### Solvency

#### The creation of a federal counterterror oversight court solves all problems with the targeted killing program and all disads to judicial review

Plaw, 2007

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This final section offers a briefcase that there is room for a principled compromise between critics and advocates of targeting terrorists. The argument is by example--a short illustration of one promising possibility. It will not satisfy everyone, but I suggest that it has the potential to resolve the most compelling concerns on both sides.¶ The most telling issues raised by critics of targeting fall into three 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 demand 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 doubtless 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 argue, as indeed they have in regard 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. He suggests the possibility of setting up a national court to address counterterrorism issues loosely based on the model on the Foreign Intelligence Surveillance Court (FISC), which considers surveillance and physical search requests from the Department of Justice and U.S. intelligence agencies related to foreign intelligence operations in the U.S. (Ignatieff 2004:134). Developing Ignatieff's suggestion, the new court could be called the 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 warranted such a designation. It could also be assigned the responsibility to automatically review any actions that resulted in civilian casualties, and could be given the power to publicly censure operations that inadequately protected 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 violated humanitarian law, in particular, by engaging in perfidy or employing disproportionate force.¶ In at least three key respects, however, the design of the FCOC should differ from the model of the FISC. As the FISC is charged with assessing surveillance requests from government agencies, its writs and rulings remain permanently sealed from civilian review. But in the interests of resolving the second issue of openness, the findings of the FCOC should be made public, including the names of those judged to be combatants, as well as any reprimand from the court regarding targeting operations.¶ In the second place, the FISC foregoes adversarial legal proceedings because potential subjects of surveillance can obviously not participate. It has been much criticized on this count. The FCOC should not follow this precedent which, in the views of many jurists and scholars, flies in the face of the core of the Western legal tradition. Evidently, the trials of terrorists who cannot otherwise be brought to justice will be conducted in absentia. This does not, however, necessitate the abandonment of adversarial procedure. In addition to the seven judges appointed to the court, an independent counsel should be appointed by the President of the National Bar Association to represent the interests of the accused before the court. Evidently, appropriate precautions will need to be taken to ensure the secrecy of court proceedings. But the independent counsel should also not be barred from offering general assessments of the performance of the court. Obviously this is an imperfect resolution to an intractable problem, but it should contribute significantly to ensuring the fairness of the FCOC.¶ Finally, the FCOC must be distinguished from the FISC in a third crucial sense. The recent 'domestic surveillance' scandal in the United States involving the Executive Branch's circumvention of the FISC approval process suggests safeguards would need to be built into the FCOC mandate. In the case of the FISC, President Bush issued an Executive Order which authorized the National Security Agency to carry out surveillance of any Americans suspected of links with al Qaeda without FISC approval (Risen and Lichtblau 2005). The scandal and legal consequences that ensued for the administration once this information became public in 2005 have significantly reduced the likelihood of a similar course being taken in the future. Nonetheless, the possibility should be explicitly precluded by specifying in the enabling legislation that no targeting action can be considered legally authorized without approval of the court. In response to the argument that immediate action may sometimes be required in emergency situations, the presiding justice could be permitted to issue a provisional approval based on prima facie evidence, but only subject to full subsequent review by the court.¶ Some critics and advocates of targeting will no doubt be dissatisfied with this resolution. Critics will worry that the FCOC would essentially be a rubber stamp (while robbing them of their best rhetorical point--that targetings are extra-judicial). But there is no compelling reason to believe that courts, especially high-level federal courts, must always approve government policies. After all, supreme courts in both Israel and the United States have both recently issued sharp rebukes of government counter-terrorist policies (e.g., 03-333/4 on the U.S. legal status of detainees, and 3799/02 on the IDF use of human shields).¶ On the other hand, some advocates will certainly worry that a requirement of FCOC approval will hinder the efficiency of targeting and that publishing lists of targets will render them more difficult to find. On the former point, however, there is little evidence that the incorporation of reasonable judicial procedures, such as those of the FISC, need render related policy ineffective. After all, as the 9/11 commission observed, the intelligence community succeeded in gathering the data necessary to anticipate the September 11 attack (National Commission on Terrorist Attacks upon the United States 2004: 254-77). The failure was in the domains of analysis and response. What is evident, however, is that carrying out extensive and dangerous counter-terrorist programs without judicial oversight generates widespread public skepticism and opposition (which tends to undermine the effectiveness of the programs) and leads to enormous legal difficulties in the long run--as exemplified by the American torture/rendition program.¶ On the second point, while it is true that targets may 'go to ground' if tipped off, the fact is that all or virtually all potential targets are already on most wanted lists (often with hefty price tags connected to information leading to them). In essence, they have already gone to ground--that is in part why targeting is required in the first place. Moreover, a retreat into even deeper obscurity is likely to further disrupt their ability to organize and ~~carry~~ out attacks. Finally, the Israeli experience suggests that targets will break cover eventually, and a little patience seems like a small price to pay for ensuring the justice of state-administered killing.¶ These answers will not fully satisfy either all critics or all advocates. But the burden of this section has been only to show that compromises are possible that address their most legitimate concerns. I think that the suggestion of an FCOC shows that a plausible and principled compromise is possible. In this light, the pertinent question becomes not whether terrorist targeting as currently practiced is uniformly legal, moral and practical or the reverse, but how institutions can best be designed to assure that terrorist targetings carried out in the future are uniformly legitimate and effective.

