule of law. If everyone who constitutes "them" is automatically a legitimate target, then careful analysis of threats, imminence, proportionality, credibility, reliability, and other factors become meaningless. Self-defense becomes a mantra that justifies all action, regardless of method or procedure.

#### Exclusive executive decision making in drone strikes makes groupthink and errors inevitable

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

The practical, pragmatic justification for the COAACC derives largely from considering¶ social psychological findings regarding the skewed potential associated with limiting unchecked decision-making in a group of individuals. As an initial point, psychologists have long pointed out how individuals frequently fall prey to cognitive illusions that produce systematic errors in judgment.137 People simply do not make decisions by choosing the optimal outcome from available alternatives, but instead employ shortcuts (i.e., heuristics) for convenience.138 Cognitive biases like groupthink can hamper effective policy deliberations and formulations.139 Groupthink largely arises when a group of decision-makers seek conformity and agreement, thereby avoiding alternative points of view that are critical of the consensus position.140 This theory suggests that some groups—particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfidence, and a shared world view or value system—suffer from a deterioration in their capacity to engage in critical analysis.141 Many factors can affect such judgment, including a lack of crucial information, insufficient timing for decision-making, poor judgment, pure luck, and/or unexpected actions by adversaries.142 Moreover, decision-makers inevitably tend to become influenced by irrelevant information,143 seek out data and assessments that confirm their beliefs and personal hypotheses notwithstanding contradictory evidence,144 and “[i]rrationally avoid choices that represent extremes when a decision involves a trade-off between two incommensurable values.”145 Self-serving biases can also hamper judgment given as it has been shown to induce well-intentioned people to rationalize virtually any behavior, judgment or action after the fact.146 The confirmation and overconfidence bias, both conceptually related to groupthink, also result in large part from neglecting to consider contradictory evidence coupled with an irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147¶ Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus resulted from the failure to consider alternative sources of information.148 The failures of past presidents to consider alternative sources of information, critically question risk assessments, ensure neutral-free ideological sentiment among those deliberating,149 and/or generally ensure properly deliberated national security policy has produced prominent and devastating blunders,150 including the Iraq War of 2003,151 the Bay of Pigs debacle in the 1960’s,152 and the controversial decision to wage war against Vietnam.153¶ Professor Sunstein also has described the related phenomenon of “group polarization,” which includes the tendency to push group members toward a “more extreme position.”154 Given that both groupthink and group polarization can lead to erroneous and ideologically tainted policy positions, the notion of giving the President unchecked authority in determining who is eligible for assassination can only serve to increase the likelihood for committing significant errors.155 The reality is that psychological mistakes, organizational ineptitude, lack of structural coherence and other associated deficiencies are inevitable features in Executive Branch decision-making.

#### Judicial review solves groupthink

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

To check the vices of groupthink and shortcomings of human[HUMYN] judgment, the psychology literature emphasizes a focus on accountability mechanisms in which a better reasoned decision- making process can flourish.156 By serving as a constraint on behavior, “accountability functions as a critical norm-enforcement mechanism—the social psychological link between individual decision makers on the one hand and social systems on the other.”157 Such institutional review can channel recognition for the need by government decision-makers to be more self-critical in policy targeted killing designations, more willing to consider alternative points of view, and more willing to anticipate possible objections.158 Findings have also shown that ex ante awareness can lead to more reasoned judgment while also preventing tendentious and ideological inclinations (and political motivations incentivized and exploited by popular hysteria and fear).159 Requiring accounting in a formalized way prior to engaging in a targeted killing—by providing, for example, in camera review, limited declassification of information, explaining threat assessments outside the immediate circle of policy advisors, and securing meaningful judicial review via a COAACC-like tribunal—can promote a more reliable and informed deliberation in the executive branch. With process-based judicial review, the COAACC could effectively reorient the decision to target individuals abroad by examining key procedural aspects—particularly assessing the reliability of the “terrorist” designation—and can further incentivize national security policy-makers to engage in more carefully reasoned choices and evaluate available alternatives than when subject to little to no review.

#### Effective drones key- need to change our strats to avoid blowback

Masood 13

(Hassan, Monmouth College, “Death from the Heavens: The Politics of the United States’ Drone Campaign in Pakistan’s Tribal Areas,” 2013) /wyo-mm

Those who support the use of drones as an important counter-insurgency tactic nonetheless point out that the current campaign is not always conducted in the most effective manner. The authors of “Sudden Justice” for example, argue that the campaign should be focused on ‘high value targets’ and not be used frequently to take down the lower level operatives. The more you can destroy and disrupt the activities of personnel in the Taliban and al-Qaeda from the top-down instead of the bottom-up, the more of an impact it will have. The leadership qualities, organizational skills, and strategic awareness of various high-level commanders in both the Taliban and al-Qaeda cannot be easily replaced after their deaths at the hands of U.S. drones. Fricker and Plaw use the example of Baitullah Mehsud, a Tehrik-i-Taliban (TTP) leader who was killed by a drone strike on the roof of his uncle’s house on August 5, 2009. His death provoked an internal struggle in his organization that ultimately led to enough confusion and tension within the TTP that the Pakistan Army was able to launch the South Waziristan Offensive, putting the TTP on the defensive. But the lower level Taliban and al-Qaeda members have skills and abilities that are more common and more easily replaced. The amount of time and energy, the article asserts, that the U.S. is spending killing lower-level members (and increasing civilian casualties in the process, as the majority of the time these strikes happen during funeral processions or wedding parties) could instead be used to seriously disrupt the activities of the entire organization by targeting its leaders, much like the death of Osama bin Laden did to al-Qaeda in South/Central Asia in 2011. David Rohde agrees that the drones should be used, as they are an effective and efficient way of disrupting and destroying the extremist power base there, but their usage should be both selective and surgical. There is no consensus among scholars when it comes to evaluating the effectiveness of the use of drones as a counter-insurgency tactic. As Hassan Abbas points out “the truth is we don’t know whether U.S. drone strikes have killed more terrorists or produced more terrorists.”

