# Georgia v Mo State – round 4 NEG

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### renewables DA

#### There is a global movement towards renewable energies now – government must be careful not to reverse this trend

Manish Bapna, Interim President, World Resources Institute, “2012: A Breakthrough for Renewable Energy?,” Huffington Post, February 12, 2012, http://www.huffingtonpost.com/manish-bapna/2012-a-breakthrough-for-r\_b\_1263543.html, accessed 6-20-2012.

Despite conventional wisdom, there is a growing body of evidence showing that renewables are no longer decades away from being a viable and affordable alternative to fossil fuels. Instead, onshore wind and solar photovoltaics are close to a tipping point to compete head-to-head with coal and natural gas in many countries. In fact, it’s likely that 2012 could be the year when investment in renewable energy (not counting hydropower) will surpass fossil fuels, signaling a profound shift toward a global clean energy economy. Investors are leading the charge toward a clean energy future, betting heavily on renewable energy. Global investment in clean energy generation capacity reached a record high of $260 billion in 2011, Bloomberg New Energy Finance announced last month. That was up 5 percent above 2010 levels and almost five times the 2004 total. The United States, surprisingly, led the world in renewable energy investment at nearly $56 billion, and China was second with more than $47 billion. Wind farms in China and solar panels on rooftops in Europe are the biggest signs of growth. But the renewables boom is a global phenomenon. In r and Central America, investments rose 39 percent to $13 billion. In India, they rose by 25 percent to almost $4 billion; and in the Middle East and Africa, by 104 percent to $5 billion. So what is getting investors– from asset financiers to venture capitalists— so excited? The answer is simple: wind and solar energy is becoming increasingly cost competitive with coal and natural gas. In the past few years, the costs of PV modules and wind turbines have tumbled, driven mainly by technology innovations and a maturing supply chain. The results are evident in falling clean energy prices around the world. Take just a few examples: In the United States, the authoritative National Renewable Energy Laboratory forecasts that solar PV residential electricity prices could be cost competitive by 2015 across two-thirds of the country. In Italy, Spain, Greece, Portugal, and Japan, solar PV is on course to match retail electricity fossil fuel prices next year, without the benefit of subsidies, according to Pike Research. In Brazil, wind power plants undercut natural gas competitors in bidding for government power contract tenders last summer. And in China, wind power prices are expected to be competitive with coal within two years. But before rushing to invest your entire pension in clean energy, there are some important caveats. Renewable power is not yet a mainstream global industry. It made up only a little over 3 percent of total world electricity generation, as of 2009. While its future seems bright, the outcome may hang on how two key issues play out: First is the unpredictable effect of the shale gas boom. In countries, like the United States, where low electricity prices already make it tough for renewables to become cost competitive, abundant and cheap shale gas may drive energy prices down even further and divert investment from wind and solar power. Low-priced natural gas is good for consumers, but it could slow the growth of renewable. This could have additional negative environmental consequences, including on greenhouse gas emissions. The second key issue is whether governments will keep up their investor-friendly commitments to clean energy policy and incentives. The BNEF report, Global Trends in Renewable Energy Investment 2011, showed significant progress on that front. By early 2011, some 119 countries had policies or targets in place to support renewables, more than half of them in the developing world. But given the turbulent global economy, it is likely that fiscal and political constraints will continue to bite across much of the globe in 2012. Governments may see support for wind and solar as tempting for budget cuts. In the United States, for example, wind power developers are nervous about the potential expiration of the Production Tax Credit in December 2012. If Congress fails to renew or replace it, the industry’s robust growth will likely falter. President Obama acknowledged as much during State of the Union, when he called on Congress to extend support for wind power and solar power. So the outlook for the year is still sunny, but not cloudless for renewables. Given the significant strides the industry has made, it would be unfortunate if governments and investors turned their backs now. If they forge ahead, 2012 could indeed see global investment surpass that for fossil fuels, crossing an important threshold toward a clean energy future.

#### Pushing for natural gas will lock us into natural gas and move us away from renewable energies

Beth Gardner, “Is Natural Gas Good, or Just Less Bad?,” New York Times, February 22, 2011, http://www.nytimes.com/2011/02/21/business/energy-environment/21iht-renogas21.html, accessed 7-5-2012.

But opponents see the push for natural gas as a distraction from more pressing priorities, like improving efficiency and generating renewable power. “We really have to be quite careful about the language we use to frame things,” said Kevin Anderson, a professor at the Tyndall Center for Climate Change Research at the University of Manchester in England. “If we call things green, we start to feel positive about it.” Natural gas, he said, “is not a positive thing, it’s just less negative.” In fact, he called it “a very bad fuel,” with “very high emissions indeed.” “They’re not as high as some other fossil fuels, but given where we need to be, to compare it with the worst that’s out there is very dangerous,” he added. Others are less critical. The Natural Resources Defense Council, an influential environmental group based in New York, wants to see U.S. coal plants converted to natural gas, said Kate Sinding, a senior attorney with the council. Reducing energy demand and promoting renewables come first, she said, “but we do see that as we get there, there is inevitably going to be a role for natural gas to play.” In addition to the carbon dioxide savings, natural gas also emits far lower levels of pollutants like nitrogen and sulfur oxides, mercury and particulate matter. Eventually, Ms. Sinding said, natural gas plants could be paired with solar and wind farms, which generate intermittent supply and need backup. Still, even if gas burns more cleanly than coal and oil, its production is often so dirty that it undermines the environmental gains, she said. U.S. and state regulators must tighten rules that have failed to reduce the serious problem of methane leaks and protect the quality of air and drinking water, Ms. Sinding said. Natural gas is composed largely of methane, which, if leaked unburned, is a powerful greenhouse gas. Also, poorly built gas wells can contaminate nearby aquifers. “In theory it can be reasonable, but we’re just falling far short of what we need to be doing for it to realize its promise,” she said. Much of the enthusiasm in the United States and Europe for natural gas comes from its relative abundance, and its location in places friendly to the West. The United States in particular has plentiful supplies, now that extraction from shale rock has boomed into a big industry. “Gas is much better distributed around the world than oil,” said Michael Webber, associate director of the Center for International Energy and Environmental Policy at the University of Texas at Austin. “We keep finding it.” Many environmentalists are not convinced, noting that a growing number of new finds are in hard-to-reach areas or require unconventional forms of extraction, making exploitation riskier, more expensive and more energy-intensive. Still, Mr. Webber said, “If we can really produce gas in a safe, clean way and it’s as abundant as people say, it doesn’t take us all the way to a zero-carbon future, but it’s clearly a big step in the right direction.” The advantages of gas, which include the low capital cost and short turnaround time for building new plants, make it essential for reducing carbon emissions quickly, said Beate Raabe, director of European Union affairs at the International Association of Oil and Gas Producers, a trade group based in Brussels. In the longer term, she said, carbon-capture technology could make gas plants part of a green future. Mr. Obama appeared to share such optimism when he mentioned natural gas in his State of the Union speech last month, surprising environmentalists by listing it along with solar, wind, nuclear and so-called clean coal power as key parts of a national clean-energy strategy. But some remain skeptical of the idea that natural gas can serve as a bridge to a cleaner renewable energy future. “How long and how wide is this bridge?” asked Ms. Sinding, of the Natural Resources Defense Council. “The more we put into natural gas, the greater the concern that we lock ourselves into burning natural gas and not substituting for it.”

#### Renewables solve warming

MatteR Network, “Experts Say Renewable Energy Key to Economic Recovery,” October 17, 2008, http://www.matternetwork.com/2008/10/experts-say-renewable-energy-key.cfm, accessed 8-12-2012.

Meanwhile, the Center for American Progress, a Washington, D.C. think tank and 25x'25 endorsing partner, says the United States can create 2 million jobs over two years by investing in a rapid "green" economic recovery program. In a recently issued report, the group says a $100-billion public/private investment package would create nearly four times more jobs - including a vast majority paying at least $16 per hour than spending the same amount of money within the oil industry, and would reduce the unemployment rate from the 5.7 percent recorded in July of this year down to 4.4 percent over two years. The report, Green Recovery: A Program to Create Good Jobs and Start Building a Low-Carbon Economy, which was prepared by the Political Economy Research Institute at the University of Massachusetts-Amherst under commission by the Center for American Progress, also shows that the proposed green economic recovery package would boost construction and manufacturing employment. The report says the green recovery program, at the least, can restore some 800,000 construction jobs lost, from 8 million to 7.2 million, over the past two years due to the housing bubble collapse. John Podesta, president and CEO of the Center for American Progress, says falling home prices, foreclosures, bank failures, a weaker dollar, steep prices for gas, food, and steel, and layoffs in the banking, construction and manufacturing sectors are all indicators of serious economic strain. "What's more, evidence suggests the current downturn will continue for at least another year," he says. "At the same time, we face a growing climate crisis that will require us to rapidly invest in new energy infrastructure, cleaner sources of power, and more efficient use of electricity and fuels in order to cut global warming pollution." Podesta says the time is now "for a new vision for the economic revitalization of the nation and a restoration of American leadership in the world" and "at the heart of this opportunity is clean energy, remaking the vast energy systems that power the nation and the world." He says the economic opportunities provided by a fundamental change in the way energy is produced and consumed, are vast. The $100 billion package envisioned by the Center would include $50 billion for tax credits, $46 billion in direct government spending, and $4 billion for federal loan guarantees. By comparison, U.S. crude oil imports during the first eight months of this year totaled $251 billion, according to the U.S. Bureau of Economic Analysis. "The green economic recovery program addresses the immediate need to boost our struggling economy and accelerate the adoption of a comprehensive clean energy agenda," says Podesta, noting that combining tax credits and loan guarantees for private businesses along with direct public investment spending would retrofit buildings to increase energy efficiency, expand mass transit and freight rail, construct "smart" electrical grid transmission systems, and boost wind energy, solar power and advanced biofuels.

#### Anthropogenic warming causes extinction

Mudathir F. Akorede et. al, June 2012, M.Eng degree at Bayero University Kano in Electrical Engineering, tutelage engineer in the Chad Basin Development Authority’s, lectureship appointment in the Department of Electrical Engineering, University of Ilorin, professional engineer with the Council for Regulation of Engineering in Nigeria (COREN), reviewer for a number of reputable international journals, Hashim Hizam, Department of Meterology and Atmospheric Sciences, faculty, University of Putra Malaysia, M.Sc in Electrical Engineering, Polytechnic University of Brooklyn, New York, M. Z. A. Ab Kadir and I. Aris, Department of Electrical and Electronics Engineering, Faculty of Engineering University Putra Malaysia, S.D. Buba professor of Climatology University of Putra Malaysia, Ph.D. paleoclimatology, University of Oxford, M.Eng at the University of Putra Malaysia, Renewable & Sustainable Energy Reviews, Vol. 16 Issue 5, “Mitigating the anthropogenic global warming in the electric power industry,” p. 1, Ebsco Host

One of the most current and widely discussed factors that could lead to the ultimate end of man’s existence and the world at large is global warming. Global warming, described as the greatest environmental challenge in the 21st century, is the increase in the average global air temperature near the surface of the Earth, caused by the gases that trap heat in the atmosphere called greenhouse gases (GHGs). These gases are emitted to the atmosphere mostly as a result of human activities, and can lead to global climate change. The economic losses arising from climate change presently valued at $125 billion annually, has been projected to increase to $600 billion per year by 2030, unless critical measures are taken to reduce the spate of GHG emissions. Globally, the power generation sector is responsible for the largest share of GHG emissions today. The reason for this is that most power plants worldwide still feed on fossil fuels, mostly coal and consequently produce the largest amount of CO2 emitted into the atmosphere. Mitigating CO2 emissions in the power industry therefore, would significantly contribute to the global efforts to control GHGs. This paper gives a brief overview of GHGs, discusses the factors that aid global warming, and examines the expected devastating effects of this fundamental global threat on the entire planet. The study further identifies the key areas to mitigate global warming with a particular focus on the electric power industry.

### reg-neg CP

#### TEXT: Congressional rulemaking bodies should facilitate regulatory negotiations with relevant parties over the following proposal: The United States Federal Government should substantially reduce production restrictions on federal lands in the Outer Continental Shelf for conventional gas production. The negotiated policy will subsequently be implemented.

#### CP Competes: Does not result in the 1AC, open process

Gary Endelman, Senior Associate at Fong & Associates, “Go as Far as You Can: How Negotiated Rulemaking in Immigration Benefits America: Part 2 of 2,” Immigration Daily, July 1, 2003, [http://www.ilw.com/articles/2003,0718-endelman.shtm#bio](http://www.ilw.com/articles/2003%2C0718-endelman.shtm#bio), accessed 10-5-2012.

Those who believe, as I do, that immigration is good for America have their principles right. Our challenge is to translate these principles into practice. If America is to move beyond paralysis and create a national immigration policy that works for all of us, we who most champion immigration must engage in the down and dirty work of building true alternatives to traditional rulemaking. Right now, there is such a balance of will between competing factions, the forces for and against positive change are so evenly balanced, that only a third way with absolute clarity of vision can chart a path forward towards sustainable compromise. Negotiated rulemaking is that third way. Absent this, precisely because any meaningful progress seems so remote, ideological combatants shrink back from assuming the very real risks that progress demands.

#### Reg negs solve best

Alana Knaster is the Deputy Director of the Monterey County Resource Management Agency. Prior to joining the staff of Monterey County, she was the President of the Mediation Institute, a national non-profit firm that specialized in the mediation of complex, multi-party public policy disputes. Ms. Knaster has mediated dozens of environmental disputes over issues relating to sustainable resource management, pollution reduction, land use, and endangered species. She has been on the faculty of the Straus Institute, Pepperdine University School of Law, since 1989. Ms. Knaster is also the former Mayor of the City of Hidden Hills, California, “Resolving Conflicts Over Climate Change Solutions: Making the Case for Mediation,” PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL, 2010, <http://law.pepperdine.edu/dispute-resolution-law-journal/issues/volume-ten/Knaster%20Article.pdf>, accessed 9-11-2012.

There were close to one hundred separate organizations that had an interest in these negotiations. 134 The Negotiating Rulemaking Act suggests that negotiating committees be limited to twenty-five. 135 Based on the recommendations of the co-mediators/conveners, the committee was expanded to thirty-one members. 136 Each of the key interests was organized into interest caucuses. For example, there were forty-nine cities that would be directly affected by the rule. 137 They agreed to representation by five individuals, coordinated by the executive director of the Association of State and Local Air Pollution Control Officials. 138 The petroleum interests were divided into three separate caucuses—large and medium sized companies, small refiners, and alternative energy refiners. Public interest groups, including several national and regional environmental coalitions, agreed to five seats at the table, with the designated negotiators assuming responsibility for obtaining input from the larger group. 139 The organization of the group allowed for participation in work groups around each of the key topics. The use of work groups allowed more participation by individual stakeholder groups who did not have seats at the table, but had expertise in a particular area and enabled them to participate more fully in caucus decision-making. The negotiations centered on the issue of modeling and testing of formulas. 140 One side argued for laboratory testing of formulas to ensure compliance with the legislation. Others noted that in order to meet the deadlines, modeling of the formulas was the only feasible solution. The final settlement incorporated a simpler model than had been originally contemplated, but included a process for incorporating new data. The tradeoff for use of these models was that industry agreed to meet Phase II reformulated gasoline requirements earlier than was required by law. At the end of six months, a consensus was reached on an outline for a proposed rule. The final rule was published well in advance of the regulatory deadline. 141 The case example demonstrates the value of the mediated negotiations process in allowing direct negotiations on complex issues in a constrained timeline. It also demonstrates the type of creative exchange of ideas and solutions that can occur in a process that is designed to accommodate and enfranchise a larger number of diverse interests and individual organizations, while keeping the number negotiators small.