### Plan

#### 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 counterterrorism review court with jurisdiction over targeted killing orders.

### Terror

#### 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 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.

#### Plan is key to effective drone use—solves 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

ng said that whileOffensive, 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.”

#### Global terror threat is high and attacks against the US are immanent

ETN, 13

[E Turbo News Global Travel News Industry Reporting on information from the State department, US State Department issues worldwide travel warning, 9-26 http://www.eturbonews.com/38306/us-state-department-issues-worldwide-travel-warning] /Wyo-MB

The US State Department recently released a statement cautioning Americans traveling abroad of potential terror attacks in Europe, Asia, Africa and the Middle East by al-Qaeda and its affiliated groups.¶ According to the report published on US State Government website, The Department of State has issued this Worldwide Caution to update information on the continuing threat of terrorist actions and violence against US citizens and interests throughout the world.¶ U.S. citizens are reminded to maintain a high level of vigilance and to take appropriate steps to increase their security awareness. This replaces the Worldwide Caution dated February 19, 2013, to provide updated information on security threats and terrorist activities worldwide.¶ The Department of State remains concerned about the continued threat of terrorist attacks, demonstrations, and other violent actions against U.S. citizens and interests overseas. Current information suggests that al-Qaeda, its affiliated organizations, and other terrorist groups continue to plan terrorist attacks against US interests in multiple regions, including Europe, Asia, Africa, and the Middle East. These attacks may employ a wide variety of tactics including suicide operations, assassinations, kidnappings, hijackings, and bombings.¶ Extremists may elect to use conventional or non-conventional weapons, and target both official and private interests. Examples of such targets include high-profile sporting events, residential areas, business offices, hotels, clubs, restaurants, places of worship, schools, public areas, shopping malls, and other tourist destinations both in the United States and abroad where US citizens gather in large numbers, including during holidays.¶ In early August 2013, the Department of State instructed certain US embassies and consulates to remain closed or to suspend operations August 4 through August 10 because of security information received. The US government took these precautionary steps out of an abundance of caution and care for our employees and others who may have planned to visit our installations.¶ US citizens are reminded of the potential for terrorists to attack public transportation systems and other tourist infrastructure.¶ Extremists have targeted and attempted attacks on subway and rail systems, aviation, and maritime services. In the past, these types of attacks have occurred in cities such as Moscow, London, Madrid, Glasgow, and New York City.¶ “Extremists may elect to use conventional or nonconventional weapons, and target both official and private interests,” the department said yesterday. Potential targets may include high-profile sports events, residences, businesses, hotels, clubs, restaurants, schools, places of worship, shopping malls and tourist destinations where Americans congregate.¶ Two US officials familiar with the warning said that while it’s a routine renewal of the department’s worldwide caution, it also reflects mounting intelligence that suggests Islamic terrorist groups loosely affiliated with what remains of al-Qaeda’s core leadership in Pakistan may be planning a new series of attacks against Western targets.