#### Terrorism causes nuclear war-

Ayson 10

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. 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. t 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.

### Scenario 2

#### Obama has shifted most drone strikes to Yemen

Hudson et al 13

Dr. Leila Hudson, Colin Owens, and Matt Callen, is associate director of the School of Middle Eastern & North African Studies at the University of Arizona and director of SISMEC, graduate of the School of Middle Eastern & North African Studies and the School of Government and Public Policy, and PhD candidate at the School of Middle Eastern & North African Studies. “Drone Warfare in Yemen: Fostering Emirates through Counterterrorism?,” Middle East Policy Council, 2013. http://mepc.org/journal/middle-east-policy-archives/drone-warfare-yemen-fostering-emirates-through-counterterrorism

An extensive CT drone campaign requires coordination with the central government of the territories in question. Evidently, Ali Abdallah Saleh's Yemeni government knew of the program and participated in it. Wikileaks revealed the particulars of a 2010 meeting with General David Petraeus, in which former President Saleh said (speaking of air strikes in general), "We'll continue saying the bombs are ours, not yours." Moreover, Saleh lamented mistakes due to the inaccuracy of cruise-missile strikes and preferred that the United States use fixed-wing aircraft (i.e., drones) in the future. Since then, the administration has increased its drone strikes and expanded the targeting parameters within Yemen and the Horn of Africa. Among the many ironies of drone strikes, Saleh's candor showed that old-style authoritarians are not above happily claiming credit for borrowed military power to enhance their "legitimacy."¶ Over the last decade, FATA has been subject to the largest drone campaign to date. The program started off slowly in 2004 under the Bush administration and has been expanded greatly. During Bush's tenure, there were approximately 50 strikes in FATA from 2004 to 2009. In Obama's first two years in office, from 2009 to 2010, the number of strikes in FATA tripled in half as much time. After 2010, the busiest year, drone strikes in FATA have decreased from 70 in 2011 to less than 25 in the first half of 2012. Notwithstanding the decrease in drone usage in FATA, this new and largely preferred program for "disrupting" or "decapitating" U.S. foes is not in decline; it has simply shifted location.¶ In our previous article, we posited that the increasing number of drone strikes in FATA and the decreasing ratio of deaths of so-called "high-value targets" (HVTs) to total deaths was a result of the larger payloads on UAVs and increasingly lax targeting requirements. And, as with the case of Pakistan, new technologies and the recent White House authorization that gave the Central Intelligence Agency (CIA) and the Joint Special Operations Command (JSOC) more options to conduct strikes in Yemen, will likely produce a similar outcome.1 New technology with larger payload capacity and wider targeting parameters through the use of "signature strikes," designed to eliminate groups of people who appear (conveniently and posthumously) to be militants, will likely produce an increase in the lethality and frequency of drone strikes in Yemen.

#### Yemen drone strikes will cause wide spread blowback and strengthen the capacity of AQAP – retaliatory attacks, AQAP recruitment, US policy strategic confusion, undermines Yemeni government credibility to govern, and upsets US-Yemen relations

Hudson et al 13

Dr. Leila Hudson, Colin Owens, and Matt Callen, is associate director of the School of Middle Eastern & North African Studies at the University of Arizona and director of SISMEC, graduate of the School of Middle Eastern & North African Studies and the School of Government and Public Policy, and PhD candidate at the School of Middle Eastern & North African Studies. “Drone Warfare in Yemen: Fostering Emirates through Counterterrorism?,” Middle East Policy Council, 2013. http://mepc.org/journal/middle-east-policy-archives/drone-warfare-yemen-fostering-emirates-through-counterterrorism

Just as likely, as the case of FATA has clearly shown, increased strikes in Yemen will produce distinct forms of blowback. This will manifest itself in terms of increased recruitment for al-Qaeda or affiliated groups and a reduction of the Yemeni leadership's ability to govern, increasing competition from alternative groups.¶ In the case of drone use in FATA, we identified five distinct forms of blowback, all of which are directly applicable to the use of drones in Yemen. The first, purposeful retaliation is typified by the events of the 2009 Khost bombing of CIA Camp Chapman and, more recently, an al-Qaeda attack earlier in 2012 on a liquid-natural-gas pipeline running through Yemen's Shabwa province.2 The motivation behind both of these attacks has been cited as the unremitting presence of, and specific attacks from, U.S.-operated drones. The second form of blowback deals with the increased ability of AQAP to recruit new members, especially those who have had friends or family killed in the attacks. Third, an overreliance on drones creates strategic confusion. While the United States is not waging a counterinsurgency (COIN) campaign next to Yemen — as it is in Afghanistan, Pakistan's western neighbor — the control of the drone program has oscillated between the CIA and JSOC, reducing U.S. accountability and blurring the lines between military and intelligence operations. Taken together, these three factors foster two additional forms of blowback: the continued destabilization of Yemen and an increasingly precarious alliance between the American and Yemeni governments. All told, these distinct forms of blowback combine to heighten Yemen's ungovernability.