### debt ceiling

#### Obama is in perfect position on the debt ceiling

Klein 1-2 [Ezra Klein 1-2-2013 Washington Post “Calm down, liberals. The White House won” http://www.washingtonpost.com/blogs/wonkblog/wp/2013/01/02/calm-down-liberals-the-white-house-got-a-good-deal-on-the-fiscal-cliff/]

Fourth, I don’t think the White House has a shred of credibility when they say they won’t negotiate over the debt ceiling. They may not call what they’re about to do negotiating over the debt ceiling, but that’ll be what they’re doing. That said, I’m quite convinced that they don’t intend to be held hostage over the debt ceiling. As a former constitutional law professor, the president sees himself as a steward of the executive branch and is deeply hostile to setting the precedent that congressional minorities can hold presidents hostage through the debt ceiling. At some point in the coming talks, Boehner or McConnell or both are going to realize that the White House really, seriously will not accept a bargain in which what they “got” was an increase in the debt limit, and so they’re going to have to decide at that point whether to crash the global economy.¶ Fifth, the constellation of economic interest groups that converge on Washington understands the debt ceiling better than they did in 2011, are becoming more and more tired of congress’s tendency to negotiate by threatening to trigger economic catastrophes, and is getting better at knowing who to blame. It’s not a meaningless sign that John Engler, the former Republican Governor of Michigan who now leads the Business Roundtable, called for a five-year solution to the debt ceiling. ¶ It’s worth keeping this in perspective: All it means is that the White House can potentially demand a perfectly reasonable compromise of one dollar in revenue-generating tax reform for every dollar in spending cuts. When you add in the fiscal cliff deal, and the 2011 Budget Control Act, that’ll still mean that the total deficit reduction enacted over the last few years tilts heavily towards spending, particularly once you account for reduced war costs. ¶ But that is, arguably, another reason that the White House isn’t in such a bad position here: They’ve set up a definition of success that will sound reasonable to most people — a dollar in tax reform for a dollar in spending cuts — while the Republicans have a very unreasonable sounding definition, in which they get huge cuts to Medicare or they force the United States into default. So while it’s possible that the White House will crumble, rendering itself impotent in negotiations going forward, and while it’s possible that the we’ll breach the debt ceiling, both possibilities seem less likely than Republicans agreeing to a deal that pairs revenue-generating tax reform with spending cuts.

#### Exports are politically treacherous- deferral on the issue now

Dlouhy 2012 [Jennifer A. Dlouhy is a Houston Chronicle staff writer July 14, 2012 SF Gate “Exporting natural gas a dilemma for U.S.” http://www.sfgate.com/business/article/Exporting-natural-gas-a-dilemma-for-U-S-3707334.php]

The dilemma is politically treacherous in an election year and amidst a struggling economy. Although the United States already exports some natural gas - mostly by pipelines to Mexico and Canada - the flurry of proposals to liquefy natural gas for tanker shipment and sell it to foreign consumers would mean a big jump in exports.¶ Plans may not fly¶ Applications filed with the Energy Department could put the United States on track to export about 16 billion cubic feet of liquefied natural gas each day - almost a quarter of U.S. daily production in 2011.¶ But few expect all of those proposals to win federal approval, and it could be years before construction is finished on even those projects that win the green light. Experts say the realistic potential market for exports from the United States and Canada is 4 billion to 5 billion cubic feet per day by 2020.¶ An Energy Information Administration report released in January concluded that exporting natural gas would cause prices to climb in the United States. According to the agency, consumers' electricity bills would increase by 1 to 3 percent from 2015 to 2035 and industrial prices would climb 9 to 28 percent.¶ Unlike crude, which is a globally traded commodity, natural gas is traded on nonintegrated markets, resulting in huge price variations in different places. The prospect of selling natural gas in Asian and European markets at five times its price in the United States is enough to make most domestic producers giddy.¶ Energy companies and analysts have argued that current U.S. natural gas prices are unsustainable. It closed Friday at $2.874 per million BTUs in trading on the New York Mercantile Exchange.¶ The opposing argument is that exports could cause prices to spike, sending electricity bills upward and jeopardizing a resurgence in domestic manufacturing tied to abundant, cheap natural gas. Manufacturers that use natural gas to fuel their plants and as a building block to make other products were hit hard over the past two decades by volatile swings in prices, which last peaked over $15 in 2005.¶ Elected officials mum¶ Because any position risks alienating important constituencies - energy producers and manufacturers as well as rank-and-file voters - few elected officials are pushing the issue.¶ "It's a lot safer for politicians who don't want to be on the wrong side to defer it," said Kevin Book, an analyst with ClearView Energy Partners.

#### Obama PC is key - failure collapses the global economy

Maass 1-2 [Harold Maass 1-2-2013 The Week “The looming debt-ceiling fight: Worse than the fiscal cliff?” http://theweek.com/article/index/238312/the-looming-debt-ceiling-fight-worse-than-the-fiscal-cliff]

Since the agreement heading for Obama's desk doesn't raise the debt ceiling, which we've already hit, says Zachary A. Goldfarb at The Washington Post, it leaves "the Treasury to use what it calls 'extraordinary measures' as long as it can to pay the government's bills." When the bean counters run out of tricks, we could face a "catastrophic default" if Congress doesn't act fast.¶ In many ways, the threat of default in two months is a more serious risk than the Jan. 1 fiscal cliff deadline. If Congress does not increase the debt ceiling, the government will quickly run out of ways to pay the nation's bills and make interest payments on the nation’s outstanding debt. Any failure by the government to meet its financial obligations could be seen as a default, shaking world financial markets, given the special role that U.S. government bonds play in the global economy.¶ Obama is still smarting from the 2011 debt-ceiling dispute, says Neil Munro at The Daily Caller. In that fight, "the GOP eventually pressured him to accept spending curbs in exchange for an increase to the debt limit up to $16.4 trillion." Obama has been complaining about that defeat ever since, and he's vowing not to let it happen again. But the GOP-led House is adamant about using "its authority over the nation's debt ceiling to pressure Obama to shrink future spending."

#### Economic decline causes nuclear conflict

Mathew J. Burrows (counselor in the National Intelligence Council (NIC), PhD in European History from Cambridge University) and Jennifer Harris (a member of the NIC’s Long Range Analysis Unit) April 2009 “Revisiting the Future: Geopolitical Effects of the Financial Crisis” http://www.twq.com/09april/docs/09apr\_Burrows.pdf

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groupsinheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacksand newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### capitalism

#### Energy production is inseparable from capitalist growth—their narrow lens framing is complicit through excusing avoidance & propping up destructive forces

Clark and York ’8 Brett Clark, assistant professor of sociology at North Carolina State University, and Richard York, coeditor of Organization %26 Environment and associate professor of sociology at the University of Oregon, "Rifts and Shifts: Getting to the Root of Environmental Crises," Monthly Review, Vol. 60, Issue 06, November 2008

The development of energy production technologies provides one of the best examples of rifts and shifts, as technological fixes to energy problems create new ecological crises in the attempt to alleviate old ones. Biomass, particularly wood, has, of course, been one of the primary energy sources humans have depended on throughout their history. The development of more energy intensive processes, such as the smelting of metals, was, therefore, connected with greater pressure on forests, as trees were fed to the fires. By the time the Industrial Revolution began to emerge in Europe, vast regions of the continent had already been deforested, particularly in areas close to major sites of production, and much of this deforestation was driven by the demand for fuel. As industrialization advanced, new sources of power were desired to fuel the machines that allowed for production to take place on a growing scale. Whole forests could be devoured at an unprecedented rate, making wood ever more scarce. The tension between the desire of the capitalist owners of the new industrial technologies for expanding the accumulation of capital and the biophysical limits of Earth were apparent from the start of the Industrial Revolution. However, capitalists did not concern themselves with the internal contradictions of capitalism, except insofar as they were barriers to be transcended. Thus, efforts to achieve what we would today call sustainability were not even considered by the elite. Rather, coal (and subsequently other fossil fuels) quickly became the standard fuel of industry, temporarily sidestepping the fuelwood crisis (although forests continued to fall due to the many demands placed on them) but laying the foundations for our current global climate change crisis by dramatically increasing the emission of carbon dioxide.16 The pattern has remained similar to how it was in the early years of the Industrial Revolution. Oil was quickly added to coal as a fuel source and a variety of other energy sources were increasingly exploited. Among these was hydropower, the generation of which requires damming rivers, and thus destroying aquatic ecosystems. For example, the expansion of hydropower over the twentieth century in the U.S. Pacific Northwest was the primary force leading to the widespread depletion and extinction of salmon runs. Nuclear power was, of course, the most controversial addition to the power mix. Despite initial claims that it would provide clean, unlimited power that would be too cheap to meter, it proved to be an expensive, risky power source that produced long-lived highly radioactive waste for which safe long-term storage sites have been nearly impossible to develop. Now, in the twenty-first century, with global climate change finally being recognized by the elite as a serious problem, the proposed solutions are, as we would expect, to shift the problem from one form of energy to a new form of energy. Nuclear power, despite its drop in popularity toward the end of the last century, due to high costs and widespread public opposition, is now very much back on the agenda, with new promises of how the new nuclear plants are safer—never mind the issue of radioactive waste. We are also regaled with promises of agrofuels, ironically bringing us back to the pre-coal energy crisis. Recent scientific reports note that growing crops for agrofuel to feed cars may actually increase the carbon emitted into the atmosphere.17 But even this ignores the fact that the production of agrofuel would be based on unsustainable agricultural practices that demand massive inputs of fertilizers and would only further the depletion of soil nutrients, bringing us back to the metabolic rift that Marx originally addressed. Two recent examples of technical approaches to mitigating climate change are particularly illustrative of how technological optimism distracts us from the political-economic sources of our environmental problems. Nobel laureate Paul Crutzen, who admirably played a central role in identifying and analyzing human-generated ozone depletion in the stratosphere, recently argued that climate change can be avoided by injecting sulfur particles into the stratosphere to increase the albedo of the Earth, and thus reflect more of the sun’s energy back into space, which would counter the warming stemming from rising concentrations of greenhouse gases. Although no doubt offered sincerely and out of desperation stemming from the failure of those in power adequately to address the mounting climate crisis, the technical framing of the climate change issue makes it easy for political and business leaders to avoid addressing greenhouse gas emissions, since they can claim that technical fixes make it unnecessary to take action to preserve forests and curtail the burning of fossil fuels. Engineering the atmosphere on this scale is likely to have many far-reaching consequences (acid rain being only the most obvious), many of which have not been anticipated. In a similar vein, well-known physicist Freeman Dyson recently suggested that we can avoid global climate change by replacing one-quarter of the world’s forests with genetically engineered carbon-eating trees. The ecological consequences of such an action would likely be extraordinary. Both of these so-called solutions avoid addressing the dynamics of an economic system that is largely structured around burning fossil fuels, that must constantly renew itself on a larger scale, and that runs roughshod over nature. Often techno-solutions are proposed in a manner that suggests they are completely removed from the world as it operates. The irony is that such narrowly conceived “solutions” would only serve as a means to prop up the very forces driving ecological degradation, allowing those forces to continue to operate, as they create additional ecological rifts.18

#### The alternative is to do nothing – this solves the inevitability of capitalism

Zizek 08—Senior Research @ Institute for Social Studies-Ljubljana [Slavoj, Violence, p. 207-217

While the parallel holds, the concluding characterisation seems to fall short: the unsettling message of Seeing is not so much the indissolubility of both people and government as much the compulsive nature of democratic rituals of freedom. What happens is that by abstaining from voting, people effectively dissolve the government-not only in the limited sense of overthrowing the existing government, but more radically. Why is the government thrown into such a panic by the voters' abstention? It is compelled to confront the fact that it exists, that it exerts power, only insofar as it is accepted as such by its subjects-accepted even in the mode of rejection. The voters' abstention goes further than the intra-political negation, the vote of no confidence: it rejects the very frame of decision. In psychoanalytic terms, the voters' abstention is something like the psychotic Verwerfung (foreclosure, rejection/repudiation), which is a more radical move than repression (Verdrangung). According to Freud, the repressed is intellectually accepted by the subject, since it is named, and at the same time is negated because the subject refuses to recognise it, refuses to recognise him or herself in it. In contrast to this, foreclosure rejects the term from the symbolic tout court. To circumscribe the contours of this radical rejection, one is tempted to evoke Badiou's provocative thesis: "It is better to do nothing than to contribute to the invention of formal ways of rendering visible that which Empire already recognizes as existent.''6 Better to do nothing than to engage in localised acts the ultimate function of which is to make the system run more smoothly (acts such as providing space for the multitude of new subjectivities). The threat today is not passivity, but pseudoactivity, the urge to "be active," to "participate," to mask the nothingness of what goes on. People intervene all the time, "do something"; academics participate in meaningless debates, and so on. The truly difficult thing is to step back, to withdraw. Those in power often prefer even a "critical" participation, a dialogue, to silence-just to engage us in "dialogue," to make sure our ominous passivity is broken. The voters' abstention is thus a true political act: it forcefully confronts us with the vacuity of today's democracies.If one means by violence a radical upheaval of the basic social relations, then, crazy and tasteless as it may sound, the problem with historical monsters who slaughtered millions was that they were not violent enough. Sometimes doing nothing is the most violent thing to do.

### exports adv

#### No war over Senkaku, US involved and Economic concerns check conflict

Park 10/1 (Sungtae Park, M.A. Security Policy Studies student at the George Washington University’s Elliott School of International Affairs, October 1, 2012, “Limits of the China-Japan Tension over the Senkaku/Diaoyu Islands,” International Affairs Review, <http://www.iar-gwu.org/node/434>) There is a growing fear among many Asia observers and pundits that the on-going territorial dispute could become a spark for a destructive, general war in Asia. The reality, however, is that there are several economic, political, as well as logistical (in military terms) constraints that make a war highly unlikely.¶ In economic terms, trade between the two countries is at historic high levels. A war would have devastating human as well as material costs. While economic interests and interdependence do not necessarily lead to peace, as history has proven with World War I, the current situation is different. Both political and military leaders before World War I believed that a war would be quick with small costs. Each side also believed that it would win. Leaders of both China and Japan today understand that the costs of a war would be astronomical and understand that victory is no certainty.¶ The CCP (the Chinese Communist Party) has a strong interest in making sure that the conflict does not turn into a war. One of the key pillars of the CCP’s legitimacy is economic growth. The Chinese economy is already slowing. A war would certainly put a halt to the so-called Chinese miracle. In the beginning of the dispute this year, Beijing actually discreetly encouraged protests in hope that they would divert the Chinese people’s attention away from China’s slowing economic growth and deteriorating socioeconomic conditions. As of now, however, Beijing is attempting to restrain the protests, fearing that they could pressure the government into an actual war.¶ Despite constitutional constraints, Japan's military has continued to evolve over the past half century, but the pacifist sentiment among the Japanese public still remains very strong. The Japanese who are inflaming the tension between the two countries do not represent the majority. At the official level, Japan’s decision to purchase the disputed islands is in fact a way for the Japanese government to be able to exercise more control and restraint over the entire situation by taking the islands out of private hands.¶ There are also logistical reasons why a war over the Senkaku/Diaoyu Islands is unlikely. It is generally believed that neither China nor Japan at the moment has the military capability to wage a full-scale conventional war against the other. If China and Japan were to fight a war, the initial fighting would take place on water. The Chinese navy is mainly oriented towards coastal defense and does not have effective naval capabilities to project its power beyond the so-called “first island chain.”¶ The Senkaku/Diaoyu Islands are part of the first island chain, but the Chinese military would have to stretch its naval capability to the limit in order to fight a war at that point. Even China’s on-going naval modernization is primarily for defensive purposes. The Japanese navy, on the other hand, does have some capability to project its power, but it is very limited. The Japanese military also does not have adequate ground forces to conduct fighting on the Chinese mainland. Even if violence breaks out, such a conflict would be very limited in scope and is highly unlikely that it would turn into a general war or escalate to a nuclear conflict.¶ A more uncertain factor that must be considered is that the security treaty between the United States and Japan extends to the Senkaku/Diaoyu Islands. The treaty makes it possible for the United States to become involved in a military conflict. So far, Washington has taken a neutral stance between China and Japan . The United States is opposed to any violent solution and shares concerns, particularly economic, with both China and Japan about the consequences of a general war. Any major conflict between China and Japan would kill the prospects of global economic recovery. Furthermore, because any conflict between China and Japan would be limited at best, any U.S. involvement due to its security obligation would most likely be limited as well.¶ In examining the potential for the use of military force, one must consider both intent and capability. Neither China nor Japan has the intent or the capability to fight a war over the Senkaku/Diaoyu Islands. While the rhetoric between the two countries may be fierce, it remains subject to reality.

#### US – Japan relation tension over Myanmar now

Bi Shihong 12-26 <http://www.globaltimes.cn/content/752442.shtml> Japan, US may lock horns in quest for influence in Myanmar Global Times | 2012-12-26 19:54:05

In fact, Japan hasn't been well prepared for the menacing manner in which the US has returned to Southeast Asia or the strengthening US-Myanmar relationship. The powerful US intervention in Myanmar will weaken Japan's influence in the country, and even in the whole Southeast Asia region. ¶ Myanmar is a testing ground for Japan as it pursues an international position of "political power." However, Japan's intention to build political influence in Myanmar conflicts with the wishes of the US leadership. ¶ In recent years, Japan and the US have had different strategic considerations toward Southeast Asia, but they also have some overlapping strategic interests, such as countering China's influence in this region. China provided considerable economic assistance to Myanmar when it was sanctioned by the West.