#### Yes Nuke terror—their defense is wrong on every level

Zimmerman 09

(Peter D., Department of War Studies, King’s College London, “Do We Really Need to Worry? Some Reflections on the Threat of Nuclear Terrorism,” Fall 2009, <http://www.coedat.nato.int/publications/datr4/01PeterZimmerman.pdf>) /wyo-mm

Mueller chooses another set of criteria by which to judge the plausibility of improvised nuclear devices. He writes down twenty “tasks” in what he calls “the most likely scenario”11 However, this is far too simplistic. He then posits that there is a 50-50 chance of success for each of these “tasks” and that taken together, this means that the odds of success are 1 in 1,048,576. This is truly a small number, and if taken seriously would probably mean that no further significant attention need be paid to nuclear terror scenarios. It is true that if one raises 0.5 to the 20th power, the resulting value is quite small, less than one in a million as desired. The question, however, is not if the value for 0.520 is small; of course it is. But does it bear any relationship to the problem at hand? How did Mueller come to the number twenty for his list of tasks? Some of the items are even compound tasks, one following another, so there could be more than twenty, and by Mueller’s reasoning a still smaller chance of success. Some of them are not tasks proper, but conditions to satisfy (“There must be no inadvertent leaks”. “No locals must sense that something out of the ordinary is going on”.) Still others seem like padding to reach the number 20 (“A detonation team must transport the IND to the target place and set it off… and the untested and much-traveled IND must not prove to be a dud”.). Since Mueller asserts that the probability of a nuclear terrorist starting a project and succeeding is less than one in a million, it is worth noting that 220 is almost exactly 1,000,000 and that 0.520 is, therefore, one in a million. That seems to be the totality of the logic behind the “twenty hurdles” of the Mueller papers and book. There seems to be no analysis to show that 50-50 are appropriate odds for the success of each step, and it is manifestly clear that the twenty hurdles are not statistically independent. Nevertheless, it would seem that twenty hurdles is the smallest plausible number that can provide the one chance in a million which allows Mueller to suggest that those who believe in nuclear terrorism might, with equal logic, believe “in the tooth fairy”.12 In any event, the odds of success for some tasks are nearly 100 percent. For example, it is not difficult to put an IND in a white van and drive it from Montana to Minneapolis, or from outside Boise to inside Boston, so long as the drivers break no traffic laws. I give that task a 90-plus percent probability. Assembling a team of scientists and technicians is likely to be far easier than Mueller supposes. The Manhattan Project was the most exciting, and indeed glamorous, scientific project of the first half of the twentieth century, led by a constellation of great scientists. Many physicists, even today, fantasize about following in their footsteps.13 I give this one an 85-95 percent chance, at least. 14 In any event, Mueller makes elementary mistakes in risk analysis at the conceptual level: He decides on a path to the goal of a nuclear device, and then decides that it is either the only, or the easiest, or the most favorable route. Along the way his analysis is flawed. Mueller suggests that smugglers would be more likely than not to turn in the nuclear gang to the authorities. But as Matt Bunn of Harvard has pointed out14, Al Qaeda and Mexican drug lords routinely manage to move sensitive materials and people across borders, even those of highly developed countries such as the United States. Successful smugglers-for-hire generally do not betray their customers; the penalties for betrayal probably range from a severe beating to barbaric torture followed by a gruesome death. In his articles and presentations on the probability of terrorist use of nuclear weapons, Prof. Mueller frequently lashes out at those who refuse to set the likelihood of such acts at 1 in a million, or less. We are “alarmists”. And we are “imaginative”.15 According to Mueller, my colleague, Jeffrey Lewis, and I indulge in “worst case fantasies”.16 Mueller seems never to have talked with anybody who actually built a nuclear weapon, for his understanding of the components of a simple device makes it seem far more complex than it is. Nor can I share the results of my conversations with weaponeers except to say that they do not consider the construction of certain kinds of nuclear weapons to be beyond the skills of the kind of 20-person group Lewis and I envisioned. Lewis and I carefully assessed the budget for a nuclear terrorist, and arrived at a figure of $10 million. Mueller waves our extensive effort away with the comment that $10 million isn’t enough to corrupt three people. He must live in an expensive district for political bribery. Lewis and I estimated a budget more like a couple of million for actually building the device, including salaries and the procurement of all necessary non-nuclear components and equipment. We do not believe that recruiting the technical staff will require any bribery or corruption. Mueller assumed that he has found the shortest critical path to an improvised nuclear device. He also seems to assume that his list of tasks is so general that it includes all possible critical paths. He’s clearly wrong on the first count, but even if he is right on the second – and I think he is wildly wrong – his compilation is so general that it offers no guidance to law enforcement or the terrorists except to hope for or to guard against betrayals.