#### AQAP has the intent and capacity to shut down the Bab al-Mandeb

Thomas 11

(Matthew, MA Nonproliferation and Terrorism Studies, “Al Qaeda in the Land of Faith and Wisdom: The Fall of Saleh and March on Al-Aqsa,” Monterey Institute of International Studies, May 8)

AQAP is well aware of the positive implications of Yemen’s strategic location in the Gulf of Aden. One of the world’s five energy chokepoints, the Bab al-Mandeb strait or Gate of Tears adjoining Yemen, is a strategic link between the Indian Ocean and the Mediterranean Sea, via the Red Sea and the Suez Canal. “An estimated 3.2 million bbl/d flowed through this waterway in 2009 (vs. 4 million bbl/d in 2008) toward Europe, the United States, and Asia.” Bab al-Mandeb has also proven vulnerable to terrorist and pirate attacks, as demonstrated by the previous bombings of the USS Cole in 2000 and Limburg French oil tanker in 2002. Yemen’s sparse oil resources, which are concentrated in the southern half of the country, are projected to be completely gone in the very near future. This is unfortunate for AQAP, which coincidentally maintains a power base in the southern half of Yemen. AQAP has made its intentions to exploit Yemen’s strategic position quite clear. If AQAP can overcome other tribal rulers and secessionists and dominate the state, it intends to cut off the oil lifeline from its Western enemies, and any remnants of Saleh’s government should it by way of some miracle hold on to poser. As Emir al-Wuhayshi explains: The interest that is shown towards AQAP is because of the strategic importance of the Arabian Peninsula. This is the place of the revelation, the birthplace of Islām, the land of the two holy Mosques and the blood of the saĥāba runs through the veins of its sons. Because of the greed of the Americans, they have vital interests in the Arabian Peninsula. The passage ways of commerce pass through its waters and oil is stolen from it. So this place is a vein of life for the Americans. AQAP recruits from both within the region and internationally. Yemen’s political destabilization is advantageous to AQAP, as the group appeals to potential recruits disillusioned and frustrated with Saleh’s regime. Also, in order to maintain ties with the wealthy Saudi counterparts, AQAP consistently seeks recruits from within the Kingdom. AQAP’s recruiting method “uses a combination of theological and socioeconomic issues” that call for the entire Muslim community to wage jihad, but uses messages “with specific appeals targeting Yemenis and Saudis.” The organization’s international objectives of attacking the U.S. and Western interests in general are supported by targeting individuals within the U.S. homeland, such as the Fort Hood shooter Major Nidal Hassan and Christmas Day bomber Umar Farouk Abdulmutallab. The fiery clerical leader of AQAP, Anwar al-Awlaki, having been born and raised for the majority of his life in the U.S. is familiar with the Western culture and lifestyle. As a result, he has been able to use this familiarity with Western society to AQAP’s advantage in recruiting and radicalizing American Muslims. The media arm of AQAP, Sada al-Malahim (echo of epics), continues to urge Muslims to take up jihad and attack infidels wherever they may be. One interesting section in the second issue of Inspire magazine even suggested American Muslims purchase a large pick-up truck to mow down, or run over, as many infidels as possible. Indeed, the magazine proves to be a valuable propaganda tool in enticing others to join AQAP’s ranks and take up the black banner of Islam in waging armed jihad. AQAP maintains ties with several terrorist groups both locally and internationally. There is documented evidence of collaboration between AQAP and other al-Qaeda affiliates. The alliance between AQAP and the Somali terrorist group Ḥarakat al-Shabab al-Mujahidin, better known as al-Shabab, personifies a combination of interests to uniting as one force in the Gulf of Aden. At one point, al-Qaeda even called for creating a united jihadist maritime force. The established tie between AQAP and al-Shabab represents a considerable threat to Western interests in the region, particularly in the Gulf of Aden. AQAP has, also, sought to cooperate with al-Qaeda in the Islamic Maghreb (AQIM) in a recently foiled plot in France. Indeed, AQAP coordinated with another al Qaeda affiliate AQIM, to dispatch a cell of North Africans across the Mediterranean Sea by boat from North Africa to carry out an attack France. AQAP’s operational funding comes mainly from contributions through its wealthy Saudi members and associates. By strengthening ties with members and sympathizers from Saudi Arabia, AQAP is able to channel funds from wealthy donators. Money has even been reported to come to AQAP by way of fellow mujahidin in Iraq. Also, AQAP relies on Zakat or alms giving for funding. Zakat is similar to tithing in the Christian world and is one of the pillars of Islam. Several charities and front groups associated with AQAP present a façade of good-will for Islam and for the group. Funds are solicited for the stated intent of building mosques and schools but are often diverted to support AQAP and other terrorist organizations. Some of the organizations through which AQAP is able to radicalize, recruit, and finance include: al-Iman University; al-Haramain Foundation; al-Islah charity; al-Hikmah al-Yamania Charity; al-Manhal Charitable Society; Charitable Society for Social Welfare; the Commission on Scientific Signs in the Quran and Sunnah. The use of Hawala, an informal value transfer system, is a preferable AQAP financial management mechanism which operates outside of the formal banking system and leaves no paper trail. The Hawala system has come under more scrutiny since 9/11, and been a consistent problem in combatting terrorism financing for al-Qaeda and its affiliates. Another source of AQAP funding is the black market in the failed state of Somalia. In consort with al-Shabab, the al Qaeda affiliate in Somalia, AQAP is involved in the lucrative drug, arms, and human trafficking trade in the region. Arms trafficking is big business in Yemen and the inability of the Saleh regime to control it is indicative of just how weak the regime is presently. A recent plot (March 2011) to smuggle 16,000 pistols from Turkey to Yemen is a case in point. The shipment was intercepted by Dubai police but many believe other shipments are getting through and are a harbinger of more disruption and violence. In such a destabilizing scenario AQAP stands to gain in its quest for political power in Yemen. However, to hold power the AQAP must convince, cajole, and perhaps defeat Yemen’s other powerful tribes that value tribal allegiance above all else. Dealing with the tribes is unavoidable for AQAP and inevitable in the case of a political revolution which becomes increasingly likely given the number of governments to fall in the region these past few months. The following quote from Faris Sanabani, creator and publisher of the English language Observer in Yemen, accurately depicts AQAP’s gravitas in Yemen, Al Qaida in Yemen is more than an organisation, it is a melting pot for whomever has an issue and wants to go violent. So if you have an issue that you can’t deal with, if you feel you are the victims of injustice, if you’re broke, al Qaida increasingly seems to be an option. As Yemenis struggle to cope with the lack of basic services such as access to food and water, employment, and education, they are finding more in common with AQAP and those tribal authorities opposed to Saleh’s regime. If this situation continues to persist, Yemen—particularly the southern half of the nation—will become almost entirely devoid of government control. Also, AQAP’s resilience against increased U.S. operations targeting training camps in southern Yemen has bolstered the group’s image among those who have suffered because of American airstrikes and likewise increased AQAP’s recruiting opportunities among those disenfranchised by U.S. attacks. As a result, AQAP is on the road to establishing a firm base in the highly martial tribal provinces, and subsequently should be able to expand operations into other areas in the region like Saudi Arabia, as well as, overseas in Europe and the U.S. AQAP’s previous declaration to attack Western interests and cut off America’s oil lifeline were not idle threats as demonstrated by past attacks on oil wells and pipelines in the region. In addition, given AQAP’s strategic position in territory near the Bab al-Mandeb strait and increased cooperation with al-Shabab in Somalia, it is highly plausible that AQAP could conduct future attacks on oil shipments in the Gulf of Aden, much like the previous attack against the French Limburg. AQAP’s relationship with Saudi donors in terms of recruiting and financing is key to its calls to overthrow the apostate Saudi regime, and the August 2009 failed assassination attempt against Prince Muhammad bin Nayif suggests that AQAP related attacks might continue and possibly intensify within the Saudi Kingdom. AQAP is smart. It has studied and learned from the “Anbar awakening” and other al-Qaeda in Iraq failures which resulted in the alienation of the local population. AQAP avoids making similar mistakes and is proving an ability to adapt to Yemen’s dynamic socio-political circumstance. Indeed, AQAP has proven more successful than other al-Qaeda affiliates by “pursuing a shrewd strategy” of focusing exclusively on attacking U.S., Yemeni and the Saudi governments, while avoiding attacks against the local populace. Ultimately, the group’s success has been in large part to the group’s patient foresight and restraint in not overextending itself in waging global jihad. What effects would a failed state in Yemen have on AQAP? What are the regional and international consequences? What is the appropriate U.S. response to a potential failed state in Yemen? These questions are increasingly relevant demanding a deeper examination of the conditions of a failed state and positive correlations with non-state actors, such as terrorist organizations. The risk of Yemen becoming a failed state grows daily and will undoubtedly prove advantageous to AQAP’s future modus operandi. As David Carment observes, If Yemen continues on its current trajectory it will become a failed state in the next several months. Yemen's implosion would have a significant impact on Saudi Arabia, itself feeling the direct effects of upheaval on its border with Yemen. Failure would also give al-Qaida unprecedented operational space in the south. The impending fall of Yemeni President Ali Abdullah Saleh coincides with an era of unprecedented political upheaval in the Middle East. Yemen as a failed state would exacerbate cross-border issues with Saudi Arabia, allowing smugglers, refugees, illegal workers, and terrorists to move even more freely between the two countries. The lack of border security may lead to an increase in AQAP agents infiltrating into Saudi Arabia and subsequent rise in terrorist attacks within the Kingdom. Furthermore, AQAP’s relationship with al-Shabab in neighboring Somalia will certainly become heightened should Yemen become a failed state. The proximity of two failed states with increased terrorist collaboration and prevalence of transnational organized crime, located in the strategic Gulf of Aden is a potential doomsday scenario in which the region, already struggling to recover from rampant political revolutions could follow Yemen into chaos.

