Monument Midseason Supplement

The following are negative briefs written midseason during the 2012-2013 school year in the NCFCA. Give due attention to checking all hyperlinks before attempting to run in competition as Monument Publishing does not update this archive information.

***Resolved: That the United Nations should be significantly reformed or abolished.***

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1267 SANCTIONS

CASE ANALYSIS

This case appears in Ethos. The plan is to repeal Security Council Resolution 1267 and all related measures that impose sanctions on listed members of the Taliban and Al-Qaeda. The sanctions should be repealed because the Security Council is imposing them without due process (the right of the individuals to be notified, have a hearing, have an opportunity to challenge whether the sanctions are justified, etc.). There are a few issues with the construction of the 1AC as it appears in the source book, and knowing them may help you prepare your Neg strategy

The Justification contains some lapses of logic you can exploit. It is tagged as “Transnational Crime Fighting” under the theory that 1267 undermines international efforts to fight crime. This is an odd argument to make for a case built on the issue of civil rights violations. None of the evidence in the 1AC says that 1267 weakens crime fighting efforts, and there is no plan advocacy given in the 1AC for repealing it.

The A subpoint is that due process is violated, and there’s tons of Aff evidence to support that. Of course, this is no hindrance to fighting crime - in fact, if law enforcement were enabled to violate more of people’s civil rights, they could probably fight crime even better (ultimately, they could just lock everyone up and crime would fall to zero). So, due process violations are a valid problem, but not properly used to support an argument that we can’t fight crime effectively.

The B subpoint claims “New Threats Ignored.” This is a strange card to use in the 1AC because it says the use of 1267 is decreasing in the Status Quo, which would make an excellent Negative inherency argument. The card is mis-tagged because there is no claim about anyone ignoring any new threats in the quoted evidence - the fact that listings are going down could be for any number of reasons, none of which are mentioned in the evidence. It could be that members of Taliban/AQ have been killed and are no longer a threat, so no need to list them. The card doesn’t say, nor does it give any impact to why it’s bad that fewer people are listed. And then, of course, we must wonder: If “not listing” people on 1267 means ignoring threats, why in the world would we vote Affirmative to abolish the list completely? That would make the problem worse

The C subpoint first card (Genser & Barth, 2010) claims to be an impact, but is mis-tagged. “Efficiency Undermined” is nowhere in the evidence, which says that national courts are starting to overturn the effects of 1267 sanctions in various nations. What effect that has on efficiency or the fight against international crime is unstated in the card, so there is essentially no impact. And the fact that national courts are providing remedies to the due process violations tends to help the Negative on inherency.

The C subpoint second card (Hossain 2011) claims to be an impact, but has a serious problem. It is referring to changes in due process procedure by the US Federal Government, not the UN. Since the Affirmative has no fiat power over domestic federal law changes, this advantage could only be achieved by extra-topical means.

TOPICALITY

1. UN Reform versus repealing a UN resolution

Link: Affirmative changes one Security Council resolution, but changes nothing about the UN itself

Link: There are over 2000 Security Council Resolutions and thousands more General Assembly resolutions. If the debate topic is opened up to any reform of any UN Resolution that has ever been passed, the debate topic expands to over 6000 items. The UN Security Council recently, on 30th of August 2012, passed its resolution number 2064. The UN General Assembly passed 3,541 resolutions between 1946-1975 alone, giving you an idea of the number of debate cases that become topical if you accept the Affirmative’s case.

Latest Security Council Resolution was number 2064

UNIFIL United Nations Interim Force in Lebanon (UNIFIL was established to: (1)Confirm the withdrawal of Israeli forces from southern Lebanon.(2)Restore international peace and security.(3)Assist the Government of Lebanon in ensuring the return of its effective authority in the area.) 30 August 2012. http://mpwiis05-beta05.dfs.un.org/Default.aspx?tabid=1506

“Resolution 2064 (2012) Adopted by the Security Council at its 6825th meeting, on 30 August 2012”

UN General Assembly passed 3,541 resolutions between 1946-1975

United Nations Documentation Research Guide, last updated Sept 2012. <http://www.un.org/Depts/dhl/resguide/gares.htm>

Resolutions: 1946-1975  
  
Resolutions of the General Assembly are first published as individual documents, always identified by the prefix A/RES/- . The first 3,541 resolutions adopted by the General Assembly were consecutively numbered. A roman numeral enclosed in parentheses follows the sequential number and indicates the regular (e.g., XXX), special (e.g., S-VI) or emergency special (e.g., ES-V) session at which the resolution was adopted.   
  
**Link:** It is inconceivable that the authors of the resolution intended there to be over 6000 possible Affirmative positions in this year’s debate resolution. The research burden would be impossible. Briefing even one hour of research for each case would require 250 continuous days without sleep or food. It’s the United Nations that the Affirmative should reform, not specific resolutions. Changing one resolution is not a reform of the UN.  
  
**Alternative definition**: Reforming the United Nations means reforming the structures and institutions that make up the UN.  
  
**Reason to prefer:** Clear brightline and reasonable scope. Rather than reforming any resolution the UN has ever passed, the structure of the UN should be reformed to be topical. This is better because the structure of the UN is clearly defined and fixed. UN resolutions number in the thousands and could be added and repealed at any time, making it too large of a scope and constantly changing.  
  
**Violation:** The “reform or abolish” verbs of the NCFCA Debate Topic refer to the United Nations itself, not to any resolutions it has passed. The Affirmative did not do what the debate topic says they were supposed to do.  
  
**Impacts**:  
  
**1. No Affirmative team**. Since neither team today is affirming the resolution, no matter who wins, you should write Negative on the ballot.  
  
**2. Abusive to the Negative.** The Negative team came here prepared to debate changes to the UN. There was no way we could have known nor prepared for debating other changes, and it’s abusive and unfair to expect us to do so. It’s absurd and abusive to expect us to debate 6000 possible UN resolutions. We need to discourage this by defeating it with Negative ballots whenever it appears, to motivate Affirmatives not to do this kind of thing.

2. Not “Significantly” reforming

Link: The Resolution 1267 list only has 238 names on it, as of September 2012

UN Security Council Committee 2012. “The List established and maintained by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) with respect to individuals, groups, undertakings and other entities associated with Al-Qaida” last updated 5 Sept 2012 <http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml>

The Al-Qaida Sanctions List consists of two sections, specified below:  
Individuals associated with Al-Qaida (238 individuals)  
Entities and other groups and undertakings associated with the Al-Qaida (68 entities)  
  
All names and identifying information on the Al-Qaida Sanctions List have been submitted to the Committee by United Nations Member States and international organizations. Individuals are listed alphabetically by their family name/surname/last name as it appears in Latin script. Entities are also arranged in alphabetical order. All geographical locations are reproduced as submitted and are cited without prejudice to their political or legal status. Narrative summaries of reasons for listing, where available, can also be found on the Committee’s website. Members States are strongly encouraged, wherever possible, to submit to the Committee, through their Permanent Missions to the United Nations in New York, any relevant information not currently included on the Al-Qaida Sanctions List. The Al-Qaida Sanctions List maintained on this website was last updated on 5 September 2012, and supersedes all previous versions.  
  
**Standard:** “Significant” means “of a noticeably or measurably large amount” (Merriam-Webster Online Dictionary 2012 <http://www.merriam-webster.com/dictionary/significant?show=0&t=1347811998>)   
  
Notice that it’s the amount of the reform that has to be significant, not the impact of the reform (that’s a separate issue and the Affirmative will lose there too). “Significantly reform” is not the same as “Tiny reform that may have significant results.”  
  
Let’s measure the quantity of people being touched by the Affirmative’s plan compared to the total number of people touched by the UN as a whole to see if it’s a significant reform of the UN. How many people are touched by the UN? Well, one could argue all 7 billion, since every nation is a member of the UN except the Vatican, Taiwan and the Palestinian Authority. But let’s narrow it down to just people who are directly, one-on-one, impacted by the UN. One place to start would be the World Food Programme, which alone directly touched the lives of 100 million people in 2011.  
  
*World Food Programme 2012. “The World Food Programme's Year in Review, 2011”* [*http://www.wfp.org/content/world-food-programmes-year-review-2011*](http://www.wfp.org/content/world-food-programmes-year-review-2011)“Natural catastrophes and political upheaval defined 2011. WFP’s food assistance reached nearly 100 million people in 75 countries around the world. The vast majority — nearly 83 million — were women and children.”  
  
**Violation:** By the standard we’ve given above, we have 238 people involved in the Affirmative’s UN reform, compared to over 100 million people that are involved in other UN programs (we only cited one program, there are dozens of others This is microscopic, and is certainly not a “measurably large amount.”  
  
(Impacts continued on next page)

**Impacts:   
  
1. No Affirmative team.** No one in this room today is advocating significantly reforming the UN. One team is arguing for an insignificant reform, and the other is arguing for no reform. With no one affirming the resolution, no matter who wins you should write Negative on the ballot.  
  
**2. Opportunity cost**. The time spent debating this tiny policy could have been spent debating something worthwhile. The impact to debating insignificant things is that we are losing the opportunity to debate meaningful things. We will never get this hour and a half back again. Experts agree that we have to consider Opportunity Cost when debating public policy:  
  
*Prof. Daniel Drezner 2010. (professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University) FOREIGN POLICY 16 Nov 2010 What do you do with dumb debates?* [*http://drezner.foreignpolicy.com/posts/2010/11/16/what\_do\_you\_do\_with\_dumb\_debates*](http://drezner.foreignpolicy.com/posts/2010/11/16/what_do_you_do_with_dumb_debates)   
  
When it comes to policy debates I'm always on the side of John Stuart Mill -- the best way to deal with stupid arguments is to counter them with better arguments in the public sphere. That said, there's a serious cost to this philosophy in a world in which the stupid ideas can command the policy agenda. The opportunity cost to the inordinate amount of time that is spent swatting away these ideas is that less time is spent debating policies and ideas that have a real chance of being enacted

EXTRA-TOPICALITY

1. “National and Regional Sanctions.”

**Link: Affirmative plan contains references to:** “Asset Freezes and travel restrictions on terrorist groups, individuals or entities affiliated with rogue actors will occur on a national or regional basis”

**Violation**: National or regional sanctions are outside the UN and therefore not authorized by the resolution.

**Impact**: Any benefits of national or regional sanctions must be dropped from the round.

2. US Federal Government reforms

Link: Affirmative cites evidence about the success of international cooperation based on changes in US policies on due process. Here’s the entire quote from the Affirmative’s source Hossain in 2011 - notice that all the solvency depends on actions by “USG” - that is, the United States Government.

Sameer Hossain 2011. (J.D. Candidate at Howard Univ School of Law), “Freezing Terrorism Assets: Increasing International Cooperation by Observing Procedural Due Process,” 54 HOWARD LAW JOURNAL 437, Winter 2011, accessed thru Lexis-Nexis

Thus, it is likely that if the USG were to observe more robust procedural due process requirements in the homeland, then this posture could result in an improvement in the international rule of law, partly by convincing European allies that international human rights standards of providing notice and an opportunity to be heard are protected when an individual's assets are frozen by the USG. Assuming that the potential benefits of observing procedural due process domestically that are identified in this Comment are attainable, the advantages are likely to outweigh potential disadvantages. Even though the purpose of the USG's counterterrorism policies and legislation is to prevent grave and immediate threats to national security, an opportunity to improve overall cooperation on this issue by making certain short-term sacrifices would likely be worth the risk. If the USG does not turn to international cooperation to face the threat of terrorism financing, it would have to independently provide all the resources, including money and manpower, to address this threat around the world. Greater international cooperation would not only reduce that burden, but it would likely increase the quantity and quality of efforts dedicated to this task, which would in turn increase effectiveness. Therefore, even though providing notice and hearing prior to freezing a potential terrorism financier's assets could result in some funds going towards terrorist activities, whether intentionally or inadvertently, a more cohesive collective effort to prevent that from happening would likely be a more effective approach. Thus, it is strategically beneficial for the USG to observe procedural due process in terrorism financing cases, which is likely to result in greater tactical success against terrorists worldwide.

**Violation:** Changing the US Government’s due process requirements on terrorism funding is completely outside the scope of the resolution. The resolution allows reforming the UN, not the US Federal Government.

**Impact:** Advantages from increased US/International cooperation must be dropped from the round.

INHERENCY

Process exists for individuals to apply to be taken off the sanctions list

US State Department, Mission to the United Nations 2011. Fact Sheet, Security Council Resolutions 1988 and 1989, 17 June 2011 <http://usun.state.gov/briefing/statements/2011/166473.htm> (brackets added)

2. Establishes specific criteria for having the sanctions removed.   
The Security Council has directed the new Afghanistan Sanctions Committee to lift sanctions on individuals who meet the reconciliation conditions agreed to by the Afghan government and the international community.  
[T]hese delisting criteria include: renouncing violence, severing links to international terrorist organizations (particularly al-Qaida and affiliates, and respecting the Afghan Constitution.  
The Security Council has said that delisting requests on behalf of reconciled individuals should, if possible, include a communication from the Afghan government’s High Peace Council confirming the reconciled status of the individual.   
Every six months, the Committee will receive the names of individuals whom the Afghan government considers to be reconciled, in addition to reviewing any specific delisting requests that are submitted in the interim.  
3. Continue to ensure fair procedures exist for listed individuals.   
The new sanctions regime will incorporate procedures to ensure the sanctions are implemented as fairly and transparently as possible, including requirements to notify listed individuals, requirements to publish narrative summaries of reasons for listing and regular review of sanctions lists. Individuals seeking to be delisted may directly petition the UN Focal Point to have the sanctions against them removed (the same process as other country-specific UN sanctions regimes).

People and business are, in fact, de-listed. Example: 8 de-listed in June 2011

UN Security Council 2011. SECURITY COUNCIL 1267 SANCTIONS COMMITTEE APPROVES DELETION OF EIGHT ENTRIES FROM AL-QAIDA SANCTIONS LIST, 23 June 2011 (brackets added) <http://www.un.org/News/Press/docs/2011/sc10293.doc.htm>

On 22 June 2011, the Security Council Committee established pursuant to resolution 1267 (1999) approved the deletion (de-listing) of the eight entries specified below from the Al-Qaida Sanctions List. The assets freeze, travel ban and arms embargo set out in paragraph 1 of Security Council resolution 1989 (2011) therefore no longer apply to the following individuals and entities:  
[there follows a list of 5 people and 3 business with extensive details]

Affirmative experts Jared Genser and Kate Barth in 2010 point out that national courts are invalidating the 1267 sanctions when due process is violated

Jared Genser and Kate Barth 2010. (Genser - attorney; law degree from Univ of Michigan. Barth - masters degree, London School of Economics; law degree, Univ of Pennsylvania), “When Due Process Concerns Become Dangerous: The Security Council's 1267 Regime and the Need for Reform,” Boston College International and Comparative Law Review, 2010, (33 B.C. Int'l & Comp. L. Rev. 1) cited from Lexis-Nexis

Thus, several international, regional, and domestic tribunals, such as the European Court of Justice, the European Court of Human Rights, the Human Rights Committee of the International Covenant on Civil and Political Rights, the Swiss Federal Court, the British House of Lords, the United Kingdom Supreme Court, and the Federal Court of Canada, have challenged the national regulations giving effect to certain Security Council resolutions. Although many of these tribunals have grudgingly accepted the primacy of the resolutions under the U.N Charter, judicial discontent has been mounting. The ECJ's recent decision in Kadi v. Council (Kadi II) marks the first time a regional court has chosen to annul a domestic regulation implementing a binding Security Council resolution. Emboldened by Kadi II, national courts have likewise begun to invalidate the domestic regulations that implemented Resolution 1267 obligations in member states.

Affirmative experts Jared Genser and Kate Barth in 2010 point out the increasing trend of US and European courts overturning due process violations from 1267

Jared Genser and Kate Barth 2010. (Genser - attorney; law degree from Univ of Michigan. Barth - masters degree, London School of Economics; law degree, Univ of Pennsylvania), “When Due Process Concerns Become Dangerous: The Security Council's 1267 Regime and the Need for Reform,” Boston College International and Comparative Law Review, 2010, (33 B.C. Int'l & Comp. L. Rev. 1) (brackets added) cited from Lexis-Nexis

Regional and domestic courts have become increasingly more sympathetic to claims arising from a target's placement on the Consolidated List over the past several years. European courts have tended to serve as the fora for such cases given Europe's strong domestic and regional laws protecting human rights. Since 2005, courts have increasingly challenged the idea that Security Council resolutions are unbounded by any law, while simultaneously upholding resolutions' primacy over international law and the domestically-implemented regulation in question. By the end of 2008, however, the ECJ [European Court of Justice] was bold enough to challenge the enforcement of a binding Security Council resolution by annulling the contested European regulation. Subsequent 2009 and 2010 decisions in courts on both sides of the Atlantic upheld the primacy of targeted individuals' rights over the domestic regulations and actions intended to carry out member states' binding obligations under Security Council resolutions.

MINOR REPAIR

Affirmative experts Jared Genser and Kate Barth in 2010 said the problem can be solved with a Minor Repair: Add an independent review tribunal. It’s the best way to balance security with due process.

Jared Genser and Kate Barth 2010. (Genser - attorney; law degree from Univ of Michigan. Barth - masters degree, London School of Economics; law degree, Univ of Pennsylvania), “When Due Process Concerns Become Dangerous: The Security Council's 1267 Regime and the Need for Reform,” Boston College International and Comparative Law Review, 2010, (33 B.C. Int'l & Comp. L. Rev. 1) cited from Lexis-Nexis

Part III identifies criteria for assessing the viability of alternative solutions. These proposed criteria include such issues as independence of a decision-maker, accessibility to the target, ability to provide an effective remedy, speed, concern over sharing sensitive information, infringement on Security Council authority, and the overall political efficacy of the proposed solution. The aim, of course, is not simply to resolve the due process problem, but to do so in a manner that does not negatively affect security concerns, either by weakening the 1267 regime or by threatening the supremacy of the U.N.S.C. The Article concludes with the argument that an independent tribunal with the ability to hear individual complaints and issue binding decisions is the mechanism that best balances these concerns.

DISADVANTAGES

1. Broad sanctions. To understand why Resolution 1267 was enacted in 1999, it’s necessary to go back to that time period to understand the mindset that motivated these sanctions. 1267 was an important step forward in international diplomacy at the time because in ‘99 the Security Council was concerned about implementing sanctions against entire countries. Such “broad” sanctions against an entire nation had the bad effect of punishing an entire nation for the sins of a few of its members. Targeted, or “smart,” sanctions are a way to solve that

Link: Targeted sanctions replace country sanctions and avoid unintended negative consequences

United Nations Sanctions Secretariat, Department of Political Affairs 1999. “Smart Sanctions, the Next Step: Arms Embargoes and Travel Sanctions” First Expert Seminar, Bonn, November 21-23, 1999, THE EXPERIENCE OF THE UNITED NATIONS IN ADMINISTERING ARMS EMBARGOES AND TRAVEL SANCTIONS http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDQQFjAA&url=http%3A%2F%2Fwww.un.org%2Fdocs%2Fsc%2Fcommittees%2Fsanctions%2Fbackground.doc&ei=poHLUP3fO-bdyAH4lIDQCA&usg=AFQjCNEdtJM4OweVb36VNkuiXVL\_B7jXfg&sig2=awC1NNGTNjX3tJOAcAQt\_w&bvm=bv.1355325884,d.aWc

In recent years there has been increasing concern regarding the negative effects of economic sanctions on vulnerable civilian populations, as well as the collateral effects on third states. The concept of targeted, or “smart”, sanctions has emerged in response to these concerns. Such measures include targeted financial sanctions, arms embargoes, travel bans and diplomatic sanctions. Through improved targeting of mandatory measures and more effective implementation, the Security Council can enhance the prospect of achieving its stated objectives while minimizing unintended negative consequences. As policy instruments, sanctions have gained in attractiveness because they enable Security Council members to forge shared responses during crises in which their policies might otherwise diverge

Link: Targeted sanctions are good because they apply pressure on the bad guys without hurting the innocent

Joseph Stephanides 2002. (Director, Security Council Affairs Division, Dept of Political Affairs, UN Secretariat) in the Foreword to the book SMART SANCTIONS - TARGETING ECONOMIC STATECRAFT <http://books.google.fr/books?id=tuz-eZUQapQC&pg=PA158&lpg=PA158&dq=resolution+1267+%22smart+sanctions%22&source=bl&ots=-pk_xVQBS-&sig=GnMH_DUU6o9CfL6GnJ1k6wNrtAE&hl=en&redir_esc=y#v=onepage&q=resolution%201267%20%22smart%20sanctions%22&f=false>

The publication, at the request of the Security Council, of investigative reports that “name and shame” heads of state or other leaders for sanctions violations, or that recommend the taking of measures (“secondary sanctions”) against member states that systematically violate sanctions, are currently the subject of intense debate. Nonetheless, there is increasing agreement in the international community that targeted measures such as financial sanctions, travel bans, and arms embargoes can and should be strengthened as a means of applying pressure against leaders whose behavior the Security Council is seeking to alter, while avoiding negative effects on the innocent.

Impact: Broad sanctions can have disastrous impact

Dr. David Cortright & Dr. George Lopez 2002. (Cortright - PhD Political Science, Union Graduate School; Research Fellow, Joan B. Kroc Institute for International Peace Studies, University of Notre Dame. Lopez - PhD; professor of political science, Univ. of Notre Dame) SMART SANCTIONS - TARGETING ECONOMIC STATECRAFT (brackets in original) <http://books.google.fr/books?id=tuz-eZUQapQC&pg=PA158&lpg=PA158&dq=resolution+1267+%22smart+sanctions%22&source=bl&ots=-pk_xVQBS-&sig=GnMH_DUU6o9CfL6GnJ1k6wNrtAE&hl=en&redir_esc=y#v=onepage&q=resolution%201267%20%22smart%20sanctions%22&f=false>

If the goal is to minimize unintended consequences, targeted sanctions are clearly “smarter” than general trade sanctions. indeed the primary motivation for adopting targeted sanctions has been the desire to avoid adverse humanitarian impacts. As the use of economic sanctions has increased in recent decades (fourteen cases of UN multilateral sanctions since 1990, more than fifty cases of U.S. and European Union [EU] sanctions during the same period), these measures have come under sharp criticism for their harmful social consequences. The disastrous impact of trade sanctions in Iraq has cast a long shadow.

BUDGET OF UNITED NATIONS– not a problem

(Jonathan Edelblut contributed most of the evidence in this brief)

INHERENCY

BACKGROUND: RESULTS-BASED BUDGETING

Since 1997, UN general budget has been a results-based budgeting system

Tomiji Mizutani, 2004. (Chief of the Budget Office at the World Meteorological Organization; Masters of Business Administration degree, a law degree, and a bachelor’s degree (LLB, MBA, BA)) “Results-based budgeting and performance management in the United Nations system” Catholic University of Leuven in 2004 <http://soc.kuleuven.be/io/egpa/fin/paper/slov2004/Mizutani.pdf> (JE) (brackets added)

“In 1997, the Secretary-General of the United Nations, Kofi Annan launched a comprehensive reform initiative aimed at transforming the Organization into a more effective, modernized and relevant instrument in the service of the international community. In the management area, he proposed shifting from programme budgeting to results-based budgeting (RBB). This was a significant shift in budgeting techniques in the United Nations. In the 1950s, some of the specialized agencies, such as the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Food and Agriculture Organization of the United Nations (FAO), adopted the budgeting methodology by programme. The United Nations, conversely, moved from object-of-expenditure budgeting to programme budgeting and adopted four-year medium-term planning which provides an underpinning programme framework for biennial programme budgeting. (Bertrand, 1988). The Medium-Term Plan of the United Nations is structured by programmes, and defines objectives and strategies. The programme budget is structured in accordance with the programme structure of the Medium-Term Plan. Results-oriented features were latent in the programme budgeting, while RBB has made it much more explicit and has also clarified the linkage among objectives, expected results, outputs and inputs (financial and human resources). RBB can be considered as a continuation of programme budgeting with an emphasis on results. But, RBB is also a far-reaching reform process which might fundamentally change the way of doing business in the United Nations. An expected result (or an “expected accomplishment” according to the term used in the United Nations) is defined as “direct and often tangible effect of consequence of the delivery of outputs. They identify the benefits or changes that are expected to accrue to the users or beneficiaries of outputs” (United Nations, 1999, page 21). The [Results Based Budgeting] RBB concept based on this definition represents a leap from the programme-budgeting system to a much-more performance oriented management philosophy involving accountability of both the Secretariat and the Member States. Under programme budgeting, the responsibility of the Secretariat was limited to delivery of outputs as approved by the Member States, although RBB requires performance measurement in terms of results, which leads to attribution of such results. The performance management deriving from RBB might therefore be able to transform the role of the main stakeholders of the global organization.”

Major and minor specialized agencies operate under results-based budgeting

Tomiji Mizutani, 2004. (Chief of the Budget Office at the World Meteorological Organization; Masters of Business Administration degree, a law degree, and a bachelor’s degree (LLB, MBA, BA)) “Results-based budgeting and performance management in the United Nations system” Catholic University of Leuven in 2004 <http://soc.kuleuven.be/io/egpa/fin/paper/slov2004/Mizutani.pdf> (JE) (brackets added)

Since the 1990s, the major Specialized Agencies of the United Nations system such as WHO, UNESCO, the World Intellectual Property Organization (WIPO), [and] the United Nations Development Programme (UNDP) have adopted results-based or performance-based budgeting systems. This trend has been overwhelming since the 1998-1999 biennium budgetary period. Other organizations, such as the International Labour Organization (ILO), the Universal Postal Union (UPU) and the World Meteorological Organization (WMO), have now also adopted [Results Based Budgeting] RBB. In general, the experience of the Specialized Agencies is somewhat different from that of the United Nations. In these organizations, the debate was less politicized, and a consensus on RBB was achieved with much less difficulty in favour of the policy stance of developed countries for improved management and enhanced technical efficiency, which also matched the interests of developing countries. Their underpinning policy for RBB is to place the expenditure and the programme activities of the Specialized Agencies under their control, and to hold the executive heads of these organizations accountable for value for money of the programmes.”

BUDGET IS BEING CUT IN STATUS QUO

5% Budget Cut: UN budget reflects commitment to do more with less in economic hardship

The Economic Times, Dec. 2011. “UN budget cut by 5 per cent for 2012-13” Published on December 28th, 2011: <http://articles.economictimes.indiatimes.com/2011-12-28/news/30565297_1_budget-agreement-financial-plan-second-time> (JE)

“Adjusting to tough economic times, the United Nations has taken a five per cent cut in its budget for 2012-2013 at USD 5.15 billion, making it only the second time in 50 years that the world body's budget has declined over the previous year. The budget was approved by the 193-member UN General Assembly after night-long negotiations over the weekend. UN Secretary-General Ban Ki-moon said the new budget reflects the commitment of the world body to "do more and better with less" at a time when governments and people everywhere are struggling.”

Budget is “historic”: second drop in 50 years, setting the UN on a path of fiscal discipline

The Economic Times, Dec. 2011. “UN budget cut by 5 per cent for 2012-13” Published on December 28th, 2011: <http://articles.economictimes.indiatimes.com/2011-12-28/news/30565297_1_budget-agreement-financial-plan-second-time> (JE)

“US deputy ambassador Joseph Torsella said in a statement the budget agreement was "historic," given that it was the first time since 1998 and only the second time in the last 50 years that the UN regular budget declined from the previous budget's actual expenses. The US pays 22 per cent of the UN's administrative budget. Torsella said the new budget "saves the American taxpayers millions of dollars and sets the United Nations on the path of real fiscal discipline and continued reform."”

Budget Saved $$: a 5% decrease in spending, saving $100 million for taxpayers

Ambassador Joseph Torsella, 2012. (U.S. Ambassador for United Nations Management and Reform) Speech at the Council on Foreign Relations, January 20th, 2012 <http://usun.state.gov/briefing/statements/182321.htm> (JE)

“The right question is: Can we make real headway? Let me answer that by telling you what happened in New York last month. Over the last twenty years, the UN’s two-year regular budget has increased, on average, by about 5% each biennium. But last month, the United States led efforts at the UN that resulted in the first UN regular budget since 1998 – and only the second in the last 50 years -- that has gone down in comparison to the previous budget’s actual expense. In 2010/11, the UN’s regular budget ended at $5.41 billion. We passed a budget of $5.15 billion – a 5% decrease. That’s a $260 million savings even in nominal dollars; it is several hundred million more in real dollars, when inflation and exchange rate changes are factored in. When you consider the likely increase we avoided based on historical patterns, we estimate that we saved as much as $100 million – not for UN contributors as a whole, but for American taxpayers alone. In those budget negotiations, I said that while some of my UN colleagues might consider $100,000 to be a rounding error in a $5 billion budget, I saw it as the average federal taxes paid by 16 hard-working American families in one year. By that metric, $100 million represents the average federal taxes paid by sixteen thousand American families. So can we make change at the UN? You bet. And as ambitious as our agenda is, it’s also timely: the reform stars are aligned at the UN now in a way they have not been for some time.”

Peacekeeping Budget Cut

6% Cut: improved cost-effectiveness and affordability helps peacekeepers do “more with less”

UN Department of Public Information 2012. (Department of the UN dedicated to increasing global awareness of the UN’s activities and work) “DEPARTMENT OF FIELD SUPPORT TELLS BUDGET COMMITTEE IT MANAGED TO ‘DO BETTER WITH LESS’, OWING TO GLOBAL STRATEGY, STEADFAST COMMITMENT OF BLUE HELMETS” Published on May 9th, 2012: <http://www.un.org/News/Press/docs/2012/gaab4028.doc.htm> (JE)

“Since launching a five-year peacekeeping management road map in 2010, the United Nations had improved the cost-effectiveness and affordability of its blue-helmet operations without reducing their operational performance or ability to carry out their mandates, a top United Nations peacekeeping official told the Fifth Committee (Administrative and Budgetary) today as it took up cross-cutting issues related to peacekeeping financing. “Although much remains to be done to meet the expectations of the Committee in several areas, through the implementation of the Global Field Support Strategy we have been able to do better with less across the board, and have taken concrete steps to make further improvements over the coming period,” Anthony Banbury, Acting Head of the Department of Field Support said, as he introduced the Secretary-General’s reports on progress in implementing the Strategy. The Strategy aims to launch peacekeeping missions in a more timely way, improve support for their operations and achieve greater efficiency and economies of scale.  According to Mr. Banbury, it had enabled the Organization to reduce the peacekeeping budget by $433 million to a proposed $7.4 billion in 2012/13, an almost 6 per cent cut from the 2011/12 period.”

Response: “Budget Waste Unfixable”

Proven Reform: reduction of printing by 65%, and UNDFS savings of $62 million

Ambassador Joseph Torsella, 2012. (U.S. Ambassador for UN Management and Reform) Speech delivered at the Council on Foreign Relations, 20 Jan 2012: <http://usun.state.gov/briefing/statements/182321.htm> (JE)

“Finally, we have evidence and experience on our side: we know reform can succeed at the UN because we can see where it already has. We see the unsung heroes in the UN’s Department of General Assembly and Conference Services Management who’ve been pushing toward a paper-smart UN. So far, they have reduced UN printing by 65% in just two years, saving each year a pile of a paper 49 times as tall as the Secretariat building, and a pile of money too. We see dynamic approaches like the UN Department of Field Support’s global strategy; by managing peacekeeping operations in a more businesslike way, the department has already saved over $62 million.”

UN More Accountable. U.S. leadership has driven management reforms making the UN more efficient and accountable

Sarah Margon and John Norris, 2011. [Margon - Associate Director of the Sustainable Security and Peacebuilding Initiative at American Progress; master's degree from the Walsh School of Foreign Service at Georgetown University's and an undergraduate degree from Wesleyan University][Norris - Executive Director of the Sustainable Security and Peacebuilding Initiative at American Progress; Former chief of political affairs for the United Nations Mission in Nepal as that country tried to emerge from a decade-long war; graduate degree in public administration]: “Withdrawing from the United Nations: A Misguided Assault” Published by the Center for American Progress in April 2011: <http://www.americanprogress.org/issues/2011/04/pdf/un_report.pdf> (JE)

“The United Nations is far from perfect, of course. But in recent years strong American leadership has resulted in a number of important management reforms that make it both a more effective and efficient body. It is also becoming a more accountable institution. Across multiple administrations the United States has played a vital leadership role to launch reforms that include the creation of internal oversight offices, an ethics office, an independent audit committee, and success in maintaining current budget contributions instead of raising them. In addition, peacekeeping and secretariat reforms underway now bring about greater fiscal responsibility and a more disciplined, harmonized approach to critical operations.”