#### Relations are resilient - trade disputes prove

CRS Issue Brief ‘8 (May 23. “Japan U.S. Relations: Issues for Congress” Department of State website. http://aboutusa.japan.usembassy.gov/e/jusa-usj.html )

The ruling party’s historic defeat in Upper House elections in July 2007 may slow some of this cooperation. As new leader Yasuo Fukuda attempts to restore his party’s leadership, some of Koizumi and Abe’s platform may be placed on hold. If political jockeying weakens Tokyo’s focus on U.S.-Japan relations as an aging Japanese population demands more attention to domestic economic issues, the U.S.-Japan relationship may struggle to maintain its momentum of the past several years. Japan is one of the United States’ most important economic partners. Outside of North America, it is the United States’ largest export market and second-largest source of imports. Japanese firms are the United States’ second-largest source of foreign direct investment, and Japanese investors are by far the largest foreign holders of U.S. treasuries, helping to finance the U.S. deficit and reduce upward pressure on U.S. interest rates. Bilateral trade friction has decreased in recent years, partly because U.S. concern about the trade deficit with Japan has been replaced by concern about a much larger deficit with China. The exception was U.S. criticism over Japan’s decision in 2003 to ban imports of U.S. beef, which have since resumed.

#### Pivot is not actually happening- efforts to create it cause backlash

Etzioni 2012 [Amitai Etzioni served as a senior advisor to the Carter White House; taught at Columbia University, Harvard and The University of California at Berkeley; and is a university professor and professor of international relations at The George Washington University June 14, 2012 The National Interest “Obama's Asia 'Bluff'” http://nationalinterest.org/commentary/obamas-asia-bluff-7051]

When a leading expert on military affairs recently told a Brookings Institution meeting that President Obama’s much-touted pivot to Asia was “a bluff,” I considered the statement way off the mark. But since then, I have concluded that there is indeed less to Obama’s grand change in strategy than meets the eye. In fact, the pivot makes little sense. This suggests that one ought to look for domestic explanations.¶ The media points to the drawdown of American troops in the Middle East (particularly in Iraq and Afghanistan) and their increase in the Far East as exhibit one of the realignment of American military forces called for by the pivot. Actually, the new commitment to Asia is minuscule. The press refers to new deployment of 2,500 Marines in the region, but only 250 troops have actually arrived to date. The remainder are not expected to arrive for years. Furthermore, even when in full force—some say ten years from now—the Marines will add little to the 55,442 troops already stationed in the Asia-Pacific region at the end of last year, mostly in Japan (36,708), Guam (4,272) and afloat (13,618).¶ Defense Secretary Leon Panetta announced in early June that there also will be a shift in U.S. naval forces. While until now the United States has divided its warships roughly equally between the Atlantic and the Pacific, the Pacific will now host 60 percent of the fleet, albeit of a smaller fleet.¶ However, Panetta stressed that it will “take years for these concepts, and many of the investments we are making, to be fully realized.” There also will be more frequent visits by the American warships in Asian ports, and some ships will be berthed in Singapore, which is sure to delight the sailors and some local professionals but otherwise not matter much.¶ More significant is the question of what role these forces will play in the region. Obviously, our troops—even as augmented with a few Marines—are not meant to engage in any forthcoming military confrontation with China, with its constantly expanding and increasingly modernized army consisting of 2,285,000 active troops.¶ Nor is there any sign that China seeks a military confrontation with the United States. Although China’s military capacity is expanding, even the most hawkish American observers do not think China could stage such a confrontation for at least a decade. Moreover, that the Marines will be located 2,600 miles away from China reveals they are not meant to serve as a tripwire, which would entail placing them on the beaches of Taiwan or at the island chains contested in the South China Sea.¶ Military analysts will argue that these moves are not meant to provide a substantial realignment of military assets but rather to send a message. But as moviemaker Samuel Goldwyn famously quipped, “If you want to send a message, use Western Union.” Using troops does send a message—but is it one we wish to send?¶ Both Henry Kissinger and Zbigniew Brzezinski strongly favored heightened U.S. attempts to engage China as a partner in maintaining global order and urged “co-evolution” with China rather than attempts to contain it. There remains plenty of time to turn to military moves if China refuses to become a responsible stakeholder in the international order. True, China has made several rather assertive claims in the South China Sea, but these have almost uniformly involved laying claims as a starting point for negotiations. The United States may feel that it ought to support countries close to China, such as Vietnam, Malaysia and the Philippines, so that they will not risk being bullied by the rising global power. However, this can be accomplished through treaties, trade and aid without resorting to the present U.S. strategy of militarizing the conflict.¶ Why then the military “pivot to Asia”? It does make sense as one part of an election-year campaign, designed to deprive the GOP of one of its favorite and winning claims: that Democrats are weak on foreign policy. The more American voters concentrate on the Far East—in which no war looms and we can act as tough as we want without facing short-term consequences or exorbitant expenditures—the more they might be distracted from the shambles in Afghanistan and the resurgence of Al Qaeda in Yemen and Somalia. Hence, the better the world looks.¶ Mitt Romney’s hawkish statements about China and Russia suggest the Democrats are not the only ones seeking to play this card. Both sides should note, though, that the message is being received. China is likely to respond in kind by further accelerating its military buildup and repositioning some of its own forces. Indeed, it may well deepen its already considerable military ties with Pakistan. The notion that the United States could bankrupt China by involving it in an arms race, as Reagan did to speed the disintegration of the Soviet Union, is fanciful given that the United States is in more dire economic straits than is China and that China can invest in next-generation cyber weapons, space arms and antiship missiles without straining its economy.

#### Asia pivot is seen as containment- causes China to build up more

Glaser 2012 [Bonnie S. Glaser senior fellow with the ¶ Freeman Chair in China Studies at CSIS, where ¶ she works on issues related to Chinese foreign and ¶ security policy. Prior to joining CSIS, she served as ¶ a consultant for various U.S. government offices, ¶ including the Departments of Defense and State. ¶ Ms. Glaser has written extensively on Chinese threat ¶ perceptions and views of the strategic environment ¶ and on China’s foreign policy 2012 “Pivot to Asia: Prepare for Unintended Consequence” Center for Strategic and International Studies http://csis.org/files/publication/120405\_GF\_Final\_web-sm.pdf]

The Obama administration’s initial policy in ¶ 2009 raised fears in many Asian capitals of a ¶ G2 condominium that would make decisions ¶ over the heads of others. Those concerns were ¶ unwarranted and short lived. Beijing interpreted ¶ the U.S. approach as weakness, which, along ¶ with China’s economic success and America’s ¶ struggles, led to a year of Chinese hubris that ¶ manifested itself in a series of intimidating ¶ actions in China’s neighborhood. Subsequent ¶ entreaties by regional states to counterbalance ¶ China increased U.S. attention to the Asia-Pacific ¶ region. Now, the U.S. Asia “pivot” has prompted ¶ Chinese anxiety about U.S. containment and ¶ heightened regional worries about intensified ¶ U.S.-China strategic competition.¶ In the run-up to the leadership transition that will ¶ take place at China’s 18th Party Congress this fall, ¶ Beijing is inwardly focused and unlikely to act on ¶ its fears. However, 2013 could see a shift in Chinese ¶ foreign policy based on the new leadership’s ¶ judgment that it must respond to a U.S. strategy ¶ that seeks to prevent China’s reemergence as a ¶ great power.¶ Signs of a potential harsh reaction are already ¶ detectable. The U.S. Asia pivot has triggered ¶ an outpouring of anti-American sentiment in ¶ China that will increase pressure on China’s ¶ incoming leadership to stand up to the United ¶ States. Nationalistic voices are calling for military ¶ countermeasures to the bolstering of America’s ¶ military posture in the region and the new ¶ U.S. defense strategic guidelines. For example, ¶ an article published in China’s Global Times, a ¶ jingoistic newspaper owned by the Communist ¶ Party mouthpiece People’s Daily, called for China ¶ to strengthen its long-range strike capabilities.

#### Containment causes relations collapse- the pivot is largely symbolic so there is no deterrent benefit

Carpenter 2011 [Ted Galen Carpenter Senior fellow for defense and foreign policy studies at the Cato Institute, is the author of eight books on international affairs November 30, 2011 The National Interest “Washington’s Clumsy China Containment Policy” http://nationalinterest.org/blog/the-skeptics/washington%E2%80%99s-clumsy-china-containment-policy-6202]

Those moves, along with previous efforts to strengthen cooperative military ties with other traditional allies such as South Korea and Japan and one-time U.S. adversaries such as Vietnam, have all the earmarks of a rather unsubtle containment policy directed against China. It is a foolish strategy that will complicate and perhaps permanently damage the crucial U.S.-China relationship. Perhaps even worse, it is a containment strategy that is long on symbolism and short on substance, thereby managing to be simultaneously provocative and ineffectual.¶ Take the U.S. decision to send 2,500 Marines to Australia. It is hard to imagine a scenario in which such a small deployment would be militarily useful. If there is a security contingency somewhere in East Asia, it is likely to be decided by air and naval power, not a meager force of Marines. Yet, while militarily useless, such a deployment conveys a hostile message to Beijing, thereby managing to antagonize the Chinese.¶ A similar conclusion is warranted with regard to the Obama administration’s transparent effort to revitalize the nearly moribund alliance with the Philippines. That chronically misgoverned, third-rate military power would hardly make a good security partner in any crisis. Yet by siding with a country that is deeply embroiled with China over territorial claims in the South China Sea, the United States once again appears to be going out of its way to antagonize Beijing.¶ That would be an ill-advised approach under the best of circumstances. But to embrace a containment policy—especially one that is primarily bluster and symbolism—when Washington badly needs China to continue funding the seemingly endless flow of U.S. Treasury debt verges on being dim-witted. It’s never a good idea to anger one’s banker. And one can assume that Beijing is watching U.S. actions, not just the pro-forma assurances that the United States wants good relations and does not regard China as a threat. Those assurances ring increasingly hollow, and one can assume that Chinese leaders will react accordingly. That does not bode well for the future of the U.S.-China relationship.

#### Causes hardliner consolidation and China war

Harvey M. Sapolsky et al is a professor of public policy and organization at MIT. Benjamin H. Friedman is a research fellow in defense and homeland security studies at Cato Institute. Eugene Gholz is an associate professor of public affairs at the University of Texas at Austin. Daryl G. Press is an associate professor of government at Dartmouth College. World Affairs Fall 2009 “Restraining Order: For Strategic Modesty” http://www.worldaffairsjournal.org/article/restraining-order-strategic-modesty

Each of the two main strategic alternatives to restraint, primacy and global engagement, suffers from major flaws. Primacists seek to contain peer-competitors to America, especially China. They hope to dissuade Beijing from building a military to match its growing economic power. Some even want to destabilize the Beijing government by accelerating China’s liberalization in ways that would make modernization difficult to control, or by trying to embarrass the government (militarily or otherwise) in a way that would cause decades of political and economic disarray. Such an anti-China strategy is unwise. First, it is far from guaranteed that China will continue its economic rise or successfully manage the social strains that its government already faces. And a policy of active containment (let alone a policy of destabilization) may even make it easy for leaders in Beijing to rally nationalist sentiment against the United States and distract attention from their own failings. This sort of anti-China strategy accomplishes only one thing for sure: it turns tomorrow’s potential adversary into today’s certain one.

#### No nuclear terrorism –statistically insignificant cumulative probability

John Mueller (Woody Hayes Chair of National Security Studies, Mershon Center, and is professor of Political Science, at Ohio State University) 2010 “Atomic Obsession: Nuclear Alarmism from Hiroshima to Al Qaeda” p, 187-190

Assigning a probability that terrorists will be able to overcome each barrier is, of course, a tricky business, and any such exercise should be regarded as rather tentative and exploratory, or perhaps simply as illustrative-though it is done all the time in cost-benefit analysis. One might begin a quantitative approach by adopting probability estimates that purposely, and heavily, bias the case in the terrorists' favor. In my view, this would take place if it is assumed that the terrorists have a fighting chance of 50 percent of overcoming each of the 20 obstacles displayed in Table 13-1, though for many barriers, probably almost all, the odds against them are surely much worse than that. Even with that generous bias, the chances that a concerted effort would be successful comes out to be less than one in a million, specifically 1,048,576. Indeed, the odds of surmounting even seven of the 20 hurdles at that unrealistically, even absurdly, high presumptive success rate is considerably less than one in a hundred. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds they will be able to pull off the deed drop to one in well over three billion specifically 3.486,784,401. What they would be at the (still entirely realistic) level of one in ten boggles the mind. One could also make specific estimates for each of the hurdles, but the cumulative probability statistics are likely to come out pretty much the same-or even smaller. There may be a few barriers, such as numbers 13 or absolute loyalty trump the one oftechnical competence. This would increase the chances that the bomb-making enterprise would go undetected, while at the same time decreasing the likelihood that it would be successful. However, given the monumentality of the odds confronting the would-be atomic terrorist, adjustments for such issues are scarcely likely to alter the basic conclusion. That is, if one drastically slashed the one in 3.5 billion estimate a thousandfold, the odds of success would still be one in 3.5 million. Moreover, all this focuses on the effort to deliver a single bomb. If the requirement were to deliver several, the odds become, of course, even more prohibitive. Getting away from astronomical numbers for a minute, Levi points out that even if there are only ten barriers and even if there were a wildly favorable 80 percent chance of overcoming each hurdle, the chance of final success, following the approach used here, would only be 10 percent. Faced even with such highly favorable odds at each step, notes Levi, the wouldbe atomic terrorist might well decide "that a nuclear plot is too much of a stretch to seriously try." Similarly, Jenkins calculates that even if there are only three barriers and each carried a 50/50 chance of success, the likelihood of accomplishing the full mission would only be 12.5 percent.14 Odds like that are not necessarily prohibitive, of course, but they are likely to be mind-arrestingly small if one is betting just about everything on a successful outcome. Multiple Attempts The odds considered so far are for a single attempt by a single group, and there could be multiple attempts by multiple groups, of course. Although Allison considers al-Qaeda to be "the most probable perpetrator" on the nuclear front, he is also concerned about the potential atomic exploits of other organizations such as Indonesia's Jemaah Islamiyah, Chechen gangsters, Lebanon's Hezbollah, and various doomsday cults. IS However, few, if any, groups appear to have any interest whatever in striking the United States except for al-Qaeda, an issue to be discussed more fully in the next chapter. But even setting that consideration aside, the odds would remain long even with multiple concerted attempts.16 If there were a hundred such efforts over a period of time, the chance at least one of these would be successful comes in at less than one in over 10,000 at the one chance in two level. At the far more realistic level of one chance in three, it would be about one in nearly 35 million. If there were 1,000 dedicated attempts, presumably over several decades, the chance of success would be worse than one in a thousand at the SO/50 level and one in nearly 3.5 million at the one in three level.I7 Of course, attempts in the hundreds are scarcely realistic, though one might be able to envision a dozen or so. Additionally, if there were a large number of concerted efforts, policing and protecting would presumably become easier because the aspirants would be exposing themselves repeatedly and would likely be stepping all over each other in their quest to access the right stuff. Furthermore, each foiled attempt would likely expose flaws in the defense system, holes the ...,. defenders would then plug, making subsequent efforts that much more dif• ficult. For example, when the would-be peddler of a tiny amount of pur loined highly enriched uranium was apprehended in 2006, efforts were made to trace its place of origin using nuclear forensics. IS ." Also, the difficulties for the atomic terrorists are likely to increase over time because of much enhanced protective and policing efforts by ... self-interested governments. Already, for example, by all accounts Russian nuclear materials are much more adequately secured than they were 10 or ~, .-s 15 years ago.19

#### We can’t contain Russia

Martel 9-24 [Dr. William C. Martel is an Associate Professor of International Security Studies at the Fletcher School of Law and Diplomacy at Tufts University 9-24-2012 “R.I.P. Containment” The Diplomat http://thediplomat.com/2012/09/24/r-i-p-containment/]

The third case is Russia. Under Putin, Moscow uses increasingly strident rhetoric against the West, employs energy as a foreign policy weapon, threatens to attack the West preemptively over missile defenses, dismantles its democracy and drifts toward authoritarianism, and supports such authoritarian regimes as Iran, Syria, and North Korea. If the strategy of containment still worked, Russia would be an ideal target.¶ Russia, lacking a politically coherent ideology, is governed by an authoritarian ethos. However, it does not pose a threat to the West principally because it is not a serious economic power, lacks significant military capabilities (other than nuclear weapons), and is so far behind the West in advanced technology that few states truly fear Russia militarily. States do worry about Moscow’s willingness to use energy as a foreign policy weapon. On several occasions, it withheld energy from states in Eastern Europe. These states depend so highly on Russian energy exports, which are so integral to the global economy, that containment of Russia in energy terms is not a meaningful or practical option.