#### Terrorism causes nuclear war and extinction

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.

### Drone Prolif

#### Drone Prolif Now

Zenko, 2013

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

It is estimated that the number of states that have acquired a com- plete drone system has grown from forty-one in 2005 to seventy-six in 2012.49 Over that same period of time, the number of total drone pro- grams within those states increased from one hundred ninety-five to nine hundred.50 Like the United States, the vast majority of all drones developed by other countries will be used exclusively for government or civilian intelligence, surveillance, and reconnaissance (ISR) missions. Some advanced industrial economies—such as Russia, Taiwan, and South Korea—have developed increasingly sophisticated and largely indigenous drone capabilities, but they have also missed deadlines for when they would field ~~armed~~ drones, according to their own defense ministries. There is no international association for drone manufactur- ers and operators—similar to those that exist for civilian nuclear facili- ties or commercial space launches—that provides reliable information on drones or serves as a forum to exchange best practices to limit the associated risks and costs. Since most publicly available information is limited to air shows and the defense trade press, it is possible that there have been intentionally hidden advances toward states’ development of weaponized drones.

#### 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 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.

#### Establishing a precedent of transparency and accountability spills over globally– a non-executive framework is key

Brooks 13 (Rosa, Professor of Law – Georgetown University Law Center, Bernard L. Schwartz Senior Fellow – New America Foundation, Former Counselor to the Undersecretary of Defense for Policy – Department of Defense, “The Constitutional and Counterterrorism Implications of Targeted Killing,” Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4-23, <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>)

5. Setting Troubling International Precedents Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter, 43 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an illdefined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### The plan solves international norms- US 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 capabilities 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 proliferation 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 normative framework, and U.S. compliance with that framework, would preserve 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.

#### Unfettered drone prolif causes deterrence crises that leads to nuclear conflict

Boyle, 13 [“The costs and consequences of drone warfare”, MICHAEL J. BOYLE, International Affairs 89: 1 (2013) 1–29, assistant professor of political science at LaSalle University]

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to developand deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them. Conclusion Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, growing anti-Americanism and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack. In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156 A final, and crucial, ~~step~~ towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. The genie is out of the bottle: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, regulated and consistent with internationally recognized human rights standards. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157 The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an opportunity to show leadership in developing an international legal architecture which might avert some of the worst consequences of their use.