#### Closing the strait collapses the economy

UPI 10

(“Al-Qaida threatens to close key oil artery,” Feb. 24, 2010. UPI. http://www.upi.com/Top\_News/Special/2010/02/24/Al-Qaida-threatens-to-close-key-oil-artery/UPI-27151267027462/#ixzz1XPTj8CWP. CR)

SANAA, Yemen, Feb. 24 (UPI) -- Amid the growing war jitters infecting much of the Middle East and fears Iran may seek to close the Gulf's Strait of Hormuz, a key oil artery, there are growing concerns that jihadists in Yemen plan to block another maritime choke point to disrupt oil supplies. Said al-Shihri, the deputy commander of al-Qaida in the Arabian Peninsula, recently outlined a radical strategy: joining forces with Islamist militants in Somalia, across the Gulf of Aden from Yemen, to take control of the Bab el-Mandab, a narrow waterway between Yemen and Eritrea that links the Indian Ocean with the Mediterranean via the Red Sea. For that to be anywhere near effective, AQAP would need freedom of access in southern Yemen, where it has bases and where the central government in Sanaa is grappling with a growing secessionist movement. This goes a long way to explaining AQAP's recent statements voicing support for southern secessionists, who are led by old-style socialists who once formed a separate state until the union with the north in 1990. AQAP recently described supporting the southern cause as a religious duty for all Muslims. AQAP leader Nasser al-Wahishi declared, "We are obligated to support them." Al-Shihri, a former Guantanamo detainee from Saudi Arabia, said in a 12-minute audiotape released Feb. 8 that controlling the Bab al-Mandeb -- Arabic for "Gate of Tears" because of the navigational hazards ancient seafarers faced there -- would "bring it back under the protection of Islam." He urged Somali jihadists, who have links to al-Qaida, to join with AQAP to "create a great victory and international power for us … "Then the strait will be closed and the grip of will be tightened around the throat of the Jews, because the U.S. supports them through (the strait), by means of the Red Sea in particular." That is in line with Osama bin Laden's recent call for an economic jihad to bleed the West. Following an offer by the al-Shebab militants in Somalia, who are fighting a U.S.-backed transitional federal government, to join forces with AQAP, al-Shihri declared they would wage war on the Americans on two fronts. The Red Sea, which is linked to the Mediterranean at its northern end via the Suez Canal, is one of the most critical maritime routes in the world. Thirty percent of world trade runs through the Bab al-Mandeb. Since the 1973 Arab-Israeli war, it has become a vital security issue for the countries along its littoral and to the major powers who depend on its for swift military deployments, as in the 1990-91 Gulf War and the 2003 U.S.-led invasion of Iraq. A major new operational theater in the conflict against Islamist extremism in that region would cause considerable problems for the United States, Egypt and Israel, as well as for Saudi Arabia and the Arab states of the Gulf. They depend on access to the Red Sea to transport oil and gas exports to the West. A jihadist breakthrough in the strait would also open the way for Iranian expansion into the region and into Africa, where it is making a major effort to secure allies and markets.