#### Containment doesn’t fit the modern world- tech changes

Martel 9-24 [Dr. William C. Martel is an Associate Professor of International Security Studies at the Fletcher School of Law and Diplomacy at Tufts University 9-24-2012 “R.I.P. Containment” The Diplomat http://thediplomat.com/2012/09/24/r-i-p-containment/]

Today’s “arc of problems” exceeds what containment can handle. It makes no sense to talk about containing China as an ascendant state, containing Iran as a sponsor of terror and potential nuclear state, containing Russia as an authoritarian state that uses energy as a weapon, or containing Pakistan’s ability to spread nuclear weapons. By its very nature modern technology, through the telecommunications revolution and the rise of global markets as fundamental forces in international politics, renders containment an obsolete strategy.¶ Containment offers no practical or effective responses for dealing with modern challenges precisely because the world has grown far beyond the conditions that existed decades ago. More than ever, containment which is more akin to a slogan used by policymakers, scholars, and journalists rather than a strategy, collapsed for two critical reasons.

#### No cartel now- plan causes shift in Russian strategy- ensures a cartel that can actually mess up European markets

Orttung and Overland 2011 [Robert W. Orttung is the assistant director of the Institute for european, Russian, and eurasian Studies at george Washington university’s elliott School for International Affairs, president of the Resource Security Institute, and a visiting fellow at the Center for Security Studies of the Swiss Federal Institute of technology Zurich. Indra Overland is the head of the energy program at the norwegian Institute of International Affairs and associate professor at the university of tromsø. this article is a product of the RussCasp project on petroleum issues in Russia and the Caspian funded by the Petrosam Program of the Research Council of norway. “Russia and the Formation of a Gas Cartel” Problems of Post-Communism, vol. 58, no. 3, May/June 2011, pp. 53–66. http://bsu.ase.ro/wp-content/uploads/2011/08/Orttung-Overland-Gas-Cartel.pdf]

Nu m e r o u s authors have raised concerns over Europe’s ¶ vulnerability to Russia’s use of the so-called gas ¶ weapon.¶ 1¶ Fears of unilateral action by Russia are partly ¶ overblown—at least as far as the consequences for West ¶ european importers are concerned—but the long-term ¶ implications of multilateral attempts to manipulate gas ¶ markets need to be investigated more thoroughly.¶ Russia has taken the lead in developing the Gas Exporting Countries’ Forum (geCF) as an organization ¶ that enables gas exporters to exchange information and ¶ policy advice. At present a Russian citizen is the secretary ¶ general of the geCF. Since its founding in 2001, there ¶ has been extensive discussion of the organization and its ¶ future. Most analysts have expressed skepticism over the ¶ idea that it would evolve into a cartel with the ability to ¶ affect gas supplies and prices along the lines of the betterknown organization of Petroleum exporting Countries ¶ (oPeC).¶ 2¶ However, the rapidly changing nature of international gas markets and the gradual institutionalization ¶ of the geCF call these earlier assumptions into question. ¶ Models assessing the impact of a possible gas cartel show ¶ that it could reduce total supplied gas quantities and raise ¶ prices for gas importers by as much as 22 percent.¶ 3¶ nevertheless, to pursue a cartel, Russia would have to ¶ give up the three pillars of its gas policy: the linkage of ¶ oil and gas prices, the emphasis on long-term contracts, ¶ and the preference for pipelines. Moscow is firmly committed to all three, so the prospects are dim that a cartel ¶ will play an important role in its strategy. nevertheless, ¶ the possibility of a cartel serves as a convenient backup ¶ in case conditions change, as well as a means to dissuade ¶ consumers from pushing for changes, particularly price ¶ delinkage.¶ the european union (eu) would be especially vulnerable to the establishment of a cartel because it relies ¶ heavily on gas imports from geCF members in the former ¶ Soviet union, north Africa, and the Middle east. the ¶ eu currently imports gas from Russia, Algeria, libya, ¶ norway, and Qatar, with possible sources of further ¶ diversification in the Caucasus, Central Asia, and the ¶ Middle east. While the eu’s own natural gas production is ¶ shrinking, the energy Information Agency (eIA) expects ¶ consumption to increase 0.5 percent a year on average, ¶ from the current 550 bcm (billion cubic meters) to 620 ¶ bcm by 2035, requiring more imports.¶ 4¶ the International ¶ energy Agency (IeA) expects similar increases, although ¶ european leaders hope to cut consumption as part of their ¶ overall effort to address climate change.

#### Exports drive Russia into a gas cartel- the US cannot defeat them

Korin 2012 [Anne Korin, an adviser to the U.S. Energy Security Council and co-director of the Institute for the Analysis of Global Security, an energy-security think tank. September 13 2012 Wall Street Journal “Should the U.S. Export Natural Gas?” Interview by Benjamin Lefebvre http://online.wsj.com/article/SB10000872396390444226904577561300198957854.html]

MS. KORIN: But as LNG plays a larger part in international natural-gas trading and the commodity becomes fungible, the other gas giants—Russia, Iran, Qatar, Saudi Arabia and the United Arab Emirates—will have every incentive to concretize their discussions on forming an OPEC-like natural-gas cartel. They'll be able to restrict supply to the market and counterbalance the U.S.¶ That will drive the newly global natural-gas price—and thus prices in the U.S.—higher than it would have gone otherwise. That will certainly benefit those who own and sell the gas, but through higher electricity and chemical prices, it would overall be a drain on the economy.

#### Strong EU prevents extinction

Bruton 2 - John Bruton T.D, The Irish Times, Thursday, January 31, 2002, A Report For The Joint Oireachtas Committee On European Affairs

As the Laeken Declaration put it, "Europe needs to shoulder its responsibilities in the governance of globalisation" adding that Europe must exercise its power in order "to set globalisation within a moral framework, in other words to anchor it in solidarity and sustainable development". Only a strong European Union is big enough to create a space, and a stable set of rules, within which all Europeans can live securely, move freely, and provide for themselves, for their families and for their old age. Individual states are too small to do that on their own. Only a strong European Union is big enough to deal with the globalised human diseases, such as AIDS and tuberculosis. Only a strong European Union is big enough to deal with globalised criminal conspiracies, like the Mafia, that threaten the security of all Europeans. Only a strong European Union is big enough to deal with globalised environmental threats, such as global warming, which threaten our continent and generations of its future inhabitants. Only a strong European Union is big enough to deal with globalised economic forces, which could spread recession from one country to another and destroy millions of jobs. Only a strong European Union is big enough to regulate, in the interests of society as a whole, the activities of profit seeking private corporations, some of which now have more spending power than many individual states. These tasks are too large for individual states. Only by coming together in the European Union can we ensure that humanity, and the values which make us, as individuals, truly human, prevail over blind global forces that will otherwise overwhelm us.

### offshore adv

#### China wont be able to challenge the US navy

Ross 2009 (Robert S. Ross, Professor of Political Science at Boston College and Associate of the John King Fairbank Center for East Asian Research at Harvard University, September 2009 “Myth The Great Debate” http://nationalinterest.org/greatdebate/dragons/myth-3819)

China’s naval nationalism and its development of an aircraft carrier will have distinct strategic and political implications for the U.S.-China relationship, with consequences for U.S. management of China’s naval program, as well as for U.S.-China diplomatic relations. China’s Naval Ambitions and U.S. Maritime Security China’s naval buildup will not pose a challenge to U.S. maritime security. The construction of a carrier, other ships in the strike force, and their onboard equipment and technologies will all strain China’s defense budget, especially given the multiple other missions assigned to the PLA. Within the PLA there has been substantial resistance to construction of a carrier both from the army and from navy submariners, who advocate continued focus on the access-denial strategy. Within PLA academic institutions, the aircraft carrier has become so controversial that it can no longer be openly discussed in informal conversations.101

#### No South China Sea conflict- countries empirically resort to diplomatic solutions

Emmers 2007 (Ralf Emmers, February 28, 2007, “The spratly dispute in China-Southeast Asian relations: a case of desecuritization” Paper presented at the annual meeting of the International Studies Association, Online)

By putting off the question of boundaries, the 2002 Declaration increased the possibility of reaching agreements on joint oil exploration and development schemes. Such an agreement was signed in March 2005 by the state-owned oil companies of China, Vietnam and the Philippines with regard to the conducting of oil pre-exploration surveys in the Spratlys. Philippine President Gloria Arroyo stated at the time that the agreement was a first implementation of the provisions of the 2002 Declaration. 32 The signing of such bilateral agreements guarantees Manila and Hanoi to be at least included in the exploration process in areas where they have overlapping sovereignty claims with Beijing. Yet the discovery of substantial oil reserves for commercial usage could raise tensions and leave the Philippines and Vietnam in a fragile situation due to the overwhelming asymmetry in power with China and the absence of an overall agreement on the sovereign rights of the coastal states. In short, the signing of the Declaration on the Conduct of Parties in the South China Sea in 2002 symbolized a high point in the diplomatic attempt of de-escalating the Spratly dispute. The diplomatic process had started shortly after the Mischief Reef incident. The Declaration indicated a desire by the different parties involved in the Spratly dispute to pursue their claims by peaceful means. It openly denounced the use of force in the South China Sea. In that sense, it contributed towards the easing of tensions between the claimant states. The Declaration was essentially part of ASEAN’s search ‘for explicit confirmation that China’s presence in the South China Sea will not jeopardize peaceful coexistence’. 33 Yet the 2002 Declaration cannot be seen as a major step toward conflict management and resolution. Tonnesson points out that the declaration ‘does not establish a legally binding code of conduct: it is simply a political statement’. 34 The declaration is unable to prevent territorial clashes or other possible sources of conflict such as the arrest of fishermen by foreign navies and the expansion of military structures on already-occupied reefs.

#### Sea power fails to prevent conflict---aff ev is wishful thinking.

Edward Rhodes, associate professor of international relations and director of the Center for Global Security and Democracy at Rutgers University,1998, Strategic Transformation and Naval Power, p. 348-351

Belief in the peacetime impact of power projected “from the sea,” however, is based on faith rather than evidence or analysis. There is no actual evidence that either routine peacetime presence by naval forces or expeditionary naval operations affect the evolution of societies, their support for international law, their general propensity to resort to force to resolve disputes, or their fears that others will. The lack of evidence in support of a proposition is, of course, not evi­dence against that proposition; it is simply an absence of evidence. A pri­ori, however, there is substantial reason to doubt the efficacy of littoral projection of naval power in shaping the peacetime environment. What is known, principally from studies of crises (about which more will be said below), regarding decisions to engage in aggression and states’ ability to understand or focus on power projected “from the sea” suggests a real danger that states will ignore or underestimate the capabilities inherent in American naval power. Moreover, even if it were shown to be the case that applying naval power “from the sea” has a significant positive im­pact on the peacetime environment, it would still remain to be demon­strated that it is a cost-effective means of creating that impact—that naval power is less expensive than alternative military means, such as subsidizing regional proxies, or than nonmilitary means, such as foster­ing trade or development or developing a specialized capacity for hu­manitarian relief. In crisis, the forward-deployed capacity to project power “from the sea” is touted as having an immediate deterrent effect—that is, dissuad­ing an adversary who is tentatively considering going to war from follow­ing through on that idea. Here we do have some evidence; at very best, however, it must be regarded as offering mixed support for the Navy’s ad­vocacy of a littoral approach. A variety of studies of conventional deterrence have been undertaken.50 While the research questions, underlying theoretical assumptions, and research methods have varied, several general findings emerge. The principal one is that immediate extended deterrence with conventional means—that is, using threats of conventional response to deter an adversary who is considering aggression against a third party—regularly fails, even in cases where commitments to respond are “clearly defined, repeatedly publicized and defensible, and the committed [gives] every indication of its intentions to defend them by force if necessary.”51 Unlike nuclear deterrence, conventional deterrence does not appear to result in a robust, stable stalemate but in a fluid and competitive strategic interaction that, at best, buys time during which under­lying disputes or antagonisms can be resolved. The possession of decisive conventional military superiority and the visible demonstration of a resolve will not necessarily permit the United States to deter attacks on friends and interests. There are three reasons why immediate extended conventional deter­rence is so problematic. First, potential aggressors are sometimes so strongly motivated to challenge the status quo that they are willing to run a high risk, or even the certainty, of paying the less-than-total costs of losing a war. Second, potential aggressors frequently conclude, correctly or incorrectly, that they have developed a military option that has politically or militarily “designed around” the deterrent threat. Third, there is considerable evidence that particularly when they are under severe domestic stress, potential aggressors are unable to understand or re­spond rationally to deterrent threats. “Wishful thinking” by leaders who find themselves caught in a difficult situation appears to be an all-too-common pathology. Further, and more germane to the issue of naval forward presence as a crisis deterrent tool, there is some evidence that because of the general insensitivity of potential aggressors to information, efforts to “signal” resolve through measures such as reinforcing or redeploying forces have limited effectiveness. If force movements are large enough to foreclose particular military options, they may forestall aggression. But as a means of indicating resolve and convincing an aggressor of the credibility of de­terrent commitments, they do not generally appear to have an impact. All of this would seem to provide a reasonable argument against bother­ing to invest too heavily in forward military forces—or at least against be­lieving that they offer much assurance of guaranteeing regional crisis stability. Ultimately, the key to preventing conflicts seems to be resolution of the underlying issues. At best, conventional deterrent efforts buy time.

#### Studies prove sea power does not prevent conflict

Donald C. F. Daniel, Visiting Professor and member of the core faculty in the Security Studies Program at Georgetown University, 2002, Globalization and Maritime Power, p. 508-509

As for deterring the initiation of a crisis in the first place, it is essentially impos­sible for an outsider to prove that such deterrence was successful except in the rare case in which a deterred party admits that he was deterred and states the reasons.~ Adam Siegel, John Arquilla, Paul Huth, Paul Davis, and a Rutgers Center for Global Security and Democracy team led by Edward Rhodes have each attempted to study the effects of forward presence and general deterrence. The deficiency of such study is always in making the definitive link between them. The majority of these studies suggest that “[h]istorically seapower has not done well as a deterrent” in preventing the outbreak of confiicts,36 principally because land-based powers not dependent on overseas trade are relatively “insensitive” to the operations of naval forces. One instance when continuous noncrisis naval presence may have contributed to general deterrence may have been in the Cold War when the U.S. and Soviet navies regularly rubbed shoulders in the Mediterranean Sea and Indian Ocean. Each navy maintained forward-deployed forces that could be counted upon to react to one an­other in a crisis. Hence it seems reasonable to assume that this reality became incor­porated in each side’s calculations and may have had some deterrent effect, but, again, evidence is the problem.38 If the evidence is slim concerning deterring the onset of a crisis, it is only slightly better when it comes to the issue of shaping events (that is, to positively changing the political landscape of an area in a manner favoring American interests). Systematic an­alytic attempts are few and definitive results are sparse. The Rutgers team did conclude in their study on shaping that it works best when it is limited to deterring external ac­tions and is not based on a sweeping set of goals.39 As against that conclusion, several studies that involved interviews of U.S. coun­try teams and foreign political leaders suggest that military presence can be seen by friendly nations as a commitment to a security environment in which stability pro­vides for greater economic development. This environment of stability leads to both greater local investment and trade by U.S. companies and greater local support for U.S. policies. Some foreign interviewees specifically linked their willingness to support the U.S. politically to the reassurance they received from a U.S. presence.40 In short, then, to say that “balanced forward naval presence will be increasingly vital in shaping the peace” seems true only vis-a-vis friends but not potential adversaries or third parties. It would not seem to have much direct impact on the shape of a friend’s domestic politics but could affect its economy (and thus indirectly the do­mestic political scene) and its willingness to support U.S. foreign policy. There is no evidence, however, that presence need be continuous to achieve these effects. The Mediterranean analysis suggests that, at the end of the day, what is vital instead is that U.S. naval forces show up when needed—that is, during the run-up to and the onset of a contingency—and because of prior operations with regional friends, that it immediately act effectively in concert with them.