#### China’s drone prolif causes regional war—multiple flashpoints

Standaert, 2012

[Michael, Global Post, Stage set for drone chess match in Asia-Pacific, http://www.globalpost.com/dispatch/news/regions/asia-pacific/121102/china-drone-UAV-proliferation?page=0,1] /Wyo-MB

SHENZHEN, China — China’s plans to deploy surveillance drones in the East China and South China seas hint at the future of warfare in the region, but are also a reminder of how far ahead leading drone manufacturing nations like the United States and Israel remain on aviation technology.¶ Experts say interest in unmanned aerial vehicles (UAVs) is surging throughout the Asia-Pacific region without a framework of controls curtailing their proliferation and use.¶ Add the Obama administration’s policy refocusing American attention on the region — the so-called “Asia Pivot” — along with US announcements of further deployments of advanced UAVs to the area, and a massive game of drone chess looks increasingly likely.¶ In September, China commissioned its first aircraft carrier, the Liaoning, and announced plans to use drones to monitor disputed territories including the Senkaku Islands that have caused recent friction with Japan. China detailed further plans to develop drone bases in 11 coastal provinces to be operational by 2015.¶ China has been playing catch-up with drone technology leaders, having purchased some technology from Israel already and showing strong interest in increasing its own share of the global UAV market, currently estimated at $6.6 billion per year and climbing.¶ Later this month the Zhuhai Air Show will be an important place to see what technology advancements Chinese companies have made as well as what countries might be interested in purchasing Chinese UAVs. Pakistan is known to have ordered drones from China, and countries such as Brunei and Malaysia in Southeast Asia have shown interest in China's drones.¶ Dennis Gormley, a senior research fellow at the Ridgway Center for International Security Studies, said that US defense and aviation industry logic is that if it doesn’t “satisfy the growing requirement for UAVs, other states will develop their own or turn to Israel or other developers.”¶ “Of greatest concern are the intentions of China,” said Gormley, author of the book “Missile Contagion,” published in 2010.¶ In the Asia-Pacific region, the list of countries who have developed or purchased drones already includes Australia, China, India, Indonesia, Japan, South Korea, Russia, Singapore, Malaysia, Taiwan, Thailand and the Philippines, according to a report published by the US Government Accountability Office (GAO) in July this year.¶ In June, a Chinese frigate was also photographed testing a helicopter UAV, said Wilson VornDick, a lieutenant commander in the US Navy Reserves and an analyst on China’s military for the Jamestown Foundation.¶ At the end of August, China’s State Oceanic Administration (SOA) announced plans to set up UAV patrols out of 11 airbases in coastal provinces for maritime surveillance. According to state media reports a pilot program last year ran UAVs out of Liaoning province to monitor an ocean area of around 380 square miles.¶ More recently, immediately following renewed conflict with Japan over the Senkakus, the SOA announced on Sep. 23 that it was deploying UAVs to monitor specifically monitor the disputed islands as well as territories in the South China Sea, which China claims almost in its entirety.¶ Reports also indicate that Japan is using drones to monitor the Senkakus, and the Philippines is reportedly looking to purchase more UAVs from the US for monitoring its own claims in the South China Sea.

#### SCS conflict causes nuke war

Glaser 12 Bonnie S., Senior Fellow – Center for Strategic and International Studies, “Armed Clash in the South China Sea,” CFR, April, http://www.cfr.org/east-asia/armed-clash-south-china-sea/p27883