SIGNIFICANCE

The UN’s budget is less than Ohio State University! OSU = $5.22 billion in 2013

Ohio State University Office of Financial Planning & Analysis 2012. “Operating Budget Year Ending June 30, 2013” Aug 2012 <http://www.rpia.ohio-state.edu/cfb/docs/2012-13%20Total%20Operating%20Budget.pdf>

The University’s total current funds revenues (including general funds, earnings, and restricted revenue) are projected to increase by 3.6% from $5.04 billion to $5.22 billion between FY 2012 and FY 2013. Current funds consist of revenues generated in the current fiscal year, and do not include cash balances carried forward from prior years.

UN budget is less than teenagers spend on belts and decorative pins

Hanne Christensen 2012. (with the United Nations Research Institute for Social Development, Geneva ) “Reform Proposals – For a Democratic United Nations and the Rule of Law” Feb 2012 <http://www.dhf.uu.se/wordpress/wp-content/uploads/2012/03/reform_proposals_inlaga-web_pages.pdf>

The current two-year United Nations regular budget amounts to US$ 5.16 billion, at a time when the ﬁnancial crisis is crippling many countries. Governments and people in particular are suﬀering, and the world is turning more and more to the United Nations for answers and help. To illustrate: the United Nations dues are half the amount spent annually by Western teenagers on clothing accessories like belts and decorative pins. The UN could help explode the myth by consistently informing the press about its annual budget. Then all can see how little cost is involved in comparison with national expenditure, such as military costs for instance.

Response: “UN Headquarters Renovation as Waste”

CMP = $1.4 billion in Revenues. Building renovation contracts were awarded to American companies, generating large revenues

Sarah Margon and John Norris, 2011. (Margon - Associate Director of the Sustainable Security and Peacebuilding Initiative at American Progress; master's degree from the Walsh School of Foreign Service at Georgetown Univ. Norris - Executive Director of the Sustainable Security and Peacebuilding Initiative at American Progress; Former chief of political affairs for the UN Mission in Nepal; graduate degree in public administration) “Withdrawing from the United Nations: A Misguided Assault” Center for American Progress, April 2011 <http://www.americanprogress.org/issues/2011/04/pdf/un_report.pdf> (JE)

“Prior to renovation the U.N. building did not conform to building codes. It was a potential hazard to those who worked there, those who visited, and the surrounding area. A 2008 report from the Government Accountability Office noted that while the United States had a substantial interest in the CMP’s success, it also had a lot to gain. Case in point: The [Capital Master Plan, a project to renovate the U.N. headquarters] CMP awarded all but two contracts for renovations to American companies. These contracts have generated $1.4 billion in revenue to companies large and small such as Certified Moving and Storage, LLC; Firecom; and HLW. 20 All bidding has been open and competitive. The renovation is expected to be finished on time (2013) and to maintain its approved budget despite some initial delays and a few setbacks related to security concerns.”

Response: “Assessments Make the UN Unaccountable”

United Nations receives majority of funding from voluntary contributions

Prof. Erin R. Graham 2012 (Ph.D. in Political Science, The Ohio State University; BA in Political Science and International Relations, Boston University; Assistant Professor of Politics, Drexel University; Postdoctoral Fellow, Princeton University, Niehaus Center for Globalization and Governance) “Money, Power, and the United Nations: Examining the Causes and Consequences of Voluntary Funding” March 2012: <http://www.princeton.edu/politics/about/file-repository/public/Graham-IR_Colloquium_Draft.pdf> (JE)

“Today the United Nations System receives the majority of its financial support from voluntary contributions. This is true both of UN programs, like the UN Development Program and the UN Environment Program, and of Specialized Agencies, like the World Health Organization and UNESCO. UN reliance on voluntary resources is not a new phenomenon; the first contributions outside the mandatory assessments system were made in the 1950s and by 1960 constituted fully half of UN resources. It is, however, a growing phenomenon in many corners of the UN where voluntary funding flourishes and mandatory contributions stagnate. The result of disproportionate reliance on voluntary contributions has produced a system of financing quite distinct from that envisioned in the UN Charter. At the UN’s founding, the General Assembly was granted control of financial matters. It both allocated member states’ assessments—based on their respective capacity to pay—and was charged with approving the budget. The General Assembly and equivalent bodies at other UN Agencies have no such role to play in the voluntary funding system, where members’ individual choices dictate financial decisions.”

DISADVANTAGES/TURNS:

1. UN Peacekeeping Saves Money

Peacekeeping Saves $$: UN deployment in fifteen conflicts that the U.S. would have to protect by itself, with comparatively low cost

Dr. Stewart M. Patrick, 2012. (Ph.D. in international relations and two Master’s degrees from Oxford University; Senior Fellow and Director of the International Institutions and Global Governance Program at the Council on Foreign Relations; Formerly served on Secretary of State's policy planning staff.) “Some Perspective on the United Nations” Published by Council on Foreign Relations, 17 Sept 2012 <http://blogs.cfr.org/patrick/2012/09/17/some-perspective-on-the-united-nations/> (JE)

“One major benefit to the U.S. taxpayer from the United Nations is peacekeeping. Without a single U.S. troop, the UN peacekeeping forces are deployed in roughly fifteen conflicts around the world to preserve regional security that the United States would likely otherwise have to protect by itself with U.S. military forces. The total UN peacekeeping budget is about the same price as U.S. operations per month in Afghanistan, and the United States only pays about a quarter of the UN budget.”

UN Cheaper: U.S. paid $116 million with the UN verses paying $876 million alone

Joseph A. Christoff, 2007. (Director International Affairs and Trade at the Government Accountability Office; has over 30 years of experience designing and implementing performance evaluation audits and investigations of international development and security assistance programs. M.A., Public Administration, American Univ) “PEACEKEEPING: Observations on Costs, Strengths, and Limitations of U.S. and UN Operations” Published by GAO, June 13th, 2007: <http://www.gao.gov/new.items/d07998t.pdf> (JE)

“We estimate that it would cost the United States about twice as much as it would the UN to conduct a peacekeeping operation similar to the UN mission in Haiti. The UN budgeted $428 million for the first 14 months of the mission, of which the United States was responsible for $116 million. A similar U.S. operation would have cost an estimated $876 million. Virtually the entire cost difference can be attributed to three major elements: civilian police, military pay and support, and facilities. First, the estimated cost of deploying U.S. civilian police is $217 million or about 8 times the $25 million budgeted by the UN for international police officers. Compensation rates for U.S. police include higher costs for salaries, special pay and training, whereas the UN pays police a standard daily allowance. Second, we estimated that U.S. military pay and support would cost $260 million, compared with $131 million in the UN budget, and reflects higher salaries and higher standards for equipment, ammunition, and rations. Third, U.S. facilities-related costs would be twice those of the UN, reflecting the cost of posting U.S. civilian personnel in a secure embassy compound. Several factors could affect the estimated costs of a U.S. operation, including the mix of reserve and active duty troops and the rate of troop deployment. When we varied these factors—for example, by increasing the number of reserve troops deployed—the estimated cost for a U.S. operation increased.”

2. UN Good for U.S. Business

Peacekeeping operations procure $319 million from American companies

Sarah Margon and John Norris, 2011. (Margon - Associate Director of the Sustainable Security and Peacebuilding Initiative at American Progress; master's degree from the Walsh School of Foreign Service at Georgetown Univ. Norris - Executive Director of the Sustainable Security and Peacebuilding Initiative at American Progress; Former chief of political affairs for the UN Mission in Nepal; graduate degree in public administration) “Withdrawing from the United Nations: A Misguided Assault” Center for American Progress, April 2011 <http://www.americanprogress.org/issues/2011/04/pdf/un_report.pdf> (JE)

“U.N. peacekeeping operations procured nearly $319 million of their goods and services from American businesses in 2009—a number considerably higher than any other country. Collaborating with U.N. peacekeeping missions also exposes American companies to nontraditional markets and could open the door to increased business opportunities down the road.”

UN agencies do business with U.S. companies, amounting to $2 billion in revenue

Sarah Margon and John Norris, 2011. (Margon - Associate Director of the Sustainable Security and Peacebuilding Initiative at American Progress; master's degree from the Walsh School of Foreign Service at Georgetown Univ. Norris - Executive Director of the Sustainable Security and Peacebuilding Initiative at American Progress; Former chief of political affairs for the UN Mission in Nepal; graduate degree in public administration) “Withdrawing from the United Nations: A Misguided Assault” Center for American Progress, April 2011 <http://www.americanprogress.org/issues/2011/04/pdf/un_report.pdf> (JE)

“Finally, the U.N. agencies—which are not part of the regular U.N. budget—procure many of their goods and services from American companies. This longstanding partnership results in nearly $2 billion in revenue. More than 20 U.N. agencies do business with U.S. companies covering a wide range of goods and services including telecommunication services, pharmaceuticals, and food supplies. The UNDP procured more than $110 million in business from U.S. companies in 2009 while WFP procured nearly $200 million.”

FINANCIAL DISCLOSURE – not needed

CASE NOTES

Background:

This case appears in Decratum. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with Decratum’s evidence but may not be prepared for additional arguments not covered there. This material is intended to supplement the material already available in Decratum and to make arguments not covered in their Negative material.

Case Analysis:

This case mandates heightened financial disclosure by UN officials. The idea is that publishing all of their financial records on the internet will reduce corruption by exposing everything to careful scrutiny.

There is some sleight of hand you need to watch in the 1AC evidence. The claims about “voluntary” disclosure being Status Quo policy are only partly true and have to be read carefully. Affirmative evidence says UN officials have to file financial disclosure forms, but that disclosure of “financial interests” is voluntary. One Aff card says disclosure is voluntary, while another one says 4065 UN employees are required to disclose.

Affirmative never defines clearly what the difference is between Status Quo disclosures and the additional disclosures required by the plan. It’s hard to tell, but this might be nothing more than a minor repair of adding a few lines to an existing form, rather than a significant reform of the UN. There’s also an old 2009 AFF card about the UN anti-fraud unit being abolished, but we show here in this brief that it was reinstated in 2011. In any case, financial disclosure requirements would not do anything about restoring anti-fraud enforcement personnel, so it’s hard to see what that has to do with the case.

The Negative “privacy” evidence in this brief is taken from a similar scenario in the US federal government recently, where Congress passed a law requiring thousands of federal employees in certain offices to file financial disclosures of all their assets, with all information openly available on the internet. The federal employees filed a lawsuit alleging that this violates privacy rights, and a federal court agreed. This sounds exactly like what the Affirmative is going to do with UN employees.

INHERENCY

UN anti-fraud unit was reinstated in 2011

Colum Lynch 2011. (journalist) “The U.N. hires a new anti-fraud team, finally,” FOREIGN POLICY, 3 May 2011 <http://turtlebay.foreignpolicy.com/posts/2011/05/03/the_un_hires_a_new_anti_fraud_team_finally_1>

The U.N. has appointed a World Bank investigator with experience probing war crimes and fraud abuses from the Democratic Republic of the Congo to the Balkans as head of the U.N.'s premier internal anti-fraud unit, filling a personnel vacuum that has dampened morale and severely hampered the U.N.'s ability to combat corruption within its own ranks, according to internal U.N. memos obtained by Turtle Bay. Carmen La-Pointe, a Canadian auditor who heads the U.N. Office of Internal Oversight (OIOS), announced the hiring of Australian investigator, Michael Stefanovic, in an internal memo obtained by Turtle Bay. She also announced the hiring of an American national, Dr. Deborah L. Rugg, to head up another Inspection and Evaluation division

SOLVENCY

1. Inadequate commitment to change

Link: Financial disclosure and transparency are not enough to combat corruption if there is no political commitment to change established practices.

Note: In context Panzardi is referring to “Cristal,” which was an Argentine government initiative for public online disclosure

Roberto Panzardi in an article published no earlier than 2002 . (Senior Public Sector Management Specialist in the Latin America and the Caribbean Public Sector group of the World Bank ) ONLINE INFORMATION DISCLOSURE (ethical disclosure about the date: The article is undated, but refers to events in 2002. Thus, we know it was written no earlier than that year, so we cited the oldest possible date to be ethical.) <http://www.google.com/url?sa=t&rct=j&q=&source=web&cd=4&sqi=2&ved=0CDEQFjAD&url=http%3A%2F%2Fsiteresources.worldbank.org%2FINTEGOVERNMENT%2FResources%2F702478-1129947625190%2Fpanzardipresentation.doc&ei=K5KRUIaXLZGQhQeZrgE&usg=AFQjCNHXR7Et6UX-er6-fGSvDmFaqeSYXg>

Links to the *Cristal* site are provided on all of the principal websites of the National Public Administration, as well as on the sites of many non-governmental organizations. This should have helped to ensure a steady traffic of visitors. However, a key lesson learned with *Cristal*is that, since the site has not been updated for almost two years due to the current crisis in Argentina, online disclosure of Government information is not enough to combat corruption and increase transparency in presence of lack of stable institutions and political commitment to change established practices.

Link: Fundamental disagreements block commitment to reform

Impact: Reforms won’t happen

Ambassador Terry Miller 2011. (Director of the Center for International Trade and Economics at The Heritage Foundation. As a member of the U.S. Foreign Service, I served on delegations to U.N. meetings or at our Permanent Mission in New York from 1979 to 1986) Testimony before The Committee on Foreign Affairs, United States House of Representatives, 3 Mar 2011 <http://www.heritage.org/research/testimony/2011/03/united-nations-reform-lessons-learned>

And U.N. reform has never been easy. Over the years, U.N. reform efforts have been plagued by fundamental disagreements among members (and even internally within societies such as our own) over the basic nature and purpose of the organization. They have been hampered by the complexity of the issues with which U.N. organizations deal, and they have been frustrated by basic flaws in U.N. governance, decision-making and budgeting that disperse authority and responsibility among multiple actors that have different and even competing priorities. I want to touch on just a few of these complexities, because a failure to understand and take them into account has been responsible for the failure of many U.N. reform efforts in the past, and will undoubtedly impede future efforts as well.

2. No Audits / Incompetent Audits

Link: Affirmative has no audits in their mandates. Even if they had audits, they wouldn’t work because …

Link: UN audit procedures are in trouble: not comprehensive, subject to threats and interference, conflict of interest, and lack of competent personnel

United Nations Joint Inspection Unit 2010. (UN agency tasked with internal investigation; this article was written by JIU members: M. Mounir Zahran, Nikolay V. Chulkov, Tadanori Inomata, at the UN office in Geneva, Switzerland) THE AUDIT FUNCTION IN THE UNITED NATIONS SYSTEM, <http://www.foxnews.com/projects/pdf/Audit_Function_in_the_UN_System.pdf>

In terms of authority, the Financial Regulations and Rules for internal audit do not reflect the evolution of the internal audit function nor of the oversight function in general. They are not comprehensive enough in defining the purpose, authority and responsibilities of internal auditors. Independence of the internal audit is another major issue. Threats and interferences were found, notably in the internal audit planning, work performance and communicating results processes, in the selection of the internal audit/oversight head and audit staff, in the budget approval, and in access to records, personnel and assets. The potential for conflict of interests may arise in cases such as the performance of consulting services by auditors, the lack of provisions to bar the audit/oversight head from subsequent appointments to job positions within the organization and in cases where their tenure is unlimited. The term of office of the internal audit/oversight head varies from a renewable term of two years to a non-renewable term of five years. As for competency, professional certifications in audit or accounting are not required at more than half of the organizations. Some managers complain about the difficulty to find competent auditors, particularly at the field level

Link: Financial disclosure requires robust auditing to be effective

Reserve Bank of New Zealand 2004. Bulletin, Vol. 67, No. 2, APEC Policy Dialogue on Financial Disclosure – Policy conclusions, June 2004, <http://www.rbnz.govt.nz/research/bulletin/2002_2006/2004june67_2apec.pdf>

For financial disclosure to be effective, and to have maximum benefit for the corporate and financial sectors and for the wider economy, a number of foundations must be in place. In summary, these foundations include:   
  
• Robust and credible accounting standards, which provide for meaningful recognition, measurement and disclosure of information by corporate entities and financial institutions.   
• A willingness by government authorities to adopt high quality standards for their own financial reporting, based on best international standards and practice.   
• Sound accounting practices, supported by a culture of fair, accurate and timely disclosure and ethical business practices. Accounting standards will be of only limited effectiveness if not supported by sound accounting practices and business ethics.   
• Robust and credible auditing standards and practices, supported by a culture of professionalism and ethical behaviour in the auditing profession.   
• Effective monitoring and enforcement of accounting and auditing standards by bodies that have the authority, resources, independence and credibility to perform these functions effectively.

**Impact: Without effective auditing, the Affirmative’s disclosure plan accomplishes nothing**

DISADVANTAGES

1. Privacy Violation

Link: Disclosure of financial information conflicts with privacy rights

Federal District Judge Alexander Williams Jr. 2012. SENIOR EXECUTIVES ASSOCIATION vs. U.S., 13 Sept 2012, US District Court for the District of Maryland, Southern Division, (brackets & ellipses in original) <http://assets.fiercemarkets.net/public/sites/govit/sesinjunctionopinion.pdf>

The Supreme Court has recognized a right to privacy “in avoiding disclosure of personal matters.” Whalen v. Roe, 429 U.S. 589, 599–601 (1977). Following in the Supreme Court’s footsteps, the Fourth Circuit has long recognized a right to privacy in personal information. See Taylor v. Best, 746 F.2d 220, 225 (4th Cir. 1984) (citations omitted). The constitutional right to privacy protects “[p]ersonal, private information in which an individual has a reasonable expectation of confidentiality.” Walls v. City of Petersburg, 895 F.2d 188, 192 (4th Cir. 1990). Generally, “[t]he more intimate or personal the information, the more justified is the expectation that it will not be subject to public scrutiny.” Id. (citing Fraternal Order of Police, Lodge 5 v. City of Philadelphia, 812 F.2d 105, 112–13 (3d Cir. 1987)). Although there is no clear-cut way to determine the extent to which information is intimate or personal, courts have established that “[f]inancial information . . . is protected by a right to privacy.” Walls, 895 F.2d at 194 (citation omitted).

Brink: Putting it online drastically increases the availability of compromising information

Analysis: In the context, Judge Williams is ruling on a case where a large group of US federal employees were suddenly required to publish all their private financial data online in order to keep their jobs. They objected and filed a lawsuit, and he ruled in their favor.

Federal District Judge Alexander Williams Jr. 2012. SENIOR EXECUTIVES ASSOCIATION vs. U.S., 13 Sept 2012, US District Court for the District of Maryland, Southern Division, (brackets added) <http://assets.fiercemarkets.net/public/sites/govit/sesinjunctionopinion.pdf>

This is particularly true because the [Stock Trading on Congressional Knowledge] Act contemplates the publication of droves of sensitive financial data on the Internet, including through a searchable database. The right to informational privacy assumes added importance in the realm of cyberspace due to the gathering and almost instantaneous transmission of vast amounts of information. For better or worse, the Information Age has drastically increased the availability and transferability of compromising information; it behooves courts to consider this phenomenon in response to requests to shield sensitive data. Cf. Jayne S. Ressler, Privacy, Plaintiffs, and Pseudonyms: The Anonymous Doe Plaintiff in the Information Age, 53 U. Kan. L. Rev. 195, 198–205 (2004) (discussing the loss of privacy associated with modern technology).

Impact: Irreparable harm to constitutional rights

Federal District Judge Alexander Williams Jr. 2012. SENIOR EXECUTIVES ASSOCIATION vs. U.S., 13 Sept 2012, US District Court for the District of Maryland, Southern Division, (brackets and ellipses in original) <http://assets.fiercemarkets.net/public/sites/govit/sesinjunctionopinion.pdf>

The harm is actual for several reasons. “[A] plaintiff can demonstrate that a denial of an injunction will cause irreparable harm if the claim is based upon a violation of the plaintiff’s constitutional rights.” Overstreet v. Lexington-Fayette Urban Cnty. Gov’t, 305 F.3d 566, 578 (6th Cir. 2002) (citing cases); cf. Ross v. Meese, 818 F.2d 1132, 1135 (4th Cir. 1987) (“[T]he denial of a constitutional right . . . constitutes irreparable harm for purposes of equitable jurisdiction.”). Furthermore, generally speaking, the public disclosure of confidential information is irreparable. See, e.g., Ruckelshaus v. Monsanto Co., 463 U.S. 1315, 1317 (1983). This is especially the case where, as here, monetary damages are an inadequate remedy.

2. Kidnapping.

Link: Affirmative publishes financial info about world travelling officials at the UN

Impact: Posting financial information about government officials who are traveling abroad makes them prime targets for kidnappers

John B. Bellinger 2012. (partner in the international and national security law practices at Arnold & Porter LLP in Washington; Adjunct Senior Fellow in International and National Security Law at the Council on Foreign Relations; former Legal Adviser for the Department of State; former Senior Associate Counsel to the President and Legal Adviser to the National Security Council at the White House)  9 Sept 2012 “STOCK Act Threatens Safety and Privacy Not Only of National Security Officials but of All Senior Federal Executives and Their Families » <http://www.lawfareblog.com/2012/09/stock-act-threatens-safety-and-privacy-not-only-of-national-security-officials-but-of-all-senior-federal-executives-and-their-families/>

Here’s a challenge:  Can either President Obama or any member of Congress explain why it makes good sense to require 28,000 senior executive officials to post their financial disclosure forms (containing extremely detailed information about the checking accounts, savings accounts, stocks, bonds, and assets and debts of the senior executive AND his/her spouse and dependent children) on the websites of their agency home pages and thereafter to allow the information to be searchable and sortable on the Office of Government Ethics website and accessible to nearly seven billion people around the world, including numerous groups and governments with hostile intent towards the U.S. Government?  If so, I would like to hear the rationale for Section 11 of the STOCK Act, which became law in April and would have required financial disclosure forms of senior federal officials to be posted by August 31. As I have previously explained, Section 11 seriously threatens the national security and safety of senior executive officials and their families.  Executive branch officials (and their spouses and children) who have significant wealth (perhaps through marriage, inheritance, or prior employment) will be prime targets for kidnapping in dangerous countries where they may be posted around the world.

3. Identity theft. Publishing financial details online makes officials prime targets for identity theft

John B. Bellinger 2012. (partner in the international and national security law practices at Arnold & Porter LLP in Washington; Adjunct Senior Fellow in International and National Security Law at the Council on Foreign Relations; former Legal Adviser for the Department of State; former Senior Associate Counsel to the President and Legal Adviser to the National Security Council at the White House)  9 Sept 2012 “STOCK Act Threatens Safety and Privacy Not Only of National Security Officials but of All Senior Federal Executives and Their Families » <http://www.lawfareblog.com/2012/09/stock-act-threatens-safety-and-privacy-not-only-of-national-security-officials-but-of-all-senior-federal-executives-and-their-families/>

Worldwide disclosure of the private financial information of executive officials is inconsistent with the Privacy Act of 1974, which prohibits the disclosure of personally identifiable information maintained in government records. 3.         Disclosure of detailed financial information about senior executive officials — not just national security officials — will make these officials prime targets for identity theft and cyber-hacking.  At a time when Congress and the White House are considering other legislation to prevent identity theft and cyber-hacking, they should not serve up career federal officials as easy targets.

FOOD AID – won’t work, causes problems

SOURCE INDICTMENT: The World Food Programme.

Unreliable estimates and manipulated numbers during the Guinea-Bissau crisis in 1998-99

Notes: Dr. Tin is a European, so he writes “nine thousand” as 9.000, where the period is used instead of a comma as we would in the United States. UNHCR= United Nations High Commission for Refugees. “Spurious” means “fake”.

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE: WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

A discussion of the geo-political issues of the Guinea-Bissau conflict falls outside the scope of the present article (cf. Drift 2000, Gaillard 2000, Manley 1999) and little needs to be said here about the refugee issue. In their appeal to donors for an emergency operation in Guinea-Bissau WFP included an outflow of 50.000 refugees. But there never was a huge pressure of people trying to leave the country. While more than 350.000 persons were internally displaced less than 9.000 people left the country.(UNHCR statistical overview 1998-1999; UNHCR Country Profiles 1998) Why did WFP invent a caseload of 50.000 refugees? WFP had an agreement with UNHCR that refugee-caseloads below 5.000 was taken care of by UNHCR. Was it simply to secure the refugee business for the Programme? In any case, when WFP later claimed that their intervention ”prevented chaos and an outflow of refugees” (WFP GuineaBissau Donor Report 1999) it seems to be defending one spurious claim with a new one.

Manufactured crises: WFP creates new reasons to hand out food even after the crisis is over

Note: Remember, the European author’s periods in the numbers are really commas. “5.087” = five thousand eighty seven.

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE: WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

Whether it was called emergency operation, rehabilitation or development it had little to do with nutritional needs as such, but with supply, i.e. when the food was there WFP could always design a project and get the food distributed after some time. During the first six months of 2000 WFP distributed 5.087 tons of food to 90.171 beneficiaries. In other words, WFP continued to distribute large amounts of food but now in much larger rations to fewer people than during the emergency. July 2000 WFP put yet another ,name on their food distribution in Guinea-Bissau, now it was called a “prolonged recovery and rehabilitation operation” with a planned duration of 18 months. It was presented with the then-current donor plus-words: ”Concentrating on supporting the reconciliation and reconstruction efforts of the government in assisting the most vulnerable groups of the population, addressing the need for agricultural reactivation, reintegration of de-mobilized soldiers and in particular reopening and regular school functioning.” (Guinea-Bissau Donor Report 1999) Nevertheless the WFP ‘Food Aid Needs and Shortfall Table’ as of August 31, 2000 advertised a shortfall of 10.000 tons of food for their ‘assistence to 350.000 war victims’ in Guinea-Bissau. (www.wfp.org/guinea\_bissau/requirements.asp) The operation had become a self-propelling fund-generating undertaking completely divorced from actual needs on the ground. One wonders how many other WFP operations are like that.

WFP runs unnecessary operations. Good thing the citizens of Guinea-Bissau didn’t depend on them for survival!

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE: WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

For WFP the bottom-line was not without importance: they managed to keep a largely unnecessary operation in a very small country running for two years, seamlessly bridging food aid before, during and after the war, and adding more than 11 million dollars to the global turn-over of WFP. For the people, the beneficiaries, the intervention ignored all local resources. Had the displaced and needy people of GuineaBissau depended on WFP for all their food, as WFP assumed they did, they would certainly not have avoided a famine.

SOLVENCY: Money’s not the problem

1. Poor coordination. UN food aid in the Sahel region (Central Africa) – lots of aid but starvation continues due to overlapping mandates and coordination problems

Mark Tran 2012. (journalist) 1 Aug 2012 “International charities criticise efforts to build resilience in the Sahel” THE GUARDIAN (British newspaper) <http://www.guardian.co.uk/global-development/2012/aug/01/international-charities-criticise-efforts-resilience-sahel> (brackets added)

The [Save the Children and World Vision] study cited attempts to reduce chronic malnutrition since 2010. Despite international efforts, severe acute malnutrition throughout the Sahel remained near emergency levels in 2011, a year of record harvests. One factor in the lack of progress is the absence of high-level political champions for nutrition initiatives within governments. "There are many international institutions that have nutrition and hunger as part of their mandate, but there is no clear leader or co-ordination," said the report. As for large UN agencies including the FAO, WFP, the World Health Organisation and Unicef, the UN agency for children, "they differ in the type of malnutrition they focus on, and their approach," wrote [study author Peter] Gubbels. Despite the UN cluster system, where a designated agency takes the lead in a particular area – sanitation or nutrition, for example – the report said the number of institutions working on nutrition tends to create co-ordination problems. Mandates overlap and organisations seek resources, or try to influence governments, according to the author.

2. Affirmative has no “Resilience building”. “Resilience building” (developing strategies to change the underlying conditions so that the affected communities are more “resilient” – so that they get to the point where they can sustain themselves without repeated crisis situations) is what’s needed, because everything else has failed

Timothy R. Frankenberger, Tom Spangler, Suzanne Nelson & Mark Langworthy 2012. (President and consultants with TANGOInternational Inc, Technical Assistance to Non-Governmental Organizations, a consulting agency that works with NGOs that work on poverty & hunger issues; Frankenberger,the President of TANGO, has  B.S. in Anthropology from Iowa State University. He received an M.A. in Anthropology with a minor in Agricultural Economics from the University of Kentucky. Timothy also carried out his doctoral studies at the University of Kentucky in Anthropology with a minor in Agricultural Economics. Tim has experience in more than 30 countries, including Egypt, Mozambique, Philippines, Uganda,) “Enhancing Resilience to Food Insecurity amid Protracted Crisis” 17 Aug 2012 <http://www.fao.org/fileadmin/templates/cfs_high_level_forum/documents/Enhancing_Resilience_FoodInsecurity-TANGO.pdf>

The growing consensus for “resilience building” stems in part from widespread acknowledgement that previous humanitarian responses and development initiatives have failed to adequately address the needs of chronically vulnerable populations. At the same time, policy makers and other development actors are confronted with a range of significant challenges in their efforts to operationalize the principles of resilience programming. Chief among these are the need to respond to the inherent complexity of factors contributing to protracted crisis and the continual challenges of identifying, responding to, and measuring the effects of change.

3. Food aid should be minimized: It disrupts markets and isn’t the solution to the real problems

*Ambassador William J. Garvelink and* *Farha Tahir 2012.* (*Garvelink* -  former United States Ambassador to the Democratic Republic of the Congo;  formerly with State Department Bureau for Population, Refugees and Migration with responsibilities for much of southern Africa. Tahir -  program coordinator and research associate for the CSIS Africa Program;current research projects focus on overcoming barriers to investment in Africa and U.S. health partnerships; completed graduate work in international public affairs at the University of Wisconsin on interaction between governance and aid effectiveness and its effects on social, political, economic, and institutional development) The Center for Strategic and International Studies (CSIS), Getting the Right Response to Food Shortages in the Sahel, 16 July 2012 <http://www.hunger-undernutrition.org/blog/2012/07/getting-the-right-response-to-food-shortages-in-the-sahel.html>

 The *real* crisis in the Sahel is one of persistently highrates of acute malnutrition, an issue that has affected the region’s residents for decades and cannot be addressed with emergency food assistance alone. It’s true that the picture is not a good one: poor harvest, higher food prices, and malnutrition are in fact evident in certain areas. While all experts agree that some targeted food assistance is required, food aid should be minimized, realizing that it plays only a palliative role and could disrupt markets. Food aid fails to address the fundamental problems.

DISADVANTAGES

1. Wrecks local food markets.

Impact: They lose long-term the capacity to feed themselves. Reverse Plan Advocate, former Pres. Bill Clinton

Peter Duffy 2010. (journalist) 31 Aug 2010 THE ATLANTIC, “Lessons From Haiti: How Food Aid Can Harm,” <http://www.theatlantic.com/health/archive/2010/08/lessons-from-haiti-how-food-aid-can-harm/62252/>

 On March 10, in testimony before the Senate Foreign Relations Committee, Bill Clinton apologized for his administration's role in exporting cheap U.S. rice to Haiti, undercutting local growers. According to a study by the Center for Economic and Policy Research, Haitian farmers provided 47 percent of the country's rice in 1988. By the 2008, the figure had dropped to 15 percent. And in a recent report on NPR's Planet Money, reporters described how bags of American rice are still being sold in Haitian markets.  "It may have been good for some of my farmers in Arkansas, but it has not worked," said Clinton, who may play a greater role in the future of Haiti than any figure since Toussaint L'Ouverture. (He is U.N. Special Envoy and co-chair of the Interim Haiti Recovery Commission, which is deciding how billions in recovery money will be spent.) "It was a mistake," he added. "I have to live every day with the consequences of the lost capacity to produce a rice crop in Haiti to feed those people, because of what I did. Nobody else."