#### Increased production will collapse the industry

Jonathan Fahey, AP Energy Writer, “Natural gas glut means drilling boom must slow,” Yahoo, April 8, 2012, <http://news.yahoo.com/natural-gas-glut-means-drilling-120019501.html>, accessed 9-12-2012.

The U.S. natural gas market is bursting at the seams.¶ So much natural gas is being produced that soon there may be nowhere left to put the country's swelling surplus. After years of explosive growth, natural gas producers are retrenching.¶ The underground salt caverns, depleted oil fields and aquifers that store natural gas are rapidly filling up after a balmy winter depressed demand for home heating.¶ The glut has benefited businesses and homeowners that use natural gas. But with natural gas prices at a 10-year low — and falling — companies that produce the fuel are becoming victims of their drilling successes. Their stock prices are falling in anticipation of declining profits and scaled-back growth plans.¶ Some of the nation's biggest natural gas producers, including Chesapeake Energy, ConocoPhillips and Encana Corp., have announced plans to slow down.¶ "They've gotten way ahead of themselves, and winter got way ahead of them too," says Jen Snyder, head of North American gas for the research firm Wood Mackenzie. "There hasn't been enough demand to use up all the supply being pushed into the market."¶ So far, efforts to limit production have barely made a dent. Unless the pace of production declines sharply or demand picks up significantly this summer, analysts say the nation's storage facilities could reach their limits by fall.¶ That would cause the price of natural gas, which has been halved over the past year, to nosedive. Citigroup commodities analyst Anthony Yuen says the price of natural gas — now $2.08 per 1,000 cubic feet — could briefly fall below $1.¶ "There would be no floor," he says.

#### The natural gas supply glut is forcing investors away from the industry

Swetha Gopinath and Krishna N Das, Reuters, “ANALYSIS-U.S. gas companies slip on liquids, no rescuer in sight,” August 22, 2012, <http://articles.chicagotribune.com/2012-08-22/news/sns-rt-oilandgas-drilling-analysisl4e8jg3bp-20120822_1_gas-glut-shale-gas-companies>, accessed 9-16-2012.

U.S. natural gas and gas liquids¶ producers struggling with a cashflow squeeze are unlikely to¶ find White Knights to rescue them as investors see little value¶ in companies without oil output. Facing a severe natural gas glut, many companies¶ diverted investment to raise production of more profitable¶ natural gas liquids (NGLs) such as ethane, propane and butane.¶ But all they managed to do was to spread the glut to NGLs,¶ slashing prices with supply seen outstripping demand until some¶ planned new plants start production in 2015.¶ Ethane prices have halved in 2012, while propane and butane¶ have fallen nearly a third -- offering little respite from gas¶ prices that hit a decade low earlier this year.¶ With no respite in sight, investors are shaking their heads¶ and looking away.¶ "It's going to be a long road for these guys that are¶ waiting for natural gas prices to rebound," said Sandy Villere,¶ co-manager of investment firm Villere & Co, which had more than¶ $1.4 billion under management as of June 30.¶ "I think even if prices go up in the short run, they are¶ going to be down in the long run. This is going to be a tough¶ strategy."¶ Quicksilver Resources Inc, 96 percent of whose¶ second-quarter production revenue came from gas and NGLs, has¶ been unsuccessfully looking for a joint venture partner since¶ the start of the year to fund a move to invest in oil production¶ from its West Texas fields.¶ "We're definitely vested to get oil in the product mix and¶ diversify out of natural gas as soon as we can," said David¶ Erdman, a spokesperson for Quicksilver.¶ Both industry and private equity firms are staying away from¶ the sector, which is also facing a squeeze in bank lending.

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#### Faster, more creative, better for the environment – cooperation

EPA, “Policy on Alternative Dispute Resolution,” Federal Register, December 18, 2000, <http://www.pubklaw.com/hi/65fr81858.html>, accessed 9-10-2012.

The U.S. Environmental Protection Agency (EPA or the Agency) ¶ strongly supports the use of alternative dispute resolution (ADR) to ¶ deal with disputes and potential conflicts. ADR refers to voluntary ¶ techniques for preventing and resolving conflict with the help of ¶ neutral third parties. Experience within this Agency and elsewhere ¶ shows that ADR techniques for preventing and resolving conflicts can ¶ have many benefits including:¶ Faster resolution of issues;¶ More creative, satisfying and enduring solutions;¶ Reduced transaction costs;¶ Fostering a culture of respect and trust among EPA, its ¶ stakeholders, and its employees;¶ Improved working relationships;¶ [[Page 81859]]¶ Increased likelihood of compliance with environmental laws ¶ and regulation;¶ Broader stakeholder support for agency programs; and¶ Better environmental outcomes.¶ ADR techniques can be effective in both internal Agency ¶ disagreements and external conflicts. ADR allows the Agency to have a ¶ more productive work environment and to work better with State, Tribal, ¶ and local governments, the regulated community, environmental and ¶ public health organizations, and the public. This policy is intended to ¶ be flexible enough to respond to the full range of disputes EPA faces, ¶ and to achieve these objectives:¶ Promote understanding of ADR techniques;¶ Encourage routine consideration of ADR approaches to ¶ anticipate, prevent, and resolve disputes;¶ Increase the use of ADR in EPA business;¶ Highlight the importance of addressing confidentiality ¶ concerns in ADR processes;¶ Promote systematic evaluation and reporting on ADR at EPA; ¶ and¶ Further the Agency's overall mission through ADR program ¶ development.¶ What does EPA mean by the term ``ADR'?¶ EPA adopts the definition of ADR in the Administrative Dispute ¶ Resolution Act of 1996 (ADRA): ``any procedure that is used to resolve ¶ issues in controversy, including but not limited to, conciliation, ¶ facilitation, mediation, fact finding, minitrials, arbitration, and use ¶ of ombuds, or any combination thereof.'' 5 U.S.C. 571(3). All these ¶ techniques involve a neutral third party. Depending on the ¶ circumstances of a particular dispute, neutrals may be Agency employees ¶ or may come from outside EPA. Typically, all aspects of ADR are ¶ voluntary, including the decision to participate, the type of process ¶ used, and the content of any final agreement.¶ In what types of situations does EPA encourage the use of ADR?¶ EPA encourages the use of ADR techniques to prevent and resolve ¶ disputes with external parties in many contexts, including ¶ adjudications, rulemaking, policy development, administrative and civil ¶ judicial enforcement actions, permit issuance, protests of contract ¶ awards, administration of contracts and grants, stakeholder ¶ involvement, negotiations, and litigation. In addition, EPA encourages ¶ the use of ADR techniques to prevent and resolve internal disputes such ¶ as workplace grievances and equal employment opportunity complaints, ¶ and to improve labor-management partnerships.¶ While ADR may be appropriate in any of these contexts, the decision ¶ to use an ADR technique in a particular matter must reflect an ¶ assessment of the specific parties, issues, and other factors. ¶ Considerations relevant to the appropriateness of ADR for any ¶ particular matter include, at a minimum, the guidelines in section 572 ¶ of the ADRA and any applicable Agency guidance on particular ADR ¶ techniques or ADR use in specific types of disputes. ADR program staff ¶ at EPA headquarters and in the Regions can help the parties assess ¶ whether and which form of ADR should be used in a particular matter.

#### Better policy – information sharing

Nicholas Ashford is Professor of Technology and Policy at the Massachusetts Institute of Technology, where he teaches courses in Environmental Law, Policy, and Economics; Law, Technology, and Public Policy; and Sustainability, Trade and Environment. He is director of the Technology and Law Program at MIT, and Charles C. Caldart is Director of Litigation of the National Environmental Law Center and a Lecturer in the Department of Civil and Environmental Engineering at MIT. Caldart is co-author (with Nicholas A. Ashford) of Technology, Law, and the Working Environment, “Negotiated Regulation, Implementation and Compliance in the United States,” 2007, <http://dspace.mit.edu/handle/1721.1/41848>, accessed 9-10-2012.

Negotiation should hardly be viewed as a panacea for the various difficulties that typically confront the policymaker. Used in the right context, however, negotiation can be a useful tool in the establishment, implementation, and enforcement of environmental and occupational safety and health policy. Negotiation can facilitate a better understanding of issues, concerns, facts, and positions among adversaries. It can also promote the sharing of relevant information, and can provide an opportunity for creative problem-solving. Whether negotiation will be better than other, generally more adversarial mechanisms as a means of fostering improved environmental, health, and safety outcomes, or of stimulating meaningful technological change, will depend on the situation in which it is used. In general, negotiation would appear to work best a means of securing these goals in situations in which the necessary regulatory signals for improvement and innovation are already in place.¶ This is one of the reasons that EPA's use of negotiated compliance, as embodied in its SEP policy, has been as successful as it has been. To the firm that is the target of the enforcement action, the "stakes" are clear: so long as it believes it faces higher costs (in the form of a larger fine and/or higher transaction costs) if it does not identify and execute a SEP that is acceptable to EPA, the firm has a meaningful incentive to participate in good faith in the SEP process. And, because the agency has structured the program to allow maximum credit for pollution prevention projects, pollution prevention can become the focus, and the goal, of the negotiations. The pollution prevention results of the SEP program have been relatively modest - mostly diffusion and, sometimes, incremental innovation - but this is in keeping with the relatively modest nature of the financial incentives typically involved, and with the relatively short time period within which the SEP typically must be identified and completed. Especially because negotiation is the traditional means of resolving enforcement disputes, even outside of the SEP process, negotiation appears to work well here. ¶ One would also expect negotiation to work well in those negotiated implementation situations that have a clear, formal focus on technological change, such as the innovation waiver opportunities created by certain environmental statutes. The chief signal to innovate - the new regulatory standard - is already in place (or clearly on the horizon) before negotiation over the waiver or variance begins, and the statutes typically provide an extended period of time for the firm to develop and test the proposed innovation. Thus, so long as the new standard is stringent enough to command the firm's attention, firms should have a meaningful incentive to negotiate time to pursue an innovative compliance alternative.

#### Avoids plan’s litigation, guarantees no roll-back

CNA, Center for Negotiation Analysis, not-for-profit research institute established in 1993 devoted to studying, training, and providingg practical advisory support concerning negotiations, mediation, and other forms of conflict resolution at the national, regional and international levels, “Regulatory Negotiations,” February 1, 2004, <http://www.negotiations.org/reg-neg1.htm>, accessed 9-12-2012.

The traditional process of regulatory development is typically top-down. Government initiates, formulates and proposes the rules. In centralized or closed systems, regulations are imposed; in more open systems, businesses, groups or individuals may comment on the proposals in public hearings, but with little possibility of making major structural and functional modifications to the regulations. This process, while well-intentioned, often leaves stakeholders feeling far removed from the process and disempowered. They may feel that they have minimal voice in designing the regulations, standards and provisions that must be obeyed, and, as a result, compliance may be low and enforcement costs high -- a double-edged sword.¶ Stakeholder reactions to top-down regulatory development can have negative implications. If penalties are increased to discourage noncompliance, businesses may migrate into a "shadow economy," thereby fueling corruption, reducing tax revenues and evading the regulatory regime altogether. In some societies, lengthy and costly litigation in the courts is sometimes pursued by civil society groups to modify or eliminate imposed regulations. Antagonistic and adversarial relations between regulatory agencies and the regulated parties may ensue, resulting in delay or outright disregard for the regulation’s intent. The lack of effective and frank dialogue between the regulators and the regulated is usually blamed for these negative consequences.¶ There is an alternative approach to the traditional process of regulatory formulation and implementation – negotiated rulemaking or regulatory negotiation (reg-neg). Negotiated rulemaking brings together affected stakeholder groups -- businesses, organizations, and citizens -- with the relevant government agency and a neutral mediator or facilitator to build a consensus on the features of a new regulation before it is proposed officially by the agency. Regulatory provisions are developed as a bottom-up participatory process of negotiation.¶ Negotiated rulemaking is a fully collaborative process, in which all interested groups are convened in an "Advisory Committee." Key issues and concerns are identified, the interests of all sides are compared and contrasted, negotiations take place, and hopefully, agreements based on consensus are developed.¶ In the United States, negotiated rulemaking became an officially recommended approach to develop new regulations by federal government agencies in 1990 when the Negotiated Rulemaking Act (5 U.S.C. 561-570) was passed by Congress. A September 1993 Executive Order from the White House requires all federal agencies to consider applying negotiated rulemaking strategies in future regulatory actions. However, the approach has been used informally by government agencies since the 1970s. The Department of Labor, the Environmental Protection Agency (EPA), and the Department of the Interior, are its principal proponents. By far, the EPA has been the most frequent user of negotiated rulemaking. Over 50 federal negotiated rulemaking cases have been documented between 1982 and 1995; many more applications have been conducted in the United States at the state level . Examples of environmental regulations developed using negotiated rulemaking in the United States include:¶ Penalties for businesses for noncompliance with the Clean Air Act¶ Exceptions for licensing pesticides¶ Performance standards for wood burning stoves¶ Controls on volatile organic chemical equipment leaks¶ Standards for transporting hazardous wastes¶ Standards for chemicals used in manufacturing wood furniture.¶ The experience with negotiated rulemaking in the United States has produced several benefits:¶ While negotiated rulemaking takes more time and effort upfront than traditional modes of developing regulations, all the stakeholders, including government agencies, are more satisfied with the results. ¶ Participants find that with a negotiated process, the resulting regulations tend not to be challenged in court. (In contrast, about 80 percent of all EPA regulations have been challenged in court and about 30 percent have been changed as a result.)¶ Less time, money and effort are expended on enforcing the regulations.¶ Final regulations are technically more accurate and clear to everyone.¶ Final regulations can be implemented earlier and with a higher compliance rate.¶ More cooperative relationships are established between the agency and the regulated parties.

#### A. Litigation expenses for businesses trades-off with poverty-reduction initiatives

Jerry J. McCoy, McCoy is an independent attorney in Washington, D.C., specializing in charitable tax planning and foundations, and Bernard Marcus American pharmacist and retail entrepreneur. He co-founded Home Depot and was the company's first CEO; he served as Chairman of the Board until retiring in 2002. He has also been an active philanthropist, “Solutions for the Litigation Crisis,” Philanthropy Roundtable, June 2004, <http://www.philanthropyroundtable.org/site/print/solutions_for_the_litigation_crisis>, accessed 10-5-2012.

PHILANTHROPY: The link between legal system abuses and charitable giving and participation is probably not clear to a lot of Americans.¶ MR. MARCUS: You’re exactly right. It’s easy to see business and charity as two separate spheres, and forget that abuses of the legal system have a negative impact on both. The first thing to remember is that charities, non-profits, and foundations are every bit as much in the legal crosshairs as businesses. As a result, volunteers for non-profits are harder to recruit because of their fear of being sued. It can be difficult to get people to serve on boards because they fear, with reason, that they might get dragged into a lawsuit. Remember, we’re living in an era when Little League umpires are sued by parents for calling junior “out” at home plate. It all adds up to a soaring liability problem that, for many organizations, has been ruinous. Without a doubt, skyrocketing litigation-related costs have come at the expense of programs that should be helping needy and needful Americans.¶ PHILANTHROPY: And because businesses face the same pressures, they have less money to contribute to worthy causes?¶ MR. MARCUS: Yes. I hope more Americans start to realize this. Jack Welch has probably made the point better than anyone: If companies aren’t making profits, or if they have to spend a lot of money on legal expenses, they have less to give back to the community. So do their shareholders. So do their workers. When companies are doing well, the community does well. During Jack’s reign at GE, for instance, GE engineers volunteered to raise the standards of a Cincinnati school, a school that once sent 5 percent of its students to college and now sends 60 percent on to higher education. That’s an incredible improvement! That’s the way business involvement in the community is supposed to work. But the sad fact is that I couldn’t have started the Home Depot in the current legal climate. That means many thousands of Americans would not have had the jobs we provided, or been able to help others in their communities. And we would not have been able to donate the many millions of dollars we have to charities.¶ PHILANTHROPY: What impact do lawsuits have on our overall economy?¶ MR. MARCUS: Let me use a metaphor here. When I read news stories about the possibility of an asteroid hitting the earth, I think that our legal system has already been hit by an asteroid called the litigation explosion. We have by far the most expensive tort system in the world—over $233 billion a year—or 2.23 percent of GDP. The average American family of four pays a hidden “tort tax” of more than $3,200 a year—or $809 a person, according to insurance consultancy Tillinghast-Towers Perrin. The U.S. Chamber’s Institute for Legal Reform reports that in 2002 more than 16.3 million lawsuits were filed in state courts. That’s one every two seconds, which is a national scandal and diverts enormous time and resources away from productive endeavors. You see the damage across the board—in lost jobs, slower growth, and increased bankruptcies.