The risk of conflict in the South China Sea is significant. China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims, particularly over rights to exploit the region's possibly extensive reserves of oil and gas. Freedom of navigation in the region is also a contentious issue, especially between the United States and China over the right of U.S. military vessels to operate in China's two-hundred-mile exclusive economic zone (EEZ). These tensions are shaping—and being **shaped by—rising apprehensions about** the growth of China's military power and its regional intentions. China **has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities** to enforce its sovereignty and jurisdiction claims by force if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S. Navy in the western Pacific. Given the growing importance of the U.S.-China relationship, and the Asia-Pacific region more generally, to the global economy, the United States has a major interest in preventing any one of the various disputes in the South China Sea from **escalating militarily**. The Contingencies Of the many conceivable contingencies involving an armed clash in the South China Sea, three especially threaten U.S. interests and could potentially prompt the United States to use force. The **most likely** and **dangerous contingency** is a clash stemming from U.S. military operations within China's EEZ that provokes an **~~armed~~ Chinese response**. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without permission of the coastal state violate Chinese domestic law and international law. China routinely intercepts U.S. reconnaissance flights conducted in its EEZ and periodically does so in **aggressive ways that increase the risk of an accident** similar to the April 2001 collision of a U.S. EP-3 reconnaissance plane and a Chinese F-8 fighter jet near Hainan Island. A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as occurred in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. The large growth of Chinese submarines has also **increased the danger of an incident**, such as when a Chinese submarine collided with a U.S. destroyer's towed sonar array in June 2009. Since neither U.S. reconnaissance aircraft nor ocean surveillance vessels are armed, the United States might respond to dangerous behavior by Chinese planes or ships by dispatching armed escorts. A **miscalculation** or misunderstanding could then result in a **deadly exchange of fire**, leading to further **military escalation** and precipitating a major political crisis. Rising U.S.-China mistrust and intensifying bilateral strategic competition would likely make managing such a crisis more difficult.

#### Senkaku Conflict goes nuclear

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The recent activation of Chinese weapons radars aimed at Japanese military platforms around the Senkaku/Diaoyu Islands is the latest in a series of incidents in which China has asserted its power and authority at the expense of its neighbours.¶ The radars cue supersonic missile systems and give those on the receiving end only a split second to respond. With Japanese law empowering local military commanders with increased discretion to respond (thanks to North Korea’s earlier provocations), such incidents could easily escalate. In an era of well-established UN-related adjudication bodies like the International Court of Justice (ICJ), how has it come to this? These incidents disconcertingly echo past events. ¶ In the early years of the 20th century, most pundits considered a major war between the great powers a remote possibility. Several incidents prior to 1914 were handled locally or successfully defused by diplomats from countries with alliances that appeared to guarantee the peace. After all, never before had the world been so interconnected — thanks to advanced communications technology and burgeoning trade. But alliance ties and perceived national interests meant that once a major war was triggered there was little hope of avoiding the conflict. Germany’s dissatisfaction with the constraints under which it operated arguably was a principal cause of war in 1914. Similarly, Japan’s dissatisfaction helped trigger massive conflict a generation later. ¶ A century on, many of the same observations can be made in East Asia. China’s rise is coupled with a disturbing surge in jingoism across East and Southeast Asia. China resents the territorial resolution of World War II, in which the United States handed responsibility for the Senkaku/Diaoyu islands to Japan while large chunks of the South China Sea were claimed and occupied by countries that emerged in Southeast Asia’s post-colonial order. Oil and gas reserves are attractive reasons for China to assert itself, but challenging the US place in East Asian waters is the main objective. China resents American ‘re-balancing ‘as an attempt at ‘containment’, even though US dependence on Chinese trade and finance makes that notion implausible. China is pushing the boundaries of the accepted post-Second World War order championed by the United States and embodied by the UN. ¶ China’s rapid rise and long-held grievances mean its powerbrokers are reluctant to use institutions like the ICJ. But China’s assertiveness is driving regional states closer into the arms of the United States. Intimidation and assertive maritime acts have been carried out, ostensibly by elements not linked to China’s armed forces. China’s white-painted Chinese Maritime Services and Fisheries Law Enforcement Command vessels operating in the South China Sea and around the Senkaku/Diaoyu islands have evoked strong reactions. ¶ But Japan’s recent allegation that China used active radars is a significant escalation. Assuming it happened, this latest move could trigger a stronger reaction from Japan. China looks increasingly as if it is not prepared to abide by UN-related conventions. International law has been established mostly by powers China sees as having exploited it during its ‘century of humiliation’. Yet arguably, it is in the defence of these international institutions that the peaceful rise of China is most likely to be assured. China’s refusal to submit to such mechanisms as the ICJ increases the prospect of conflict. ¶ For the moment, Japan’s conservative prime minister will need to exercise great skill and restraint in managing domestic fear and resentment over China’s assertiveness and the military’s hair-trigger defence powers. A near-term escalation cannot be ruled out. After all, Japan recognises that China is not yet ready to inflict a major military defeat on Japan without resorting to nuclear weapons and without triggering a damaging response from the United States. And Japan does not want to enter into such a conflict without strong US support, at least akin to the discreet support given to Britain in the Falklands War in 1982. Consequently, Japan may see an escalation sooner rather than later as being in its interests, particularly if China appears the aggressor. ¶ China’s domestic environment has nurtured jingoism. The Chinese state has built up the public’s appetite for vengeance against Japan by manipulating films and history textbooks. On the other hand, Chinese authorities recognise that the peaceful rise advocated by Deng Xiaoping is not yet complete (militarily at least). In the meantime it is prudent to exercise some restraint to avoid an overwhelming and catastrophic response. If the 1914–18 war taught us anything, it is that the outcome of wars is rarely as proponents conceived at the outset.