Impact: Harm of free food justifies ending it. Reverse Plan Advocate, Haitian President René Préval

Peter Duffy 2010. (journalist) 31 Aug 2010 THE ATLANTIC, “Lessons From Haiti: How Food Aid Can Harm,” <http://www.theatlantic.com/health/archive/2010/08/lessons-from-haiti-how-food-aid-can-harm/62252/>

Haitian President René Préval, an agronomist, is so mindful of the harm caused by free food that he was already calling for an end to it in March, a decision that was not universally applauded in his hungry country. The U.N.'s World Food Programme (WFP), a major distributor of U.S. food aid, began phasing out its large-scale distributions in May under orders from the Préval government. WFP is now offering food and cash to Haitians who are employed on community improvement projects—clearing rubble, installing drainage —"designed in partnership with the Haitian government and with input from beneficiaries."

2. WFP (World Food Program) bungling makes things worse

Link: WFP bungled the Guinea-Bissau crisis in 1998-99

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE:WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf> (brackets added)

The figure of 350.000 [three hundred fifty thousand] displaced persons became the key parameter for the whole operation and was based on the near-total vacation of the population of Bissau. “Vulnerable groups, mainly woman and children” was a simple add-on of standard WFP target groups. No reflection on how these target groups overlapped with that of displaced persons were made by WFP. The figure of 35.000 tons of food was based on full rations to all 350.000 IDPs for the planned six-month duration of the operation. This was totally unrealistic in terms of donor response and ignored completely what local resources could contribute. It also, perhaps more importantly, disregarded any possible negative impact of such full-scale feeding upon the local community. These problems could not be heeded by using a standard manual for emergency operations. WFP inflexibility was to plunge the whole operation into a prolonged and unresolved conflict with local actors.

Guineans did better bypassing WFP and finding their own solutions. WFP solutions would have stifled local solutions

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE:WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

The situation invisaged by WFP with all nutrition covered by aid for 350.000 displaced persons would have implied camp-like distribution if at all possible. The improvisation, flexibility and solidarity displayed by a great part of the Guineans would probably not have occurred had the international humanitarians swiftly provided large-scale assistance for example by establishing camps. Camps tend to create their own needs, be hard to close and distort the local food economy. The Safim Mission outside Bissau established the only camp-like shelter for displaced in Guinea-Bissau. Big rations created crowding of long duration and the mission experienced problems of dependency and break-down of solidarity that could only be solved by closing down the food distribution eventually.

Impact: Net benefits. Victims of Guinea-Bissau famine were better off thanks to the failure of WFP to deliver

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE:WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

WFP failed to deliver the food they had promised. But the consequence of this failure was not necessarily negative for the population of Guinea-Bissau. The article briefly considers the likely consequences had WFP managed to implement their emergency operation in Guinea-Bissau as planned. The conclusion is that the population of GuineaBissau probably benefited from the failure of WFP to deliver the food aid they had promised. The population did not suffer because WFP performed poorly, on the contrary they were spared the negative impact likely to have followed a full-scale WFP operation.

Guinea-Bissau study methodology

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE:WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

The study presented in this article was carried out September 2000 through May 2001, and forms part of a larger interdisciplinary study on the effects of the war on Guinean society, funded by the Danish Council for Development Research. In Guinea-Bissau the team was associated with the Bandim Health Project (BHP) engaged since twenty years in longitudinal public health research. I would like to thank the team members, the project staff and the many other persons that have shared their knowledge of GuineaBissau, the war and the aid with me. Needless to say, facts and interpretations presented in this article are the sole responsibility of the author. Information on food aid to Guinea-Bissau were collected from interviews with key actors involved with the food aid, conducted in Bissau Sep.-Nov 2000 and unpublished primary data

3. Wasted money. WFP buys food at inflated prices. Other donors are more efficient

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE:WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

Rice donated by Switzerland cost 630 USD/ton and rice donated by Sweden and bought by WFP on the worldmarket cost on average 621 USD/ton. The rice purchased for Swedish money in Bissau only cost 2100 French Franc or 320 USD/ton (at a FF rate of 6,5 to the dolllar). The rice purchased in Bissau during the conflict by WFP was not locally produced but imported commercially from Vietnam, Pakistan and China. Both prices included transport to Bissau and other expenses. It is surprising that the WFP food was so much more expensive. For the same amount of money SIDA was able to feed twice as many people with rice bought in Guinea-Bissau as with rice bought, administrated and shipped by WFP.

4. Prolonged conflicts.

Link: Large inputs of food aid fuel civil wars and prolong conflicts

Dr. Hjalte Tin 2001. (PhD; with Center for Development Research, Copenhagen, Denmark) June 2001, “THE BENEFIT OF FAILURE:WFP, FOOD AID AND LOCAL SURVIVAL IN GUINEA-BISSAU, 1998-99” <http://www.ninaoghjalte.dk/downloads/forskning/15.pdf>

An input of 36.000 tons of free food, equal to the total commercial import, would have caused disruptions of the local food economy. The dangers outlined by WFP of continued general distribution in June 1999 are relevant also for the hypothetical ’full WFP’ situation. With huge quantities of food available, general free distribution was not considered justifiable, as it ”could destabilize fragile local market and create widespread sale of the food aid.” (WFP Guinea-Bissau Donor Report 1999) Experience from other civil wars suggests that large inputs of food aid feed into the war-economies and often prolong conflicts.

Nunn & Qian Study: Food aid increases conflicts – both frequency and duration

Dr. Nancy Qian and Dr. Nathan Nunn 2011. (Qian –PhD economics; assistant prof. of economics, Yale Univ.. Nunn – PhD economics; professor in Harvard Univ. Dept of Economics) “Aiding Conﬂict:The Unintended Consequences of U.S. Food Aid on Civil War” <http://ipl.econ.duke.edu/bread/papers/0511conf/Nunn.pdf>

In contrast, the 2SLS estimates of the eﬀect of food aid on conﬂict show that increasing per capita U.S. wheat aid by 1% increases the incidence of internal conﬂict by approximately 1.65 percentage-points. In other words, increasing food aid by 61% (100/1.65) will double the incidence of civil conﬂict. Taken literally, this result, together with the result from Miguel, Satyanath, and Sergenti (2004), implies that a 7% increase in food aid increases the incidence of conﬂict by the same magnitude as a 5% reduction in GDP growth. We ﬁnd evidence to suggest that the increase in the incidence of conﬂict is driven by both an increase in the onset and duration of conﬂicts.

Impact: Conflicts in poor countries cause enormous humanitarian devastation

Dr. Nancy Qian and Dr. Nathan Nunn 2011. (Qian –PhD economics; assistant prof. of economics, Yale Univ.. Nunn – PhD economics; professor in Harvard Univ. Dept of Economics) “Aiding Conﬂict:The Unintended Consequences of U.S. Food Aid on Civil War” <http://ipl.econ.duke.edu/bread/papers/0511conf/Nunn.pdf>

Over 98% of all conﬂict-related deaths in the world have occurred in poor countries and over 75% of these conﬂicts are civil conﬂicts(Leitenberg, 2006). It goes without saying that conﬂicts hinder economic and institutional development (Abadie and Gardeazabal, 2003; Collier, 1998; Murdoch and Sandler, 2004; Rodrik, 1999), and more importantly, they cause enormous humanitarian and social devastations to the populations which fall victim (e.g., Akresh, Bundervoet, and Verwimp, 2010 ).

IAEA CHALLENGE INSPECTIONS

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement the material already available in The Source and to make arguments not covered in their Negative material.

Case Analysis:

The case has several major weaknesses. The biggest is that all of the harms and advantages are left unimpacted throughout the 1AC. A Negative team could win the round by simply responding “so what?” to each of the harms, even though the word “impact” is used, and could respond “so what?” to the Solvency cards as well.

The Harms center around the need for additional inspections by the IAEA of nuclear sites worldwide. The card labeled as the “Impact” to this need is introduced by the factual claim that “Syria, South Korea, Iran, Libya, and Myanmar all are known to have nuclear power projects underway,” although this fact is not in the evidence cited in the 1AC. The “impact” itself is tagged “Ineffective Safeguards.” The best response to that is, “So what?” Ineffective safeguards are an interesting fact, but they are not a harm nor an impact unless someone is being hurt by the missing safeguards. Who gets hurt if we don’t fix the safeguards? If the answer is no one, then there’s no harm there and no impact. Note that just tagging something as an “impact” does not make it one.

Likewise with the Solvency points. The Solvency 1 card claims the plan reduces the stigma of inspections, although it nowhere mentions any of the plan mandates. It is mistagged; it only says special inspections shouldn’t have a bad stigma and should be done more often. It doesn’t advocate setting up a new class of inspections. And once again, a valid response to “we remove the stigma of inspections” is “So what?”

The Solvency 2 card actually does advocate the new inspections and claims they would reduce nuclear proliferation. A valid response is, again, “so what?” While the words “nuclear proliferation” sound bad, they’re not a problem unless someone explains why and proves it. See also the Blue Book brief on “NUCLEAR PROLIFERATION - not a problem” for responses to this case.

TOPICALITY

“Significantly” Reform the UN. Affirmative’s change is only a minor procedural change to a small part of the UN

Link: Current status of the IAEA. $400 million budget, 2300 staff, and 2100 nuclear inspections/year

Mauro Teodori 2012. (journalist) INTER PRESS SERVICE, “Atomic Energy Agency Dangerously Weak, Warns Report” 25 June 2012 <http://www.cigionline.org/articles/2012/06/atomic-energy-agency-dangerously-weak-warns-report>

Currently, the IAEA’s regular budget stands at 321 million euros (around 400 million dollars), which pays for a staff of around 2,300. “This is tiny, considering what it does,” the report’s author, Trevor Findlay, said on Monday at the Washington offices of the Stockholm International Peace Research Institute. What that budget currently does, according to Findlay’s research, is oversee nuclear safeguards at 949 facilities in 175 countries, as of 2010. That same year alone, the organisation engaged in more than 2,100 on-site inspections.

**Standard:** The word “significantly” in the resolution is used to describe the size of the reform in comparison to the UN. It is NOT used to refer to the size of the impacts of the reform (although the Affirmative would lose on that as well). Think of it as a mathematical equation where the numerator is the size of the reform and the denominator is the size of the UN. How big is the fraction? That’s how we can measure whether the UN is being “significantly” reformed.

**Violation:** We’re going to be even more than fair with the Affirmative and measure the size of the reform not by the total size of the UN, as we should, but just by the size of the IAEA itself. The Affirmative doesn’t fiat any new inspections by the IAEA, only an option for more inspections. It is up to the Affirmative to prove, which they failed to do in the 1AC, how many new inspections would happen each year. The measurements add up like this:

Zero changes in personnel divided by staff of 2300 = Zero reform

Zero change in budget divided by budget of $400 million = Zero reform

Zero new inspections divided by 2100 inspections/year = Zero reform

If they can provide evidence of how many new inspections would take place, divide that by 2100 and we will have a measurement of whether they have significantly reformed. One new inspection per year would be 1/2100 or 0.05% change. They have to prove their plan would yield 210 new inspections per year just to get a 10% reform.

Here’s some evidence on the Chemical Weapons Convention and how often Challenge Inspections are used there. Remember, the Affirmative cited CWC as a model for their plan, so they can’t claim it’s not an accurate prediction.

As of the end of 2010, there has never been a challenge inspection under CWC

Organisation for the Prohibition of Chemical Weapons 2011. (OPCW is the international organization that monitors compliance with the Chemical Weapons Convention ) 30 Nov 2011 REPORT OF THE OPCW ON THE IMPLEMENTATION OF THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION IN 2010, <http://www.opcw.org/index.php?eID=dam_frontend_push&docID=15278>

As in previous years, no challenge inspections were requested in 2010. However, the Secretariat continued to maintain a high standard of readiness to conduct challenge inspections in accordance with the provisions of the Convention, as requested by the States Parties. During the year under review, Thailand offered to host a challenge inspection exercise scheduled for 2011.

396 regular CWC inspections, but zero challenge inspections in 2008

Technical Secretariat, Verification Division, Organisation for the Prohibition of Chemical Weapons 2010. (OPCW is the international organization that monitors compliance with the Chemical Weapons Convention ) 24 Sept 2010 NOTE BY THE DIRECTOR-GENERAL SUMMARY OF VERIFICATION ACTIVITIES IN 2008 <http://www.opcw.org/index.php?eID=dam_frontend_push&docID=14137>

With regard to chemical weapons disarmament and non-proliferation, the Secretariat performed 396 inspections/rotations in 2008, including 196 connected to chemical weapons demilitarisation under Articles IV and V, and 200 associated with industry verification under Article VI of the Convention. The number of inspection days related to chemical weapons was 15,487 (84%), while 3,018 inspection days (16%) were allocated pursuant to Article VI of the Convention. No challenge inspection or investigation of alleged use (IAU) was requested in 2008.

**Impacts:**

**1. No Affirmative team.** No one in this room today is advocating significantly reforming the UN. One team is arguing for an insignificant reform involving zero new inspections, and the other is arguing for no reform. With no one affirming the resolution, no matter who wins you should write Negative on the ballot.

**2. Opportunity cost.** The time spent debating zero reform of the UN could have been spent debating something worthwhile. The impact to debating insignificant reforms is that we are losing the opportunity to debate meaningful reforms. We will never get this hour and a half back again. Experts agree that we have to consider Opportunity Cost when debating public policy:

Prof. Daniel Drezner 2010. (professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University) FOREIGN POLICY 16 Nov 2010 What do you do with dumb debates? <http://drezner.foreignpolicy.com/posts/2010/11/16/what_do_you_do_with_dumb_debates>

When it comes to policy debates I'm always on the side of John Stuart Mill -- the best way to deal with stupid arguments is to counter them with better arguments in the public sphere. That said, there's a serious cost to this philosophy in a world in which the stupid ideas can command the policy agenda. The opportunity cost to the inordinate amount of time that is spent swatting away these ideas is that less time is spent debating policies and ideas that have a real chance of being enacted

**MINOR REPAIR.**  Current rules already give IAEA what they need to solve nuclear proliferation, they just need to get Iran to agree to it. Note that the Affirmative would also need Iran (and other suspected violators) to agree too, so any enforcement problems will happen under their plan as well. There is no justification for any reform until we’ve tried the Status Quo mechanisms first. The Minor Repair that would solve is:

Use Article XII: Article XII, an existing document that already governs IAEA inspections, would solve if Iran would agree to it, and would also provide a model for N.Korea and Syria

Mark Hibbs, Ariel Levite and Pierre Goldschmidt 2012. (Hibbs - Senior Associate on the Nuclear Policy Program at the Carnegie Endowment for International Peace. Levite and Goldschmidt are Nonresident Senior Associates on the Nuclear Policy Program at CEIP) Can IAEA Solve Iran Nuclear Row? 8 June 2012 THE DIPLOMAT (ellipses in original) <http://thediplomat.com/2012/06/08/can-iaea-solve-iran-nuclear-row/2/>

The IAEA statute provides a beacon for the IAEA to conduct effective and wide-ranging verification of Iran’s NPT peaceful use commitment. Article XII says that IAEA inspectors “shall have access at all times to all places and data and to any person…as necessary…to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose…and with any other conditions prescribed in the agreement between the agency and the state or states concerned.” Were the IAEA and Iran to conclude a new agreement expressly giving the IAEA this authority, it might suffice to ensure that the Iran nuclear crisis would have a diplomatic and peaceful resolution. Iran’s challenge to the IAEA must not become a precedent for others to follow. An IAEA agreement with Iran that permits the agency to do the needed work to open the way for a negotiated roadmap for lifting sanctions could serve as a model for future conflict resolution with other states, first and foremost with North Korea and Syria.

SOLVENCY

1. Can’t solve for Iran.

Link: Affirmative has different inspections – that’s it

Link: IAEA and the international negotiators need a new negotiating strategy roadmap

Mark Hibbs, Ariel Levite & Pierre Goldschmidt 2012. (Mark Hibbs is a Senior Associate on the Nuclear Policy Program at the Carnegie Endowment for International Peace. *Ariel Levite and Pierre Goldschmidt are* Nonresident Senior Associates on the Nuclear Policy Program at CEIP) Can IAEA Solve Iran Nuclear Row?June 08, 2012 THE DIPLOMAT <http://thediplomat.com/2012/06/08/can-iaea-solve-iran-nuclear-row/2/>

The IAEA must also look forward because, once Iran and the six powers reach agreement on a roadmap for lifting sanctions, the IAEA must enforce the will of its member states to make sure that Iran remains exclusively committed to the peaceful use of the atom. The six states negotiating with Iran should spell out that a comprehensive settlement must include ratification of the Additional Protocol and the acknowledgement that it’s already legally committed to implement the new Code 3.1. But in view of Iran’s track record of deception and failure to declare nuclear activities to the IAEA, these steps will not be enough to give the international community sufficient confidence that Iran’s nuclear program is wholly peaceful.

Impact: No solvency. Affirmative doesn’t have what it takes to solve for Iran’s nuclear program. They can’t claim Iran as a reason to vote AFF.

2. Can’t solve for North Korea

N. Korean government doesn’t recognize IAEA’s qualifications, as of Sept 2012

Agence France Press 2012. (respected international news agency) 5 Sept 2012 “N. Korea accuses IAEA of aggravating nuke standoff” <http://www.spacedaily.com/reports/N_Korea_accuses_IAEA_of_aggravating_nuke_standoff_999.html>

North Korea on Wednesday accused the UN atomic agency of aggravating a dispute over its nuclear programme by siding with the United States. The International Atomic Energy Agency (IAEA) "aggravated the nuclear issue on the Korean peninsula pursuant to the US hostile policy towards the DPRK (North Korea)," the North's foreign ministry said. "This deprived the IAEA of the qualifications to intervene in (North Korea's) nuclear activities," it said in a statement carried by the official Korean Central News Agency.

3. IAEA inspections ineffective. Even assuming the AFF plan succeeded at increasing the number of inspections, the plan still wouldn’t work.

IAEA inspections don’t catch missing nuclear material and cannot stop diversion of nuclear fuel

Henry Sokolski 2012. (Executive Director of the Nonproliferation Policy Education Center, a Washington-based nonprofit organization ; served on the congressional Commission on the Prevention of Weapons of Mass Destruction Proliferation and terrorism; former Deputy for Nonproliferation Policy in the Office of the Secretary of Defense ) 14 May 2012 Henry Sokolski in the NRO: "Iran: Obama's 5% Uranium Enrichment Solution is No Solution at All" <http://www.npolicy.org/article.php?aid=1174&tid=4>

Second, even though the IAEA claims it can safeguard nuclear-fuel making against military diversion, it can’t. This is hardly news. After all, if the IAEA could safeguard nuclear-fuel making, there wouldn’t be much of a bone to pick with Iran. Maybe Tehran cheated in the past, but if IAEA safeguards could prevent it from making a bomb now, all we’d have to do is let the IAEA work its magic. Unfortunately, this is one nuclear rabbit the IAEA can’t pull out of its hat. Indeed, after failing over the last two decades to account for scores of bombs’ worth of weapons-useable fuels at Japanese and British civilian nuclear plants, the IAEA clearly can’t reliably detect diversions from declared nuclear-fuel-making facilities. As for detecting covert nuclear activities, Syria’s covert nuclear reactor, Iran’s covert construction of its Natanz enrichment plant — which went undetected for 18 years — and Iraq’s covert nuclear activities all suggest how unreliable IAEA nuclear inspections can be.

DISADVANTAGES

1. Fourth Amendment violation

Link: Affirmative wants “Challenge Inspections” modeled after other treaties like the Chemical Weapons Convention, according to their evidence.

Link: The Affirmative team forgot to tell you that inspections apply to ALL countries, not just the ones they claim are doing bad things. Anyone can issue a challenge and ask for an inspection in any country. That’s how it works with the Chemical Weapons Convention, where the United States has to submit to inspections:

Prof. John Yoo 1997. (Professor of Law, University of California Berkeley School of Law ) The Chemical Weapons Treaty is Unconstitutional, International & National Security Law Practice Group Newsletter - Volume 1, Issue 2, Spring 1997, <http://www.fed-soc.org/publications/detail/the-chemical-weapons-treaty-is-unconstitutional-2>

In order to achieve its ambitious goals, the Convention creates a verification mechanism that reaches not just manufacturers of chemical weapons, but also all producers and users of industrial chemicals, of which there are reportedly at least 10,000 sites in the United States. Under the so-called challenge procedures, potentially any facility or location in the nation -- whether involved in the chemical industry or not -- might be subject to search. According to the treaty, challenge inspections can reach "any facility or location in the territory or in any other place under the jurisdiction" of a signatory nation. Many if not most of these factories, industrial sites, and other locations will not be under the direct control of the United States government, but instead will be in the hands of private commercial enterprises and companies. The Convention provides for three basic types of verification for sites that produce or store chemical weapons or designated chemicals. First, signatory nations are required to provide annual, detailed reports on facilities that could produce chemical weapons. Second, sites involved in the chemical industry are subject to on-site inspections, Third, any signatory can demand a "challenge" inspection of any location within the jurisdiction of another signatory nation.

Link: Challenge inspections don’t need search warrants

Prof. John Yoo 1997. (Professor of Law, University of California Berkeley School of Law ) The Chemical Weapons Treaty is Unconstitutional, International & National Security Law Practice Group Newsletter - Volume 1, Issue 2, Spring 1997, <http://www.fed-soc.org/publications/detail/the-chemical-weapons-treaty-is-unconstitutional-2>

When compared with this case law, it seems apparent that the members of the Technical Secretariat and its inspection teams are acting as officers of the United States. They perform two functions pursuant to federal law, as embodied in the Convention and its implementing legislation. First, they decide which facilities and locations in the United States are to be searched. This decision is not reviewable by an American official, unless an agency chooses to seek a search warrant, which is not required by either the Convention or the implementing legislation. Second, the inspection teams actually enter the sites in question and conduct the search. Although American officials may accompany the inspection teams, it is clearly the team members who decide what is to be examined, who walk through a facility and examine its contents, who review documents, who interview facility personnel, who run tests, among other things.

Link: Challenge inspections violate the 4th Amendment with unreasonable search & seizure.

Analysis: Imagine after the Affirmative plan passes, Iran issues a challenge that says they think the US is storing nuclear materials in an unsafe manner in the Judge’s garage. The IAEA will have to show up the next day and open up your garage, Judge, and search through it. No search warrants, no probable cause - we signed a treaty, so we have to obey the rules. If you can accept that, then go ahead and vote Affirmative. And when they don’t find it in your garage, they can demand to search your bedroom. Then your kid’s bedroom, then dig up your back yard...

Prof. John Yoo 1997. (Professor of Law, University of California Berkeley School of Law ) The Chemical Weapons Treaty is Unconstitutional, International & National Security Law Practice Group Newsletter - Volume 1, Issue 2, Spring 1997, <http://www.fed-soc.org/publications/detail/the-chemical-weapons-treaty-is-unconstitutional-2>

An obvious difficulty with the Convention's verification procedures is the Fourth Amendment's prohibition on unreasonable searches and seizures. Before turning to those issues, however, I first would like to address a more fundamental concern. I believe that at the root of the Fourth Amendment concern here is a deeper problem concerning the manner in which the power of the federal government can be delegated to an international organization. Put simply, the Constitution requires that all exercises of public power by the federal government -- whether it be legislative, executive, or judicial in nature -- must be performed by authorities ultimately responsible to the people of the United states. This fundamental principle of our representational democracy -- popular sovereignty -- was the very basis by which the framers designed our Constitution. It is that principle which is violated by the Convention's implementing legislation, as it currently stands.

Impact: Fourth Amendment protects us from tyranny

Jacob Hornberger 2004. (founder and president of The Future of Freedom Foundation; B.A. in economics from Virginia Military Institute; law degree from the University of Texas; trial attorney for twelve years in Texas. He also was an adjunct professor at the University of Dallas, where he taught law and economics) “The Bill of Rights: Searches and Seizures” http://fff.org/explore-freedom/article/bill-rights-searches-seizures/

In every generation, there are those who gravitate toward the notion of ever-increasing government power, even at the expense of liberty. On the other hand, throughout history there have been those for whom liberty is their highest value, which has motivated them to impose and maintain constraints on government power. The Fourth Amendment, which safeguards our homes and businesses from tyrannical power, stands as a living testament to the fact that the lovers of liberty can prevail over the supporters of tyranny

2. Non-proliferation turn: Pretending IAEA inspections are good is a bad thing for non-proliferation.

Link: Affirmative promotes the myth that IAEA inspections are effective

Impact: “IF” nuclear non-proliferation is bad, then coming clean that IAEA inspections are ineffective would make it easier to block future Irans by making it easier to push back

Analysis: Admitting that IAEA inspections are ineffective would allow policy makers to come up with sharper and more direct policies to combat nuclear proliferation. False hope in IAEA inspections means we waste time on that useless process and don’t look for real solutions, which is what we should be doing

Henry Sokolski 2012. (Executive Director of the Nonproliferation Policy Education Center, a Washington-based nonprofit organization ; served on the congressional Commission on the Prevention of Weapons of Mass Destruction Proliferation and terrorism; former Deputy for Nonproliferation Policy in the Office of the Secretary of Defense ) 14 May 2012 Henry Sokolski in the NRO: "Iran: Obama's 5% Uranium Enrichment Solution is No Solution at All" <http://www.npolicy.org/article.php?aid=1174&tid=4>

In addition, we need to come clean about what the IAEA can and can’t safeguard. We should work with the agency itself to make clear that while it can monitor nuclear-fuel making, it can’t reliably detect diversions or find covert facilities. Getting this point out in the open would make it far easier to push back on future Irans and the claim that nuclear-fuel making is a “peaceful” activity. It is not, and it’s dangerous.

INTERNATIONAL CRIMINAL COURT (ICC) – not topical, not effective

TOPICALITY

ICC isn’t part of the UN

David Matas 2009. (attorney; Senior Legal Counsel, B’nai Brith Canada) Reforming the “Reformed” United Nations Human Rights Council, May 2009, Institute for International Affairs of B’nai Brith Canada, a Jewish human rights advocacy group, http://www.bnaibrith.ca/files/11052009.pdf <http://www.david-kilgour.com/2009/D_Matas_0509.pdf>

The Security Council has the power to request the International Criminal Court to defer an investigation or prosecution. The article empowering the request for deferral does not indicate what is to be deferred - investigation or prosecution of an individual, or all investigations or prosecutions arising out of a situation. However, elsewhere in the statute, the Court is given jurisdiction with respect to a crime if a situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council. The Security Council referral power exists for situations only and not individuals. Presumably, it is the same for the deferral power. The United Nations Charter gives the Security Council authority over threats to the peace, breaches of the peace and acts of aggression. Both the referral and the deferral powers the Court statute gives to the Security Council have to be exercised under this branch of its Charter powers. The power of deferral which the Security Council has in relation to the Court it also has in relation to the UN Human Rights Council. For the Court, a specific statement was needed, because the Court exists by virtue of a treaty and is not itself an organ of the United Nations.

SOLVENCY

ICC is a failure, and reform is unlikely

Franklin Lamb 2011. (international lawyer based in Beirut) 17 May 2011 “'ICC is a Western dominated failure'” <http://www.presstv.com/detail/180323.html>

I agree with other analysts that the ICC today is a failure -- yes it is a failure -- it has not met the optimistic expectations; there's a chance it can reform, but I'm not terribly optimistic that's going to happen in the short term. We've got so little in terms of enforcement agencies when it comes to international law that we tend to grasp at entities such as the ICC and we tend to put into them our hopes and wishes and we are resoundly disappointed because as we all understand these institutions are dominated by the big powers. Absolutely, the UN has been hijacked. The UN Security Council is essentially now an instrument of American foreign policy. That wasn't the plan when the UN was first set up. Ahmadinejad of Iran is absolutely right saying it has got to be reformed. The ICC is so weak and pathetic I'm not even sure that the US is interested in it, but if it gets any power they'll try to hijack that as well.

ICC has no impact on most of the world – it only worries about Africa

Ali Ezzatyar 2012. (lawyer and writer based in Paris and San Francisco. He is also the director of the steering committee to establish the Berkeley Program on Entrepreneurship and Democracy in the Middle East.) “Fending Off Failure: The International Criminal Court’s New Chief Prosecutor” 27 June 2012 <http://themoderatevoice.com/151042/fending-off-failure-the-international-criminal-courts-new-chief-prosecutor/>

To begin, as an international criminal court, the ICC has failed to pursue prosecutions in a geographically meaningful way. This has contributed to its inconsequentiality in the lives of most of the world’s citizens. Lead by its former chief prosecutor, Luis Moreno Ocampo, the court seemed to have a particular penchant for African human rights violators. While crimes against humanity exist on every continent, almost all of the ICC’s investigations involve Africa. This is also contributing to the notion that the court is a tool of Europe and “the West” generally.

ICC prosecutions fail to bring results

Ali Ezzatyar 2012. (lawyer and writer based in Paris and San Francisco. He is also the director of the steering committee to establish the Berkeley Program on Entrepreneurship and Democracy in the Middle East.) “Fending Off Failure: The International Criminal Court’s New Chief Prosecutor” 27 June 2012 <http://themoderatevoice.com/151042/fending-off-failure-the-international-criminal-courts-new-chief-prosecutor/>

Most importantly, though, the ICC’s chief prosecutor’s ambitious platform has failed to bring results. While the ICC was established with the intention of targeting the upper echelon of human rights violators, it has failed to bring the type of charges that have a meaningful chance of ever being brought to trial. Sudan is one example. Lacking any notion of increment, the court brought charges against a sitting head of state, President Omar al-Bashir, for crimes in Darfur. Without surprise, President Bashir managed to find a network of support that has allowed him to evade arrest and escape prosecution. He has even traveled to countries who are signatories of the ICC, who have unsurprisingly been unwilling to arrest the President of a nearby country. This was totally foreseeable, and damaging to the court’s reputation.

ICC more interested in headlines than results

Ali Ezzatyar 2012. (lawyer and writer based in Paris and San Francisco. He is also the director of the steering committee to establish the Berkeley Program on Entrepreneurship and Democracy in the Middle East.) “Fending Off Failure: The International Criminal Court’s New Chief Prosecutor” 27 June 2012 <http://themoderatevoice.com/151042/fending-off-failure-the-international-criminal-courts-new-chief-prosecutor/>

In Libya as well, while the headline of a criminal investigation and referral being brought against Ghaddafi was spectacular when it emerged in May 2011, it probably did more harm than good. Such an arrest warrant should have been sealed, if issued at all. Ghaddafi’s ability to find a home outside of Libya became reduced and this probably perpetuated the violence there, and made his death and impossibility to stand trial inevitable. Perhaps out of respectable ambition, the ICC’s former chief prosecutor resembled a man more interested in headlines than convictions. As a result, the narrative of the ICC being merely symbolic has found more strength amongst its critics.

ICJ – INTERNATIONAL COURT OF JUSTICE

CASE NOTES

NEGATIVE PHILOSOPHY

ICJ fails because it has no moral/legal consensus for decisions

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

The ICJ could flourish only if a sufficient number of states were willing to use it and comply with its judgments. To attract this sufficient number, whatever it was, the ICJ had to decide cases in a way that persuaded these states that using the ICJ served their interests. But the ICJ failed to persuade this critical mass of states that it could and would act consistently with all their interests. It failed because the states’ interests diverged so greatly that there was no moral and legal consensus on which the ICJ could base its decisions.

SIGNIFICANCE

Only 1/3 of UN member states accept the jurisdiction of ICJ

Prof. William A Schabas 2007. (Professor of Human Rights Law, National University of Ireland, Galway; Director, Irish Centre for Human Rights) Genocide and the International Court of Justice: Finally, a Duty to Prevent the Crime of Crimes, August 2007 <http://english.konferenz-nuernberg08.de/Schabas_Genocide_and_the_International_Court_of_Justice.pdf>

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It hears disputes between states and issues advisory opinions about legal issues at the request of other bodies within the UN system. All UN member states are parties to the Statute of the Court, which is integrated within the Charter of the United Nations, and are eligible to nominate judges. But the ICJ does not have automatic jurisdiction to hear cases involving those states. A state can only be sued by another state before the ICJ if it has formally accepted ICJ jurisdiction. States may do this by making a general declaration, pursuant to article 36(2) of the Statute of the International Court of Justice, but only about one-third of the members of the UN have done this.

ICJ has never resolved a major controversy between great powers, and even the small controversies cannot be isolated from normal diplomatic processes

Analysis: This means that even when some small issue is settled, no one can tell if it was the ICJ that succeeded or if it would have been resolved anyway through normal diplomatic means

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

States frequently refuse to submit to its jurisdiction or comply with its judgments. It has not resolved any major international controversy between great powers. And although several controversies have ended with an ICJ judgment with which the loser complied, one cannot always isolate the ICJ’s contribution to the resolution from that of regular diplomatic processes.