**Economic declines would trigger instability and warfare-empirically proven**

Royal, 10

Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, 2010. p. 213-215

**Less intuitive is how periods of economic decline** may **increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (20081 advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next.** As such, **exogenous shocks such as economic crises could usher in a redistribution of relative power** (see also Gilpin. 19SJ) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fcaron. 1995). Alternatively, **even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power** (Werner. 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states arc likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, **if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources.** Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, **others have considered the link between economic decline and external armed conflict at a national level**. Mom berg and **Hes**s (2002) **find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn**. They write. **The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing**. **Economic conflict lends to spawn internal conflict, which in turn returns the favour.** Moreover, **the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other** (Hlomhen? & Hess. 2(102. p. X9> **Economic decline has also been linked with an increase in the likelihood of terrorism** (Blombcrg. Hess. & Wee ra pan a, 2004). **which has the capacity to spill across borders and lead to external tensions**. Furthermore, **crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect.** Wang (1996), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force arc at least indirecti) correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that Ihe tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked lo an increase in the use of force. In summary, rcccni **economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict** al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

## Adv 2

### Scenario 1

#### First, the global drone arms race is underway now

Boyle 2013

[MICHAEL J. BOYLE, Ph.D- Michael Boyle is an Assistant Professor of Political Science at La Salle University in Philadelphia. “The costs and consequences of drone warfare,” International Affairs, January 1, 2013, http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=946befe6-cb0f-406e-8eeb-8cf208339510%40sessionmgr10&vid=1&hid=25//wyo-ng]

A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before another supplier steps in to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities

#### Second, Drone courts limit executive behavior and are key to solve transparency in drone strikes

Wexler 13

(Lesley, Professor of Law, University of Illinois College of Law, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” 2013, Social Science Research Network/) /wyo-mm

This chapter suggests the judiciary may play an important role in the debate over the executive branch’s decisions regarding IHL even if it declines to speak to the substance of such cases. First, advocates may use courts as a visible platform in which to make their arguments and spur conversations about alternative, non-judicially mandated transparency and accountability measures. As they did with the trio of detention cases, advocates can leverage underlying constitutional concerns about the treatment of citizens to stimulate interest in the larger IHL issues. Second, litigants may use courts to publicize and pursue Freedom of Information (FOIA) requests and thus enhance transparency. Even if courts decline to grant FOIA requests, the lawsuits can generate media attention about what remains undisclosed. Third, and most robustly, Congress may pass legislation that would facilitate either prospective review of kill lists through a so-called drone court or remove procedural barriers to retrospective damage suits for those unlawfully killed by a drone strike. Even the threat of such judicial role may influence executive branch behavior.

#### Third, the plan solves international norms for drone use, US norms can shape and limit drone prolif and provide the ability to apply diplomatic pressure

Zenko, 2013

[Micah, Council of Foreign Relations, Reforming U.S. Drone Strike Policies, January 2013, Council Special Report No. 65, Online] /Wyo-MB

History shows that how states adopt and use new military capabili- ties is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone prolifera- tion and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international norma- tive framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.

#### Fourth, now is key, the US has a narrow window of opportunity to shape drone proliferation, only US reform based on transparency and restraint will solve

Zenko, 2013

[Micah, Council of Foreign Relations, Reforming U.S. Drone Strike Policies, January 2013, Council Special Report No. 65, Online] /Wyo-MB

In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would under- mine core U.S. interests, such as preventing armed conflict, promoting human [HUMYN]rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies. Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama admin- istration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

**First, Failure to implement clear international standards for drone use makes global warfare from drone proliferation a certainty**

**Roberts, 2013**

[Kristin, national journal, When the Whole World Has Drones, 3-22-13, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321] /Wyo-MB

**The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain,** with barriers to entry on the production side crumbling too quickly to place limits on **the spread of** a **technology** that **promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand** types. At its last display at a trade show in Beijing, China showed off 25 different unmanned[REMOTELY PILOTED} aerial vehicles. Not toys or models, but real flying machines.¶ It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But **what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.¶ America**, the world’s leading democracy and a country built on a legal and moral framework unlike any other, **has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted.** **The Obama administration** has used its executive power to refuse or outright ignore requests by congressional overseers, and it **has resisted monitoring by federal courts**.¶ To implement this covert program, **the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat**. This still-expanding counterterrorism **use of drones to kill people**, including its own citizens, **outside of** traditionally defined battlefields and **established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order**.¶ Hyperbole? **Consider** this: **Iran**, with the approval of Damascus, **carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants** tampering with oil and gas lines **in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq** who it believes are planning attacks along the border. **Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you**. In Pakistan, Yemen, and Afghanistan.¶ **This is the unintended consequence of American drone warfare**. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is **Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation**.