**Assessing Chinese motivation is possible and epistemologically useful---**

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Claremont McKenna College “DISPUTED THEORY AND SECURITY POLICY: RESPONDING TO “THE RISE OF CHINA”,” 2011, http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1164&context=cmc\_theses

First, **motives can be known**. Mearsheimer is correct in observing that assessing motives can be difficult, but this does not mean that the task is impossible. There clearly are ways of finding out information about the goals of states and the means with which they plan to achieve them. One of the most important roles of intelligence analysts, for example, is to determine state interests and expected behavior based on obtained information. The **possibility** that information may be flawed should **not lead to a rejection of all information**. People make decisions based on less than perfect knowledge all of the time. This ability to know motives extends to future motives, because an analyst can use information such as historical trends to observe consistencies or constant evolutions of motives. Prediction of the future is necessarily less certain in its accuracy, but the prediction can still be made.104¶ Second, even if there is still some uncertainty of motives, the rational response is not to assume absolute aggression. Assuming aggressive motive in a situation of uncertainty ignites the security dilemma, which could actually decrease a state’s security. Mearsheimer calls this tragic, but it is not necessary. An illustrative example is Mearsheimer’s analysis of the German security situation were the United States to withdraw its military protection. Mearsheimer argues that it would be rational for Germany to develop nuclear weapons, since these weapons would provide a deterrent, and it would also be rational for nuclear European powers to wage a preemptive war against Germany to prevent it from developing a nuclear deterrent. 105 This scenario is not rational for either side because it ignores motives. If Germany knows that other states will attack if it were to develop nuclear weapons, then it would not be rational for it to develop nuclear weapons. And if other states know that Germany’s development of nuclear weapons is only as a deterrent, then it would not be rational to prevent German nuclear development. The point is that the security dilemma exists because of a **lack of motivational knowledge,** so the proper response is to try to **enhance understanding of motives,** **not discard motivational knowledge altogether**. Misperception is certainly a problem in international politics, but reducing misperception would allow states to better conform to defensive realist logic, which results in preferable outcomes relative to offensive realism. 106¶ **Assessing motives is vital in the case of the rise of China**, because mutually preferable outcomes **can be achieved** if China is not an aggressive power, as offensive realism would have to assume, but is actually a status quo power with aims that have limited effect on the security of the U.S. and other potentially affected countries. I do not mean here to claim with certainty that China is and will always be a status quo power, and policymakers likely have access to more intentional information than what is publicly known. At the very least, **valuing motivational assessments empowers policymakers** to act on this knowledge, which is preferable because of the possibility of **reducing competition and conflict**.