ICJ is being abandoned by the major powers

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

First, the ICJ is being abandoned by the major powers. Consider the countries that currently have the ten largest economies: USA, China, Japan, India, Germany, U.K., France, Italy, Brazil, and Russia. Four of these states – China, Japan, Brazil, and Russia (U.S.S.R.) – have never brought a proceeding, and never been a respondent beyond the filing stage. Table 2 lists cases involving the other major parties, excepting special agreement cases. In the first twenty year period, a major power was an applicant in 60 percent of the cases, and a respondent in 60 percent of the cases. In the second period, a major power was an applicant a little under 50 percent of the time, and a respondent a little under 50 percent of the time (depending on how one counts India). In the last period, a major power was an applicant in only 13 percent of the cases; a major power was a defendant in *100 percent* of the cases. This trend is suggestive. Increasingly, major powers are not applicants that drag other states into courts; they are respondents being dragged by other, usually weaker, states into court. It thus would not be surprising if major powers have begun to sour on the court.

Even countries that accept ICJ jurisdiction aren’t using it

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

Second, although the number of states that have filed under the optional clause has roughly doubled since 1946, the fraction of states that has filed has declined, and so has its practical value in providing the ICJ with jurisdiction. In 1950, 60 percent of the states were subject to compulsory jurisdiction; today, this fraction has declined to 34 percent. And, of these states, few have been involved in ICJ litigation. Focusing on cases where the applicant successfully invoked compulsory jurisdiction and then prevailed on the merits,13 we count four instances from 1946 to 1965, eleven instances from 1966 to 1985, and three instances from 1986 to 2004. Thus, the doubling of states subject to compulsory jurisdiction has had no impact on its usage. This may be due in part to states’ use of reservations to limit their consent to ICJ jurisdiction even when they submit to compulsory jurisdiction.

Less and less use of ICJ for treaty jurisdiction

Analysis: This refers to treaties where the document says that any disputes will be handled by ICJ

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

Third, states have showed less and less enthusiasm for treaty-based jurisdiction. From 1946 to 1965, states entered (on an annual basis) 9.7 multilateral or bilateral treaties that contained clauses that granted jurisdiction to the ICJ. This number dropped to 2.8 per year for the period from 1966 to 1985, and to 1.3 per year from 1986 to 2004. These numbers are absolute; recall again the number of states tripled during this period. Figure 3 provides the trend; the line shows the number of states. The U.S., which was an enthusiastic user of ICJ treaty clauses in the 1950s and 1960s, apparently has not used this type of clause a single time since the early 1970s.

There is no international judicial body with the right to interpret international law for states

Lee Casey and David Rivkin 2006. (Casey - attorney in the Washington office of Baker and Hostetler, LLP, and served in the Office of Legal Policy at the Department of Justice during the Administration of Ronald Reagan and in the Office of Legal Counsel under President George H. W. Bush. Rivkin - attorney in the Washington office of Baker and Hostetler, LLP, and served during the Reagan and George H. W. Bush Administrations in the Office of the Counsel to the President in the White House and in the Departments of Justice and Energy) International Law and the Nation-State at the U.N.: A Guide for U.S. Policymakers, 18 Aug 2006 (brackets in original) <http://www.heritage.org/research/reports/2006/08/international-law-and-the-nation-state-at-the-un-a-guide-for-us-policymakers>

As an independent sovereign, the United States is fully entitled to interpret international law for itself. The views of international organizations, including the United Nations, other states, and non-governmental organizations (NGOs) may be informative, but they are not *legally* binding unless, and only to the extent that, the United States agrees to be bound. Any institution or individual invoking interna­tional law as the measure of U.S. policy choices is only expounding an opinion of what interna­tional law is or should be. That opinion may be well or poorly informed, but it is not and can­not be authoritative. There is no supreme inter­national judicial body with the inherent right to interpret international law for states. In short, the United States, like all other states, is bound by international law; but, like all other states, it is also entitled to interpret international law for itself. Whether the U.S. or any other state has been reasonable in its interpretation is ulti­mately a political determination.

ICJ judges are biased: they vote for their home states 90% of the time

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

A first hypothesis for the decline of the ICJ is that its judges have not applied international law in an impartial manner. The logic of this argument is simple. Suppose that two states enter a treaty, and, anticipating that ambiguities may arise in the future, also agree that the ICJ will resolve those ambiguities. Suppose further that it turns out that the ICJ is biased in favor of a certain type of state – rich or poor, northern or southern, eastern or western, or whatever. The ICJ’s biases may initially be hidden, but as they become clear, whichever states are disfavored by the bias will be reluctant to agree to grant the ICJ jurisdiction by treaty. Similarly, disfavored states will withdraw from compulsory jurisdiction, or narrow it with reservations, or not submit to compulsory jurisdiction in the first place. Or states will submit cases by special agreement only when they can eliminate certain judges from the panel that hears the case. We have seen that all these things have been happening. But is there evidence of judicial bias – where bias means failure to apply international law in an impartial manner?

A. Voting Behavior

In another paper, I and a coauthor, Miguel de Figueiredo, looked at the voting patterns of ICJ judges.We tested the hypothesis that ICJ judges vote the interest of their home states. Our first test was to look at whether judges voted in favor of their home states when their home states were parties. Table 4 provides the raw data. Clearly, the answer is yes. Judges vote in favor of the state that appointed them (in the case of ad hoc judges) or the state of which they are a national (in the case of permanent judges) about 90 percent of the time.

ICJ judges are biased: they vote for countries that are similar to their home states

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

What about the judges whose home states are not parties of the dispute? One might think that they would vote impartially. However, we hypothesized that these judges would vote in favor of the state with closer political or economic links to their home states. We looked at a variety of measures – including membership in OECD or Nato, regional blocs, and so forth. Our best predictors of judicial votes were the following. First, judges voted in favor of the state party whose economy was closer in size to the economy of the judge’s home state. Judges from wealthy states vote in favor of wealthy states; judges from poor states vote in favor of poor states. Second, judges voted in favor of the state whose political system was closer to that of the judge’s home state – measured by the extent of democracy. Judges from democratic states vote in favor of democratic states; judges from authoritarian states vote in favor of authoritarian states. Figures 1 and 2 illustrate these relationships.

Judges unlikely to be reappointed in old age

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

One last piece of indirect evidence is age. If governments mean to discipline wayward judges by depriving them of future appointments, then they would initially appoint only judges who are relatively young. Judges who would retire after the end of their term could not be deprived of future positions. On the current bench, the average age of each judge at the time of his or her initial appointment was 59.5, ranging from 41 to 71. A 59.5 year old could certainly expect to be reappointed at the age of 68.5, but it is unlikely that a 70 year old would expect to be reappointed at the age of 79.36

SOLVENCY

ICJ moves at the speed of a glacier and has no enforcement

Judge Patricia M. Wald 2008. (retired Chief Judge, United States Court of Appeals for the District of Columbia Circuit; Judge, International Criminal Tribunal for the Former Yugoslavia) MICHIGAN LAW REVIEW, Apr 2008 FOREWORD: WAR TALES AND WAR TRIALS <http://www.michiganlawreview.org/assets/pdfs/106/6/wald.pdf>

After World War I the World Court, a predecessor to the current International Court of Justice (“ICJ”), provided an international forum for one state to obtain a declaration or civil judgment against another for violation of international law, as well as a mediation and arbitration process. The operations of the ICJ to this day, like those of the World Court before it, proceed at a glacial pace, and its judgments are limited to the state parties involved who must consent to the Court’s jurisdiction in the first instance. As a practical matter, its judgments are unenforceable except by international peer pressure.

No way for ICJ to find moral consensus to make judgments states would respect

Prof. Eric Posner 2004. (Professor of Law, University of Chicago ) The Decline of the International Court of Justice, Dec 2004 <http://www.law.uchicago.edu/files/files/233.eap_.icj_.pdf>

In sum, the ICJ was the victim of conflicts among states. A realist might argue that the ICJ was doomed from the start, but it is hard to know how one could prove this claim. The better view is that with the cold war, decolonization, and the rise of new powers like India and Brazil, the ICJ could not find an international legal or moral consensus on which it could make judgments that states would respect. This may have reflected the nature of geopolitics, or it may just have been the result of a failure by the ICJ judges to act with sufficient political sensitivity.

NATIONAL SOVEREIGNTY CRITIQUE – Link to Blue Book brief “National Sovereignty Good”

Empowering the ICJ would create an authority over US citizens with no accountability to them

Lee Casey and David Rivkin 2006. (Casey - attorney in the Washington office of Baker and Hostetler, LLP, and served in the Office of Legal Policy at the Department of Justice during the Administration of Ronald Reagan and in the Office of Legal Counsel under President George H. W. Bush. Rivkin - attorney in the Washington office of Baker and Hostetler, LLP, and served during the Reagan and George H. W. Bush Administrations in the Office of the Counsel to the President in the White House and in the Departments of Justice and Energy) International Law and the Nation-State at the U.N.: A Guide for U.S. Policymakers, 18 Aug 2006 (brackets in original) <http://www.heritage.org/research/reports/2006/08/international-law-and-the-nation-state-at-the-un-a-guide-for-us-policymakers>

Changing this state of affairs has been one of the most important goals of "progressives" and "inter­nationalists" since before the First World War. In particular, throughout the 20th century-and especially after World War II-determined and sustained efforts were made to establish some form of international judicial system under which states would no longer be the ultimate arbiters of their own international legal obligations. These efforts, which can fairly be said to include the League of Nations (and its Permanent Court of International Justice), the United Nations' International Court of Justice (ICJ), and the International Criminal Court (ICC), have always found favor with the United States at their inception but have always been rejected in the end. (The United States, of course, never joined the League, withdrew from the ICJ's compulsory jurisdiction in 1986, and "de-signed" the ICC treaty in 2003.) The reason is simple enough. A genuine system of international law, comparable to domestic legal systems in its reach and authority, would require a universally accepted institution entitled both to adjudicate the conduct of states and, by exten­sion, their individual officials and citizens and to implement its judgments through compulsory process with or without consent of the states concerned. Such a universal authority, however, would be fundamentally at odds with the found­ing principles of the American Republic. It would require the American people to accept that there is, in fact, a legal power that has legitimate author­ity over them but is not accountable to them for its actions.

JOINT INSPECTION UNIT / WHISTLEBLOWER RETALIATION

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement the material already available in The Source and to make arguments not covered in their Negative material.

Case Analysis:

There are a couple of easy-to-spot problems with this case that the Negative can focus on. The first, Harm 2 (Rampant Corruption) is a case of raising a harm that they don’t solve. None of the solvency evidence says the plan will reduce rampant corruption nor that any of the abuses cited would have been prevented had this plan been in place.

The other problem is that the solvency/advocacy evidence is weak. The Solvency 1 card is the JIU saying that JIU should handle retaliation cases. The Solvency 2 card says JIU is independent (so what? that by itself doesn’t prove solvency. Exxon oil company is also independent of the UN, but they have no qualifications for handling whistleblower retaliation). Then the debater adds a lengthy commentary saying that he thinks this will solve. What’s missing is evidence saying this will solve.

TOPICALITY

1. Not “significantly” reforming the UN

Link: The Affirmative’s mandates transfer the administration of whistle-blower retaliation from one office to another.

**Standard:** “Significant” means “of a noticeably or measurably large amount” (Merriam-Webster Online Dictionary 2012 <http://www.merriam-webster.com/dictionary/significant?show=0&t=1347811998>)

Notice that it’s the amount of the reform that has to be significant, not the impact of the reform (that’s a separate issue and the Affirmative will lose there too). “Significantly reform” is not the same as “Tiny reform that may have significant results.”

Violation #1. Prima facie - on its face - this is a tiny reform of the UN. Some paperwork gets filed in a different office from now on? that’s it?

Violation #2. Measure the Significance of the Reform. The significance of a reform can be measured by the amount of something being changed divided by the size of the total thing itself. Let’s measure the number of people being touched by the Affirmative’s plan compared to the total number of people at the UN. The Affirmative’s plan will affect an average of 50 people per year. We’re going to prove later that the actual number is lower than that in our inherency, but for now let’s use the Affirmative’s expert with Government Accountability Project just to prove that by the Affirmative’s own evidence this plan is not a significant reform. The Government Accountability Project says there were 300 complaints in the six years between 2006-2012 (three hundred divided by six equals fifty):

Hannah Johnson with Government Accountability Project 2012. More Coverage of Vindicated UN Whistleblower: Daily Whistleblower News, 5 July 2012 <http://www.whistleblower.org/blog/42-2012/2099-more-coverage-of-vindicated-un-whistleblower-dailywhistleblower-news>

“GAP found that the Ethics Office has dealt with nearly 300 complaints of retaliation since it was created in 2006. A prima facie case of retaliation was found in about 2.7 percent of those cases, but relief was only recommended in one case.”

Next, we see that there are 44,000 UN employees

*United Nations official career recruiting website, copyright 2012. “Where we are”* [*https://careers.un.org/lbw/home.aspx?viewtype=VD*](https://careers.un.org/lbw/home.aspx?viewtype=VD)

Today, the United Nations has evolved beyond the conference management services it provided in its early days and is now actively on the ground around the globe seeking solutions to the three thematic areas outlined in its Charter: peace and security; the protection and promotion of human rights; and human development. Since 1946 the Organization has gradually transformed itself into a global Secretariat with a workforce that now numbers some 44,000 specialized men and women.

**Now do the math: 50 people affected divided by 44,000 employed means the Affirmative’s plan reforms 0.11% of the UN. This can’t by any stretch of the imagination be called a measurably large amount. It’s microscopic.**

Impacts:

1. No Affirmative team. No one in this room today is advocating significantly reforming the UN. One team is arguing for a microscopic reform, and the other is arguing for no reform. With no one affirming the resolution, no matter who wins you should write Negative on the ballot.  
  
2. Opportunity cost. The time spent debating this tiny policy could have been spent debating something worthwhile. The impact to debating insignificant things is that we are losing the opportunity to debate meaningful things. We will never get this hour and a half back again. Experts agree that we have to consider Opportunity Cost when debating public policy:

Prof. Daniel Drezner 2010. (professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University) FOREIGN POLICY 16 Nov 2010 What do you do with dumb debates? <http://drezner.foreignpolicy.com/posts/2010/11/16/what_do_you_do_with_dumb_debates>

When it comes to policy debates I'm always on the side of John Stuart Mill -- the best way to deal with stupid arguments is to counter them with better arguments in the public sphere. That said, there's a serious cost to this philosophy in a world in which the stupid ideas can command the policy agenda. The opportunity cost to the inordinate amount of time that is spent swatting away these ideas is that less time is spent debating policies and ideas that have a real chance of being enacted.

HARMS

Source Indictment: GAP (Government Accountability Project - Affirmative source about lack of protection for whistle-blowers) - got the numbers wrong

GAP’s numbers are distorted

Brief filed by attorneys for the UN Secretary General 2011. UNDT case number: UNDT/GVA/2011/090, Gehr (Applicant) v. Secretary-General of the United Nations (Respondent), Respondent's statement with regard to the GAP statistics (para. 20 to 23 of the Respondent’s Reply in UNDT/GVA/2011/090) <http://unjustice.org/Respondent%27s%20statement%20with%20regard%20to%20the%20GAP%20statistics.pdf>

As regards the allegations made by the Applicant in repeat of data pertaining to its operations, the Applicant claims, more specifically in paragraph 6 of his application that, as of 31 July 2010 the Ethics Office has found prima facie cases of retaliation in "1,5% of the requests for protection from retaliation received by the Office" and states that "[t]o have to rely on such dysfunctional institution constitutes in practice a breach of [his] contract." The Applicant further refers in paragraph 7 to the conclusion of a non-governmental organization "Government Accountability Project" (GAP) that "the Ethics Office's record of protecting whistleblowers from retaliation is "abysmal", which is repeated in paragraph 19. In response, the Ethics Office advised the Respondent that the Appellant alleged 1,5% protection statistics, and his restatement of the associated GAP allegation that the Office lacks a credible record of protecting whistleblowers, are entirely incorrect and unfounded. The Ethics Office notes that these allegations, originating from the GAP, are based on GAPs distortion of publicly available case statistics pertaining to the Ethics Office's protection against retaliation mandate as found in the annual Reports of the Secretary-General on the Activities of the Ethics Office.

INHERENCY

When the correct numbers are used... many more retaliation cases are turned over for investigation

Significance: 67 cases in 4 years (2007-2011) = about 17 cases per year

Topicality: Cross-apply above under topicality - instead of 50 cases/year there are only 17, making this reform even more microscopic. 17 cases / 44,000 employees = 0.04% reform.

Brief filed by attorneys for the UN Secretary General 2011. UNDT case number: UNDT/GVA/2011/090, Gehr (Applicant) v. Secretary-General of the United Nations (Respondent), Respondent's statement with regard to the GAP statistics (para. 20 to 23 of the Respondent’s Reply in UNDT/GVA/2011/090) <http://unjustice.org/Respondent%27s%20statement%20with%20regard%20to%20the%20GAP%20statistics.pdf>

Further in this regard, as expressly referenced in the relevant annual reports, during the period from August 2007 to July 2011 the Ethics Office initiated 82 preliminary reviews of received retaliation complaints. Preliminary reviews are conducted for those PaR requests received by the Office that meet the requirements of ST/SGB/2005/21. As stated in the Office's annual reports, 15 complainants subsequently withdrew or abandoned their request. Of the remaining 67 complaints, for which preliminary reviews were completed, the Ethics Office determined 5 prima facie cases of retaliation (or 7,5%) and referred these cases for formal investigation pursuant to ST/SGB/2005/21.

SOLVENCY

1. Lack of Commitment

Link: Affirmative can fiat a plan for new procedures, but they can’t fiat that people or nations change their attitudes

Link: Member States frequently don’t implement JIU recommendations and block JIU investigations by refusing to issue visas

STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. WALEED ALSHAHARI, PERMANENT MISSION OF THE REPUBLIC OF YEMEN TO THE UNITED NATIONS 2010. (statement ON AGENDA ITEM 138: ANNUAL REPORT OF THE JOINT INSPECTION UNIT FOR 2009 AND PROGRAMME OF WORK FOR 2010, AT THE FIRST PART OF THE RESUMED SIXTY-FOURTH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY, 1 March 2010, <http://www.g77.org/statement/getstatement.php?id=100301c>

9. Taking into account the important work of the JIU, it is a matter of great concern to the Group to note the persistent pattern of slow or non-implementation of accepted JIU recommendations, as well as those of other oversight bodies. This is unacceptable, and the Group will seek clarification on the issue of implementation of recommendations of oversight bodies within the context of the forthcoming discussions on the Accountability Framework.  
10. In the meantime, the Group's expectation is that through the relevant mechanisms established by the Secretary-General and the CEB, management will ensure full expeditious implementation of all accepted recommendations.  
11. The report before us highlights the need for a more effective system of follow-up on the recommendations of the JIU. The Group therefore notes with appreciation the commencement of the feasibility study on the web-based follow-up system. We urge that no effort be spared in expediting the implementation of the system as it will facilitate effective and 'real-time' monitoring of the status of implementation of recommendations and provide regular updates from individual organizations.  
Mr. Chairman,  
12. The Group of 77 and China recalls paragraph 16 of General Assembly resolution 63/272 and also recalls its concern over the violation of Article 19 of the Statute of the JIU with regard to the process of appointment of the Executive Secretary of the Unit in 2009.  
13. The Group further regrets instances where Member States did not abide by General Assembly resolutions on the issuance of visas for the official travel of some Inspectors and members of the JIU secretariat. The Group urges all Member States to refrain from interfering with the affairs of the JIU and to extend, without any condition, the required facilitation to enable the individual Inspectors and members of the JIU secretariat undertake the tasks assigned to them.

Impact: Without Member State support, the JIU cannot make progress on accountability, and no impact can be achieved

UN Joint Inspection Unit 2012. “Report of the Joint Inspection Unit for 2011 and programme of work for 2012” http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDYQFjAA&url=http%3A%2F%2Fwww.unjiu.org%2Fen%2Fcorporate-information%2FAR%2520%2520PoW%2FA\_66\_34\_JIU%2520Annual%2520Report\_AR.pdf&ei=g5vLUK6IBsaXyAHA7YD4Dw&usg=AFQjCNFDOEPHmXyH-ON\_Dq7OC\_3oBK7qrQ&sig2=t9AloMsdx7U6M-4KVFRhhw&bvm=bv.1355325884,d.aWc

The foregoing summary of the many actions and initiatives taken by the Unit to introduce reform measures in recent years is indicative of its commitment to better serve the interests of the participating organizations and Member States. Nevertheless, the Unit is conscious of the fact that more remains to be done and herewith reiterates its commitment to making continuous improvement in all areas under its direct purview, including improving strategic planning, professionalizing its staff and upgrading its working methods, enhancing standards and procedures and improving coordination, with an emphasis on quality control and knowledge management and sharing. 11. Nevertheless, the Unit is convinced that there are areas where, without the support of Member States and its participating organizations, no true progress towards greater accountability, efficiency, effectiveness and impact can be achieved. This is so in the case of the composition of the Unit and the follow-up to its recommendations, where progress has been recorded but stronger commitment is needed.

2. Ineffective JIU. The JIU fails to reform itself, and can’t produce effective results

[Note the date on this card.]

Ambassador Joseph Torsella 2012. (U.S. Representative to the United Nations for UN Management and Reform ) 5 Mar 2012 “Statement by Ambassador Joesph Torsella On the Organization of Work of the Fifth Committee at the First Resumed Session of the 66th GA” <http://usun.state.gov/briefing/statements/185225.htm>

Turning to another oversight body—the Joint Inspection Unit—it is well known within this Committee that the United States strongly supports reform of the Unit. A revitalized JIU would create more opportunities for strengthening accountability and effectiveness throughout the UN system. Unfortunately, the JIU's analysis of reform progress and options for enhancing its effectiveness fall short of expectations. The Unit fails to propose the kind of bold and far reaching reforms that would make it more influential and effective in promoting results and accountability in UN organizations.

3. Lack of consequences. Member States don’t follow up with any consequences in disciplinary situations

M. Mounir Zahran with the Joint Inspection Unit 2011. (Zahran works for the JIU) ACCOUNTABILITY FRAMEWORKS IN

THE UNITED NATIONS SYSTEM (ellipses in original) https://www.unjiu.org/en/reports-notes/.../JIU\_REP\_2011\_5.pdf

As the document, “Practice of the Secretary-General in disciplinary matters and possible criminal behaviour”, 1 July 2010 to 30 June 2011 notes, “…eight cases involving credible allegations of criminal conduct by United Nations officials or experts on mission were referred to Member States. The Secretary-General is not aware of any action taken in respect of such cases by the Member States concerned.” In this context the Inspector invites member States concerned to play their part in the creation/upholding of a culture of accountability. It was at the urging of the General Assembly that all staff members are kept informed of the examples of misconduct. Member States then must also uphold their side of the accountability. As long as staff continue to see examples of exceptions and unfair 9application of disciplinary measures, the culture of accountability within an organization will remain fragile.

MICROLENDING / UNDP / NGO

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement the material already available in The Source and to make arguments not covered in their Negative material.

Case Analysis:

The biggest problem with this case is that the plan contains few details of what it actually does, other than take money away from the UNDP. The money ($1 billion) is transferred to NGOs (non-governmental organizations) but the specific mandates of what the NGOs would do are vague, only that they have to cooperate with the private sector. This might be because fiating what NGOs do with the money would be extra-topical, since they are not part of the UN. The question of which NGOs would receive the money is decided later by the UN General Assembly. Note that neither of the solvency cards advocates the plan.

You have to read between the lines to guess what the plan does, since the Solvency evidence is unclear as well. The first solvency card that argues UNDP should “take a back seat,” whatever that means. It doesn’t advocate the plan. The second solvency card argues that poor people in Africa need, but don’t have, access to banking institutions and services. Since the mandates don’t provide that access, one is left to wonder what this card has to do with the plan as well

In order to achieve the solvency suggested in the second solvency card, the best guess we have is that they will have to provide micro banking services in the Third World. This brief will focus on that issue. You should also look at the Blue Book “NGOs ARE BAD” brief for generic responses to anything involving NGOs and at our UNDP negative brief for material defending the status quo of the UNDP.

MICROFINANCE DISADVANTAGES

1. Deeper poverty from low productivity

Prof. Aneel Karnani 2007. (PhD; professor at Univ of Michigan, Ross School of Business), Summer 2007, “Microfinance Misses Its Mark,” STANFORD SOCIAL INNOVATION REVIEW, Stanford Univ. Graduate School of Business, [www.ssireview.org/articles/entry/microfinance\_misses\_its\_mark/](http://www.ssireview.org/articles/entry/microfinance_misses_its_mark/)

Whether an employee is “poor” depends on her wages, the size of her household, and the income of other household members. Increased productivity leads to higher wages, which in turn lead to employees earning enough to rise above poverty. That is why it is not enough to create jobs; regions must also increase labor productivity through the use of new technology, management techniques, specialization, and the like. When it comes to increasing labor productivity, India’s performance is mediocre and the situation in Africa is dismal. One reason for India’s poor productivity growth is that its enterprises are often too small. The average firm size in India is less than one-tenth the size of comparable firms in other emerging economies. The emphasis on microcredit and the creation of microenterprises will only make this problem worse.

2. Deeper poverty from high interest rates

Prof. Aneel Karnani 2007. (PhD; professor at Univ of Michigan, Ross School of Business), Summer 2007, “Microfinance Misses Its Mark,” STANFORD SOCIAL INNOVATION REVIEW, Stanford Univ. Graduate School of Business, [www.ssireview.org/articles/entry/microfinance\_misses\_its\_mark/](http://www.ssireview.org/articles/entry/microfinance_misses_its_mark/)

Microloans sometimes even reduce cash flow to the poorest of the poor, observes Vijay Mahajan, the chief executive of Basix, an Indian rural finance institution. He concludes that microcredit “seems to do more harm than good to the poorest.” One reason could be the high interest rates charged by microcredit organizations. Acleda, a Cambodian commercial bank specializing in microcredit, charges interest rates of about 2 percent to 4.5 percent each month. Some other microlenders charge more, pushing most annual rates to between 30 percent and 60 percent. Microcredit proponents argue that these rates, although high, are still well below those charged by informal moneylenders. But if poor clients cannot earn a greater return on their investment than the interest they must pay, they will become poorer as a result of microcredit, not wealthier.

3. Business startups are more risky

Thomas Dichter 2007 (worked in international development since 1964 in a variety of institutions including the World Bank, the United Nations Development Programme, the Peace Corps, and numerous nongovernmental organizations) 15 Feb 2007, “A Second Look at Microfinance” Cato Institute Center for Global Liberty and Prosperity, [www.cato.org/pubs/dbp/dbp1.pdf](http://www.cato.org/pubs/dbp/dbp1.pdf)

Indeed, there is evidence, both from today’s microfinance and from past efforts that arose out of altruistic or philanthropic instinct, that access to credit for business start-up on relatively easy terms *adds* risk to the already built-in risk of starting up—a risk inherent in the fact that the money was perceived as “easy,” and thus less care was taken with how it was spent.

4. Microfinance distracts us away from real solutions

Link: The real solutions are large labor-intensive businesses and governments providing basic services. Money should be taken away from microfinance and spent on these instead.

Impact: If we don’t, people will not be lifted out of poverty

Prof. Aneel Karnani 2007. (PhD; professor at Univ of Michigan, Ross School of Business), Summer 2007, “Microfinance Misses Its Mark,” STANFORD SOCIAL INNOVATION REVIEW, Stanford Univ. Graduate School of Business, [www.ssireview.org/articles/entry/microfinance\_misses\_its\_mark/](http://www.ssireview.org/articles/entry/microfinance_misses_its_mark/)

Overall, governments, businesses, and civil society would be well advised to reallocate their resources and energies away from microfinance and into supporting larger enterprises in labor-intensive industries. This is what is alleviating poverty in China, Korea, Taiwan, and other developing countries. At the same time, they should also provide basic services that improve the employability and productivity of the poor. Otherwise, they will miss the mark of lifting people out of poverty.

MICROFINANCE SOLVENCY

Rural poor don’t need credit. Turn: Best thing to do is NOT loan money

Dr. Patrick Bond 2006. (PhD from Johns Hopkins Univ. Dept of Geography & Environmental Engineering; political economist, School of Development Studies, Univ. of KwaZulu-Natal, South Africa; authored/edited more than a dozen policy papers from 1994-2002 for the S.African government; taught at the University of the Witwatersrand Graduate School of Public and Development Management from 1997-2004; adjunct professor at York Univ. Dept of Political Science, Canada;) Oct 2006, “Beyond microcredit evangelism” PAMBAZUKA NEWS, <http://pambazuka.org/en/category/comment/38007> (ellipses in original)

Ugandan political economist Dani Nabudere has also debunked 'The argument which holds that the rural poor need credit which will enable them to improve their productivity and modernise production.' For Nabudere, this 'has to be repudiated for what it is - a big lie.' Even from inside the World Bank these lessons were by then obvious. Sababathy Thillairajah reviewed the Bank's African peasant credit programmes in 1993 and advised colleagues: 'Leave the people alone. When someone comes and asks you for money, the best favour you can give them is to say "no".

Zimbabwe study: Increased credit made farmers worse off

Dr. Patrick Bond 2006. (PhD from Johns Hopkins Univ. Dept of Geography & Environmental Engineering; political economist, School of Development Studies, Univ. of KwaZulu-Natal, South Africa; authored/edited more than a dozen policy papers from 1994-2002 for the S.African government; taught at the University of the Witwatersrand Graduate School of Public and Development Management from 1997-2004; adjunct professor at York Univ. Dept of Political Science, Canada;) Oct 2006, “Beyond microcredit evangelism” PAMBAZUKA NEWS, <http://pambazuka.org/en/category/comment/38007> (ellipses in original)

Michael Drinkwater’s detailed study of central Zimbabwe showed that ‘improving farmers’ access to credit has placed many of them in serious difficulties’ compounded by ‘an overzealous launching of a group credit scheme’ and the ‘doubtful viability of high cost fertiliser packages’ inappropriate for the erratic climate. ‘The increase in credit use means farmers have to market more to stay solvent... At the household level it is commonly debts not profits that are on the rise.’ To address the crisis, in 1991 the World Bank unsuccessfully promoted even more Grameen-style group credit, albeit with the caveat that ‘Zimbabwe’s experience to date with group lending has not been favourable. The organisation of groups is initially expensive and time-intensive’, and ‘major problems have become apparent.’

South Africa failure: Microfinance drove many into bankruptcy in ‘98

Dr. Patrick Bond 2006. (PhD from Johns Hopkins Univ. Dept of Geography & Environmental Engineering; political economist, School of Development Studies, Univ. of KwaZulu-Natal, South Africa; authored/edited more than a dozen policy papers from 1994-2002 for the S.African government; taught at the University of the Witwatersrand Graduate School of Public and Development Management from 1997-2004; adjunct professor at York Univ. Dept of Political Science, Canada;) Oct 2006, “Beyond microcredit evangelism” PAMBAZUKA NEWS, <http://pambazuka.org/en/category/comment/38007>

Though I have never been to Bangladesh and have only discussed these problems with Yunus once (more than a decade ago when he visited Johannesburg), microfinance gimmickry certainly did damage in Southern Africa. For example, in 1998, when the emerging markets crisis raised interest rates across the Third World, a 7% increase imposed over two weeks as the local currency crashed drove many South African borrowers and their microlenders into bankruptcy.

MIDDLE EAST PEACE – HOPELESS

This brief is a generic Negative against any Aff case claiming to improve the Middle East peace process.

Final settlement unlikely for a long time – none of the parties have adequate incentives to take political risks

Elliott Abrams 2012. (Senior Fellow for Middle Eastern Studies, Council on Foreign Relations; former Special Assistant to the President and Senior Director for Near East and North African Affairs; former Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations; former deputy national security advisor to President George W. Bush; former Assistant Secretary of State for Inter-American affairs in the Reagan administration) 8 June 2012 Processing Delay, FOREIGN POLICY, <http://www.cfr.org/middle-east/processing-delay/p28500>

Israel withdrew from the Sinai in 1982 and from Gaza in 2007, and no one is discussing the Golan these days due to Syria's internal crisis. But the future of Jerusalem and the West Bank remains a matter of intense international -- including American -- diplomatic effort. While professional peacemakers may want to get negotiations going again, the inconvenient truth is that none of the parties to this conflict have adequate incentives to take serious political risks right now. Forget about reaching a final settlement for the next year and likely far longer -- neither the situation on the ground nor the politics in Israel and among the Palestinians makes it at all likely.