**And, Drone use erodes norms for war and causes global conflict that causes extinction**

**Falk, 2012**

[Richard, Richard Falk is Chair of the Nuclear Age Peace Foundation and Professor Emeritus at Princeton University, The Menace of Present and Future Drone Warfare, 2-13-12, http://www.wagingpeace.org/articles/db\_article.php?article\_id=328] /Wyo-MB

Perhaps, the most important difference between the torture and drone debates has to do with future implications. Although there are some loopholes involving extraordinary rendition and secret CIA operated overseas black sites, torture has been credibly prohibited by President Obama. Beyond this, the repudiation of torture has been understood in a manner that conforms to the general international consensus rather than the narrowed conception insisted upon by the Bush-era legalists. In contrast, **drones seem destined to be central to operational planning for future military undertakings of the United States,** with sharply escalating appropriations to support both the purchase of increasing numbers and varieties of drone. The government is engaging in a major research program designed **to make drones available for an expanding range of military missions and to serve as the foundation of a revolutionary transformation of the way America will fight future wars.** **Some of these revolutionary features are** already evident: casualty-free military missions; subversion of territorial sovereignty; absence of transparency and accountability; further **weakening of political constraints on recourse to war**.¶ **Future war scenarios involve attacks by drones swarms, interactive squadrons of drones re-targeting while in a combat zone without human participation, and covert attacks using mini-drones. A further serious concern is the almost certain access to drone technology by private sectors actors.** These musings are not science fiction, but well financed undertakings at or beyond the development stage. It is in these settings of fhere, especially, where the analogy to nuclear weapons seems most pertinent, and discouraging. **Given the amount invested and the anticipated profitability and utility of drones, it may already be too late to interrupt their development, deployment, and expanding sphere of use.** Unlike nuclear weaponry, already some 50 countries reportedly possess drones, mainly adapted to surveillance**. As with nuclear weaponry, the United States, and other leading political actors, will not agree to comprehensive prohibitions on the use of drones for lethal purposes**.¶ If this line of reasoning is generally correct, **there are two likely futures for attack drones: an unregulated dispersion of the weaponry to public and private actors with likely strategic roles undermining traditional international law limits on war making and public order**; **or a new non-proliferation regime for drones that permits all states to possess and use surveillance drones within sovereign space and allows some states to make discretionary use of drones globally and for attack purposes until a set on constraining regulations can be agreed upon by a list of designated states.** That is, drone military technology will perpetuate the two-tier concept of world order that has taken shape in relation to nuclear weapons, and reflects the consensus that both nuclear disarmament and unrestricted proliferation of nuclear weaponry are unacceptable. In this regard, a **counter-proliferation regime for drones is a lesser evil, but still an evil.**¶ **The technological momentum that has built up in relation to drones is probably too strong to be challenged politically. The military applications are too attractive, the technology is of a cutting edge fantasy quality, the political appeal of war fighting that involves minimum human risk is too great.** At the same time, **for much of the world this kind of unfolding future delivers a somber message of a terrifying unfolding vulnerability**. At present, **there seems to be no way to insulate societies** **from** either intrusive and perpetual surveillance or **the prospect of targeted killing and devastation conducted from a remote location.** It may be contended that such an indictment of drones exaggerates their novelty. Has not the world lived for decades with weapons of mass destruction possessed by a small number of non-accountable governments and deliverable anywhere on the planet in a matter of minutes? This is superficially true, and frightening enough, but **the catastrophic quality of nuclear weaponry and its release of atmospheric radioactivity operates as an inhibitor of uncertain reliability, while with drone their comparative inexpensiveness and non-apocalyptic character makes it much easier to drift mindlessly until an unanticipated day of reckoning occurs by which time all possibilities of control will have been long lost.**¶ **As with nuclear weaponry, climate change, and respect for the carrying capacity of the earth, we who are alive at present may be the last who have even the possibility of upholding the life prospects of future generations**. **It seems late, but still not too late to act responsibly, but we will not be able to make such claims very much longer**. Part of the challenge is undoubtedly structural. For most purposes, **global governance depends on cooperation among sovereign states, but in matters of war and peace the world order system remains resolutely vertical and under the control of geopolitical actors, perhaps as few as one, who are unwilling to restrict their military activities** to the confines of territorial boundaries, but insist on their prerogative to manage coercively the planet as a whole. **When it comes to drones the fate of humanity[HUMYNITY] is squeezed between the impotence of state-centric logic and the grandiose schemes of the geopolitical mentality.**

#### the risk is high and impact defense doesn’t apply—Drone prolif erodes norms against war and makes conflict more likely

Cortright, 2011

[David, director of policy studies for the Kroc Institute for International Peace Studies at the University of Notre Dame, The scary prospect of global drone warfare, 10-19-11, http://www.cnn.com/2011/10/19/opinion/cortright-drones] /Wyo-MB

The development of drone weapons raises profound moral questions about the future of war. U.S. officials are fond of drone weapons because they are inexpensive and seem to make the waging of war less costly. They allow leaders to conduct military operations without risking the lives of U.S. soldiers or drawing public disapproval. They give the false impression that war can be waged with fewer costs and risks.¶ Any development that makes war appear to be easier or cheaper is dangerous and morally troubling. It lowers the political threshold of war. It threatens to weaken the moral presumption against the use of armed force.¶ The use of drone aircraft perpetuates the illusion that military force is an effective means of countering terrorism and resolving political differences. We should know better by now. After 10 years of combat in Afghanistan the threat of terrorist attack and insurgent violence remains as great as ever. May 2011 was the deadliest month for Afghan civilians since the U.N. began keeping records in 2007, the agency's Assistance Mission in Afghanistan reported. June's death toll was almost as high.

### Scenario 2

#### Chinese drone acquisition threatens U.S. interests in the Asia-Pacific and causes aggression – only reforming our drone policy checks them

CBS 5-3 (China emerges as new force in drone warfare, Associated Press, 3 May 2013, http://www.cbsnews.com/8301-202\_162-57582699/china-emerges-as-new-force-in-drone-warfare/, da 8-3-13) PC

China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict.¶ China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula.¶ "China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI.¶ "The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said.