#### B. Corporate investment solves legitimacy issues in global poverty reduction

George Lodge, an American professor and former politician, in 1954 he became Director of Information at the U.S. Department of Labor, currently the Jaime and Josefina Chua Tiampo Professor of Business Administration, Emeritus at Harvard, and Craig Wilson, columnist, “A Corporate Solution to Global Poverty: How Multinationals Can Help the Poor and Invigorate Their Own Legitimacy,” 2006, pgs. 2-4.

Often, however, the corporate response to these expectations is¶ hamstrung by a lack of legitimacy, a crippling but hitherto inadequately diagnosed problem that reduces the ability of big business to¶ respond as meaningfully as it otherwise could. This is something of a¶ classic catch-22. Managers of global corporations—everyone from the¶ CEOs to their subordinates far down the corporate ladder—who lack¶ the necessary legitimacy can’t effectively respond to these challenges¶ because their response requires them to cooperate with people (the¶ community) who don’t trust their intentions. The community, broadly¶ speaking, is no longer satisfied that managers and their corporations¶ are fully law-abiding as they go about increasing shareholder value.¶ Communities want more. But they don’t trust managers to provide¶ “more” because they haven’t in the past. And so the cycle of distrust¶ continues. Demands and expectations are rising in the face of declining¶ legitimacy.¶ In this book, we aim to help corporate managers find a way to regain¶ their legitimacy, which will allow them to respond to the demands increasingly being made on their organizations to do more to alleviate the¶ poverty that plagues much of the world. But they can do so only with the help of leaders of international development institutions and non¶ governmental organizations concerned with poverty reduction. Together, these two groups—corporations and development organiza-tioNs—can make more effective use of their resources and capacities¶ to ameliorate developing-country poverty.¶ We realize that we are not alone in recognizing the decline of corporate legitimacy around the world. Let us list a few points. First, this¶ decline is rooted in a number of factors, including revelations of large-¶ scale abuse in corporate governance as well as changing public expectations concerning the impact of global companies on society. In addition,¶ the old ideas from which multinational corporations (MNCs) derive¶ their legitimacy are proving inadequate: maximizing shareholder value¶ by competing to satisfy consumer desires in the marketplace is not¶ enough. Corporations are increasingly being pressed to serve a variety¶ of community needs. Normally this pressure is applied by governments¶ that define those needs and impose regulations to ensure that they are¶ met. The problem is that there are some needs—notably poverty reduction in the developing world—which many governments are not only¶ unwilling or unable to fullfill by themselves but are also reluctant or¶ unable to press corporations to address. Thus, the corporation suffers a¶ legitimacy problem in that it is not fulfilling expectations; it is not serving community needs—including poverty reduction—as well as it can¶ and as well as many think it should. Second, we found these legitimacy problems to be broad-based and¶ unrelenting. There are no signs on the horizon of the decline in MNC¶ legitimacy abating or reversing. This is a huge concern for global business. Presenting a plan on how MNCs can navigate the gap is imperative to prevent their floundering through the process, which would cost¶ us—all of us—precious time and resources.¶ Third, our research showed that in recent times the world’s largest¶ companies have often responded imaginatively, if sometimes awkwardly¶ and haphazardly, to the challenge to their legitimacy, principally by¶ working to lessen their environmental impact and better align their activities with social considerations. Notwithstanding varying views on¶ the matter, the manifold forms of corporate social responsibility are one¶ manifestation of this.¶ Fourth, it became clear that despite both this corporate response and¶ the continuing legitimacy problem, the international consensus on the¶ need for global poverty reduction is only growing stronger. It’s as if all¶ of the half-measures that MNCs have adopted have only spurred on those who demand more of them. And MNCs are being called on to¶ do yet more to meet that need. This call is taking on ever greater urgency because of the continuing disappointing results of the broad array¶ of antipoverty efforts led by national and international development¶ organizations.¶ When we reviewed the work and policies of the relevant international¶ development institutions, nongovernmental organizations (NGOs), and¶ national governments, we discovered that the interface between their efforts and the mainstream operations of the world’s major corporations¶ was extremely limited, notwithstanding the existence of a few embryonic¶ pilot and partnership projects. If one agrees that the world’s large corporations are in fact the greatest drivers of wealth creation, then the degree¶ of their separation from formalized international poverty-reduction ef¶ forts is startling. This lack of interaction is all the more surprising given¶ the growing call from many quarters for MNCs to do more to help reduce¶ global poverty and the growing reliance on public-private initiatives in¶ other arenas. This is especially so given the fact that over the years multi¶ national corporate investment and activity has been a—1f not the—major¶ factor in reducing poverty in developing countries.

#### Agencies want public support – they will say yes – and invited parties will approve because they have been involved in the process

Matthew Lindstrom and Martin Nie, ¶ Research Consultants, “HOW DO YOU COLLECT AND ¶ USE PUBLIC INFORMATION IN ¶ THE DEVELOPMENT OF ¶ TRANSPORTATION PLANS AND ¶ PROGRAMS?,” AZ Department of Transportation, March 1997, <http://www.azdot.gov/TPD/ATRC/publications/project_reports/PDF/AZ452.pdf>, accessed 9-10-2012.

To achieve improved public participation and acceptance of plans and projects an agency ¶ must first want to improve public participation. It seems clear -- through the focus groups, ¶ telephone interviews, and mail surveys that acceptance of plans and projects is directly related to ¶ improved and effective public participation. Citizen support and approval is a common goal ¶ sought by agencies, but agencies rarely enjoy these benefits if they continually ignore, silence, or ¶ try to placate the public. By building a mutually cooperative relationship with the diverse array of ¶ citizens, an agency’s plans and programs will be well known and more likely accepted because ¶ citizens and groups will have helped design them from the outset. Through an active and diverse ¶ communication process with the public, there will be less community polarization, more ¶ information and feedback for both the agency and public, and as a result, more policies that are ¶ not just passively accepted, but actively supported by the public.

#### Reg negs ensure no veto, apart of process

BRC, “Blue Ribbon Commission on America’s Nuclear Future ¶ Draft Report to the Secretary of Energy,” July 29, 2011, [http://cybercemetery.unt.edu/archive/brc/20120620231124/http://brc.gov/sites/default/files/documents/brc\_draft\_report\_29jul2011\_0.pdf](http://cybercemetery.unt.edu/archive/brc/20120620231124/http%3A//brc.gov/sites/default/files/documents/brc_draft_report_29jul2011_0.pdf), accessed 9-13-2012.

What those concerns might be and how the tensions inherent in the federal–state and federal–tribe ¶ relationship might be successfully navigated in different siting contexts is impossible to anticipate in ¶ advance. Clearly, locating and constructing facilities for the management and disposal of SNF and HLW ¶ will require complex and possibly lengthy negotiations between the federal government and other ¶ relevant units of government. In these negotiations, it will be important to define the roles, ¶ responsibilities, and authorities of local, state, and tribal governments both throughout the siting and ¶ licensing process and once a facility is operational.¶ 121¶ In the context of the fundamentally consent-based ¶ facility siting and development process we are recommending, moreover, we believe these negotiations ¶ would obviate the need for a state-level veto, just as the veto/override provisions of the NWPA would ¶ not have applied to a repository or MRS facility sited through the voluntary Nuclear Waste Negotiator process established in the 1987 amendments. Meanwhile, legislation to establish a new waste ¶ management organization and associated funding reforms (discussed in detail in the next two chapters) ¶ must make it clear that the organization has the ability to negotiate enforceable commitments and pay ¶ for them over an extended period of time.

#### Process focus is good for policy making – guarantees support

Philip J. Harter, professor of law at University of Missouri, “Collaboration: The Future of Governance,” Journal of Dispute Resolution, 2009, Lexis.

So much of the discussion of collaborative governance is at a high level of abstraction or philosophy. Before one can be serious about it, however, one needs to understand or at least examine a bit of plumbing: the details are important. Ironically, even those who are ardent supporters of collaboration often overlook the essential details. n41 But, as was urged early on, some important fixed points-nodes in the system-need to be addressed. Thus, before we can fully appreciate collaborative governance, we need to examine a bit of just how it is done.¶ Federal agencies are authorized to use alternative means of dispute resolution to resolve issues in controversy that relate to an administrative program. n42 The Negotiated Rulemaking Act (Act) makes this general authority explicit with respect to developing regulations via consensus among the interests that would be significantly affected by the rule. n43 The Act then sets out the procedures to be followed in negotiating a consensus on a proposed rule. n44 While the Act only addresses negotiating rules, n45 the same process can be used to develop other forms of policy. What follows is an elaboration on that process.¶ A. Purpose¶ In a negotiated rulemaking, representatives of the interests that will be significantly affected by the rule negotiate a consensus-an actual agreement-on a proposed rule or policy. The agency typically agrees to use the agreement as the basis for a Notice of Proposed Rulemaking (NPRM), and the private parties agree to support that proposal. The agency will also frequently express its intent to issue a final rule based on the notice and hence on the agreement. n46

#### Process and implementation focus are uniquely key to energy policy

Sean Nolon¶ Associate Professor of Law¶ and¶ Dispute Resolution Program Director¶ Vermont Law School, “Negotiating the Wind:¶ A Framework to Engage Citizens in Siting Wind Turbines,” Vermont Law School, November 10, 2011, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1898814>, accessed 10-5-2012.

Despite demonstrated need and available technology, the¶ promise of wind energy has yet to live up to its potential. As a¶ society, we see the benefits of renewable sources of energy but¶ struggle to implement our vision through siting of new facilities. In some instances, this gap results from opposition caused by applicants’¶ and regulators’ emphasis (read: overemphasis) on the substance¶ rather than the process of decision-making. Applicants¶ often enter an approval process expecting that doling out concessions¶ will adequately address citizen opposition. The resulting opposition¶ is often as much a product of what was proposed as how it¶ was proposed.210 Attending to procedural needs as well as substantive¶ needs can offer some solace to weary and suspicious citizens¶ and provide the substrate on which a satisfactory solution can be¶ reached.¶ What this commitment to the minimal level of citizen involvement¶ fails to acknowledge is that citizens are also looking for assurances¶ that regulations will be effective and that applicants can be¶ trusted. Citizens want to be assured that their vision of the community¶ will be protected. Applicants and regulators who fail to¶ make those assurances through the robust involvement of citizens¶ will continue to struggle when siting wind turbines, or any renewable¶ energy facility. They will find that the general societal support¶ enjoyed by renewable resources may not translate to site-specific¶ support. Pairing substantive mitigation (such as setbacks, buried¶ wires, property loss compensation) with procedural mitigations¶ that encourage more citizen involvement (such as participatory¶ planning, reg-neg, and siting negotiation) has been used to bridge¶ this divide between general support and local opposition. For the¶ purposes of siting wind turbines, collaborative approaches should¶ be the centerpiece of any governmental policy aimed at improving¶ wind turbine siting.

#### Legislative support for reg neg guarantees a strong literature base

John S. Applegate¶ Indiana University Maurer School of Law, “Beyond the Usual Suspects: The Use of Citizens¶ Advisory Boards in Environmental¶ Decisionmaking,” Indiana Law Journal, July 1, 1998, <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1939&context=ilj>, accessed 10-5-2012.

62. There is substantial literature on negotiated rulemaking. The interested reader might¶ begin with the Negotiated Rulemaking Act of 1990, 5 U.S.C. §§ 561-570 (1994 & Supp. II¶ 1996), Freeman, supra note 53, Philip J. Harter, Negotiating Regulations: A Cure for Malaise,¶ 71 GEO. L.J. I (1982), Henry E. Perritt, Jr., Negotiated Rulemaking Before Federal Agencids:¶ Evaluation of the Recommendations by the Administrative Conference of the United States, 74¶ GEO. L.J. 1625 (1986), Lawrence Susskind & Gerard McMahon, The Theory and Practice of¶ Negotiated Rulemaking, 3 YALE J. ON REG. 133 (1985), and an excellent, just-published issue¶ on regulatory negotiation, Twenty-Eighth AnnualAdministrative Law Issue, 46 DUKE L.J. 1255¶ (1997).¶ For more skeptical views, see Cary Coglianese, Assessing Consensus: The Promise and¶ Performance of Negotiated Rulemaking, 46 DUKE L.J. 1255 (1997), William Funk, When¶ Smoke Gets in Your Eyes: Regulatory Negotiation and the Public Interest-EPA 's Woodstove¶ Standards, 18 ENvTL. L. 55 (1987), Susan Rose-Ackerman, Consensus Versus Incentives: A¶ Skeptical Look at Regulatory Negotiation, 43 DuKE L.J. 1206 (1994), and Patricia M. Wald,¶ Negotiation of Environmental Disputes: A New Role for the Courts?, 10 COLUM. J. ENVTL. L.¶ 1(1985).¶ A very useful dialogue on regulatory negotiation as a form of citizen participation may be¶ found in Daniel Fiorino, Regulatory Negotiation as a Form of Public Participation, in¶ FAIRNESS AND COMPETENCE IN CITIZEN PARTICIPATION 223 (Ortwin Renn et al. eds., 1995),¶ and Susan G. Hadden, Regulatory Negotiation as Citizen Participation: A Critique, in¶ FAIRNESS AND COMPETENCE IN CITIZEN PARTICIPATION, supra, at 239.

#### Can’t do both – reg negs are an alternative to notice-and-comment – perm undercuts potential of reg neg

Sara Pirk, J.D., University of Oregon School of Law, 2002, Environmental and Natural Resources Law Certiﬁcate; B.A., University¶ of Minnesota, Twin Cities, International Relations (Environmental Policy focus) and Political Science, 1999, “Expanding Public Participation in Environmental Justice: Methods, Legislation, Litigation and Beyond,” University of Oregon¶ Journal of Environmental Law and Litigation, Spring 2002, <http://www.temple.edu/lawschool/iilpp/EnvironmentalRoundtableResearchDocs/Pirk%20-%20Expanding.pdf>, accessed 9-10-2012.

Regulatory negotiation is an alternative to notice and comment participation and was developed to form dialogue among¶ regulators, regulated parties, and interested parties. n33 It is used in rule--making and is considered an efﬁcient way¶ to form rules with which everyone can live. n34 Regulatory negotiation is also considered a good method of public¶ participation because it produces better results. Through negotiation over rules in a small forum, the groups involved are¶ more likely to cooperate and problem--solve rather than take sides and defend their positions. n35¶ Regulatory negotiation gives parties involved in following and enacting rules, as well as interest groups, a chance to¶ directly participate in formulating rules that they will have to follow. n36 This differs from notice and comment public¶ participation where only the enacting agency makes the rules and then announces them to other parties who never had the¶ chance to inﬂuence the decision making process when it counted. By having all the parties work together on the rules,¶ working relationships are formed that can be beneﬁcial in the future. The parties, including agencies such as the EPA, are¶ more satisﬁed because they have a direct role in rule—making.

#### Any deviation from a strictly reg neg approach means parties lose interest and negotiations fail

Herbert J. Martin, partner in the law firm of Crowell & Moring. ¶ Washington. D.C ., and represents clients In energy and transportation ¶ Matters, holds B.A. and M.A. degrees from Fordham University ¶ and is a graduate of the Catholic University Law School in Washington. D.C., “Alternative Dispute Resolution: ¶ Coming to Proceedings Near You,” 1992, <http://ftp.resource.org/acus.gov/raw_scans/gov.acus.1992.alt.pdf>, accessed 9-10-2012.

The act also includes highly detailed provisions governing the use of binding arbitration in agency proceedings" ¶ The focus on arbitration and the level of detail devoted to ¶ it appears to be a function of the binding nature or this ¶ form of dispute resolution. The act allows the head of an ¶ agency to terminate an arbitration proceeding or vacate an ¶ arbitration award before it becomes final. If this power is ¶ exercised to vacate an award, parties may recover their ¶ attorney fees and expenses incurred in connection with the ¶ arbitration, unless the agency head determines that such ¶ recovery would be unjust. These provisions were inserted ¶ to satisfy the concerns of the Department of Justice that ¶ arbitration decisions binding the government would constitute an unlawful delegation of executive authority. The ¶ expectation is that this summary power will be exercised ¶ rarely: otherwise, parties will quickly lose faith in arbitrations involving the government. In fact, despite the focus ¶ on binding arbitration in the act, other nonbinding forms ¶ of dispute resolution may find greater favor in agency ¶ proceedings.