After the Nov. 2012 Gaza fight, Israelis won’t make the territorial withdrawal concessions needed for peace

Steven A. Cook 2012. (Hasib J. Sabbagh senior fellow for Middle Eastern studies at the Council on Foreign Relations. ) “Still Think Middle East Peace Doesn't Matter?“ 19 Nov 2012 FOREIGN POLICY <http://www.foreignpolicy.com/articles/2012/11/19/still_think_the_middle_east_doesnt_matter?page=0,1>

Let's not kid ourselves -- the prospects for a peace agreement look as dismal as ever.It is extraordinarily unlikely that there is an opportunity for talks now after militants in Gaza threatened Tel Aviv and Jerusalem with rocket fire. For the minority of Israelis who have not already done so, huddling in safe rooms and bomb shelters in Rishon LeZion, Ashkelon, and Herzliya will convince them that an Israeli withdrawal from territory in the West Bank, which peace would require, is foolish.

US aid to Israel reduces Israel’s willingness to negotiate

Analysis: Nothing Affirmative can do about US aid to Israel – it’s extra-topical; the UN has no control

Dr. Ivan Eland 2012. ( Ph.D. in National Security Policy from George Washington Univ; former Principal Defense Analyst at the Congressional Budget Office ) 24 Oct 2012 Middle East Peace Remains Elusive <http://original.antiwar.com/eland/2012/10/23/middle-east-peace-remains-elusive/>

Because Israel gets substantially more of this U.S. aid than Egypt, Carter contributed greatly to the problem he now deplores — Israeli intransigence about giving back West Bank land and creating a viable Palestinian state. The effect of all of this aid, and thus enhanced U.S. backing of Israel since 1978, has made the Israelis more prone to further settle — against international law — land that is militarily occupied, rather than negotiating it away for a lasting peace. Therefore, the question should be asked: Does slathering Israel with money and diplomatic and military support actually help the country in the long term? The answer is, of course, no.

Neither Israelis nor Palestinians are ready to solve the problem

Dr. Ivan Eland 2012. ( Ph.D. in National Security Policy from George Washington Univ; former Principal Defense Analyst at the Congressional Budget Office ) 24 Oct 2012 Middle East Peace Remains Elusive <http://original.antiwar.com/eland/2012/10/23/middle-east-peace-remains-elusive/>

If Obama wins a second term, he will probably be dragged back into the Palestine bog — and so would Mitt Romney if he were instead elected. Either man should resist because the Israeli-Palestinian peace issue doesn’t really affect U.S. vital interests (and if you believe Middle East oil is strategic, which is dubious economics, slavish support for Israel makes even less sense), and neither the Israelis nor the Palestinians are yet ready to solve the problem

NATIONAL SOVEREIGNTY - GOOD

IMPORTANCE OF NATIONAL SOVEREIGNTY

If a foreign power can tell America what to do, we lose our independence

Steven Groves 2010. (attorney; Bernard and Barbara Lomas Fellow at the Margaret Thatcher Center for Freedom at The Heritage Foundation; has testified before Congress on international law, human rights, the United Nations and U.N. peacekeeping operation; former senior counsel to the U.S. Senate Permanent Subcommittee on Investigations; former assistant attorney general for the State of Florida) 8 Dec 2010 The Importance of Protecting National Sovereignty <http://www.globalgovernancewatch.org/spotlight_on_sovereignty/the-importance-of-protecting-national-sovereignty>

The United States is a *sovereign* nation. Sovereignty is a simple idea: the United States is an independent nation, governed by the American people, that controls its own affairs. The American people adopted the Constitution and created the government. They elect their representatives and make their own laws. The Founding Fathers understood that if America does not have sovereignty, it does not have independence. If a foreign power can tell America "what we shall do, and what we shall not do," George Washington once wrote to Alexander Hamilton, "we have Independence yet to seek, and have contended hitherto for very little."

Sovereignty upholds the consent of the governed. Outside laws deny the right of Americans to govern themselves

Steven Groves 2010. (attorney; Bernard and Barbara Lomas Fellow at the Margaret Thatcher Center for Freedom at The Heritage Foundation; has testified before Congress on international law, human rights, the United Nations and U.N. peacekeeping operation; former senior counsel to the U.S. Senate Permanent Subcommittee on Investigations; former assistant attorney general for the State of Florida) 8 Dec 2010 The Importance of Protecting National Sovereignty <http://www.globalgovernancewatch.org/spotlight_on_sovereignty/the-importance-of-protecting-national-sovereignty>

The Founding Fathers had a different vision for America. The United States is legitimately sovereign not because of a monarch’s decree, but because, in America, the people rule. The purpose of government is to secure the people’s rights. Legitimately sovereign governments derive "their just powers from the consent of the governed." Thus, American sovereignty is justified by the inherent, God-given right of self-government. The Declaration cataloged the ways in which King George III had infringed upon American liberties and denied the right of Americans to consent to the laws by which they were governed. Through his "repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny," the King had treated the American colonists as mere subjects to be ruled.

Accepting rules of international organizations violates the foundational principles of America: liberty, equality, and popular consent

Steven Groves 2010. (attorney; Bernard and Barbara Lomas Fellow at the Margaret Thatcher Center for Freedom at The Heritage Foundation; has testified before Congress on international law, human rights, the United Nations and U.N. peacekeeping operation; former senior counsel to the U.S. Senate Permanent Subcommittee on Investigations; former assistant attorney general for the State of Florida) 8 Dec 2010 The Importance of Protecting National Sovereignty <http://www.globalgovernancewatch.org/spotlight_on_sovereignty/the-importance-of-protecting-national-sovereignty>

The drafters of the Declaration would be surprised to find Americans submitting themselves to these international organizations, and the constraints on independence that they have spawned. The United States may, of course, work with other nations in a principled way that advances its national interests. But the Founders would be amazed by the extent and depth of the threats to American sovereignty posed by this new transnationalist vision. The Founders did not risk their lives, fortunes, and sacred honor casting off the rule of King George III so that, two hundred years later, the United States could subject itself to the whims of unelected foreign bureaucrats and international lawyers. Sovereignty was essential to the founding of America in 1776, and it is essential to America today. By declaring its independence from King George III and the British Parliament, America declared its sovereignty. By dedicating itself to the principles of liberty, equality, and popular consent, it set the standard by which all sovereign nations are to be judged.

Equality and independence of every state and lack of global laws were key to flourishing of American democracy

*Lee Casey and David Rivkin 2006. (Casey - attorney in the Washington office of Baker and Hostetler, LLP, and served in the Office of Legal Policy at the Department of Justice during the Administration of Ronald Reagan and in the Office of Legal Counsel under President George H. W. Bush. Rivkin - attorney in the Washington office of Baker and Hostetler, LLP, and served during the Reagan and George H. W. Bush Administrations in the Office of the Counsel to the President in the White House and in the Departments of Justice and Energy) International Law and the Nation-State at the U.N.: A Guide for U.S. Policymakers, 18 Aug 2006* [*http://www.heritage.org/research/reports/2006/08/international-law-and-the-nation-state-at-the-un-a-guide-for-us-policymakers*](http://www.heritage.org/research/reports/2006/08/international-law-and-the-nation-state-at-the-un-a-guide-for-us-policymakers)

In 1776, international law was considered, philo­sophically at least, to be a species of Natural Law: the "law of nations." Such law could be discovered or discerned in the practice of states, but it could not be "made" in the manner of domestic or municipal legislation. Then, as now, there was no global body politic and no global legislature. Consequently, as was necessarily implied by the inherent equality of every independent state, no state or league of states had the right to establish the legal obligations of any other state. All were equally competent to determine and interpret international law for them­selves. As a result, and in no small part because international law did not purport to govern any state's internal affairs, American democracy flour­ished in this world despite being virtually alone in its republican institutions.

IM PACTS TO LOSING NATIONAL SOVEREIGNTY

Impact: Yielding sovereignty is bad: We abandon constitutional democracy

Dr. John Fonte 2011. (Ph.D. in World History from the University of Chicago, M.A. and B.A. in History from the University of Arizona; Senior Fellow and Director of the Center for American Common Culture at the Hudson Institute) SOVEREIGNTY OR SUBMISSION: Liberal Democracy or Global Governance? Foreign Policy Research Institute, Oct 2011 <http://www.fpri.org/enotes/2011/201110.fonte.sovereignty.pdf>

Moving from pragmatic and realist arguments to fundamental principles, the idea that global governance is consistent with American values fails completely on moral grounds. The most vital of the “vital interests” of the United States is the preservation and perpetuation of our constitutional democracy. The very purpose of U.S. foreign policy is to ensure the continued existence of the self-government and freedom of the American people. When American constitutional democracy submits to global authority, our vital interests will have been surrendered. To argue that it is in “our interests and consistent with our values” to subordinate American self-government to non-citizens outside of our constitutional democracy is an oxymoron. It is to argue, in effect, that committing democratic suicide by effectively abandoning government under the U.S. Constitution is “in our interests and consistent with our values.”

Impact: Loss of national security. Sovereignty is key to ensuring national security

Steven Groves 2010. (attorney; Bernard and Barbara Lomas Fellow at the Margaret Thatcher Center for Freedom at The Heritage Foundation; has testified before Congress on international law, human rights, the United Nations and U.N. peacekeeping operation; former senior counsel to the U.S. Senate Permanent Subcommittee on Investigations; former assistant attorney general for the State of Florida) 17 May 2010 The Interdependence of National Security and National Sovereignty; <http://www.heritage.org/research/reports/2010/05/the-interdependence-of-national-security-and-national-sovereignty>

National security and national sovereignty are interrelated and interdependent: A nation cannot truly have one without the other. The United States must preserve its ability to act swiftly and decisively to protect its interests, but it cannot do so if, before using military force in its own defense, it first has to pass some “global test,” secure “authorization” from the Security Council, or check first with the ICC Prosecutor to ensure that it will not be charged with the “crime of aggression.” Maintaining sovereignty over determinations of national defense is an essential element of national security and a hallmark of any truly independent nation. The United States cannot preserve its sovereignty if it cedes authority—any authority—over its national security decision-making to another nation, a group of nations, the U.N. Security Council, the International Criminal Court, or any other international organization.

NATIONAL SOVEREIGNTY – not threatened, not absolute, not always good

OVERVIEW

This brief is useful for generic responses to arguments that the UN is bad because it hurts national sovereignty. The arguments here are: 1) no it doesn’t hurt sovereignty; 2) even if it did, so what? National sovereignty isn’t that great and can even be bad.

HYPOCRISY TURN – Can’t argue that reduced sovereignty is bad for the US, since we’re the ones leading the trend towards intervention and reduced sovereignty

The US intervenes in violation of sovereignty when the need is great – we have helped establish an international norm in favor of intervention and reduced sovereignty

Dr. Klinton W. Alexander 2000. (PhD international relations, Cambridge Univ.; JD (law degree) Univ of Virginia ) NATO'S intervention in Kosovo: the legal case for violating Yugoslavia's national sovereignty in the absence of security council approval. Houston Journal of International Law › Vol. 22 Num. 3, March 2000 <http://international.vlex.com/vid/nato-intervention-violating-approval-52742406>

The decision by the United States and NATO to intervene in Kosovo for humanitarian purposes is part of an emerging norm in international law. This norm permits armed intervention in the internal affairs of a nation if the aim is to protect civilians from being slaughtered or displaced from their homes. The increased number of humanitarian interventions over the past few decades, some authorized by the Security Council, have challenged the old notion of national sovereignty as inviolable. What was once regarded as an almost absolute right to govern freely within one's own borders has gradually been eroded by the idea that certain governmental policies that violate citizens' basic human rights will not be tolerated by the international community.

HARMS/SIGNIFICANCE

Sovereignty not threatened by global meetings & institutions

Dr. Stewart M. Patrick 2011 . (PhD international relations, Oxford Univ.; senior fellow and director of the International Institutions and Global Governance Program at the Council on Foreign Relations; former professorial lecturer in international relations/conflict management at Johns Hopkins University's School of Advanced International Studies; served on the US Secretary of State's policy planning staff, with lead staff responsibility for U.S. policy toward Afghanistan ) How the Idea of National Sovereignty Is – and Isn’t – Changing, THE ATLANTIC, 19 Oct 2011 <http://www.theatlantic.com/international/archive/2011/10/how-the-idea-of-national-sovereignty-is-and-isnt-changing/246961/>

To begin with, there is no coherent "party of global governance". Yes, we occasionally see common cause among human rights lawyers, NGOs, Western universities, private corporations, foundations, the EU, and post-modern states. But by no means do they present a consistent, unified front, and evidence of their commandeering U.S. foreign policy preferences and international outcomes remains scant. And even when some groups make common cause, as at UN mega-conferences, Fonte's book repeatedly shows how the United States has rebuffed their aims or rejected their claims. This is true even of Fonte's centerpiece example, the 2001 Durban Conference on the Elimination of All Forms of Racism and Discrimination. Faced with an unacceptable text, the Bush administration delegation simply walked out--just as the Obama administration chose not to participate in the follow-on conferences in 2009 and 2011.

Treaties aren’t threatening US sovereignty

Dr. Stewart M. Patrick 2011 . (PhD international relations, Oxford Univ.; senior fellow and director of the International Institutions and Global Governance Program at the Council on Foreign Relations; former professorial lecturer in international relations/conflict management at Johns Hopkins University's School of Advanced International Studies; served on the US Secretary of State's policy planning staff, with lead staff responsibility for U.S. policy toward Afghanistan ) How the Idea of National Sovereignty Is – and Isn’t – Changing, THE ATLANTIC, 19 Oct 2011 <http://www.theatlantic.com/international/archive/2011/10/how-the-idea-of-national-sovereignty-is-and-isnt-changing/246961/>

And when it comes to treaties, as Fonte himself observes, the United States has a venerable tradition both of rejecting treaties lacking necessary support in the U.S. Senate (such as the Convention on the Elimination of Discrimination against Women or the Comprehensive Test Ban Treaty)--as well as including in treaties it does ratify numerous reservations, understandings, and declarations that preserve the unadulterated supremacy of the U.S. Constitution.

Certain limited delegations of sovereignty can return benefits and provide fundamental safeguards

Dr. Stewart M. Patrick 2011 . (PhD international relations, Oxford Univ.; senior fellow and director of the International Institutions and Global Governance Program at the Council on Foreign Relations; former professorial lecturer in international relations/conflict management at Johns Hopkins University's School of Advanced International Studies; served on the US Secretary of State's policy planning staff, with lead staff responsibility for U.S. policy toward Afghanistan ) How the Idea of National Sovereignty Is – and Isn’t – Changing, THE ATLANTIC, 19 Oct 2011 <http://www.theatlantic.com/international/archive/2011/10/how-the-idea-of-national-sovereignty-is-and-isnt-changing/246961/>

Too often, U.S. exceptionalism has translated into an arrogant "exemptionalism." It is time the "new sovereigntists" acknowledge that in certain circumstances, the limited and voluntary delegation of sovereignty to new frameworks for international cooperation--whether in return for securing trade benefits, curbing the proliferation of weapons of mass destruction, or protecting states from major financial crises--is hardly a "existential threat" to U.S. democracy, but rather a fundamental safeguard.

Not all restrictions on sovereign power are undemocratic

Prof. Dani Rodrik 2012. (Professor of International Political Economy at Harvard University’s Kennedy School of Government) 8 Oct 2012 “The Truth About Sovereignty” <http://www.project-syndicate.org/commentary/why-economic-integration-implies-political-unification-by-dani-rodrik>

The relationship between sovereignty and democracy is also misunderstood. Not all restrictions on the exercise of sovereign power are undemocratic. Political scientists talk about “democratic delegation” – the idea that a sovereign might want to tie its hands (through international commitments or delegation to autonomous agencies) in order to achieve better outcomes. The delegation of monetary policy to an independent central bank is the archetypal example: in the service of price stability, daily management of monetary policy is insulated from politics.

SOVEREIGNTY ISN’T ABSOLUTE

Sovereignty must “soften” enough to include protection of civilians

Dr. Robert Zuber 2012. (PhD; Director of the UN-based Global Action to Prevent War and the Project for a UN Emergency Peace Service ) A Living Trust: Strategies for Sustaining and Growing Support for Third Pillar Response to Threats of Mass Atrocities, OPERATIONALIZING THE RESPONSIBILITY TO PROTECT, <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

The first pillar of trust relates to levels of confidence in the norm and its existing and proposed implementation tools. While there is still skepticism regarding strategies and commitments for its implementation, the norm itself has won broad (if not always active) support from a wide range of states. While perhaps too much was made of the consensus adoption of the norm at the 2005 World Summit, there is little doubt that UN officials and RtoP advocates have successfully nullified much of the original, overt concern about the norm, in part by pointing to the growing consensus that in certain instances sovereignty must 'soften' enough to embrace collective security frameworks that include protection of civilians.

SOVEREIGNTY CAN BE BAD

Sovereign power can be abused and creates potential for atrocities

Daniel Fiott 2012. (Research Fellow with the Madariaga – College of Europe Foundation; M.Phil. in International Relations from the University of Cambridge; heads the Foundation's work on RtoP and European foreign and defence policies) Introduction chapter to “Operationalizing the Responsibility to Protect A Contribution to the Third Pillar Approach” Apr 2012 (grammatical mistake in original – there should probably be the word “for” between “potential” and “atrocities” in the last sentence) <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

Sovereignty is a precious element in the lives of governments and individual rulers, yet sovereign recognition occurs both at the domestic and the international levels. While it is true that notions such as "sovereignty as responsibility" cannot exist without a system of sovereign states, when sovereign power is contested or when it is concentrated in the hands of those who would abuse it the potential atrocities remains.

NGO FAILURE

The problems of using Non-Governmental Organizations (NGOs) to change the world

SOLVENCY

1. Investment in NGOs is an investment in continued failure

Laurence Jarvik 2007. (teaches at Johns Hopkins University; has been a visiting professor at Russian State Humanitarian University in Moscow and a Fulbright scholar at the University of World Economy and Diplomacy in Tashkent, Uzbekistan) Spring 2007, "NGOs: A ‘New Class’ in International Relations" FOREIGN POLICY RESEARCH INSTITUTE, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W5V-4N1SPF3-5&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=7cecd31120b0e3932294f03adf7e0668>

The only certain beneficiaries of American government policies favoring NGOs over the past decade have been members of the new class. They found war, famine, terrorism, and the deprivation of human rights to be ‘‘growth opportunities’’ for their industry. For structural reasons, NGOs have been invested in failed and failing states. Any investment in NGOs as a significant force in international relations must be an investment in continued failure.

2. Humanitarian programs cannot be effective: Block search for the real causes of international problems

Laurence Jarvik 2007. (teaches at Johns Hopkins University; has been a visiting professor at Russian State Humanitarian University in Moscow and a Fulbright scholar at the University of World Economy and Diplomacy in Tashkent, Uzbekistan) Spring 2007, "NGOs: A ‘New Class’ in International Relations" FOREIGN POLICY RESEARCH INSTITUTE, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W5V-4N1SPF3-5&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=7cecd31120b0e3932294f03adf7e0668> (ellipses in original)

As David Rieff has pointed out, ‘‘humanitarian’’ programs overseen by the new class through NGOs cannot be effective, because they are inappropriate to the conduct of effective international relations: "By calling some terrible historical event a humanitarian crisis, it is almost inevitable that all the fundamental questions of politics, of culture, history, and morality without which the crisis can never be understood will be avoided. And the danger is that all that will remain is the familiar morality play of victims in need and aid workers who stand ready to help if their passage can be secured and their safety maintained. . . . By elevating humanitarianism in the way that it has been elevated, we delude ourselves into thinking that the answer to the world’s horror lies within our grasp, when it fact it does not.

3. Lack of accountability

A. Link: NGOs offer "legitimacy" but not accountability

Prof. Kenneth Anderson and David Rieff 2005. (Anderson – law professor, Washington College of Law, American University. Rieff - Senior Fellow at the World Policy Institute at the New School for Social Research, a Fellow at the New York Institute for the Humanities at New York University, a member of the Council on Foreign Relations, a board member of the Arms Division of Human Rights Watch) "'Global Civil Society': A Sceptical View" . GLOBAL CIVIL SOCIETY, Helmut Anheier, Marlies Glasius, Mary Kaldor, eds., Sage Publications, 1 Jan 2005 <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=899771>

What is clear, however, is that the coin that many NGOs, like the UN agencies, offer is now not necessarily their competence or expertise. What they offer is legitimacy and cover – a sort of branding process whereby money from various national sources, particularly from the US, is ‘re-branded’ with the logos of some NGO, or UN agency, or both. Legitimacy is not to be sneered at, to be sure; it is an invaluable, if intangible, element of political stability, in Iraq as elsewhere. But the entitlement of international NGOs to offer legitimacy, and to receive legitimacy, that is among the ideologically extravagant claims of global civil society is suspect. Nor is it merely an academic question, a question of the success or failure of this or that intellectual analogy. The stakes are much, much higher. Organisations that have legitimacy based on representativeness have less necessity, frankly, to be either expert or competent. It is a recipe for rot and utter lack of accountability.

B. Impact: No accountability = failure to serve those who need help

Prof. Kenneth Anderson and David Rieff 2005. (Anderson – law professor, Washington College of Law, American University. Rieff - Senior Fellow at the World Policy Institute at the New School for Social Research, a Fellow at the New York Institute for the Humanities at New York University, a member of the Council on Foreign Relations, a board member of the Arms Division of Human Rights Watch) "'Global Civil Society': A Sceptical View" . GLOBAL CIVIL SOCIETY, Helmut Anheier, Marlies Glasius, Mary Kaldor, eds., Sage Publications, 1 Jan 2005 <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=899771>

But the claim to constitute ‘global civil society’ asserts a sharply different claim and role – that of intermediary and representative of the world’s people. This is a claim for a legitimate place that at once elevates the role of NGOs and, significantly, dispenses with the need for NGOs to prove their expertise and competence, whether in development, humanitarian relief, health, or whatever. After all, if they represent someone, especially a ‘someone’ who is so vague as to be entirely malleable, then what matters is their representation, not their competence at any actual skill. This is a seductive position for any NGO because it places it permanently beyond the bounds of serious accountability. But it is also a recipe for failing to serve those who most need the help of international NGOs.

4. NGO’s not effective service providers

NGOs are no more effective than the state at providing services

Catherine Agg 2006. (research assistant with UN Research Institute for Social Development) Trends in Government Support for Non-Governmental Organizations Is the “Golden Age” of the NGO Behind Us? July 2006 <http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/e8bc05c1e4b8ad6fc12571d1002c4f0b/$FILE/Agg.pdf>

From all sides of the debate there is concern that any comparative advantage that NGOs have over the state as a service provider on a micro level—that they are smaller, more flexible, better able to reach the poorest and most marginalized—gets lost as NGOs themselves become larger and more bureaucratic. Even the comparative advantage of NGOs remains under debate: studies done on the subject reveal that, when similar funds are available, there is no conclusive evidence that NGOs perform better than the state in service provision.

No evidence NGOs are more cost-effective than the state

No sustained impact for improving people’s lives

Catherine Agg 2006. (research assistant with UN Research Institute for Social Development) Trends in Government Support for Non-Governmental Organizations Is the “Golden Age” of the NGO Behind Us? July 2006 <http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/e8bc05c1e4b8ad6fc12571d1002c4f0b/$FILE/Agg.pdf>

By the late 1990s, leading researchers were exposing a lack of empirical study on the whole question of NGOs in welfare provision, accentuated by the fact that NGOs themselves do not have to keep accurate records of their programmes. Much of the case for NGOs as development actors had been made on ideological grounds by donors and supporters, rather than based on empirical verification (Edwards and Hulme 1998:1). Implicit in the policy debate of the 1980s and 1990s was that NGOs are more cost-effective than the state and better at reaching the very poorest. However, the few studies that were undertaken yielded ambiguous results. Evaluations by the Finnish Department for International Development Co-operation (Finnida 1999; Gibbs et al. 1999) suggest that the number of poor being reached by NGOs in the 1990s remained at around 15-20 per cent. Fowler points to the evidence that an even smaller percentage of people have seen a sustained change for better in their lives. He concludes that the contribution by NGOs to social change has proved less durable than is popularly imagined (Fowler 2000).

DISADVANTAGES

1. Subversion of democracy

A. Link: NGOs are not and cannot be politically neutral

Prof. Kenneth Anderson and David Rieff 2005. (Anderson – law professor, Washington College of Law, American University. Rieff - Senior Fellow at the World Policy Institute at the New School for Social Research, a Fellow at the New York Institute for the Humanities at New York University, a member of the Council on Foreign Relations, a board member of the Arms Division of Human Rights Watch) "'Global Civil Society': A Sceptical View" . GLOBAL CIVIL SOCIETY, Helmut Anheier, Marlies Glasius, Mary Kaldor, eds., Sage Publications, 1 Jan 2005 <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=899771>

Nation building is not a politically neutral activity. On the contrary, it is an activity which requires the assistance of many outside agencies, whether governmental or non-governmental, if it is to work at all (itself an open question), whose interventions, however tactful, cannot be considered neutral (Rieff, 2002). The commitment to democracy is not neutral; there are many in the world who are opposed to it. The commitment to basic human rights, including the rights of women, is not neutral; it is the object of intense opposition, and not merely from the Taleban and Saudi Arabia. The list of matters which are essential to remaking a political society and yet on which outside aid agencies, including NGOs, cannot remain purely neutral (in the sense of viewing any outcome as morally and politically acceptable) is very long.

B. Link: NGOs can push around even the largest governments

Laurence Jarvik 2007. (teaches at Johns Hopkins University; has been a visiting professor at Russian State Humanitarian University in Moscow and a Fulbright scholar at the University of World Economy and Diplomacy in Tashkent, Uzbekistan) Spring 2007, "NGOs: A ‘New Class’ in International Relations" FOREIGN POLICY RESEARCH INSTITUTE, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W5V-4N1SPF3-5&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=7cecd31120b0e3932294f03adf7e0668> (ellipses in original)

Ignoring substantial national subsidies to development NGOs from the European Union and the United States, [Jessica Tuchman] Matthews [writing in FOREIGN AFFAIRS] claimed their superiority to governmental programs: ‘‘Today NGOs deliver more official development assistance than the entire UN system (excluding the World Bank and International Monetary Fund),’’ she [Jessica Tuchman Matthews, a supporter of NGOs] wrote. ‘‘In many countries they are delivering the services . . . that faltering governments can no longer manage.’’ Apparently, to Matthews, this third world model of NGO supremacy, which had taken hold in places such as Bangladesh and Angola, might be applied to developed countries, too. In a number of political controversies, NGOs had conducted lobbying campaigns that changed government policies, even in the industrialized West. She noted with obvious pleasure the growth of NGO influence: ‘‘Increasingly, NGOs are able to push around even the largest governments.’’

C. Impact: Anti-Democracy

NGOs are an undemocratic, unelected bureaucracy

Laurence Jarvik 2007. (teaches at Johns Hopkins University; has been a visiting professor at Russian State Humanitarian University in Moscow and a Fulbright scholar at the University of World Economy and Diplomacy in Tashkent, Uzbekistan) Spring 2007, "NGOs: A ‘New Class’ in International Relations" FOREIGN POLICY RESEARCH INSTITUTE, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W5V-4N1SPF3-5&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=7cecd31120b0e3932294f03adf7e0668>

The Communist Party’s ‘‘political bureaucracy’’ had ‘‘all the characteristics of the earlier ones as well as some new characteristics of its own.’’ Like other classes, the new class came to power by ‘‘destroying the political, social, and other orders they met in their way.’’ Unlike other classes, which arose gradually as the result of economic and social forces, the new class promoted revolution in order ‘‘to establish its power over society’’ while justifying its power from ‘‘an idealistic point of view.’’ This perfectly describes the mindset of ‘‘civil society’’ actors who made possible the power shift described by Mathews. Despite the rhetoric of democratization, NGOs are by definition undemocratic and unrepresentative organizations, since they are neither elected nor paid by the population of the countries where they operate. They are therefore insulated from both electoral and marketplace mechanisms of control.

2. Anti-Americanism

Link: NGOs promote anti-Americanism

Prof. Kenneth Anderson and David Rieff 2005. (Anderson – law professor, Washington College of Law, American University. Rieff - Senior Fellow at the World Policy Institute at the New School for Social Research, a Fellow at the New York Institute for the Humanities at New York University, a member of the Council on Foreign Relations, a board member of the Arms Division of Human Rights Watch) "'Global Civil Society': A Sceptical View" . GLOBAL CIVIL SOCIETY, Helmut Anheier, Marlies Glasius, Mary Kaldor, eds., Sage Publications, 1 Jan 2005 <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=899771>

Actions of the US, whether one agrees with them or not, have taken centre stage in the world in a way not true for a long time; and particularly at a moment in which international NGOs cannot simply seek their identity in an idealised relationship with international global governance, they must determine where they stand in relation to the United States. Plainly, there is a way in which a belief in a certain form of liberal internationalism as the only acceptable form of global governance leads, at the present moment, to principled opposition to a Bush administration committed to a quite different concept of democratic sovereignty as the basis of such limited global governance as it does accept. Equally plainly, much of the global civil society movement has simply defined global civil society to be anti-Americanism, a sort of counter-cultural ideology based on mere opposition, intellectually sterile where not outright self-contradictory, and morally uninteresting; if the intellectuals of the global civil society movement wish to guarantee its irrelevance to future political debates, this is surely the way to do it, but the loss to the discourse of the morality of globalisation and its future directions would be immense.

Impact 1: Anti-Americanism hurts business & trade

Jess T. Ford 2007. (Director of International Affairs and Trade at the Government Accountability Office), 26 April 2007, "US Public Diplomacy: Strategic Planning Efforts Have Improved, but Agencies Face Significant Implementation Challenges," Government Accountability Office, <http://foreignaffairs.house.gov/110/for042607.pdf>

According to Business for Diplomatic Action, anti-Americanism can hurt U.S. businesses by causing boycotts of American products, a backlash against American brands, increased security costs for U.S. companies, higher foreign opposition to U.S. trade policies, and a decrease in the U.S.'s ability to attract the world's best talent to join the American workforce. Additionally, a report from the Princeton-based Working Group on Anti-Americanism3 generally echoes the possibility that anti-Americanism may harm U.S. business interests in these same areas. Further, as reported by the Travel Business Roundtable during previous hearings before this subcommittee, the U.S. travel industry has reported significant declines in the U.S. market share of the worldwide travel market and a decline in overseas visitors to the United States since 9/11. Further, the State Department's 2003 report on *Patterns of Global Terrorism* recorded 67 attacks on American business facilities and 7 business casualties. In 2006, the Overseas Security Advisory Council noted that more threats against the private sector occurred in 2006 than in 2004 or 2005 in most of the industries it reports on. Finally, the Working Group on Anti-Americanism also indicated that threats to American private property and personnel working overseas have become constant in some regions, especially the Middle East, and have resulted in significantly increased security costs.

Impact 2: Anti-Americanism hurts our foreign policy and blocks success in the war on terror

Jess T. Ford 2007. (Director of International Affairs and Trade at the Government Accountability Office), 26 April 2007, "US Public Diplomacy: Strategic Planning Efforts Have Improved, but Agencies Face Significant Implementation Challenges," Government Accountability Office, <http://foreignaffairs.house.gov/110/for042607.pdf>

According to the Defense Science Board, the Brookings Institution, and others, anti-Americanism around the world may reduce the U.S.'s ability to pursue its foreign policy goals, including efforts to foster diplomatic relationships with other foreign leaders and to garner support for the global war on terror. For instance, in October 2003, the Advisory Group on Public Diplomacy for the Arab and Muslim World reported that "hostility toward the U.S. makes achieving our policy goals far more difficult." Specifically, according to a paper from the Working Group on Anti-Americanism, foreign leaders may seek to leverage anti-American sentiment in pursuit of their own political goals, which may then limit their future support for U.S. foreign policy. As these leaders achieve personal political successes based on their opposition to the United States, they may then be less likely to support U.S. foreign policy going forward. Further, the 9/11 Commission, the Council on Foreign Relations, and others have reported on the possibility that anti-Americanism may also serve as a barrier to success in the global war on terror and related U.S. military operations

Impact 3: Anti-Americanism increases the risk of terrorism

Jess T. Ford 2007. (Director of International Affairs and Trade at the Government Accountability Office), 26 April 2007, "US Public Diplomacy: Strategic Planning Efforts Have Improved, but Agencies Face Significant Implementation Challenges," Government Accountability Office, <http://foreignaffairs.house.gov/110/for042607.pdf>

Specifically, the 9/11 Commission report of July 2004 stated that perceptions of the United States' foreign policies as anti-Arab, anti-Muslim, and pro-Israel have contributed to the rise in extremist rhetoric against the United States. Further, the Council on Foreign Relations has argued that increasing hostility toward America in Muslim countries facilitates recruitment and support for extremism and terror. The Council on Foreign Relations also has identified potential consequences of anti-Americanism on the security of individual Americans, noting that Americans now face an increased risk of direct attack from individuals and small groups that wield increasingly more destructive power. According to State's *Country Reports on Terrorism* for 2005,4 56 private U.S. citizens were killed as a result of terrorism incidents in 2005.