#### Chinese Drone proliferation collapses Japan China relations, and increases instability between China and the U.S. in the South China Sea

Narayani Basu, 13

Writes for the IPCS, Institute of Peace and Conflict Stories “China: The Dawn of the Drones” <http://www.ipcs.org/article/military/china-the-dawn-of-the-drones-3948.html>, accessed 9/2/13,WYO/JF

¶ The primary role of China’s growing drone programme is to help Beijing control and monitor disputed territories in the Asia-Pacific region. Put simply, drones help China deter countries from intervening in the area by helping to detect and target potential violators of the areas they are trying to deny. Indeed, Beijing’s deployment of drones near the disputed Senkaku/Diaoyu Islands impacted Sino-Japanese relations [recently](http://www.guardian.co.uk/world/2013/jan/08/china-japan-drone-race), prompting Tokyo to place its own defence programme under review, with the aim of introducing its own drones to patrol the disputed waters by 2015. For China then, drones could act as the ideal surveillance tool in the event of a crisis - a proxy weapon to deter assertive behaviour over territories China considers its own - such as the South China Sea and the Senkaku Islands. China’s move into large-scale drone deployment is a significant indication of its military’s growing sophistication. It could not only challenge American dominance in the Asia-Pacific, but could also elevate the threat to any neighbours with which China has territorial disputes, such as Vietnam, Japan, India or the Philippines. Within China, drones are already patrolling the borders, and a navy drone was deployed to the western province of Sichuan to provide aerial surveillance, in the aftermath of last month’s deadly earthquake. However, on a wider geopolitical canvas, Chinese drones could be the tipping point for giving the Chinese an edge in possible future disputes in Asia with the US, as American foreign policy continues its rebalancing trends within the Asia-Pacific. Indeed, China has already made it clear that the drones are capable of carrying bombs and missiles as well as conducting reconnaissance missions, potentially turning them into offensive weapons in the event of a border conflict. The thought of armed UAVs patrolling the skies over disputed territories like the Paracel and the Spratly Islands is enough to cause anxiety among ASEAN members, besides greatly enhancing China’s ocean surveillance. On the other hand, it is equally important to remember that Chinese drones are not yet as sophisticated as their US counterparts in terms of range, hardware, and engines. Official makers COSIC admit that progress is needed in half a dozen major areas, from airframe designs to digital linkups. Secondly, the Chinese drones on display at the Zhuhai Airshow are prototypes and not finished products. Nor have Chinese drones ever been put to military use. In the light of these facts, it is perhaps safe to say that the Chinese agenda for impact is twofold: to maintain surveillance over key territories in dispute, and to stoke fears of a UAV race between the US and China, which has already manifested itself - as evidenced by the DSB report - in the top echelons of the Pentagon.

#### CONFLICT IN THE SCS ESCALATES TO FULL-SCALE NUCLEAR WAR

STRAITS TIMES 1995

[staff, “Choose Your Own Style of Democracy”, May 21, p. ln// wyo-tjc]

In his speech, Dr Mahathir also painted three scenarios for Asia.

**In the first -the worst possible scenario -Asian countries would go to war against each other, he said. It might start with clashes** between Asian countries **over the Spratly Islands** because of China's insistence that the South China Sea belonged to it along with all the islands, reefs and seabed minerals. **In this scenario, the United States would offer to help** and would be welcomed by Asean, he said. The Pacific Fleet begins to patrol the South China Sea. **Clashes occur between the Chinese navy and the US Navy. China declares war on the US and a full-scale war breaks out with both sides resorting to nuclear weapons.**

#### Extinction

Lieven 12 Anatol, Professor in the War Studies Department – King’s College (London), Senior Fellow – New America Foundation (Washington), “Avoiding US-China War,” New York Times, 6-12, http://www.nytimes.com/2012/06/13/opinion/avoiding-a-us-china-war.html

Relations between the United States and China are on a course that **may one day lead to war**. This month, Defense Secretary Leon Panetta announced that by 2020, 60 percent of the U.S. Navy will be deployed in the Pacific. Last November, in Australia, President Obama announced the establishment of a U.S. military base in that country, and threw down an ideological gauntlet to China with his statement that the United States will “continue to speak candidly to Beijing about the importance of upholding international norms and respecting the universal human rights of the Chinese people.” The dangers inherent in present developments in American, Chinese and regional policies are set out in “The China Choice: Why America Should Share Power,” an important forthcoming book by the Australian international affairs expert Hugh White. As he writes, “Washington and Beijing are already sliding toward rivalry by default.” To escape this, White makes a strong argument for a “concert of powers” in Asia, as the best — and perhaps only — way that this looming confrontation can be avoided. The economic basis of such a U.S.-China agreement is indeed already in place. The danger of conflict does not stem from a Chinese desire for global leadership. Outside East Asia, Beijing is sticking to a very cautious policy, centered on commercial advantage without military components, in part because Chinese leaders realize that it would take decades and colossal naval expenditure to allow them to mount a global challenge to the United States, and that even then they would almost certainly fail. In East Asia, things are very different. For most of its history, China has dominated the region. When it becomes the largest economy on earth, it will certainly seek to do so. While China cannot build up naval forces to challenge the United States in distant oceans, it would be very surprising if in future it will not be able to generate missile and air forces sufficient to deny the U.S. Navy access to the seas around China. Moreover, China is engaged in territorial disputes with other states in the region over island groups — disputes in which Chinese popular nationalist sentiments have become heavily engaged. With communism dead, the Chinese administration has relied very heavily — and successfully — on nationalism as an ideological support for its rule. The problem is that if clashes erupt over these islands, Beijing may find itself in a position where it cannot compromise **without severe damage** to its domestic legitimacy — very much the position of the European great powers in 1914. In these disputes, Chinese nationalism collides with other nationalisms — particularly that of Vietnam, which embodies strong historical resentments. The hostility to China of Vietnam and most of the other regional states is at once America’s greatest asset and greatest danger. It means that most of China’s neighbors want the United States to remain militarily present in the region. As White argues, even if the United States were to withdraw, it is highly unlikely that these countries would submit meekly to Chinese hegemony. But if the United States were to commit itself to a military alliance with these countries against China, Washington would risk embroiling America in their territorial disputes. In the event of a military clash between Vietnam and China, Washington would be faced with the choice of either holding aloof and seeing its credibility as an ally destroyed, or fighting China. Neither the United States nor China would “win” the resulting war outright, but they would certainly inflict **catastrophic damage** on each other and on the world economy. If the conflict escalated into a **nuclear exchange**, **modern civilization would be wrecked**. Even a prolonged period of military and strategic rivalry with an economically mighty China will gravely weaken America’s global position. Indeed, U.S. overstretch is already apparent — for example in Washington’s neglect of the crumbling states of Central America.