#### The perm politicizes the process which dooms legislative goals – specifically applies to energy

Robert Percival, Robert F. Stanton Professor of Law and¶ Director, Environmental Law Program at U Maryland, joined the Maryland faculty in 1987 after serving as senior attorney for the Environmental Defense Fund, served as managing editor of the Stanford Law Review and was named the Nathan Abbott Scholar for graduating first in his class, served as a law clerk for Judge Shirley M. Hufstedler of the U.S. Court of Appeals for the Ninth Circuit and for U.S. Supreme Court Justice Byron R. White, served as a special assistant to the first U.S. Secretary of Education, “Regulatory Evolution and the Future of Environmental Policy,” University of Chicago Legal Forum, 1997.

Those who make a serious effort to "rethink regulation" ultimately will recognize that far more fundamental environmental progress could be accomplished by changing the nation's energy, agricultural, and transportation policies to make them more responsive to environmental concerns. The nation's tax system levies the vast majority of taxes on labor and capital rather than on waste and pollution. 215 However, fundamental reforms in tax [\*197] or energy policy are quickly dismissed as politically unrealistic. Much more effort should be devoted to considering why such policies are so unattractive politically and what, if anything, can be done to change the political dynamics. The enactment of consensus food safety and safe drinking water legislation in 1996 demonstrates continuing bipartisan support for environmental protection. It also demonstrates that legislative gridlock can be overcome when measures are perceived to provide some benefits to both industry and environmental interests that traditionally have been antagonistic. The enactment of further environmental legislation may require the use of consensus-building processes that foster compromises necessary to overcome legislative gridlock.

#### Resolved is a firm decision

The New Oxford American Dictionary 2005 "resolution n” , second edition. Ed. Erin McKean. Oxford University Press, 2005. Oxford Reference Online. Oxford University Press. http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t183.e65284

a firm decision to do or not to do something: she kept her resolution not to see Anne any more a New Year's resolution

#### Should guarantees an action that occurs immediately

<http://www.catholicculture.org/commentary/otr.cfm?id=3113> unfit for priestly service Novus744 - Oct. 06, 2005

Actually, AbrahamT, most people don't even know what the word "should" means. It is, in actuality, the present tense of the word "shall". It denotes obligation. Meaning that if it says that someone SHOULD do something, it means that he has the OBLIGATION to do it.

#### Increase is a mandate

HEFC, “Memorandum from the Higher Education Funding Council for England (DCH 137),” Parliament, Higher Education Funding Council, September 2004, <http://www.publications.parliament.uk/pa/jt200304/jtselect/jtchar/167/167we98.htm>, accessed 10-5-2012.

The Draft Bill creates an obligation on the principal regulator to do all that it "reasonably can to meet the compliance objective in relation to the charity".[45] The Draft Bill defines the compliance objective as "to increase compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity".[46] ¶ 9.2 Although the word "increase" is used in relation to the functions of a number of statutory bodies,[47] such examples demonstrate that "increase" is used in relation to considerations to be taken into account in the exercise of a function, rather than an objective in itself.¶ 9.3 HEFCE is concerned that an obligation on principal regulators to "increase" compliance per se is unworkable, in so far as it does not adequately define the limits or nature of the statutory duty. Indeed, the obligation could be considered to be ever-increasing.

#### The entire purpose of doing Reg Neg’s about incentives is to select the right incentive mechanism and to tailor the incentive to exclude counterproductive elements such as case turns – severing parts of plan generates litigation and compliance net benefits

Shi-Ling Hsu ¶ Florida State University - College of Law, “A Game Theoretic Approach to Regulatory Negotiation: A Framework for Empirical Analysis,” Harvard Environmental Law Review, Vol. 26, No. 2, February 2002 , <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=282962>, accessed 9-15-2012.

Finally, EPA created an office to facilitate the redevelopment of "brownfields," or lands¶ that in some way suffer from the taint of contamination by hazardous substances, and therefore¶ remain undeveloped because of the fear of CERCLA liability.7 Where hazardous substance contamination is concerned, the taint need not have any legal recognition in order to effectively¶ preclude any development -- the mere threat of liability is enough to scare away potential¶ developers. The wastefulness of idling such a large amount of land 8 was the impetus for finding¶ ways to encourage development of contaminated or potentially contaminated land. Tax breaks,¶ liability relief, and other incentives aimed at defraying the cost of cleanup have been proposed as¶ incentives to stimulate the redevelopment of such properties.¶ While the Clinton Administration readily took credit for reinvention, the roots of¶ reinvention were sown in the early 1980s, when negotiated rulemaking became a widely¶ accepted agency practice.9 Negotiated rulemaking is a front-end add-on to a regulatory¶ rulemaking that seeks to head off possible objections to regulations by including affected¶ stakeholders in the development of the rule. The Negotiated Rulemaking Act of 1990,10 which¶ solidified agency authority to engage in negotiated rulemaking, authorizes agencies to assemble¶ a "negotiated rulemaking committee," a panel of stakeholders to discuss and negotiate the¶ development of a rule, and to use the discussions as a guideline for the actual rule proposed by¶ the agency. The agency must still proceed with typical rulemaking procedures, such as¶ providing for notice of the proposed and actual rules in the Federal Register,11 in addition to¶ providing notice of the intention to establish a negotiated rulemaking committee.12 Although¶ such preliminary discussions have no binding effect upon the agency, proponents argue that rules¶ developed with the participation of regulated parties enjoy greater "legitimacy" in their eyes than¶ rules developed without their input, and are thus less likely to be challenged judicially and more¶ likely to enjoy high compliance rates.13 Also, proponents of negotiated rulemaking argue that¶ the traditional rulemaking process discourages the sharing of information and encourages¶ regulated parties to assume extreme positions to prepare for a judicial challenge.14 Negotiated¶ rulemaking, it is argued, represents a retreat from this traditionally adversarial mode of¶ rulemaking, and hence ameliorates these counter-productive tendencies.

#### Reg negs guarantee regulatory certainty for the industry – the regulated participates

J. Walton Blackburn, and Willa Marie Bruce, “Mediating Environmental Conflicts,” 1995, pg 213., accessed 9-10-2012.

Regulatory outcome. A primary benefit of Reg-Neg for EPA is that the rule it is¶ required by law to promulgate actually gets developed and promulgated, often¶ with little or no litigation by industrial or environmental groups. At times, the¶ agency has experienced early implementation and compliance with the regulation.¶ This is because the regulated community, state and environmental interests have¶ been involved in the process all along and know what the contents and requirements of the rule will be. Most parties agree that a rule developed under Reg-Neg¶ is better than a rule that EPA develops in the traditional manner, because more of¶ the affected parties are involved, allowing more issues to be addressed.¶ Participants from state agencies and environmental groups see regulatory benefits as well. Often, state and environmental groups’ primary interests are to have a¶ rule in place that mandates specific requirements for the reduction of a variety of¶ pollutants. With a successful Reg-Neg, such a rule is developed. Often the Reg¶ Neg rule is more readily implemented and enforced than a traditionally developed¶ rule, which may be litigated for years. Thus, the environmental benefits of specific¶ pollution reduction goals are achieved on schedule and sometimes much earlier.¶ Finally, the regulated community experiences benefits from Reg-Neg as well.¶ By participating in Reg-Neg, it is able to transmit and analyze critical data upon¶ which regulatory decisions will be made. Participation allows the regulated community to have input into the design of the final regulation, which gives it certainty¶ regarding what the regulation will require. This certainty often results in earlier¶ and more consistent implementation and enforcement of the final rule.

#### Negotiated rulemaking results in less stringent restrictions that favor economics and technological progress

Nicholas Ashford is Professor of Technology and Policy at the Massachusetts Institute of Technology, where he teaches courses in Environmental Law, Policy, and Economics; Law, Technology, and Public Policy; and Sustainability, Trade and Environment. He is director of the Technology and Law Program at MIT, and Charles C. Caldart is Director of Litigation of the National Environmental Law Center and a Lecturer in the Department of Civil and Environmental Engineering at MIT. Caldart is co-author (with Nicholas A. Ashford) of Technology, Law, and the Working Environment, “Negotiated Regulation, Implementation and Compliance in the United States,” 2007, <http://dspace.mit.edu/handle/1721.1/41848>, accessed 9-10-2012.

In general, Section 112 of the Clean Air Act takes a two-tiered approach to the regulation of hazardous air pollutants. EPA is first to set technology-based emission standards, on an industry-category by industry-category basis. These are commonly known as the "MACT" standards, because they are to be set with reference to the application of the maximum achievable control technology that the industry category can currently achieve. Eight years later, the agency is to set a more stringent, health-based standard if further emission reductions are deemed necessary to provide "an ample margin of safety to protect public health." A health-based standard for carcinogens must be set if the technology-based standard fails to "reduce lifetime excess cancer risks to the individual most exposed to [the] emissions...to less than one in one million." For coke oven emissions in particular, however, Section 112 offers an alternative whereby a source may delay compliance with the health-based standard until 2020 if it meets a different, more stringent technology-based standard in the interim. The committee followed this framework in drafting its proposed rule, and steel industry representatives said afterwards that, because they viewed any likely health-based standard as "essentially a shut-down standard," they expected all plants except those that planned to go out of business in the near future to choose this "extended compliance" option.¶ At the conclusion of the negotiated rulemaking process, participants from environmental groups, labour, industry, and state governments all expressed their satisfaction with the negotiated rule. An EPA representative stated his belief that the negotiated rule would result in more emission reductions than would have been obtained through the conventional rulemaking process, and remarked that the agency had never before "been able to grapple with the economic and technological issues" addressed by the rule. It is probably more accurate to say, however, that this is a rulemaking that was made considerably easier because Congress had taken it upon itself to specify the dates by which - and the minimum amounts by which - the steel industry would be asked to reduce emissions. Indeed, the chief contribution of negotiation to the rulemaking process appears to have been to afford the industry the opportunity to negotiate a standard that actually is less stringent than that which was mandated by Congress.

#### Reg neg results in more informed decisions and better solutions

Sean F. Nolon is the director of dispute resolution and associate professor of law at Vermont Law School, “Alternative Dispute Resolution Committee Newsletter,” American Bar Association, November 2011, <http://www.americanbar.org/content/dam/aba/publications/nr_newsletters/adr/201111_adr.authcheckdam.pdf>, accessed 9-11-2012.

The benefits of reg-neg include greater access to key information, ability to rank and trade off interests to maximize value, and opportunities to interact with and educate other stakeholders and bureaucrats. The regulatory negotiation process also facilitates more informed, workable, and pragmatic rules than traditional rulemaking provides. Studies have identified the following benefits: more interaction builds relationships and increases commitment to a successful result; reg-neg is a powerful vehicle for learning; and a majority of participants consider their contributions to have major or moderate impact on the outcome.

### offshore adv

#### And, the U.S. would not intervene

Altfeld 2001 (Michael Altfeld PhD. Oakton Virginia, "Pondering War with China." Winter. 2001 http://findarticles.com/p/articles/mi\_m0IBR/is\_4\_31/ai\_82064212/pg\_2?tag=artBody;col1)

The problem with postulating a "defining moment" in the Spratlys is the low probability of direct conflict between the United States and China over those islands. The United States, at least at the moment, does not have any firm commitment, by treaty or otherwise, to defend the Spratlys or either of the parties (the Philippines or Indonesia) contesting ownership of the Spratlys with China. The author states that we would be fighting for "stability." Based on the Gulf War, I don't believe many Americans will be interested in sending their young men and women to die for "stability." Thus, we are exceedingly unlikely to go to war with China (or anyone else) over the Spratlys. Clearly, the real place for a confrontation is over Taiwan. It will also be extremely difficult for the United States to make a compelling case for intervention there. Legally, the United States has signed up to the "one-China" doctrine. As a result, legally speaking, a war between Beijing and Taipei would be in the nature of a civil war, in which our intervention would have to be judged legally to be interference in the internal affairs of the PRC. Intervention by the United States against China would constitute an act of war by the United States against the PRC. Such an action would legally justify any counteraction the PRC wished to take against the United States. US bases, carrier battle groups, forward-deployed air wings, and Army and Marine Corps units would cease to be potent weapons of war and instead become highly lucrative targets for PRC theater/tactical nuclear weapons. Further, not only would the United States be unable to retaliate in kind for such attacks--as we have retired to storage our entire arsenal of theater/tactical nuclear weapons--but threats to escalate to the use of so-called "strategic" weapons would be extremely risky since, to paraphrase one Chinese general's comment to Joseph Nye, "We know you will not intervene because you want to keep Los Angeles." Thus, under these circumstances, we would be able to deter an unprovoked nuclear attack by the PRC, but attempting to "extend" our nuclear deterrent to cover Taiwan would be f raught with grave risks to the US homeland given our lack of theater/tactical nuclear systems

#### Smaller presence proven not to cause conflict

Christopher J. Fettweis (Professor of national security affairs @ U.S. Naval War College) 2010 “Threat and Anxiety in US Foreign Policy,” Survival, Volume 52, Issue 2 April 2010 , pages 59 – 82

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security. 'No serious analyst of American military capabilities', argued neo-conservatives William Kristol and Robert Kagan in 1996, 'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilis-ing presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

## 1NR

### exports adv

#### US committed regardless of the aff – U.S. deters conflict, prevents escalation.

Bruner 12-27-2012. US Reaffirms Senkaku Stance In Event Of An Armed Conflict. daniel.bruner. http://www.japancrush.com/2012/stories/us-senate-reaffirms-stance-to-protect-senkaku.html

The Senkaku/Diaoyu Islands have long been a point of contention between Japan and China [and by extension, Taiwan]. Much like the dispute with Korea over Takeshima/Dokdo, both nations are making claims to the territory, and both Japanese and Chinese citizens have staged protests. The situation was exacerbated when the Japanese Coast Guard apprehended 14 Chinese citizens who had traveled to the islands from Hong Kong. Tensions mounted to the point that riots broke out in some major Chinese cities. The U.S. has made its official stance on the matter by passing a bill stating it would intervene with armed forces as per the U.S.-Japan Mutual Defense Treaty, should a third party pass aggression. This has long been understood, but with President Obama signing the bill, Washington has made its stance firm. The ensuing netizen reactions were a mix of anti-Chinese sentiment and either gratuity or skepticism towards the U.S.

#### Russia and Japan cooperating now - future conflict would be resolved by talks

Jamestown Foundation. 11-14-2012. Jamestown Foundation, Russia Plays Both Sides Against the Middle on Senkaku Islands , 14 November 2012, Eurasia Daily Monitor Volume: 9 Issue: 209, available at: http://www.unhcr.org/refworld/docid/50a4d04d2.html [accessed 4 January 2013]

 Now, however, Russia is pursuing an overall rapprochement with Japan, and its tone has become quite different. As part of this rapprochement, the head of Russia’s Security Council, Nikolai Patrushev, and Deputy Foreign Minister Igor Morgulov made an unannounced visit to Japan in October to prepare the way for formal talks. These meetings represented the first real working-level talks with Japan (The Japan Times, October 20). At the October talks, the two sides made arrangements for an upcoming summit in Tokyo in December, and the results are noteworthy. First of all, Japan briefed the Russian delegation on the Senkaku crisis and its side in this issue. In response, Patrushev stated that “along with common threats, such as terrorism, extremism, illegal migration and drug trafficking, a major threat in the Asia-Pacific region is territorial claims of states to each other. Russia stands for solving such problems through dialogue and political and diplomatic means” (ITAR-TASS, October 25). Patrushev further said that Russia will not take sides in this dispute and that Japan and China must solve this problem through mutual dialogue (ITAR-TASS, October 25). Beyond this, according to the Kyodo News Agency, Japan and Russia agreed to “strengthen the bilateral dialogue in a bid to expand cooperation in the fields of security and defense amid the rapidly changing security environment in the Asia-Pacific region.” In other words, not only did the Japanese insert the Senkakus into a discussion of trade, the Kurile Islands and the summit, but Russia also adopted a position of studied neutrality while actually discussing security and defense cooperation (possibly arms sales or technology transfer with Japan at the same time) (Asia Times Online, October 24; Kyodo, October 23). Furthermore, the two sides also “converged” on the importance of the 2001 Irkutsk Statement. This statement is important for it confirmed the continuing validity of the 1956 joint Soviet-Japanese declaration where Moscow raised the possibility of returning two disputed islands to Tokyo (The Japan Times, October 20). This step toward a bilateral agreement offers the world the prospect, at the upcoming summit, of a negotiated resolution of a bitter territorial dispute that has lasted almost seventy years. As such, it is also clearly intended to send China a signal that Russia does not support threats and intimidation in such cases.