3. Weakening of the nation-state

Link: NGO projects weaken local governments and transfer power elsewhere

Solvency: Cross-apply - Long-term solvency impact: Local governments lose capacity to provide services when program ends

Laurence Jarvik 2007. (teaches at Johns Hopkins University; has been a visiting professor at Russian State Humanitarian University in Moscow and a Fulbright scholar at the University of World Economy and Diplomacy in Tashkent, Uzbekistan) Spring 2007, "NGOs: A ‘New Class’ in International Relations" FOREIGN POLICY RESEARCH INSTITUTE, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W5V-4N1SPF3-5&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=7cecd31120b0e3932294f03adf7e0668> (ellipses in original; a "Potemkin" is a nice looking front with nothing behind it.)

*F*ormer neoconservative Francis Fukuyama has commented on the destructive impact of NGO projects on national governments, as well. ‘‘This capacity destruction occurs despite the best intentions of the donors and is the result of the contradictory objectives that international aid is meant to serve . . .In practice, the direct provision of services almost always undermines the local government’s capacity to provide them once the aid program terminates.’’ The net effect of new class involvement is to turn local governments into Potemkin states, with the real power lying elsewhere.

Impact 1: Democracy in developing nations is weakened. This happens because citizens turn to NGOs for services rather than the state, and lose confidence in their governments

Catherine Agg 2006. (research assistant with UN Research Institute for Social Development) Trends in Government Support for Non-Governmental Organizations Is the “Golden Age” of the NGO Behind Us? July 2006 <http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/e8bc05c1e4b8ad6fc12571d1002c4f0b/$FILE/Agg.pdf>

In alleviating the worst aspects of structural adjustment, NGO programmes, it is argued, have contributed to the processes undermining the state, in particular, taking pressure off governments and donors to create working welfare states in developing countries (Eade 2000). The NGO community is aware that questions of legitimacy need to be addressed, especially in an increasingly competitive funding environment, one of which is accountability. NGOs are not accountable to any constituency other than their source of funding. There is concern that the responsibility for the provision of welfare services has been transferred from the state, which is ultimately accountable to its citizens, to a private organization. It has been noted that this is a dangerous trend for the progress of democracy in developing countries. As Rehman Sobhan of Dhaka’s Centre for Policy Dialogue argues: “What has appened is a loss of ideological sustainability and a de-legitimization of governments, who have become cut off, both from a sense of self worth, but also from the notion that they have a significant contribution to make” (Phinney 2002). There is no point in citizens actively engaging in democracy and lobbying governments for improvements in services, if welfare provision has been taken out of the remit of the state.

Impact 2: Protection of individual freedoms becomes impossible

Laurence Jarvik 2007. (teaches at Johns Hopkins University; has been a visiting professor at Russian State Humanitarian University in Moscow and a Fulbright scholar at the University of World Economy and Diplomacy in Tashkent, Uzbekistan) Spring 2007, "NGOs: A ‘New Class’ in International Relations" FOREIGN POLICY RESEARCH INSTITUTE, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W5V-4N1SPF3-5&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=7cecd31120b0e3932294f03adf7e0668> (ellipses in original; brackets added)

[quoting Henry Kissinger, who says:] "We are witnessing a carefully conceived assault, not isolated terrorist attacks, on the international system of respect for sovereignty and territorial integrity . . . transnational loyalties are replacing national ones. The driving force behind this challenge is the jihadist conviction that it is the existing order that is illegitimate, not the Hezbollah and the jihadist method of fighting it . . . What we call terror is to the jihadists, an act of war to undermine illegitimate regimes." If Kissinger is right, then the project of the new class to destroy the Westphalian system and replace nation-states with NGOs must be abandoned. While another Concert of Europe has not quite come to pass, G-8 summits may yet play a similar role in the near future. In any case, NGOs and the new class will have little to offer. Absent established authority of the state, the protection of individual freedoms becomes impossible.

PARLIAMENTARY ASSEMBLY – bad idea

DISADVANTAGES

1. Global Environmental Governance.

Link: Affirmative cites Jo Lienen and the Committee for a Democratic UN as the experts who advocate their plan

Link: Affirmative Experts’ goal for the UN Parliament is global environmental governance of climate change

Jo Leinen and Andreas Bummel, chairman of Committee for a Democratic UN, 2011. ( Leinen - member of European Parliament from Germany. Bummel - founding Chairman and CEO of the Committee for a Democratic UN, a group cited by the Affirmative for advocating their plan) 27 Nov 2011 Research gaps in the institutional design of global democracy

We concur with the approach of the Earth System Governance Project. Not less, but more democracy will be the key to achieve broad legitimacy and, based on this, more effective global environmental governance. International polls suggest that a clear majority of citizens in the world who are aware of the issue want their own government to do more to address climate change. In many instances, not only regarding climate change, publics seem to be more supportive of global cooperation than their national governments. Means and tools of participation and appropriate institutions of global democracy need to be conceptualized. The scientific plan of the Earth System Governance Project actually mentions the “far-reaching proposal” for a global parliamentary assembly that was already briefly elaborated on 1995 in the report of the Commission on Global Governance.

Link: Climate policy is really about redistribution of wealth. The co-chairman of a key United Nations Intergovernmental Panel on Climate Change committee makes the stunning admission that UN “climate policy” is not really about saving the environment, but instead it’s about international redistribution of wealth

Dr. Ottmar Edenhofer 2010. (PhD economics; co-chairman of Working Group 3 of the Intergovernmental Panel on Climate Change; deputy director and chief economist at the Potsdam Institute for Climate Impact Research) 14 Nov 2010 Interview originally in German with German news agency NZZ AM SONTAG at this site: http://newsbusters.org/blogs/noel-sheppard/2010/11/18/un-ipcc-official-we-redistribute-worlds-wealth-climate-policy. English translation published by journalist Noel Sheppard in "UN IPCC Official Admits 'We Redistribute World's Wealth By Climate Policy' " on 18 Nov 2010 at <http://newsbusters.org/blogs/noel-sheppard/2010/11/18/un-ipcc-official-we-redistribute-worlds-wealth-climate-policy>

(EDENHOFER): First of all, developed countries have basically expropriated the atmosphere of the world community. But one must say clearly that we redistribute de facto the world’s wealth by climate policy. Obviously, the owners of coal and oil will not be enthusiastic about this. One has to free oneself from the illusion that international climate policy is environmental policy. This has almost nothing to do with the environmental policy anymore, with problems such as deforestation or the ozone hole.

Impact: Human rights. Redistribution of wealth violates human rights.

*Dr. José Azel 2012. (Ph.D. in International Affairs from Univ of Miami; Senior Scholar at the Institute for Cuban and Cuban-American Studies, Univ of Miami) 16 Apr 2012 “Taxes, the problem with redistrubution of wealth” MIAMI HERALD,* [*http://www.miamiherald.com/2012/04/16/2747072/taxes-the-problem-with-redistribution.html*](http://www.miamiherald.com/2012/04/16/2747072/taxes-the-problem-with-redistribution.html)

Imagine a person who works extra hours to earn cash in order to pursue happiness in some activity that requires cash (e.g., going to the theater). Imagine another person who elects to use the extra time on leisure activities that do not require cash (e.g., watching the sunset). What is the difference between seizing the second person’s leisure and requiring some uncompensated social work, which would clearly be forced labor, and taking the first person’s income? Appropriating the results of someone’s labor is equivalent to seizing hours from that person. It gives others a fractional property right in the person, i.e., servitude. Redistribution can only be accomplished by violating individual rights and cannot be maintained without interference with our liberties.

2. New World Order.

Link: UNPA is part of a plan to bypass national governments and establish a New World Order at the UN. Affirmative Plan Advocate Jo Leinen reveals what he really intends by his advocacy for the UN Parliamentary Assembly when he explains his entire agenda in 2001

Affirmative plan advocate Jo Leinen 2001. (member of the European Parliament from Germany) “New World Order Needed” <http://www.wfm-igp.org/site/files/FD%202001-11.pdf>

A new world order has to be established, not the West against the East, not the North against the South, but a new worldwide coalition of all countries willing to resolve global problems. The UN Security Council must get a new definition and a new task. Not only military risks but all other non-military challenges should be part of the UN’s negotiations. The Security Council must be reformed and democratized. The veto of one country has to be removed and majority voting introduced. Furthermore the UN urgently needs a parliamentarian assembly. Governments alone do not have the capacity and the legitimacy to solve this wide range of problems.

Brink: Nation-states have been weakened by multilateral institutions, but they are not a spent force yet

Dr. Qerim R. Qerimi 2004. (PhD; assistant professor at University of Prishtina, Kosovo) Politikon, Vol. 7, April 2004 The Real Face of the New World Order: Sovereignty and International Security in the Age of Globalization <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1097284>

Olin Robison argues that the nation-state, while not disappearing, will suffer erosion from above from multilateral institutions such as the IMF, the World Bank, and NGOs, and erosion from below from groups within their borders demanding a greater say in their own governance31. However, -- as Luiz Carlos Bresser-Pereira has stated, *--* global governance is not yet a reality, but it has ceased to be a utopia. To sum up, the nation-state has been weakened, but it is not a spent force.

Impact: Losing sovereignty means losing the principle of “consent of the governed”

Note: See also Blue Book brief “NATIONAL SOVEREIGNTY GOOD” for more impacts

Steven Groves 2010. (attorney; Bernard and Barbara Lomas Fellow at the Margaret Thatcher Center for Freedom at The Heritage Foundation; has testified before Congress on international law, human rights, the United Nations and U.N. peacekeeping operation; former senior counsel to the U.S. Senate Permanent Subcommittee on Investigations; former assistant attorney general for the State of Florida) 8 Dec 2010 The Importance of Protecting National Sovereignty <http://www.globalgovernancewatch.org/spotlight_on_sovereignty/the-importance-of-protecting-national-sovereignty>

The Founding Fathers had a different vision for America. The United States is legitimately sovereign not because of a monarch’s decree, but because, in America, the people rule. The purpose of government is to secure the people’s rights. Legitimately sovereign governments derive "their just powers from the consent of the governed." Thus, American sovereignty is justified by the inherent, God-given right of self-government. The Declaration cataloged the ways in which King George III had infringed upon American liberties and denied the right of Americans to consent to the laws by which they were governed. Through his "repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny," the King had treated the American colonists as mere subjects to be ruled.

PAY FREEZE – not needed

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there.

Case Analysis:

The plan has 2 mandates. First, a pay-freeze until 2015. Second, all future pay raises must be approved by the UN International Civil Service Commission

What’s missing from the plan is a reason to vote for it. It contains no harms, no advocacy, little, if any advantage, and no impact. The voting “Criterion” of “fiscal responsibility” has no solvency evidence anywhere that says the Plan achieves the criterion. No evidence in the 1AC, as written/published, advocates the plan. “So what?” is a valid response to all of the case side evidence (the 3 facts about the Status Quo).

INHERENCY

UN budget was cut by $260 million in 2012 (went from $5.41 billion to $5.15 billion).

Analysis: That’s a 4.8% cut! It’s a lot bigger than the Affirmative’s 0.2475% cut. The Status Quo, left to itself, is cutting the UN budget around 9 times more than the Affirmative is. Negative wins on “fiscal responsibility”

Thalif Deen 2012. (journalist) “Facing budget cuts, UN readies for austerity in 2012-13” INTER-PRESS SERVICE, 4 Jan 2012 <http://www.nationofchange.org/facing-budget-cuts-un-readies-austerity-2012-13-1325695198>

Pointing out the highlights of the 2012-2013 budget, a press statement from the U.S. Mission to the U.N. said the total budget of 5.15 billion represents the first time in 14 years, and only the second time in the last 50 years, that the General Assembly has approved a regular budget level below the previous biennia's final appropriation (5.41 billion dollars in 2010-2011).

Affirmative expert Ambassador Torsella says the new reduced UN budget is good

Reuters News Service, journalist Louis Charbonneau 2011. “U.N. passes leaner 2012-2013 budget amid economic turmoil” 24 Dec 2011 <http://www.reuters.com/article/2011/12/25/us-un-budget-idUSTRE7BO01A20111225>

The deal for a $5.15 billion budget, which compares with $5.41 billion spent in 2010-2011, came after marathon negotiations that ran all night from Friday into Saturday. A deal was not clinched until Saturday morning. As in past years, the biennial budget negotiations were marked by a tussle between poor countries seeking to raise U.N. development spending and major developed countries - the biggest budget contributors - trying to rein the figures in as they struggle to reduce expenditures in their own national budgets. U.S. Deputy Ambassador Joe Torsella, who focuses on U.N. management and reform at the U.S. mission, welcomed what he said was "a budget for a strengthened, more efficient, and more effective United Nations."

SIGNIFICANCE

The UN’s budget is less than Ohio State University! OSU = $5.22 billion in 2013

Ohio State University Office of Financial Planning & Analysis 2012. “Operating Budget Year Ending June 30, 2013” Aug 2012 <http://www.rpia.ohio-state.edu/cfb/docs/2012-13%20Total%20Operating%20Budget.pdf>

The University’s total current funds revenues (including general funds, earnings, and restricted revenue) are projected to increase by 3.6% from $5.04 billion to $5.22 billion between FY 2012 and FY 2013. Current funds consist of revenues generated in the current fiscal year, and do not include cash balances carried forward from prior years.

UN budget is less than teenagers spend on belts and decorative pins

Hanne Christensen 2012. (with the United Nations Research Institute for Social Development, Geneva ) “Reform Proposals – For a Democratic United Nations and the Rule of Law” Feb 2012 <http://www.dhf.uu.se/wordpress/wp-content/uploads/2012/03/reform_proposals_inlaga-web_pages.pdf>

The current two-year United Nations regular budget amounts to US$ 5.16 billion, at a time when the ﬁnancial crisis is crippling many countries. Governments and people in particular are suﬀering, and the world is turning more and more to the United Nations for answers and help. To illustrate: the United Nations dues are half the amount spent annually by Western teenagers on clothing accessories like belts and decorative pins. The UN could help explode the myth by consistently informing the press about its annual budget. Then all can see how little cost is involved in comparison with national expenditure, such as military costs for instance.

PRIVATIZED PEACEKEEPERS - not needed, won’t work

**CASE NOTES**

**Background:**

This case appears in Ethos. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with Ethos evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement existing material and to make arguments not covered in their Negative brief.

**Case Analysis:**

The case has some serious weaknesses you can exploit that are not covered in their Negative brief. The biggest is with inherency and advocacy expert Damian Lilly. Lilly’s first problem is that the article is from 2000, leaving the door open to a lot of changed circumstances in the inherency since then. In fact, if you read the rest of the Lilly article, he goes on to reverse what he says at the beginning about the inherency issue of declining support for PK missions and says that there is a new trend in favor of such missions. According to Lilly, the problem has already been solved.

But a worse problem is that Lilly himself never really advocates abolishing UN peacekeepers and replacing them with contractors. The “advocacy” is merely a comment Lilly makes that says contracted peacekeepers have been used in some limited situations successfully in the status quo. He never advocates replacement of any UN peacekeeping operation. In fact, Lilly gives several reasons why it wouldn’t work. If you read back to the Judge from the Affirmative’s own expert who says the plan isn’t needed and won’t work, it’s pretty much Game Over.

You’ll notice the same problem with another alleged Plan Advocate, Peter Singer. Both Singer and Lilly wrote their articles discussing the possibility of replacing UN PK with contractors, but neither of them actually says it would work. They both go on to give multiple reasons why the idea that has been proposed is problematic. Using either Singer or Lilly as advocates for this plan is a misrepresentation of their views, and will result in near-certain doom for the AFF team running this case if the Negative has the quotes below.

ADVOCACY RECONSIDERED - Damian Lilly. The evidence in these cards is so old that normally we would not use it. However, it comes from the same article quoted in the 1AC, so it has to be considered in the round.

Inherency Reconsidered: Damian Lilly says the “lack of support” trend has reversed and there is now wider support for peacekeeping.

Damian Lilly 2000. (Programme Manager of the Privatisation of Security Advocacy Programme at International Alert), “The Privatization of Peacekeeping: Prospects and Realities” <http://unidir.org/pdf/articles/pdf-art135.pdf>

There are a few clear reasons that help to explain the receding popularity of the concept of using private military companies within peacekeeping contexts  
GROWING COMMITMENT BY THE INTERNATIONAL COMMUNITY TO PEACEKEEPING  
The principal reason is perhaps the renewed commitment of the international community to deploy peacekeeping troops that has been witnessed in the last few years. The high profile cases of private military companies performing peace-enforcing roles in Angola and Sierra Leone in the mid-1990s has arguably served as a wake-up call to the UN and other multilateral organizations to boosttheir efforts and capabilities for responding to emerging crises. In large part this has been a question of political will. As Funmi Olonisakin has argued in reference to the use of Executive Outcomes in Sierra Leone, “the decisive use of force offered by private security companies is not beyond the capability of multinational armies if given the political backing.” Although the number of UN peacekeepers declined substantially up until 1998, there has been a reversal in this trend in the last two years. In April this year the number of UN peacekeepers in the field reached its highest level since 1995 with missions in Sierra Leone, East Timor and another planned for the Democratic Republic of the Congo. UN and other peacekeeping forces are now either present or are in greater numbers in countries in which private military companies have been active in the past, including Sierra Leone and Papua New Guinea

Advocacy Reconsidered: Damian Lilly says - New trends toward regional peacekeeping make the concept of privatization redundant

Damian Lilly 2000. (Programme Manager of the Privatisation of Security Advocacy Programme at International Alert, an international NGO promoting peaceful resolution of violent conflict), “The Privatization of Peacekeeping: Prospects and Realities” <http://unidir.org/pdf/articles/pdf-art135.pdf>

The emergence of regional and sub-regional peacekeeping mechanisms (usually led by a specific regional hegemonic power) and the consequent devolution of peacekeeping responsibilities away from the UN has produced alternative peacekeeping capabilities. These factors combined have essentially rendered private military companies redundant in a number of contexts

Advocacy Reconsidered: Damian Lilly says contracted peacekeeping is redundant and has numerous problems

Damian Lilly 2000. (Programme Manager of the Privatisation of Security Advocacy Programme at International Alert, an international NGO promoting peaceful resolution of violent conflict), “The Privatization of Peacekeeping: Prospects and Realities” <http://unidir.org/pdf/articles/pdf-art135.pdf>

Although private security and military companies emerged in the 1990s as an option for the UN and other multilateral organizations to perform peacekeeping operations, a greater willingness on the part of the UN to deploy peacekeeping troops in the last two years has rendered their services redundant in a number of contexts. Additionally, there are numerous problems associated with their use in terms of their capacity to perform peacekeeping missions, the mercenary character of their activities and lack of accountability such that they are unlikely to receive greater acceptance in the near future.

SOLVENCY / Advocacy Reconsidered: Damian Lilly says private companies are too small to replace UN peacekeepers

Damian Lilly 2000. (Programme Manager of the Privatisation of Security Advocacy Programme at International Alert, an international NGO promoting peaceful resolution of violent conflict), “The Privatization of Peacekeeping: Prospects and Realities” <http://unidir.org/pdf/articles/pdf-art135.pdf>

To begin with, private military companies are simply too small to be involved in peacekeeping operations in a significant way. The size of many tasks that make up peacekeeping operations, such as those being planned by the UN in the Democratic Republic of the Congo, is arguably beyond the capability of most private military companies. It is doubtful whether there is a company that exists at the moment that could recruit and deploy the thousands of personnel needed to patrol entire conflict areas. It would also be difficult to portion up different parts of specific peacekeeping operations to the responsibility of a private military company. Integration with national force contingents would also no doubt be problematic. For these reasons it is perhaps understandable why private security companies have been used more in humanitarian operations than those of a more traditional peacekeeping nature.

ADVOCACY RECONSIDERED - Peter Singer. Though cited in some AFF PK/contractor evidence, Singer in fact never advocates replacing all UN PK with contractors. See the Solvency and Disadvantage evidence below for some examples of where Singer explains problems with this proposal.

SOURCE INDICTMENT - Max Boot

Factual historical errors in his book "WAR MADE NEW"

Martin Sieff 2007.(national security correspondent for United Press International. He has reported from more than 60 countries, covered seven guerrilla wars and ethnic conflicts and been nominated three times for the Pulitzer Prize for international reporting) "On War It’s Not," THE AMERICAN CONSERVATIVE <http://www.theamericanconservative.com/articles/on-war-its-not/>

Throughout War Made New, Boot’s historical examples of transformational military battles and campaigns are remarkably ill-chosen, capricious, or misunderstood. The battle of Köeniggrätz in 1866, for example, was not the first time rail power was used to achieve decisive concentration of force in war: the campaigns of Gens. Ulysses S. Grant and William Tecumseh Sherman during the American Civil War were. But neither the Civil War nor Köeniggrätz was the first example of irrepressible firepower massed in combat.

Farcical analysis of military history

Martin Sieff 2007.(national security correspondent for United Press International. He has reported from more than 60 countries, covered seven guerrilla wars and ethnic conflicts and been nominated three times for the Pulitzer Prize for international reporting) "On War It’s Not," THE AMERICAN CONSERVATIVE <http://www.theamericanconservative.com/articles/on-war-its-not/>

Boot’s discussion of the future of war and technology at the end of his book is even emptier and more vapid than what comes before. If accuracy in book titles were required, this work would have been called not War Made New but Clichés Made Old. Predictably, Boot sings the praises of DARPA, the Pentagon’s Defense Advanced Research Projects Agency so beloved of Rumsfeld and neocon romantics. There is a brief discussion of net-centric war but absolutely nothing about the horrendous problems that the U.S. Army has experienced in trying to integrate its thousands of ad hoc-assembled systems into a new, supposedly fast-moving, and perfectly reliable one. Nor is there any discussion of all net-centric systems’ inherent vulnerability to every kind of dislocation, or of the immense resources China in particular is devoting to asymmetrical warfare programs designed to paralyze American high-tech command and communications systems. The significance of electro-magnetic pulse, or EMP, a byproduct of any nuclear explosion in the atmosphere that can disable electrical systems for hundreds if not thousands of miles around it, is nowhere mentioned, even though the high-tech wonder systems Boot celebrates can be reduced to nothing by it in an instant. And Boot fails to refer even once to the concept of Fourth Generation war, its challenge to the integrity of the nation-state, or William S. Lind’s prolific and valuable writings on it. War Made New is significant in that it appears to represent an attempt by a prominent neoconservative to reclaim his and his friends’ reputations for expertise on modern war that were so damaged by their repeated and documented incompetence in crafting U.S. policy and dominating public discourse on the Iraq War—not to mention the unfolding fiasco in Afghanistan. The enthusiastic recommendation of Sen. McCain, an acknowledged war hero and the clear Republican frontrunner for the 2008 presidential nomination, confirms that this bogus rehabilitation remains a very real possibility. The book is therefore of significance as a political and propaganda ploy. But as serious military history or any kind of useful guide to U.S. policymaking, it is simply farcical.

HARMS / SIGNIFICANCE

SUCCESS OF PEACEKEEPING

UN peacekeeping solves crises and bolsters peace and stability

Sarah Margon & John Norris 2011. (Margon - Associate Director of the Sustainable Security and Peacebuilding Initiative at American Progress; master's degree from the Walsh School of Foreign Service at Georgetown University's and an undergraduate degree from Wesleyan University . Norris - Executive Director of the Sustainable Security and Peacebuilding Initiative at American Progress; Former chief of political affairs for the UN Mission in Nepal; graduate degree in public administration) "Withdrawing from the United Nations: A Misguided Assault" enter for American Progress April 2011 <http://www.americanprogress.org/issues/2011/04/pdf/un_report.pdf> (JE)

"In countries such as the Democratic Republic of Congo, Ivory Coast, and Sudan, U.N. peacekeeping helps address immediate crisis concerns and contributes to broader U.S. foreign policy and strategic objectives, which includes bolstering regional peace and stability, shoring up economic growth and development opportunities, and strengthening the rule of law."

UN peacekeeping brought peace and democracy to 10 countries

Dr. Shashi Tharoor 2003. (UN Undersecretary-General for Communications & Public Information; Ph.D. from Fletcher School of Law & Diplomacy) "Why America Still Needs the United Nations" FOREIGN AFFAIRS October 2003 <http://www.cfr.org/world/why-america-still-needs-united-nations/p7567> (JE)

"Second, despite some well-publicized failures, UN peacekeeping works. The UN's "blue helmets" won the Nobel Peace Prize in 1988; since then, they have brought peace and democracy to Namibia, Cambodia, El Salvador, Mozambique, and East Timor; helped ease the U.S. burden after regime changes in Haiti and Afghanistan; and policed largely bloodless stalemates from Cyprus to the Golan Heights to Western Sahara."

No lack of support/recruitment: Big up-trend in UN peacekeepers. 20K in 2000, but 97K today

Permanent mission of France to the UN headquarters in New York 2012. "Peacekeeping Operations" <http://www.franceonu.org/france-at-the-united-nations/thematic-files/peace-and-security/un-peacekeeping-operations/article/peacekeeping-operations>

Regarding operational manpower, as of 31 August 2012, more than 81,600 military personnel were deployed, as well as more than 13,500 police officers and around 2,000 military observers. In all, about 97, 200 peacekeepers are now deployed compared with 12,000 in 1996 and 20,000 in 2000.

120,000 PKers from 116 countries serving today proves growing global confidence in PK operations

UN official website 2012."PEACEKEEPING IS A GLOBAL PARTNERSHIP" <http://www.un.org/en/events/peacekeepersday/>

The International Day of United Nations Peacekeepers, which is commemorated each year on the 29th of May, is an occasion to salute the 120,000 peacekeepers serving in 17 missions in some of the world’s most volatile and dangerous environments. This Day is also a time to mourn fallen peacekeepers. During its history, nearly 3,000 "Blue Helmets" have died devoting their lives to peace, including 112 men and women in 2011. This year, the United Nations is marking the Day by highlighting the global partnerships that help sustain UN Peacekeeping and make it the success that it is. United Nations Peacekeeping draws together the legal and political authority of the Security Council, the personnel and financial contributions of Member States, the support of host countries and the accumulated experience of the Secretariat in managing operations in the field. It is this partnership that gives UN Peacekeeping its legitimacy, sustainability and global reach. Currently, UN Peacekeeping operations receive contributions of military and police personnel from 116 Member States. This impressive number reflects growing global confidence in the value of United Nations Peacekeeping as a tool for collective security. It also demonstrates the strength and breadth of the partnership that the UN Organization has with the countries, large and small, that make it up.

UNQUALIFIED RECRUITS

MINOR REPAIR: Finish implementing the Brahimi Report – use it for PK recruiting standards

Louise Fréchette 2012. (Canadian diplomat; Chair of the UN Senior Advisory Group on reimbursement to troop contributing countries; joined the Canadian Foreign Service in 1970; former Canadian ambassador to Argentina and Uruguay) April 2012 UN PEACEKEEPING: 20 YEARS OF REFORM (brackets added) <http://www.google.com/url?sa=t&rct=j&q=peacekeeper%20recruiting%20standards&source=web&cd=13&ved=0CDAQFjACOAo&url=http%3A%2F%2Fhawk.ethz.ch%2Fserviceengine%2FFiles%2FISN%2F143050%2Fipublicationdocument_singledocument%2F6189d2d4-2dd4-44b9-9558-c5bc59182c70%2Fen%2FUN%2BPeacekeeping.pdf&ei=XjJyUI2DOYfo9ASKooDABg&usg=AFQjCNGkfweNGSUy4OiuXJ0ijYvH6FLRDw>

The United Nations’ training efforts concentrate on establishing standards and learning materials to be used by individual countries, and on conducting pre-deployment training sessions for staff at a mission’s main headquarters. These efforts, which were haphazard in their early stages, became more systematic following the publication of the Brahimi Report. The Brahimi Report recommended that the UN establish minimum training requirements for troops who would be taking part in peacekeeping operations. The Secretariat was also called upon to confirm the preparedness of each troop contributing country to meet the required level of training prior to any and all deployments. In order to evaluate and monitor the results of peacekeeping training, the DPKO [UN Dept of Peacekeeping Operations] developed an evaluation methodology and monitoring system to increase peacekeeping training efficiency and success.

RULES OF ENGAGEMENT

Rules of Engagement must be robust and well understood due to volatility and dangerous environments

United Nations Department of Peacekeeping Operations Department of Field Support 2008 United Nations Peacekeeping Operations - Principles and Guidelines <http://pbpu.unlb.org/pbps/library/capstone_doctrine_eNg.pdf>

The mission-wide ROE for the military and DUF for the police components of a United Nations peacekeeping operation will clarify the different levels of force that can be used in various circumstances, how each level of force should be used, and any authorizations that must be obtained by commanders. In the volatile and potentially dangerous environments into which contemporary peacekeeping operations are often deployed, these ROE and DUF should be sufficiently robust to ensure that a United Nations peacekeeping operation retains its credibility and freedom of action to implement its mandate. The mission leadership should ensure that these ROE and DUF are well understood by all relevant personnel in the mission and are being applied uniformly.

Current rules of engagement have succeeded in improving security in dangerous situations

United Nations Department of Peacekeeping Operations Department of Field Support 2008. United Nations Peacekeeping Operations - Principles and Guidelines <http://pbpu.unlb.org/pbps/library/capstone_doctrine_eNg.pdf>

The environments into which United Nations peacekeeping operations are deployed are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population. In such situations, the Security Council has given United Nations peacekeeping operations "robust" mandates authorizing them to "use all necessary means" to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order. By proactively using force in defense of their mandates, these United Nations peacekeeping operations have succeeded in improving the security situation and creating an environment conducive to longer-term peacebuilding in the countries where they are deployed.

SOLVENCY

1. Management failure

Link: Affirmative doesn’t reform the management, only the guys on the ground

Link: Management is the root cause of PK failure

Doug Bandow 2009 . (Senior fellow at the Cato Institute; Former special assistant to President Reagan; Greg Mills and Terence McNamee are respectively of the Brenthurst Foundation and the Royal United Services Institute for Defence and Security Studies), "Book Review: Conundrum: The Limits of the United Nations and the Search for Alternatives", December 2009, The CATO Institute, <http://www.cato.org/publications/commentary/book-review-conundrum-limits-united-nations-search-alternatives>

The failure of peacekeeping is more than inadequate political commitment. Mr. Mills and Mr. McNamee explain that "U.N. peacekeeping, as with other parts of the U.N. system, have proven vulnerable to mismanagement, corruption, and misconduct."

**Impact: Failure will continue after the plan, since AFF does not change the root cause of PK failure**

2. Unaccountable contractors

Link: No way to enforce standards of recruitment and no prosecution of misconduct

Peter Singer 2003. (Director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at Brookings; Special Assistant, International Peace Academy; Doctoral Fellow, Harvard University; Action Officer, Balkans Task Force, Office of the Secretary of Defense), "Peacekeepers, Inc.", June 2003, The Brookings Institute, <http://www.brookings.edu/research/articles/2003/06/usmilitary-singer>

Even if the firms are scrupulous in screening their hires (which is hard to accomplish, given that few prospective employees would think to include an "atrocities committed" section on their resumes), it is still difficult for them to monitor their troops in the field. Furthermore, if employees do commit violations, there is little incentive for a firm to turn them over to any local authorities. To do so risks scaring off both clients and other prospective employees. This turned out to be the case recently in the Balkans. Employees of Dyncorp, who had been contracted to perform police duties for the U.N. and aircraft maintenance for the U.S. Army, were later implicated in child prostitution rings. Dyncorp's Bosnia site supervisor even filmed himself raping two women. These employees were transferred out of the country, and none were ever criminally prosecuted.