## Solvency

### 1AC – Solvency

#### Drone courts solve—provides credibility and independence to counterterror policy

Plaw, 2006

[Avery, associate professor of political science at the University of Massachusetts, Dartmouth, Fighting Terror Ethically and Legally: The Case of Targeting Terrorists, (A working paper prepared for the CPSA Conference, June 2006), http://www.cpsa-acsp.ca/papers-2006/Plaw.pdf] /Wyo-MB

The most telling issues raised by critics of targeting fall into three broad categories: (1.) ¶ the imperative need to establish that targets are combatants; (2.) the need in attacking ¶ combatants to respect the established laws of war; and (3.) the overwhelming imperative ¶ to avoid civilian casualties. The first issue seems to involve an authoritative judicial ¶ determination that could only be answered by a competent court. The second issue ¶ requires the openly avowed and consistent implementation of targeting according to ¶ standards accepted in international law - a requirement whose fulfillment would best be ¶ assured through judicial oversight. The third issue calls for independent evaluation of ¶ operations to assure that standards of civilian protection are robustly upheld, a role that ¶ could be effectively performed by a court. ¶ The first issue then must, and the second and third can, be resolved by the introduction of ¶ credible judicial oversight. But what kind of court could be expected to maintain secrecy ¶ around sensitive intelligence and yet render authoritative determinations as to, for ¶ example, individuals’ combat status? An independent international court would no doubt ¶ be ideal, but even apart from all the technical and administrative difficulties such a ¶ solution would entail and the secrecy concerns it would evoke, it seems clear that the ¶ United States and Israel would refuse to have their national security subject to the ¶ authority of a foreign body, however judicious. They would plausibly argue, as indeed ¶ they have in regards to the ICC, that the final authority in this supremely important ¶ domain must derive ultimately from the will of their own people, whose lives and ¶ community are at stake. On the other hand, critics of targeting would certainly demand an ¶ independent, competent and internationally credible body. All the more so since the ¶ court’s proceedings, for obvious reasons, could not be open to public scrutiny. ¶ On this difficult question Michael Ignatieff offers a helpful idea. At the end of a ¶ discussion of a number of troubling legal issues raised by the war on terror, he suggests ¶ the possibility of setting up national courts loosely based on the model on the Foreign ¶ Intelligence Surveillance Court (FISC), which considers surveillance and physical search ¶ orders from the Department of Justice and US intelligence agencies related to foreign ¶ intelligence operations. (Ignatieff 2004: 134) Developing Ignatieff’s suggestion, I ¶ propose a Federal Counterterrorism Oversight Court (FCOC). The institutional features of the FCOC could be designed to assure credibility and ¶ independence on one side, and secure and efficient contribution to national policy on the ¶ other. For example, like the FISC, the FCOC could be composed of seven federal court ¶ judges selected by the Chief Justice of the Supreme Court and serving staggered seven ¶ years terms. Like the FISC, the FCOC could hold its proceedings in camera, ensuring the ¶ secrecy of sensitive intelligence information. The FCOC could then consider requests ¶ from military and intelligence organizations to designate suspected terrorists as enemy ¶ combatants, assessing whether the intelligence presented was credible and damning ¶ enough to warrant such a designation. It could also be assigned the responsibility to ¶ automatically review any actions that resulted in civilian casualties, and be given the ¶ power to publicly censure operations and government organizations which failed to ¶ adequately protect civilians, as well as to suspend, or even to terminate, targeting ¶ operations. Finally, it could also be authorized to review charges brought by other ¶ governments or private persons that targeting operations permitted by its decisions ¶ violated the laws of war, in particular, by engaging in perfidy or employing unnecessary ¶ or disproportionate force.

#### And, Courts key—only checks on unilateral executive power can provide legitimacy to the United States and credibility to our counterterror policies, finally, the selection process for drone courts solves all disads to judges

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

Rather, balancing the needs of security against the imperatives of liberty is a traditional¶ role for judges to play as recognized by the founders in the Fourth Amendment.110 Two scholars of national security law have highlighted the value of judicial inclusion in this process:¶ Judicial control of targeted killing could increase the accuracy of target selection, reducing the danger of mistaken or illegal destruction of lives, limbs, and property. Independent judges who double-check MARKED MARKKKKKKKKKKKKKKKKKK targeting decisions could catch errors and cause executive officials to avoid making them in the first place.”111¶ Judges are also both knowledgeable in the vagaries of the law and accustomed to dealing with sensitive security considerations.112 These qualifications make them ideal candidates to ensure that the executive exercises constitutional and international legal restraint when targeting individuals abroad. Reforming the decision-making process to allow for judicial oversight would accomplish numerous other important goals as well. Aside from providing a valuable check on executive power to take away the most fundamental of freedoms guaranteed by our Constitution—the right to life—judicial oversight would reinforce the separation of powers framework of American government and increase democratic legitimacy by placing these determinations on more predictable and accountable legal grounds. For those fearful of judicial encroachment on executive war-making powers, there is a strong argument that this will actually strengthen the President and empower him to take decisive action without worrying about the judicial consequences. As Justice Kennedy put it, “the exercise of [executive] powers is vindicated, not eroded, when confirmed by the judicial branch.”113 Moreover, though it may be technically legal under international and domestic law, the targeted killing program has become a black spot on American credibility around the globe. The introduction of significant checks on unilateral executive power to target known terrorists can help reform that image and reinstate American moral legitimacy in its use of force against global terrorism.114