#### US-Japan tension over South Korea.

Today Online, 12-22 Japan-South Korea tensions complicate the picture for US http://www.todayonline.com/World/EDC121222-0000020/Japan-South-Korea-tensions-complicate-the-picture-for-US

All those issues, that is, except one: Tokyo and Seoul's emotionally charged relations with each other. "The US might think it's great to have two conservative governments, but these are two allies that cannot even sign a minor agreement," said Mr Daniel Sneider, a researcher on East Asian diplomacy at Stanford University. The neighbours - which host about 75,000 American troops and sailors - remain hamstrung by history, and even a relatively small deal on intelligence sharing unravelled earlier this year amid a dispute over how to view Japan's harsh colonisation of the Korean Peninsula before World War II.

#### Small enough to vote on presumption.

John Mueller (Woody Hayes Chair of National Security Studies, Mershon Center, and is professor of Political Science, at Ohio State University) 2010 “Atomic Obsession: Nuclear Alarmism from Hiroshima to Al Qaeda” p. 197-8

As Allison appropriately points out, it is important to consider not only the likelihood that an event will take place but also its consequences. Therefore, one must be concerned about catastrophic events even if their likelihood is small.33 At some point, however, probabilities, become so low that, even for catastrophic events, it begins to make sense to ignore, or at least to backburner, them: the risk becomes "acceptable:' Consider the odds that a wheel on a speeding automobile will suddenly shear off. That horror is surely"not impossible;' yet legions of motorists effectively find it so improbable that they are routinely willing to risk their lives that it will not happen-it is, in short, an acceptable risk. The British could at any time attack the United States with their submarine-launched missiles and kill millions of Americans-far more than even the most monumentally gifted and lucky terrorist group. Yet the risk that this potential (and fully possible) calamity might take place evokes little concern; essentially, it is "accepted:' Meanwhile, Russia, with whom the United States enjoys a rather strained relationship, could at any time do vastly more damage with its nuclear weapons, a fully imaginable calamity that goes substantially ignored. In constructing what he calls "a case for fear," Cass Sunstein notes that if there is a yearly probability of one in 100,000 that terrorists could launch a nuclear or massive biological attack, the risk would cumulate to one in 10,000 over 10 years and to one in 5,000 over 20 years. These odds, he suggests, are "not the most comforting:'34 Comfort, ofcourse, lies in the viscera of those to be comforted, and, as he suggests, many would probably h~ difficulty settling down with odds like that. But there must be some point at which the concerns even of these people would ease. Just perhaps it is at some of the levels suggested here: one in a million or one in three billion per attempt. The same consideration holds for Vice President Dick Cheney's "one percent doctrine:' A top CIA analyst late in 2001 told him that al-Qaeda probably did not have a nuclear weapon, but that he couldn't "assure yoo that they don't:' To this, Cheney replied, "If there's a one percent chance that they do, you have to pursue it as if it were true:'35 Cheney'S observation : is a somewhat confused, but effective, way of saying that one should t:ake low probability events that could have an exceedingly high impact very seriously indeed. And a one percent chance of a terrorist atomic attack would dearly fit into that category. It's just that the chances, while perhaps not zero, .:: do not seem to be anywhere remotely near one percent. It's not that they are necessarily one in 3.5 billion, but they aren't anything like one in ten, one in a hundred, or one in a thousand. Perhaps, in fact, they are comparable to, or even lower than, those for a thermonuclear attack from Russia.’

#### This ensures terrorists won’t have the motivation

Michael A. Levi (Fellow for Science and Technology) 4/19/2007 “How Likely is a Nuclear Terrorist Attack on the United States?”, Council on Foreign Relations, http://www.cfr.org/publication/13097/

Yet from a terrorist perspective the prospect of a fizzle or a dud might change things. Let me start by revisiting the question of terrorist aversion to failure—terrorist motivations are central to the likelihood of nuclear terrorism, and we seem to disagree on what they are. I have never asserted that terrorists will not attempt anything but “foolproof” plots. But there is a lot of territory in between foolproof and a 90 percent (or even 50 percent or 30 percent) chance of failure. Why might a group decide against a course of action with a 10 percent chance of killing tens or hundreds of thousands? A group might have better alternatives. An attack on public transportation that has a ninety-five percent chance of killing forty people is a straw man alternative to nuclear terrorism—certainly terrorist groups have intermediate and perhaps, from their perspectives, more compelling options, like suicide aircraft attacks, Madrid and London style bombings, and plots like the one using liquid explosives that failed last summer. Here is another possibility: In the wake of a full-blown nuclear plot, the international campaign against terrorism would likely step into a much higher gear. Would al-Qaeda accept a ninety percent chance of failing to kill more than a massive conventional bomb would while incurring a large risk of provoking a response that might cripple its ability to initiate other plots, nuclear or non-nuclear, in the future? We can’t know the answer, but there is no reason to assume that al-Qaeda would choose such a course.

#### Most probable – overdue for a pandemic.

Shangraw 10, “Preparing for an Influenza Pandemic”, 7-15-2010, http://www.centralillinoisnewscenter.com/news/local/32012984.html

"We are overdue for a pandemic epidemic. We are in a mobile society; people are traveling from other countries at a rapid rate. We have disease outbreaks in other countries that can be in this country. So it is not just for a pandemic outbreak, but it could be a planning process. This meeting is meant to give them an awareness. We need to be prepared.," said Michael Arbise with IL Dept of Health Emergency Coord.

#### Most likely path to extinction – evolution overwhelms.

Steinbruner 1998 (John D- Senior Fellow at Brookings Institution, “Biological weapons: A plague upon all houses,” Foreign Policy)

It is a considerable comfort and undoubtedly a key to our survival that, so far, the main lines of defense against this threat have not depended on explicit policies or organized efforts. In the long course of evolution, the human body has developed physical barriers and a biochemical immune system whose sophistication and effectiveness exceed anything we could design or as yet even fully understand. But evolution is a sword that cuts both ways: New diseases emerge, while old diseases mutate and adapt. Throughout history, there have been epidemics during which human immunity has broken down on an epic scale. An infectious agent believed to have been the plague bacterium killed an estimated 20 million people over a four-year period in the fourteenth century, including nearly one-quarter of Western Europe's population at the time. Since its recognized appearance in 1981, some 20 variations of the HIVvirus have infected an estimated 29.4 million worldwide, with 1.5 million people currently dying of aids each year. Malaria, tuberculosis, and cholera-once thought to be under control-are now making a comeback. As we enter the twenty-first century, changing conditions have enhanced the potential for widespread contagion. The rapid growth rate of the total world population, the unprecedented freedom of movement across international borders, and scientific advances that expand the capability for the deliberate manipulation of pathogens are all cause for worry that the problem might be greater in the future than it has ever been in the past. The threat of infectious pathogens is not just an issue of public health, but a fundamental security problem for the species as a whole.

#### It outweighs nuclear weapons

Ochs 2, Richard 7-9-2002, has published articles in the Baltimore Sun, Baltimore Chronicle, Science magazine, past president of the Aberdeen Proving Ground Superfund Citizens Coalition, member of the Depleted Uranium Task force of the Military Toxics Project and a member of the Chemical Weapons Working Group, “Biological Weapons must be abolished immediately,” <http://www.freefromterror.net/other_articles/abolish.html>

While a "nuclear winter," resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause. Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE.

#### No Qatar- Russia cartel

Hulbert and Goldthau 2012 [Matthew Hulbert Lead Analyst at European Energy Review and consultant to a number of governments, most recently as Senior Research Fellow, Netherlands Institute for International Relations and Andreas Goldthau Head of the Department of Public Policy at the Central European University, an American graduate school based in Budapest, Hungary. Prior to joining CEU, he worked for Rand, SWP Germany and the Paul Nitze School of Advanced International Studies. He is also a Fellow with the Global Public Policy Institute’s Global Energy Governance program and an Adjunct Professor with Johns Hopkins University’s MSc in Energy Policy and Climate 8/05/2012 Forbes “Why America Can Make or Break A New Global Gas World” http://www.forbes.com/sites/matthewhulbert/2012/08/05/why-america-can-make-or-break-a-new-global-gas-world/]

Russia and Qatar are of course well aware of this awkward relationship, and it’s Moscow that has been making most noise about it. At the 2011 Gas Exporters Country Forum (GECF) meetings, Russia was quite clear that it wants Qatar to focus on Asia and sell its gas under long term oil indexed contract, leaving Europe to Russian devices. Moscow claimed such a decision had ‘in principle’ been made. No such agreement was made of course, Qatar not only had on-going contractual commitments in Europe, more importantly, Russia was unwilling to strike a quid-pro-quo with Doha not to place any more Russia gas into Asian markets. Merely telling the Qatari’s to go long on Asia and dump Europe will have zero effect from Moscow. If the Qatari’s divert major shipments away from European markets to save Russian blushes (and balance sheets), they’ll want enormous gains in return. Just let your imagination run free: a stake in Russia’s Yamal LNG project, a raft of upstream concessions in Western and Eastern Siberian blocs, and access to downstream European stakes thanks to Gazprom’s tutelage? Most crucially, Qatar will want a free hand selling LNG into Asia without grandiose Russian pipeline plans towards China muddying the supply picture. Let alone marketing prospective Shtokman (Russian) LNG to Asian consumers.

#### No cartel- attempts to internationalize the market cause one though

DiPeso 2011 [Jim DiPeso is the policy director for Republicans for Environmental Protection July 26, 2011 The Daily Green “Could a Natural Gas Cartel Emerge?” http://www.thedailygreen.com/environmental-news/blogs/republican/natural-gas-cartel-0722]

Not so with natural gas, according to a MIT report examining prospects for natural gas. Natural gas markets are regional and respond to their own dynamics. Transportation is one reason why. Oil is easy to move around, by pipeline or by ship. Natural gas can be moved easily overland by pipeline, but moving it over water by ship is far more cumbersome than moving oil over water. You have to chill natural gas down to a liquid state, load it into a tanker, then regasify the fuel once it's reached its destination.¶ What if, however, a global natural gas market emerged? That question came up at a July 19 hearing of the Senate Energy and Natural Resources Committee, which examined the MIT report. Committee Chairman Jeff Bingaman, the New Mexico Democrat retiring from Congress next year, was worried about that.¶ Here's why: Three countries hold the largest reserves of conventional gas - Qatar, Iran, and Russia. MIT's study team ran a scenario for a global natural gas market, which showed "Russia and the Middle East becoming major suppliers to all three of the major regional natural gas markets - the U.S., Europe, and industrialized and emerging Asia."¶ That, MIT dryly explained, would be "a cause for concern." With Vladimir Putin's mercurial hand on the valve knobs and with the Middle East being, well, the Middle East, MIT's conclusion required no great leap of logic.

#### Russia is losing their monopoly- Middle East producers

Hulbert and Goldthau 2012 [Matthew Hulbert Lead Analyst at European Energy Review and consultant to a number of governments, most recently as Senior Research Fellow, Netherlands Institute for International Relations and Andreas Goldthau Head of the Department of Public Policy at the Central European University, an American graduate school based in Budapest, Hungary. Prior to joining CEU, he worked for Rand, SWP Germany and the Paul Nitze School of Advanced International Studies. He is also a Fellow with the Global Public Policy Institute’s Global Energy Governance program and an Adjunct Professor with Johns Hopkins University’s MSc in Energy Policy and Climate 8/05/2012 Forbes “Why America Can Make or Break A New Global Gas World” http://www.forbes.com/sites/matthewhulbert/2012/08/05/why-america-can-make-or-break-a-new-global-gas-world/]

With that in mind, we’ll start off by taking a brief look at the ‘climatic conditions’ that have made global gas convergence a serious debate, examining reduced OECD demand and meteoric unconventional gains in the US. That’s freed up vast swathes of LNG tankers from the Middle East that should have hit US ports to find their way to European hubs instead. European utilities contracted to expensive Russian pipeline gas have been bleeding customers and cash ever since, constantly being undercut by new market entrants using spot purchases to good effect over term prices. As a result, European wholesale hubs are seriously challenging Russo-German border prices, and as yet, no conclusive winner has emerged given conflicting ‘fundamentals’ in play. But this battle over pricing models isn’t just being waged in Europe; it increasingly divides Asia as well. To add the Pacific dimension, we then turn to China: Beijing has been notoriously stubborn signing oil-indexed contracts over the past two years, irrespective of the vendors involved. It’s put itself in a great pricing position as it has plenty of options to source its gas. Nobody is going to make a dud move signing up overpriced contracts with the prospect of new export giants emerging in the next five to ten years: Least of all, the Middle Kingdom.

#### Europe is becoming a leader now.

Roy H. Ginsberg (PhD Government Skidmore). "United States-European Union Political Relations in the Bush Administration." Sixth Biennial World Congress of the European Community Studies Association. 6 Dec. 2002. http://www.ecsanet.org/ecsaworld6/contributions/session3/ginsberg\_new.doc

There is no other like-minded partner of the United States with the scale and resources of the EU to engage in global problem-solving. The Europeans will develop capabilities to project force for multilateral peacekeeping and crisis management/prevention operations in conjunction with NATO, but this will not likely happen until later in the decade. Both the Rand Corporation (Wolf and Zycher: 2001) and the Institute for International Strategic Studies predict ESDP will not be operational until between 2007 and 2011. The U.S. will want to constructively engage the Europeans as they develop ESDP not only because of what the EU is but also because of what it will become.

#### No Iran prolif – if they do its slow and small

Jacques Hymans (Associate Professor, School of International Relations. University of Southern California) January 17, 2012 “Crying wolf about an Iranian nuclear bomb” http://www.thebulletin.org/web-edition/op-eds/crying-wolf-about-iranian-nuclear-bomb

Crying wolf. As strategic analysts Anthony Cordesman and Khalil al-Rodhan remind us, in the 1990s, high-level American and Israeli policymakers repeatedly warned of an Iranian bomb by the year 2000. When that did not come to pass, policymakers warned of an Iranian bomb by the year 2005. Then they said it would happen by 2010. Now the talk puts Iran's nuclear debut in the 2013-2015 time frame, if not sooner. The story of the boy who cried wolf comes to mind. This is not to deny that the Iranian regime has made some progress toward the bomb during its quarter-century of intensive nuclear efforts. Most notably, Iran has accumulated a decent amount of low-enriched uranium, enriched to about 3 percent, and a small amount enriched to around 20 percent. The country has recently embarked on a major campaign to build up its stockpile of 20 percent enriched uranium, and once this is accomplished, Iran will be well-positioned to amass a significant quantity of bomb-grade, 90 percent enriched uranium. Bottom line: Today, Iran is about halfway to its putative goal; not many countries have been able to make it even this far. That being said, however, it is crucial to recognize that the quality of Iran's nuclear workmanship has been consistently poor, so it has been able to progress at no more than a snail's pace. For instance, Iran imported powerful Pakistani P2 centrifuge models in the mid-1990s, but it was not until 2011 that it finally began using a version of them in its enrichment drive. Even now, the vast majority of the Iranian enrichment effort relies on the very inefficient Pakistani P1 centrifuge design. Indeed, in recent years -- despite the headlines about Iranian nuclear progress -- its number of working gas centrifuges has actually been declining, due to wear and tear, poor maintenance, a lack of spare parts, and impure feedstock. (As of 2005, Iran's uranium hexafluoride gas feedstock was still not much better than "garbage.") As a result, even before the devastating 2010 Stuxnet virus attacks, the Iranian program was already experiencing a "tremendous slowing down," in the words of former IAEA safeguards chief Olli Heinonen. Is it really reasonable to expect such low-quality, brittle technical infrastructure to create a single, Hiroshima-size nuclear device -- let alone a bona fide nuclear weapons arsenal?

#### EU success is key the European Hegemony in the Middle East.

Dr. Sven Biscop. (PhD. Egmont Roayal Institute for International Relations.) "THe EU and Middle-Eastern Security: A New Departure?"Egmont. Paper presented at 10th EUSA Conferance, Montreal. 19 May 2007 http://www.unc.edu/euce/eusa2007/papers/biscop-s-09f.pdf

US persistence in a Manichean worldview leaves little room for the grand bargain with the EU that ideally would be forged. Clearly, the EU objectives to stabilize the Middle East according to its own principles and priorities and to maintain good relations with the US at the same time have for now become irreconcilable. Yet, the EU cannot afford not to act on the Middle East. As a consequence of its engagement with Iran, Lebanon and Israel-Palestine, the EU has assumed responsibilities, has created expectations and has put its reputation and its troops at risk. Without follow-up, failure is certain. The cliché image of a powerless EU will once again be confirmed. Without action in support of its own strategy, the EU will suffer by association with the confrontational US strategy.