No checks & balances on contractor accountability

Peter Singer 2003. (Director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at Brookings; Special Assistant, International Peace Academy; Doctoral Fellow, Harvard University; Action Officer, Balkans Task Force, Office of the Secretary of Defense), "Peacekeepers, Inc.", June 2003, The Brookings Institute, <http://www.brookings.edu/research/articles/2003/06/usmilitary-singer>

Besides the fact that extraterritorial monitoring (i.e., of firms operating outside national boundaries) is very difficult, any time a firm finds the regulation too onerous, it can simply transfer to more friendly environs. Moreover, even among firms that stay based in the few countries with the ability and will to regulate, the jurisdiction is still problematic. For example, U.S. criminal law does not apply outside of U.S. territorial and special maritime jurisdictions, so that if an employee of an American military firm commits an offense abroad, the likelihood of prosecution is extremely low. Consequently, other than nonrenewal of contract, there are no real checks and balances on military firms that will ensure full accountability.

3. Capabilities gap. Contracted PKers not as effective at many of the elements required for mission success

Peter Singer 2003. (Director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at Brookings; Special Assistant, International Peace Academy; Doctoral Fellow, Harvard University; Action Officer, Balkans Task Force, Office of the Secretary of Defense), "Peacekeepers, Inc.", June 2003, The Brookings Institute, <http://www.brookings.edu/research/articles/2003/06/usmilitary-singer>

Thus, the most successful peacekeeping operations (such as experiences in Mozambique, Namibia, and Guatemala) are not simply about placing third-party troops on the ground. Instead, they include a wide variety of "peacebuilding" activities designed to restore torn social fabrics and foster cooperation among local parties. These range from cease-fire monitoring and troop disarmament and demobilization to reconstruction and election monitoring. Thus, U.N. operations are often so unwieldy for the very reason that they must also carry on these essential activities. Private military firms, untrained or uninterested in the culture of peacekeeping, might be ill-equipped to handle them. Moreover, reliance on an outside private force does little to reestablish the local social contract. Instead, it appears more likely to reinforce the idea that power belongs only to those with the ability to afford it.

4. “Highly trained professionals” – Response: Unreal argument. Just being ex-military doesn’t make them professionals

David Isenberg 2012. (former Senior Analyst, British American Security Information Council; former Consultant for the "Business of War" project, International Consortium of Investigative Journalists, Center for Public Integrity; former analyst at the Arms Control & Threat Reduction Division of DynCorp National Security Programs; former Senior Research Analyst at the Center for Defense Information, Washington, DC) Negative Views of Civilian and Private Security Contractors 28 Aug 2012 <http://psm.du.edu/media/documents/reports_and_stats/think_tanks/isn_negative_views_of_pscs.pdf>

Another argument that PMSC advocates make is that because many of their employees had previously served in the military they are already highly professional. There has always been an element of unreality about this argument. One would never find military leaders implicitly basing trust upon their troops simply on the fact that they are soldiers or marines. Instead, military leaders understand that part of professionalism means constantly checking and double-checking as well as (re)training to ensure that personnel act accordingly. Consequently, it is never assumed that once a soldier achieves a certain degree of professionalism that it stays that way without continued effort.

5. No cost savings. Private security contractors are not cheaper, and may be more expensive

David Isenberg 2012. (former Senior Analyst, British American Security Information Council; former Consultant for the "Business of War" project, International Consortium of Investigative Journalists, Center for Public Integrity; former analyst at the Arms Control & Threat Reduction Division of DynCorp National Security Programs; former Senior Research Analyst at the Center for Defense Information, Washington, DC) Negative Views of Civilian and Private Security Contractors 28 Aug 2012 <http://psm.du.edu/media/documents/reports_and_stats/think_tanks/isn_negative_views_of_pscs.pdf>

Defenders of private contracting also recycle arguments that the private sector is more cost-effective than the public sector. In part this is due to the sheer repetition of the belief that government is fundamentally inefficient and unproductive. Yet there has not been a whole lot of empirical evidence to back up the claim. In some cases, such as security contractors working for the State Department, there is limited evidence to suggest that contractors are cheaper. Indeed, with respect to the overall market in private military services, there is reason to believe that outsourcing increases the cost of military functions. There are two major reasons for this. First, a transparent and competitive market is needed, so that clients can pick and choose among different suppliers. Second, contracts must be subject to transparent bidding procedures, competing offers must be systematically compared and the performance of suppliers on the contract terms has to be closely monitored, and, if necessary, sanctioned. In general, the environment surrounding military interventions is not conducive to cost savings and efficiency. Warfare is usually characterized by secrecy, heavy time constraints and the imperative of victory and little time available to partake in complex bidding procedures. Indeed, transparency is often lacking, which, in turn, makes it difficult to assess contract performance.

DISADVANTAGES

1. Mercenaries.

Link: Affirmative source Damian Lilly in 2000 says peacekeeping contractors function like mercenaries

Damian Lilly 2000. (Programme Manager of the Privatisation of Security Advocacy Programme at International Alert, an international NGO promoting peaceful resolution of violent conflict), “The Privatization of Peacekeeping: Prospects and Realities” <http://unidir.org/pdf/articles/pdf-art135.pdf>

Because private military company personnel are involved in foreign conflicts for essentially financial gain, they may be considered mercenaries in the traditional sense of the word. The UN has repeatedly condemned the use of mercenaries and there is an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Therefore, for its peacekeeping missions and regional operations that the UN Security Council must authorize, to be seen as using mercenary elements would smack of hypocrisy. The UN Special Rapporteur on mercenaries, Enrique Bernales Ballesteros, has said that private military companies “cannot be strictly considered as coming within the legal scope of mercenary status. Nevertheless, until there is greater clarity as to the definition of a mercenary and how private military company personnel might be distinguishable from them, there will be continued unwillingness on the part of the UN and other bodies to hire their services.

Impacts: Mercenaries are bad - commit abuses, can’t be disciplined, and undermine state sovereignty

Ryan Scoville 2006. (Law clerk designate to the Honorable Neil V. Wake, U.S. District Court for the District of Arizona; J.D., Stanford Law School) TOWARD AN ACCOUNTABILITY-BASED DEFINITION OF “MERCENARY” Georgetown Journal of International Law, Vol 36 <http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1287&context=facpub>

To the extent that mercenaries are more likely to commit abuses, it is largely because they operate secretly and separately from the armed forces of a state and are thus relatively immune to the taming inﬂuences of public opinion and national law. The mobility of mercenaries allows them to elude sanction even when states seek punishment, and it mitigates national and cultural ties that might otherwise discipline the use of force. Mercenaries may also be more likely to undermine state sovereignty because no external authority curbs a mercenary’s decision to use force. By contrast, diplomatic relations, institutions such as the Security Council, and international law at least marginally constrain state action in this realm.

2. No accountability

Link: Affirmative source Damian Lilly in 2000 says peacekeeping contractors are problematic because of lack of accountability

Damian Lilly 2000. (Programme Manager of the Privatisation of Security Advocacy Programme at International Alert, an international NGO promoting peaceful resolution of violent conflict), “The Privatization of Peacekeeping: Prospects and Realities” <http://unidir.org/pdf/articles/pdf-art135.pdf>

There are serious concerns about who would be accountable for the actions of private military companies when used in multilateral peacekeeping operations. While the UN is responsible for its peacekeeping missions, it relies on the accountability of national contingents to their national governments for any wrongdoing. With the use of private companies the lines of accountability are not at all clear. This would make it hazardous for the UN in the design of peacekeeping operations as they would ultimately have to answer if something goes wrong. This is not to say that private military company personnel may not be professional nor that there are not problems with the conduct of traditional peacekeeping forces, but in the absence of proper provisions for accountability there are potential dangers with their use.

Uniqueness: Affirmative source Peter Singer says contractor PK abuse situations would be harder to manage than status quo UN PK abuse

Peter Singer 2003.(Director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at Brookings; Special Assistant, International Peace Academy; Doctoral Fellow, Harvard University; Action Officer, Balkans Task Force, Office of the Secretary of Defense), "Peacekeepers, Inc.", June 2003, The Brookings Institute, <http://www.brookings.edu/research/articles/2003/06/usmilitary-singer>

Industry executives counter that U.N. peacekeepers have certainly been involved in crimes of their own in the past, so the risks of human rights violations occurring during peace operations are nothing new. The difference with privatization, though, is that while soldiers in U.N. missions are ultimately held responsible under their national military code of justice, contracted peacekeepers are subject only to the laws of the market. Current international law has been found inapplicable to the actions of the industry, as the firms fall outside of the outdated legal conventions that deal only with individual mercenaries. The only possible regulation must then come either from the law of the state in which the operation is taking place or the law of the state in which the firm is based.

Impact: Contractors go wild and kill people. Example: Iraq

Jonathan Finer 2005. (journalist) WASHINGTON POST, Security Contractors in Iraq Under Scrutiny After Shootings, 10 Sept 2005 <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/09/AR2005090902136.html>

Private security companies pervade Iraq's dusty highways, their distinctive sport-utility vehicles packed with men waving rifles to clear traffic in their path. Theirs are among the most dangerous jobs in the country: escorting convoys, guarding dignitaries and protecting infrastructure from insurgent attacks. But their activities have drawn scrutiny both here and in Washington after allegations of indiscriminate shootings and other recklessness have given rise to charges of inadequate oversight."These guys run loose in this country and do stupid stuff. There's no authority over them, so you can't come down on them hard when they escalate force," said Brig. Gen. Karl R. Horst, deputy commander of the 3rd Infantry Division, which is responsible for security in and around Baghdad. "They shoot people, and someone else has to deal with the aftermath. It happens all over the place."

3. Contractor corruption. Security goals conflict with profit seeking

Peter Singer 2003. (Director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at Brookings; Special Assistant, International Peace Academy; Doctoral Fellow, Harvard University; Action Officer, Balkans Task Force, Office of the Secretary of Defense), "Peacekeepers, Inc.", June 2003, The Brookings Institute, <http://www.brookings.edu/research/articles/2003/06/usmilitary-singer>

The first issue is the contractual dilemmas that arise with privatization. There are obvious market incentives for firms to act in their clients' interests. Any company that does otherwise risks not being hired again. The problem is that market constraints are always imperfect and tend to work only over the long term. In actuality, the security goals of clients are often in tension with the firms' aim of profit maximization. The result is that considerations of the good of the private company are not always identical with the public good. For privatized peacekeeping, the ensuing dangers include all the problems one has in standard contracting and business outsourcing. The hired firms have incentives to overcharge, pad their personnel lists, hide failures, not perform to their peak capacity, and so on. The worry, though, is that these are all now transferred into the security realm, where people's lives are at stake.

4. Easy abandonment. Contractors can quit the mission if the going gets rough, unlike military personnel who are committed by the terms of their enlistment

Peter Singer 2003. (Director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at Brookings; Special Assistant, International Peace Academy; Doctoral Fellow, Harvard University; Action Officer, Balkans Task Force, Office of the Secretary of Defense), "Peacekeepers, Inc.", June 2003, The Brookings Institute, <http://www.brookings.edu/research/articles/2003/06/usmilitary-singer>

The most worrisome contractual dilemma, however, is that outsourcing also entails turning over control of the actual provision of service. For peacekeeping, this means the troops in the field are not part of national armies, but private citizens hired off the market, working for private firms. Security is now at the mercy of any change in market costs and incentives. One example of the resulting danger derives from the nasty habit humanitarian interventions have of becoming more complex over time. A firm hired to establish a safe haven might later find the situation more difficult than it originally expected. The operation might become unprofitable or, due to any increase in local opposition, more dangerous than anticipated. Thus, the company could find it in its corporate interest to pull out. Or, even if the company is kept in line by market constraints, its employees might decide that the personal risks they face in sticking it out in an operation are too high relative to their pay. Not bound by military law, they can simply break their contracts without fear of punishment and find safer, better paying work elsewhere. In either case, the result is the same: the abandonment of those who were dependent on private protection without consideration for the political costs or the client's ability to quickly replace them.

5. Contractors = poor quality work and criminal behavior

Dr. T.X. Hammes, November, 2010. (retired U.S. Marine Corps officer; Senior research fellow, Center for Strategic Research, Institute for National Strategic Studies, National Defense Univ.)  “Private Contractors in Conflict Zones: The Good, the Bad, and the Strategic Impact” <http://www.ndu.edu/press/lib/pdf/StrForum/SF-260.pdf>

Compounding the problems created by lack of quality control, the government does not control the contractors’ daily contact with the population. Despite continued efforts to increase government oversight of contractor operations, nothing short of having sufficient numbers of qualified U.S. Government personnel accompanying and commanding contractors will provide control. This lack of control usually means we may get poorly wired buildings, malfunctioning computer systems, and unfinished projects. However, too often, it includes incidents of bullying, abuse, intimidation, and even killing of local civilians such as the DynCorp employee who ran a child sex ring in the Balkans or the September 2007 Blackwater shootings in Nisour Square, Baghdad.

6. No staff quality controls

Link: No way to screen out criminals from working for private military security contractors (PMSCs)

Impact: Mission success endangered and warlords engage in murder

Dr. Nikolaos Tzifakis 2012. (PhD politics; Lecturer at Department of Political Science & International Relations, University of Peloponnese, Greece) Contracting out to Private Military and Security Companies, July 2012, published by Centre for European Studies (ellipses and parentheses in original) <http://psm.du.edu/media/documents/reports_and_stats/think_tanks/ces_contracting_out_to_pmscs_july2012.pdf>

As McCoy (2010, 680) explains, the assembling of a global workforce inhibits the effective investigation of the criminal background of every contractor. There is no such thing as a global database of criminal activity. And the domestic legislation of many states does not permit the release of the criminal records of their citizens to third parties. Yet, some PMSCs have gone so far to reduce the cost of their operations that they have endangered the success of their missions. For instance, an investigation of the United States Senate Committee on Armed Services (2010, xi) revealed that among ArmorGroup’s contractors in Afghanistan there were ‘warlords . . . engaged in murder, bribery, and anti-Coalition activities’

Link: No controls on who is recruited as contractor

Impact: Strategic liability for the mission

David Isenberg 2012. (former Senior Analyst, British American Security Information Council; former Consultant for the "Business of War" project, International Consortium of Investigative Journalists, Center for Public Integrity; former analyst at the Arms Control & Threat Reduction Division of DynCorp National Security Programs; former Senior Research Analyst at the Center for Defense Information, Washington, DC) Negative Views of Civilian and Private Security Contractors 28 Aug 2012 <http://psm.du.edu/media/documents/reports_and_stats/think_tanks/isn_negative_views_of_pscs.pdf>

Although it receives less attention than issues relating to cost and effectiveness, using PMSCs may also be a strategic liability. Retired U.S. Marine Corps Colonel T.X. Hammes, for example, identifies inherent characteristics of contractors that create problems for the government. Firstly, despite PMSCs often relying upon former armed forces personnel, the government does not control the quality of the staff that the contractor hires. Moreover, unless the government provides suitably qualified personnel for each project involving PMSCs, it has little control over the contractors’ daily interactions with the local population. This latter point is crucial because populations hold the government responsible for everything that the contractors do or fail to do. Since insurgency is essentially a competition for legitimacy between the government and insurgents, this factor elevates the issue of quality and tactical control to the strategic level.

PEACEKEEPING SUCCESSFUL IN STATUS QUO

PK is effective: Increasing demand proves it. PK stops violence and helps resolve disputes

Analysis: If it weren’t working, nobody would want more and more PK missions

Robert A. Enholm 2011. (Executive VP, Citizens for Global Solutions; former United Nations Chief of the Central Emergency Response Fund Secretariat ) « U.S. Engagement in International Peacekeeping: From Aspiration to Implementation“ <http://globalsolutions.org/files/public/documents/U.S.-Engagement-in-International-Peacekeeping.pdf>

The United States supports international peacekeeping because it is the right thing to do and because peacekeeping is effective and serves the interests of the United States. The effectiveness of peacekeeping is evidenced in the growing demand for peacekeepers. Since 1999, the number of U.N. peacekeepers has grown from 12,000 to over 120,000. International peacekeeping serves fundamental national interests of the United States in maintaining peace and promoting the establishment of stable nations around the globe. International peacekeeping missions have succeeded repeatedly in tamping down violence and providing the space in which disputants can resolve their differences politically.

UN PK is extremely effective: Better than US, NATO, EU or AU intervention

Jordie Hannum and Ryan Kehmna 2011. (Hannum -  former legislative assistant to Congresswoman Constance Morella; Master of Public Administration from the Maxwell School of Syracuse University; Kehmna – former Legislative Correspondent and Legislative Aide and Speechwriter for U.S. Senator Christopher J. Dodd ) « U.S. Engagement in International Peacekeeping: From Aspiration to Implementation“ <http://globalsolutions.org/files/public/documents/U.S.-Engagement-in-International-Peacekeeping.pdf>

U.N. peacekeeping, while not a panacea, has proven to be an extremely effective means of reducing violence and preventing its resurgence. The effectiveness of U.N. peacekeeping in ending conflict and instability was highlighted in a RAND Corporation study comparing the success rates of eight U.S.-led nation-building missions and eight U.N.-led peacekeeping operations. The study, which compared the missions based on the criteria of whether the countries they served were peaceful or not, found that of the eight U.S.-led cases, only four had achieved peace. Conversely, seven of the eight U.N.-led peacekeeping missions were determined to be at peace. In addition to this success rate, the study also identified the U.N.’s decision-making apparatus, unified command and control structure, and high-level of international legitimacy as major advantages of U.N. peacekeeping operations over missions conducted by other international organizations, such as NATO, the European Union, or the African Union.

RAND Study: 2/3 of UN peacebuilding missions succeed. Big increase in number of conflicts settled

Prof. Muna Ndulo 2011. (Professor of Law, Cornell University Law School, and Director, Cornell University’s Institute for African Development) “UNITED NATIONS PEACEKEEPING OPERATIONS AND SECURITY AND RECONSTRUCTION” Cornell Law Faculty Publications. Paper 188. <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1187&context=facpub>

Analyzing the causes of the improvement in global security since 1990, the 2006 Human Security Report argues that the United Nations played a critically important role in spearheading a huge upsurge of international conflict prevention, peacekeeping and peacebuilding activities. The evidence that these initiatives worked is not just circumstantial. Contrary to popular perceptions, a recent RAND Corporation study, for example, found that two-thirds of the UN’s peacebuilding missions had succeeded. In addition, the sharp increase in peacemaking efforts led to a significant increase in the number of conflicts ending in negotiated settlements.

UN peacekeeping solves crises and bolsters peace and stability

Sarah Margon & John Norris 2011. (Margon - Associate Director of the Sustainable Security and Peacebuilding Initiative at American Progress; master's degree from the Walsh School of Foreign Service at Georgetown University's and an undergraduate degree from Wesleyan University . Norris - Executive Director of the Sustainable Security and Peacebuilding Initiative at American Progress; Former chief of political affairs for the UN Mission in Nepal; graduate degree in public administration) "Withdrawing from the United Nations: A Misguided Assault" enter for American Progress April 2011 <http://www.americanprogress.org/issues/2011/04/pdf/un_report.pdf> (JE)

"In countries such as the Democratic Republic of Congo, Ivory Coast, and Sudan, U.N. peacekeeping helps address immediate crisis concerns and contributes to broader U.S. foreign policy and strategic objectives, which includes bolstering regional peace and stability, shoring up economic growth and development opportunities, and strengthening the rule of law."

UN peacekeeping brought peace and democracy to 10 countries

Dr. Shashi Tharoor 2003. (UN Undersecretary-General for Communications & Public Information; Ph.D. from Fletcher School of Law & Diplomacy) "Why America Still Needs the United Nations" FOREIGN AFFAIRS October 2003 <http://www.cfr.org/world/why-america-still-needs-united-nations/p7567> (JE)

"Second, despite some well-publicized failures, UN peacekeeping works. The UN's "blue helmets" won the Nobel Peace Prize in 1988; since then, they have brought peace and democracy to Namibia, Cambodia, El Salvador, Mozambique, and East Timor; helped ease the U.S. burden after regime changes in Haiti and Afghanistan; and policed largely bloodless stalemates from Cyprus to the Golan Heights to Western Sahara."

Lack of Peacekeeping leads to: failed states, human trafficking, famine, piracy, pandemic, armed conflict, refugees, international instability, and humanitarian risk

Robert A. Enholm 2011. (Executive VP, Citizens for Global Solutions; former United Nations Chief of the Central Emergency Response Fund Secretariat ) « U.S. Engagement in International Peacekeeping: From Aspiration to Implementation“ <http://globalsolutions.org/files/public/documents/U.S.-Engagement-in-International-Peacekeeping.pdf>

In the absence of peacekeeping, hostilities may simmer and flare up. Nations may devolve into failed states, creating problems that the United States cannot ignore. Failed States are associated with illegal drug and weapons trade, human trafficking, and contraband nuclear materials. They increase risks of famine, piracy, and pandemic. Failed states increase the danger of armed conflict within one country spilling into other countries, and their failures create migrations of internally displaced persons and trans-border refugees and attendant international instability and humanitarian risks.

R2P / RESPONSIBILITY TO PROTECT – not needed, won’t work

ALTERNATIVE PHILOSOPHY

Flawed fundamental assumption: That the intervening states are legitimate. Without this assumption (unproven by the Affirmative team), there would not be philosophical endorsement of the permissibility of humanitarian intervention

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

The list of acts which are frequently claimed to warrant humanitarian intervention usually includes “mass enslavement, genocide, large-scale massacre (whether genocidal in intent or not), mass expulsion, and so on.” These types of crimes are almost unthinkable without the state’s active or passive involvement, and this fact explains Walzer’s ominous warning that people’s own states represent “the greatest danger in the world today.” At the same time, however, much of the work on humanitarian intervention is thoroughly permeated by the quixotic assumption that intervening states themselves do not represent a significant danger to their own subjects. Instead, intervening states are conceived as somehow different from other states—they are “legitimate,” to use the familiar term. Without this assumption that intervening states are “legitimate,” (and, hence, represent no serious danger to their own subjects), the debate surrounding humanitarian intervention would be considerably altered. If, instead, all states were conceived to pose an extremely dangerous threat to their own subjects, (an argument I intend to make below), it seems unlikely that philosophers would so readily endorse the moral permissibility of state humanitarian intervention.

States are the cause of human rights violations, and state-led interventions will cause further abuse

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

Michael Walzer identifies humanitarian intervention as the “chief dilemma of international politics.” The wholesale slaughter of innocent civilians by government in the twentieth century alone testifies to the truth of Walzer’s claim. Recognizing the danger states now pose to their own citizens, however, by no means commits us to endorse *state* humanitarian intervention as a remedy for this problem. On the contrary, as I hope to have shown here, *states are themselves the problem*, and, consequently, state-led military interventions will not result in less human rights violations around the world. Indeed, as I also hope to have shown, state humanitarian interventions will themselves cause human rights abuse, and exacerbate the future danger states will pose by increasing their size and aggrandizing their militaries.

Since all states violates human rights, no state has moral standing to intervene

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

Again, for my purposes here it is important to note that these scholars, in contrast to Walzer, recognize, on the one hand, that states frequently do not “fit” their people, and frequently commit “ordinary oppression” of their own people.26 On the other hand, they view these rather frequent cases of “ordinary oppression” as a sufficient justification for humanitarian intervention *by other states*. The problem with the latter of these two positions, I would like to suggest, is that it overlooks the fact that *all* states are human rights violators by their very nature, and thus have no moral standing to carry out humanitarian interventions of any kind.

INHERENCY

1. “Regional Organizations” provide R2P. This card proves:

A. The UN has already endorsed and implemented R2P and

B. R2P should be done through “Regional Organizations” after the UN has tried diplomacy. (Impact: No need for UN reform – they can do diplomacy with status quo methods). Take a second look at the Plan Advocacy from the Affirmative team. What the Secretary General advocated was regional organizations intervening for R2P if the UN was not able to solve the problem by peaceful means.

Melina Lito 2012. (Programme Director for Women, Peace and Security at Global Action to Prevent War where she works on issues of gender equality and their connection to disarmament, development and the prevention of mass atrocities; B.A. in International Relations from James Madison College of Public Affairs, Michigan State University, Juris Doctor degree in Law from Wayne State Univ Law School) Operationalizing the Responsibility to Protect - A Contribution to the Third Pillar Approach, “Gender Dimensions of Third Pillar Capacities: Women's Contributions to Conflict Prevention, Early Warning and Rapid Response” April 2012 <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

The RtoP norm was affirmed by the international community in 2005 with the aim to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (hereinafter “mass atrocity crimes”). The UNSG’s report on Implementing the Responsibility to Protect (2009) noted that sexual violence against women could constitute a war crime, or a crime against humanity. As outlined in the Secretary-General’s 2009 report, there is a three pillar strategy on implementing the doctrine:   
‘Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.’ The international community has a responsibility to assist states in meeting those obligations. ‘The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.’ If such means prove inadequate and a state is “manifestly failing” in its efforts to protect civilians from mass atrocity crimes, then the international community, working with regional organizations, can engage in “collective action, in a timely and decisive manner.’

2. Unilateral action. Unilateral action (one country going in and solving the problem without UN authorization) works when the UN declines to act and may even be better. Examples of success: Uganda, Cambodia and East Pakistan/Bangladesh

Dr. Michael Walzer 2002. (PhD; Professor at the School of Social Science of the Institute for Advanced Study, Princeton Univ.) “The Argument about Humanitarian Intervention“ <http://them.polylog.org/5/awm-en.htm>

The person who rushes into a neighbor's house in my domestic example and the political or military commanders of the invading forces in the international cases would still have to act on their own understanding of the events unfolding in front of them and on their own interpretation of the responsibility they have been given. But now they act under specified constraints, and they can call on the help of those in whose name they are acting. This is the form that multilateral intervention is most likely to take, if the UN, say, were ever to authorize it in advance of a particular crisis. And it seems preferable to the different unilateral alternatives, since it involves some kind of prior warning, an agreed-upon description of the occasions for intervention, and the prospect of overwhelming force. But is it preferable in fact, right now, given the UN as it actually is? What makes police forces effective in domestic society, when they are effective, is their commitment to the entire body of citizens from which they are drawn and the (relative) trust of the citizens in that commitment. But the UN's General Assembly and Security Council, so far, give very little evidence of being so committed, and there can't be many people in the world today who would willingly entrust their lives to UN police. And so, if, in any of my examples, the UN's authorized agents or their domestic equivalents decide not to intervene, and the fire is still burning, the screams can still be heard, the murders go on – then unilateralist rights and obligations are instantly restored. Collective decisions to act may well exclude unilateral action, but collective decisions not to act don't have the same effect. In this sense, unilateralism is the dominant response when the common conscience is shocked. If there is no collective response, anyone can respond. If no one is acting, act. In the Cambodia, East Pakistan, and Uganda cases, there were no prior arrangements and no authorized agents. Had the UN's Security Council or General Assembly been called into session, it would almost certainly have decided against intervention, probably by majority vote, in any case because of great power opposition. So, anyone acting to shut down the Khmer Rouge killing fields or to stem the tide of Bengalese refugees or to stop Idi Amin's butchery would have to act unilaterally. Everything depended on the political decision of a single state.

3. R2P Norm is firmly established in Status Quo

Dr. Robert Zuber 2012. (PhD; Director of the UN-based Global Action to Prevent War and the Project for a UN Emergency Peace Service ) A Living Trust: Strategies for Sustaining and Growing Support for Third Pillar Response to Threats of Mass Atrocities, OPERATIONALIZING THE RESPONSIBILITY TO PROTECT, <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

While there is still skepticism regarding strategies and commitments for its implementation, the norm itself has won broad (if not always active) support from a wide range of states. While perhaps too much was made of the consensus adoption of the norm at the 2005 World Summit, there is little doubt that UN officials and RtoP advocates have successfully nullified much of the original, overt concern about the norm, in part by pointing to the growing consensus that in certain instances sovereignty must 'soften' enough to embrace collective security frameworks that include protection of civilians. This success is also tied, we believe, to the deep resonance of a “responsibility to protect” with so much in our lives beyond policy. Our language, especially within the contexts of family and school, is replete with protection references. Symbolically, we place versions of “protect and serve” on our police and emergency vehicles. Safety has become such a preoccupation that, at least in the US, we could easily be accused of fostering a culture that minimizes challenge and suppresses risk-taking. The point for us is that, thankfully, the norm is now firmly established. The lingering trust questions for states and others mostly relate to the gaps between these protection values we affirm and the tools and policy actions that flow from those values.

SOLVENCY

1. Implementing “R2P” does not solve for great power politics – Libya example proves

Dr. Richard Falk 2011. (PhD; international law and international relations scholar who taught at Princeton University for forty years; currently teaches at University of California-Santa Barbara) “Can Humanitarian Interventinon Ever Be Humanitarian?” 4 Aug 2011 <http://richardfalk.wordpress.com/tag/michael-walzer/>

**In relation to Evans, geopolitical forces can accommodate his framework, which is probably well-intended, but provides intervening states with a rationalization for their desired uses of force without significantly interfering with the discretion to intervene and not to intervene. As the Libyan debate and decision confirms, geopolitics remains in control despite recourse to the framing of action by reference to R2P. If we want more principled and effective action in the future, it will require a great deal of pressure from global civil society in collaboration with middle powers, the sort of coalition that led to the surprising establishment of the International Criminal Court in 2002 over the opposition of such international stalwarts as the United States, China, Russia, and India.**

2. No assurance of net benefits/net savings of life. There’s no way to know if intervention saves more lives than other uses of the same resources

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

The second implication of Ludwig von Mises’s socialist calculation argument is that there exists no way to know whether state humanitarian interventions cost more human lives than they save. This is true, once again, because state humanitarian interventions are funded involuntarily through taxation. The taxpayer almost certainly would have spent his own money in some other fashion rather than gifting it to the government for this *specific type* of intervention. He might, for example, have invested his own money in a pharmaceutical company helping to eventually develop an AIDS vaccine saving hundreds of millions of lives, or voluntarily gifted the money to an international relief agency. Moreover, and this is critical, he might very well have given his money voluntarily to a different and more effective private intervention *in the same conflict in which his state is contemplating an intervention*. Any of these voluntary uses for his own money might result in the saving of more lives (or saving the same lives more effectively) than would result from the state humanitarian intervention—but they will not be realized, because the money which would have voluntarily gone to them is being commandeered for the state’s particular humanitarian intervention. The point is, there is no way to know whether the state’s particular type of humanitarian intervention will actually save more lives (or save them most efficiently) than would some other voluntary use for the money—*even in the conflict in which the state is intervening*—because there always exists an infinite number of alternative ways to privately intervene in the conflict that will not be realized. The mainstream philosophical debate about the effectiveness of humanitarian interventions neglects this critical question. Instead, the focus is usually on whether humanitarian interventions will “work” in some strictly technical sense. While it is indeed important to know whether state military interventions are technically capable of realizing what they are intended to realize, it is much more important to recognize that even when they do accomplish what they are intended to accomplish, this by no means implies that they have saved more lives than some other voluntary use of the money would have achieved, or even that the intervention saved the lives it set out to save efficiently. By focusing almost entirely on “what is seen,” (i.e., stopping this immediate and short-term human rights abuse), to the neglect of “what is not seen,” (i.e., alternative uses for the tax money that funds state humanitarian interventions with a longterm perspective), the moral debate over humanitarian intervention has become artificially and misleadingly optimistic about the effectiveness of state interventions, considering that it is logically impossible to know whether they will indeed save more lives than some other use for the money would have.

3. No standards for intervention.

No one can define what is the standard for R2P intervention. Prof. Sharon Rosenberg and Dr. Ekkehard Strauss, who advocate for R2P, say the standards don’t exist yet:

Prof. Sharon Rosenberg & Dr. Ekkehard Strauss 2012 . (Rosenberg - Director of the Human Rights and Genocide Clinic and the Programme in Holocaust and Human Rights Studies at Cardozo Law School; worked with several human rights organizations and the UN, as a civil rights litigator in private practice and as an Assistant Corporation Counsel to the New York City Law Department. Strauss –PhD in international law and human rights from the University of Potsdam, Germany; worked at the UN Office of the Special Adviser on the Prevention of Genocide; adjunct professor at Griffith University, Australia) A Common Approach to the Application of the Responsibility to Protect, OPERATIONALIZING THE RESPONSIBILITY TO PROTECT, <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

In approximately forty interviews carried out in the context of this research with representatives from UN Member States, academics and NGOs, including during regional workshops, not one interlocutor identified a current standard against which to measure the analysis of information regarding potential RtoP situations. Only one NGO provided a semblance of a standard and two other NGOs referenced the use of early warning models. Several individuals spoke of responding with “gut” reactions or “feelings.” As a result, entirely successful situations of early warning and prevention have not garnered the moniker of the RtoP — as is perhaps the nature of successful prevention at all times.

Affirmatives will respond: “Intervene whenever there’s genocide.” Response: That’s not enough. To fulfill R2P you have to have standards for intervention that can prevent imminent atrocities.

Impact/Analysis: Affirmative can’t fulfill R2P until they find out what these standards are and mandate them

Prof. Sharon Rosenberg & Dr. Ekkehard Strauss 2012 . (Rosenberg - Director of the Human Rights and Genocide Clinic and the Programme in Holocaust and Human Rights Studies at Cardozo Law School; worked with several human rights organizations and the UN, as a civil rights litigator in private practice and as an Assistant Corporation Counsel to the New York City Law Department. Strauss –PhD in international law and human rights from the University of Potsdam, Germany; worked at the UN Office of the Special Adviser on the Prevention of Genocide; adjunct professor at Griffith University, Australia) A Common Approach to the Application of the Responsibility to Protect, OPERATIONALIZING THE RESPONSIBILITY TO PROTECT, <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

Notwithstanding the reference to genocide, war crimes, crimes against humanity and ethnic cleansing, the RtoP cannot apply only at the stage at which responsibility under international criminal law for an individual culprit could be established. Such a standard would ensure the immediate demise of the normative concerns embedded within the RtoP — most of all its ability to proactively attempt to prevent imminent or on-going forms of mass atrocities based on existing legal obligations.

Dr Robert Zuber, who advocates for R2P, says in 2012 that to make it work, we need standards for determining what are legitimate state responses to domestic threats

Analysis & Impact: In other words, how will the UN or any decision-making committee decide whether a government is being oppressive against its own people or merely reacting in an appropriate manner to a rebellion? Until that question is answered, R2P can’t be implemented correctly, and the Affirmative plan doesn’t contain the standards.

Dr. Robert Zuber 2012. (PhD; Director of the UN-based Global Action to Prevent War and the Project for a UN Emergency Peace Service ) A Living Trust: Strategies for Sustaining and Growing Support for Third Pillar Response to Threats of Mass Atrocities, OPERATIONALIZING THE RESPONSIBILITY TO PROTECT, <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

Whether we like it or not, the higher the stakes regarding a particular policy challenge, the higher the bar on trust-building is likely to be. If we believe that RtoP is a permanent game changer, if we believe that we have all helped set in motion a process that can eventually bring response tools and political will and diplomatic wisdom into a decisive and harmonious engagement with the threat of atrocity crimes, then we must set high standards for trust-building. Towards that end, we must do more to help states at early stages of the challenge, in the form of capacity assistance to governments under stress, but also by our willingness to ask the difficult questions; for instance regarding standards for legitimate state responses to domestic threats to its authority

4. More violations and no lasting solutions. Historically R2P to uphold human rights has led to numerous other human rights violations and failed to produce lasting solutions

Marina Schuster 2011. ( Special Rapporteur for the Committee on Legal Affairs and Human Rights, European Parliamentary Assembly) 12 July 2011 “National sovereignty and statehood in contemporary international law: the need for clarification” http://books.google.com/books?id=W3QpzGRuRvQC&lpg

5. A multilateral approach to the “responsibility to protect”, as advocated by the ICISS, is taking the place of arbitrary unilateral interventions and bilateral guarantees:   
5.1. Military interventions such as those by Turkey in Cyprus in 1974, by the North Atlantic Treaty Organisation (NATO) in the Federal Republic of Yugoslavia in 1999 and by the Russian Federation in Georgia in 2008, whilst motivated – justifiably or not – by the need to stop serious human rights violations, have themselves led to numerous human rights violations and have not produced lasting solutions for the underlying problems;  
5.2. Bilateral guarantees such as those in the context of the independence of Cyprus have not prevented conflicts. On the contrary, in the case of Cyprus they were used as an excuse for unilateral military intervention, conflicting with Article 2 (4) of the Charter of the United Nations and a peremptory norm of international law prohibiting the use of force.

DISADVANTAGES

1. Libya model failure: More violence and civilian deaths

Link: Libya illustrates the working of the AFF plan. NATO intervention in Libya in 2011 is a model for what would happen under the Affirmative plan because the UN voted to use R2P to bring outside intervention when problems started in Libya. This is exactly what AFF wants under their plan.

Inherency Cross-Apply: As a side-note, notice that Status Quo UN authorized NATO to intervene in Libya using R2P. This proves R2P isn’t blocked in Status Quo – UN has no trouble invoking it.

Daniel Fiott 2012. (Research Fellow with the Madariaga – College of Europe Foundation; M.Phil. in International Relations from the University of Cambridge; heads the Foundation's work on RtoP and European foreign and defence policies) Introduction chapter to “Operationalizing the Responsibility to Protect A Contribution to the Third Pillar Approach” Apr 2012 <http://responsibilitytoprotect.org/Operationalizing%20the%20Responsibility%20to%20Protect%20-%20The%20Challenges%20of%20the%20Third%20Pillar%20Approach.pdf>

The development of RtoP as a norm has seen it increase in complexity. This is particularly the case when one considers the moves to operationalize RtoP and its 'third pillar' approach; this pillar being geared to timely and decisive responses by the international community should a state be unable or unwilling to protect civilians from mass atrocities. While the third pillar approach is not just restricted to military intervention, the recent example of the NATO-led intervention of Libya (2011) has again raised the importance and contentiousness of using force to protect civilians.

Impact: Libya intervention actually spread violence and created more civilian deaths

Cross-Apply under Solvency: Even working under the UN with Libya/R2P, the intervening governments still operated with major geopolitical manipulation

Dr. Richard Falk 2011. (PhD; international law and international relations scholar who taught at Princeton University for forty years; currently teaches at University of California-Santa Barbara) “Can Humanitarian Interventinon Ever Be Humanitarian?” 4 Aug 2011 <http://richardfalk.wordpress.com/tag/michael-walzer/>

**At the same time, there was a humanitarian challenge, as the dictatorial leader, Col. Muammar Qaddafi, was delivering bloody rants and the civilian population, under siege in Benghazi, was definitely in a situation of imminent risk. Under these circumstances, a carefully delineated protective move under UN auspices could have been justified, but it would have depended on placing NATO troops in situations of potential danger. The kind of air campaign that has been waged by inflating and exceeding the actual UN mandate depicted in Security Council Resolution 1973 has been discrediting for UN peacekeeping and authority. It has been ineffectual in stopping the violence in Libya, and likely responsible for its spread. At the same time, so far the intervention has resulted in not a single NATO casualty (while causing a rather large number of Libyan civilian deaths). Whether the stalemate in the conflict will produce a negotiated compromise remains uncertain, but the shaping and execution of the intervention is suggestive of the inadequacy of either allowing the decisions and policies relating to humanitarian catastrophe to be made by governments on the basis of their own calculus or through reliance on a UN framework that is susceptible to major geopolitical manipulation.**

2. Human rights violations inside the intervening states

Link: Affirmative promotes and insists on increased humanitarian intervention by government actors

Link: People in the intervening countries may not support the intervention

Impact: Taking tax dollars and spending them on interventions unsupported by the taxpayers massively violates their human rights

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

And if leaders cannot know whether their subjects desire that specific type of intervention (and are willing to pay for the intervention with their very lives and treasure), then they will always run the morally consequential risk of starting military interventions opposed by their own people. The consequence of this is that the intervening state *itself* cannot know whether its interventionist policies “fit” their own people, or whether they are foisting an undesired military intervention on their own people that will both drain their purses and almost certainly cost some of them their lives. To put this even more bluntly, without being able to tell if a specific type of intervention is actually desired by their own people, state leaders cannot know whether *their own* interventionist policies “fit” their own people, or whether the intervention is *itself* denying the “self-determination” of the intervening state’s own subjects. And, if the intervention *itself* denies the rights of “self-determination” of the intervening state’s own subjects, then it directly contradicts the very reason for the intervention in the first place. That is, the intervention *itself* massively violates the rights of the intervening state’s own subjects, all of whom are robbed, and some of whom are killed in order to undertake an intervention those same subjects want neither to pay for, nor, more importantly, to die for.

3. Militarization of the State.

Link: Affirmative increases intervention

Link : States that intervene have to increase militarization to do so

Impact: Increased militarization of the state increases the danger to human rights for their own people in the intervening state and greater potential for atrocities as states grow more powerful and militarized.

Impact: Increased militarization in the offending state – they have to react to the intervention, leading to increased militarization of a human rights abusing state

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

War provides the state with an opportunity to expand its powers beyond its pre-conflict boundaries through conscription, the nationalization of industries and other private property claimed to be “essential to the war effort,” increased taxation to fund the war, and the suppression of domestic opposition to the war. This opportunity to expand the size and scope of the state obviously also exists in cases where states choose to intervene militarily to stop human rights abuses in other states. First and foremost, the intervening state must pay for the military intervention in some way; either by increasing taxes, or by devaluing the nation’s currency. This increased funding is unlikely to disappear after the termination of the intervention, (which Walzer himself admits may take many years to resolve, if they are to be effective), resulting in a larger, more powerful and more militarized intervening state as a direct result of the intervention itself. What is even more troubling, humanitarian interventions qua military actions also afford offending states an opportunity to aggrandize themselves for the same reasons—they too must mobilize their resources and increase taxation to fund the war effort. Thus, the intervention itself will serve to aggrandize and militarize both the intervening state and the offending state in order to wage war. This relationship between war and the growth of the state is a serious problem for Walzer and his critics, who advocate state humanitarian intervention as a remedy for human rights abuse in other states. For, if states now pose such a mortal danger to the human rights of their own subjects, as Walzer and his critics all claim that they do, then it is naïve at best, and positively counterproductive at worst, to advocate a remedy that has the relentless tendency to aggrandize and, what is more insidious, militarize the agents which represent “the greatest danger in the world today.”

**Impact Summary: Militarization through intervention increases the danger to human rights in both the intervening state and the offending state**

Mark R. Crovelli 2007. (PhD candidate at University of Colorado, Boulder) “Humanitarian Intervention and the State “ (ethical disclosure about the date: the article is undated, but internally references that it was researched in 2007 by access dates on its footnotes) <http://mises.org/journals/scholar/crovelli2.pdf>

I have also argued that it is impossible to tell whether socialized humanitarian interventions are desired by the people who pay for them (i.e., that they “fit” the people who pay for them), or whether they actually save more lives than would have some other voluntary use for the money used to fund them. Finally, I have argued that state humanitarian interventions qua military actions will serve to aggrandize and militarize both the intervening and offending states, thus exacerbating the danger to human rights posed by both.

SANCTIONS / ARTICLE 41 – they’re good

New trends show that economic sanctions are working

Prof. Peter A.G. van Bergeijk 2012. (Professor of international economics and macroeconomics at the Institute of Social Studies, Erasmus University) 27 Mar 2012 Failure and success of economic sanctions <http://www.voxeu.org/article/do-economic-sanctions-make-sense>

The discussion about the effectiveness of economic sanctions as an instrument of foreign policy recently revived due to the recent oil embargo of Iran and the European embargo on equipment for the Syrian oil and gas industry. The consensus view seems to be that economic sanctions – despite the long history of and experience with this instrument – are still completely ineffective. This may have been the case, but over the last 15 years the situation has changed.

Times have changed: Sanctions are applied more smartly now and they are more likely to work

Prof. Peter A.G. van Bergeijk 2012. (Professor of international economics and macroeconomics at the Institute of Social Studies, Erasmus University) 27 Mar 2012 Failure and success of economic sanctions <http://www.voxeu.org/article/do-economic-sanctions-make-sense>

As illustrated by these examples, much can go wrong with the organisation and implementation of sanctions. Obviously, however, policymakers have learned from their mistakes. As illustrated in Table 1, economic sanctions have a better track record as the success rate increased by about one fifth. Importantly, this improvement takes place in the context of a doubling of the trade linkage between sanction imposers and sanction targets, a halving of the duration of the sanctions, and a much larger share of democratically ruled target countries. One possible explanation is that the sanction instrument has been applied more selectively and more intelligently, but it is also possible that structural changes have increased the applicability.  
- First, globalisation has increased the importance of undisturbed international trade and investment for potential targets of economic sanctions: countries that three decades ago were more or less self-reliant can now be hit much harder by economic sanctions.  
- Second, the decision-making processes, especially in the United Nations, have been streamlined, increasing the speed of implementation.  
- Third, the world is much more democratic than during the Cold War.  
Whatever the reason, it is clear that the idea that sanctions do not work needs reconsideration.

UN Sanctions were very effective in Iraq in the ‘90s

Dr. David Cortright & Dr. George Lopez 2005. (Cortright -  Director of Policy Studies at the Kroc Institute for International Peace Studies at the University of Notre Dame and Chair of the Board of the Fourth Freedom Forum. Masters degree from N.York Univ; completed doctoral studies at Union Institute in residence at the Institute for Policy Studies. Lopez – PhD from Syracuse;  founding faculty member of the Kroc Institute for International Peace Studies at the University of Notre Dame “Bombs, Carrots, and Sticks: The Use of Incentives and Sanctions” March 2005 ARMS CONTROL TODAY <http://www.armscontrol.org/act/2005_03/Cortright>

Iraq: A Success Story  
Sanctions were decisive in containing Saddam Hussein and preventing the regime’s rearmament. The UN sanctions that began in August 1990 were the longest, most comprehensive, and most controversial in the history of the world body. Prior to the invasion of Iraq in 2003, Bush administration officials claimed that sanctions were not working. In truth, sanctions helped erode Iraqi military capabilities. Sanctions were the principal element in pressuring Iraq to accept, however grudgingly, UN weapons inspections and monitoring. They helped to extract important concessions from Iraq in permitting inspector access to key weapons sites.

UN sanctions motivated Libya to stop aviation terrorism in the ‘90s

Dr. David Cortright & Dr. George Lopez 2005. (Cortright -  Director of Policy Studies at the Kroc Institute for International Peace Studies at the University of Notre Dame and Chair of the Board of the Fourth Freedom Forum. Masters degree from N.York Univ; completed doctoral studies at Union Institute in residence at the Institute for Policy Studies. Lopez – PhD from Syracuse;  founding faculty member of the Kroc Institute for International Peace Studies at the University of Notre Dame “Bombs, Carrots, and Sticks: The Use of Incentives and Sanctions” March 2005 ARMS CONTROL TODAY <http://www.armscontrol.org/act/2005_03/Cortright>

In the years preceding the imposition of sanctions in 1992, Libya was implicated in the attacks against Pan Am flight 103 in 1988 and French flight UTA 772 in 1989. After sanctions were imposed, Libya ceased its terrorist attacks against international aviation. Although the targeted UN sanctions did not cause major economic disruption in Libya, they provided sufficient bargaining leverage to prompt a reconsideration of policy and a diplomatic settlement of the Pan Am bombing case.

UN sanctions motivated Libya to renounce WMDs (weapons of mass destruction) and terrorism

Dr. David Cortright & Dr. George Lopez 2005. (Cortright -  Director of Policy Studies at the Kroc Institute for International Peace Studies at the University of Notre Dame and Chair of the Board of the Fourth Freedom Forum. Masters degree from N.York Univ; completed doctoral studies at Union Institute in residence at the Institute for Policy Studies. Lopez – PhD from Syracuse;  founding faculty member of the Kroc Institute for International Peace Studies at the University of Notre Dame “Bombs, Carrots, and Sticks: The Use of Incentives and Sanctions” (ellipses in original) March 2005 ARMS CONTROL TODAY <http://www.armscontrol.org/act/2005_03/Cortright>

Flynt Leverett, senior director for Middle Eastern affairs at the National Security Council, confirmed in 2003 in an editorial that progress with Libya dated back to the 1990s. The Iraq war “was not the driving force behind Libya’s move,” wrote Leverett. “Libya was willing to deal because of credible diplomatic representations…that doing so was critical to achieving their strategic and domestic goals.” Former Assistant Secretary of State Thomas E. McNamara, who was responsible for U.S. policy toward Libya under the George H. W. Bush administration, attributed Gaddafi’s turnaround to the long-term effects of sanctions, the successful interdiction of the weapons shipment at sea, and the accumulated impact of years of diplomatic pressure and dialogue. Seif Al-Islam Gaddafi, influential son and heir apparent to Gaddafi, told Le Monde in February 2004 that the U.S.-Libyan dialogue began years earlier and had nothing to do with the attack on Iraq. The desire to be reintegrated with the world economy was a powerful inducement for Libya’s change of policy. Over time, under the weight of sanctions, Libya acquiesced to international norms and ended its support for terrorism and the development of weapons of mass destruction. The Libya case illustrates, as Hans Blix observed on January 29, 2004, that “voluntary renunciation of weapons can be achieved by diplomacy, sanctions, and other means.”

Sanctions are an important tool for advancing nonproliferation objectives

Dr. David Cortright & Dr. George Lopez 2005. (Cortright -  Director of Policy Studies at the Kroc Institute for International Peace Studies at the University of Notre Dame and Chair of the Board of the Fourth Freedom Forum. Masters degree from N.York Univ; completed doctoral studies at Union Institute in residence at the Institute for Policy Studies. Lopez – PhD from Syracuse;  founding faculty member of the Kroc Institute for International Peace Studies at the University of Notre Dame “Bombs, Carrots, and Sticks: The Use of Incentives and Sanctions” March 2005 ARMS CONTROL TODAY <http://www.armscontrol.org/act/2005_03/Cortright>

Sanctions and incentives have enormous potential as tools for advancing nonproliferation policy objectives. In general, inducement strategies have been more effective than sanctions in achieving U.S. nonproliferation objectives. If incentives are to be offered, however, they should be combined with sanctions or at least the latent threat of sanctions. Incentives should be applied consistently, linked to concrete reciprocal acts of restraint, and targeted to constituencies that are most likely to support denuclearization policies. Sanctions are also necessary and can be effective at containing recalcitrant regimes. They can also provide bargaining leverage for engaging regimes about nonproliferation compliance. Sanctions are most successful when they are combined with incentives as part of a dynamic bargaining process that eases or increases pressure in response to cooperation or defiance from the other side. Carrot-and-stick diplomacy offers the best strategy for establishing the foundation for improved political relations and building cooperation for nonproliferation.

The transition from Cold War to American “unipolar” global power changed the effectiveness of sanctions. During the Cold War they were not very effective, but since the Cold War ended they are now remarkably effective

Analysis: Collins explains in the background of the article that the reason for this shift is that we don’t have 2 superpowers competing with each other any more. In the Cold War days, if the US sanctioned a country, the Soviet Union would come to its rescue, so the sanctions didn’t hurt. Now, with no Cold War, there is no rescue, so sanctions hurt more and are more effective.

Further Analysis: This means any Affirmative evidence about “sanctions don’t work” needs to be scrutinized to see if it is including sanctions imposed before the Cold War ended. If it is, those failures should not be counted in the list, because the world has changed since then. We should only be measuring the effectiveness of sanctions post-Cold War

Dr. *Stephen Collins 2009. (*Associate Professor in the Dept of Political Science and International Affairs at *Kennesaw State Univ) NEW ENGLAND JOURNAL OF POLITICAL SCIENCE, Vol III No 2, Spring 2009 “*The Efficacy of Economic Sanctions, Economic Sanctions and American Foreign Policy in the Unipolar Era“ <http://www.northeastern.edu/nepsa/journal/archives/>

However, the central hypothesis of this study—that the effectiveness of economic statecraft is dependent on the polar distribution of power in the international system--would suggest that the trajectory of sanctions success rates would shift dramatically if the status quo division of power was altered. Of course, the demise of the Soviet Union resulted in the replacement of the bipolar system with a unipolar distribution of power, with the United States as the sole superpower. If the thesis of this work is accurate, the polar shift should have catalyzed a significant increase in the effectiveness of American economic sanctions. Despite the chorus of criticism leveled against economic sanctions, the evidence should demonstrate that sanctions have performed capably in the unipolar era. Evidence of the continued weakness of sanctions, however, would undermine the contention that unipolarity increases the effectiveness of economic instruments of statecraft. The data compiled by this author confirms the former hypothesis; it reveals that economic sanctions have been remarkably effective in the unipolar era. In the unipolar period examined in this study (1992-1999), the United States initiated thirty-eight sanctions cases, and in twenty-four cases sanctions made a significant contribution to the realization, in part or in whole, of American demands

Effectiveness of sanctions is much higher now since the end of the Cold War: There is no more Soviet aid undermining the threat posed by American sanction

Dr. *Stephen Collins 2009. (*Associate Professor in the Dept of Political Science and International Affairs at *Kennesaw State Univ) NEW ENGLAND JOURNAL OF POLITICAL SCIENCE, Vol III No 2, Spring 2009 “*The Efficacy of Economic Sanctions, Economic Sanctions and American Foreign Policy in the Unipolar Era“ <http://www.northeastern.edu/nepsa/journal/archives/>

The increase in the effectiveness of economic sanctions since the end of the Cold War is striking. Not only have sanctions performed nearly twice as well in the unipolar era as compared to the Cold War, but this level of success occurred directly on the heels of a period of steady decline in the performance of sanctions. Why have economic sanctions experienced such a large increase in efficacy in the post-Cold War era? Sanctions have become more effective in the unipolar era as a result of the dramatically altered distribution of power in the international system. The demise of the rival pole has markedly increased the leverage of sanctions imposed by the United States. During the bipolar era, Soviet munificence undermined the threat posed by American sanctions, as recalcitrant states could typically secure offsetting assistance from Moscow.

Sanctions in the unipolar global environment (post-Cold War) had 66% success rate, with lots of “major successes”

Dr. *Stephen Collins 2009. (*Associate Professor in the Dept of Political Science and International Affairs at *Kennesaw State Univ) NEW ENGLAND JOURNAL OF POLITICAL SCIENCE, Vol III No 2, Spring 2009 “*The Efficacy of Economic Sanctions, Economic Sanctions and American Foreign Policy in the Unipolar Era“ <http://www.northeastern.edu/nepsa/journal/archives/>

The data compiled by this author confirms the former hypothesis; it reveals that economic sanctions have been remarkably effective in the unipolar era. In the unipolar period examined in this study (1992-1999), the United States initiated thirty-eight sanctions cases, and in twenty-four cases sanctions made a significant contribution to the realization, in part or in whole, of American demands. (See Table 1) The efficacy rate of sanctions for the unipolar period, at 66%, was twice that of the bipolar era rate (33%), and nearly five times higher than the success rate exhibited in the final decade of the bipolar set (14%). Not only did the number of successful sanctions cases (receiving a score of 9 or higher) rise substantially in the unipolar era, but more than half of the successes were major successes, in which sanctions constituted a major factor in catalyzing significant policy change, or represented a significant factor in the complete capitulation of a foreign state to American demands (producing a sanctions score of 12 or higher). In at least seven cases--Libya (1992), Serbia (1992, 1996), Guatemala (1993), Zambia (1993), Paraguay (1996), and Sudan (1996)--economic sanctions were determined to be complete successes where sanctions represented the major factor in bringing about the complete realization of U.S. demands.

Sanctions weaken rogue actors and stabilize peace. Example: Cambodia

Dr. *Stephen Collins 2009. (*Associate Professor in the Dept of Political Science and International Affairs at *Kennesaw State Univ) NEW ENGLAND JOURNAL OF POLITICAL SCIENCE, Vol III No 2, Spring 2009 “*The Efficacy of Economic Sanctions, Economic Sanctions and American Foreign Policy in the Unipolar Era“ <http://www.northeastern.edu/nepsa/journal/archives/>

Universal sanctions measures sponsored by the United States have produced similar successes in policy areas other than counterterrorism, including the bolstering of stability in post-conflict environments. In the case of Cambodia, U.N. sanctions contributed significantly to weakening rogue actors and stabilizing the peace (Cortright and Lopez 2000, 135-146; Peou 2000,397-403; Karatnychy 2001, 119-122; Roberts 2001; Carothers 2002, 13-15). Although universal sanctions measures are not universally successful, they do possess a high efficacy rate, and possess greater capacity to deliver complete successes in challenging cases than do unilateral sanctions efforts. The increase in American sponsored/U.N.-administered sanctions efforts has contributed significantly to the increase in sanctions efficacy in the 1990s. This development materialized as a product of the collapse of the bipolar system.

“Sanctions killed thousands of innocent civilians in Iraq in the ‘90s” – Response: When the UN realized it, they modified the sanctions and solved

Dr. *Stephen Collins 2009. (*Associate Professor in the Dept of Political Science and International Affairs at *Kennesaw State Univ) NEW ENGLAND JOURNAL OF POLITICAL SCIENCE, Vol III No 2, Spring 2009 “*The Efficacy of Economic Sanctions, Economic Sanctions and American Foreign Policy in the Unipolar Era“ <http://www.northeastern.edu/nepsa/journal/archives/>

The initial omnibus sanctions were designed to generate maximum economic hardship without sufficient consideration of humanitarian costs. Consequently, sanctions contributed to the marked deterioration of basic human conditions in Iraq and an accompanying spike in the fatality rate, resulting in the deaths of tens of thousands, and perhaps hundreds of thousands, of Iraqi citizens, including a spiraling child mortality rate (Cortright 2001). The response to this tragedy, the Oil for Food program - although flawed and tainted by a kickback scandal - did significantly ameliorate the humanitarian crisis and represents one model for how to maximize economic pressure while averting a humanitarian crisis (United Nations 2003).

DISADVANTAGES

1. North Korea Nuclear Proliferation

Link: North Korea sanctions effective - reduced their weapons exports by 90%

Bruce Klingner 2010. (former Deputy Chief for Korea in the CIA's Directorate of Intelligence ; graduate of the National War College with master's degree in national security strategy; master's degree in strategic intelligence from the Defense Intelligence College ) Sanctions An Important Component of US North Korea Policy, 3 May 2010 <http://www.heritage.org/research/commentary/2010/05/sanctions-an-important-component-of-us-north-korea-policy>

Sanctions send a strong signal that there are consequences for defying international agreements. As President Barack Obama correctly commented, “sanctions are a critical part of our leverage to pressure North Korea to act. If the North Koreans do not meet their obligations, we should move quickly to re-impose sanctions that have been waived and consider new restrictions going forward.” In 2009, in response to Pyongyang’s belligerent behavior and violations of UN resolutions, President Obama declared, “Rules must be binding. Violations must be punished. Words must mean something.” Subsequently, the UN Security Council approved a more restrictive resolution and imposed enhanced punitive measures against the North. As a result, there is now a greater international willingness to confront and intercept North Korean vessels suspected of carrying weapons or related technology, which also deprives the regime of another source of revenue. One estimate is that North Korea’s weapons exports have dropped 90 percent as a result of these sanctions

Link: Removing sanctions undermines nuclear weapons proliferation deterrence

Bruce Klingner 2010. (former Deputy Chief for Korea in the CIA's Directorate of Intelligence ; graduate of the National War College with master's degree in national security strategy; master's degree in strategic intelligence from the Defense Intelligence College ) Sanctions An Important Component of US North Korea Policy, 3 May 2010 <http://www.heritage.org/research/commentary/2010/05/sanctions-an-important-component-of-us-north-korea-policy>

Principles are important. If laws and UN resolutions are not enforced and defended, they cease to have value. There must be a heavy penalty for provocative actions that transgress the law. Removing sanctions, as some advocate, would undermine efforts to deter weapons proliferation and send a dangerous signal to other nuclear aspirants. If the international community isn’t willing to enforce international law and defend UN resolutions, why should we expect nations to abide by them?

Impact: North Korean nuclear proliferation is an urgent threat

Council on Foreign Relations, Independent Task Force 2010. (Charles L. Pritchard and John H. Tilelli Jr., Chairmen; Scott A. Snyder, Project Director; CFR is an independent, nonpartisan membership organization, think tank, and publisher. Pritchard - former aide to Pres. Bush in negotiations with N. Korea; former US Representative to Korean Peninsula Energy Development Org. Tilelli - retired US Army 4-star general, former commander of US forces in Korea) “U.S. Policy Toward the Korean Peninsula” June 2010 <http://iis-db.stanford.edu/pubs/22935/Korean_PeninsulaTFR64-1.pdf>

The urgency of the threat is undeniable. North Korea possesses nuclear-weapon and missile capabilities, has threatened its neighbors, and has been willing to sell nuclear materials and technology to the highest bidder. Its reclusive leadership is unpredictable, something yet again underscored by the unprovoked destruction of the Cheonan, a South Korean naval vessel, by a North Korean torpedo in late March 2010.

2. Increased risk of war

Link: Affirmative agrees there are dozens of UN sanctions in effect, so there can be dozens of scenarios that link to this disad.

Link & Brink: In some cases, sanctions are the only thing short of war that can change regime behavior

Dr. *Stephen Collins 2009. (*Associate Professor in the Dept of Political Science and International Affairs at *Kennesaw State Univ) NEW ENGLAND JOURNAL OF POLITICAL SCIENCE, Vol III No 2, Spring 2009 “*The Efficacy of Economic Sanctions, Economic Sanctions and American Foreign Policy in the Unipolar Era“ <http://www.northeastern.edu/nepsa/journal/archives/>

In addition to trepidation over the economic consequences of sanctions, concerns about the power of U.N. sanctions to deeply isolate Libya from the international community appears to have persuaded the regime to reform its policies on terrorism support. Sudan made similar changes in response to diplomatic sanctions and threatened aviation sanctions. In some cases, the threat of broad sanctions may represent the only tool, short of war, that will convince the leadership of a foreign state to concede to demands for policy reform. However, in other contexts, more limited measures, with fewer potential humanitarian costs, may be enough to induce change.

Link & Impact: Sanctions delay or block military action and war

Dr. George Friedman 2009. (PhD in government, Cornell Univ.; former professor of political science at Dickinson College; founder and CEO of Stratfor, a private intelligence and forecasting company ) Sanctions and Strategy, 23 November 2009 <http://www.stratfor.com/weekly/20091123_sanctions_and_strategy>

But sanctions have one virtue: They delay or block military action. So long as sanctions are being considered or being imposed, the argument can be made to those who want military action that it is necessary to give the sanctions time to work. Therefore, in this case, sanctions allow the United States to block any potential military actions by Israel against Iran while appearing domestically to be taking action. Should the United States wish to act, the sanctions route gives the Europeans the option of arguing that military action is premature. Furthermore, if military action took place without Russian approval while Russia was cooperating in a sanctions regime, it would have increased room to maneuver against U.S. interests in the Middle East, portraying the United States as trigger-happy. The ultimate virtue of sanctions is that they provide a platform between acquiescence and war. The effectiveness of that platform is not nearly as important as the fact that it provides a buffer against charges of inaction and demands for further action.

TAIWAN MEMBERSHIP

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement the material already available in The Source and to make arguments not covered in their Negative material.

Case Analysis:

The plan is simple: The UN admits Taiwan as a member. The biggest weakness of the original version of this case is that it overstates the linkage between the plan and the claims of impact. Cursory reading of the 1AC gives the impression that UN membership is the one and only thing that would make the difference between China attacking Taiwan and deterring such an attack. If that were true, the attack should have happened long ago, since Taiwan has not been in the UN since 1971. Another substantial weakness is that the plan advocacy evidence is old, coming from 1996 and 2003. A lot has changed since then, including two referenda that were held in Taiwan where the voters said they did NOT want to join the UN.

More careful reading of the harms evidence (something to challenge in cross-ex) reveals that none of the experts say that lack of membership in the UN “causes” Chinese aggression against Taiwan. This is asserted as fact in the 1AC, but it isn’t in the evidence quotations. China may well be aggressive (or may not be) against Taiwan, but if it is, it’s not caused by Taiwan “not” being in the UN.

There’s also a problem with the plan advocacy card from Dr. Vincent Wei-Cheng Wang in the article “*Does Democratization Enhance or Reduce Taiwan’s Security?”* The Source cites it as 2007, but it actually was published in 1996, which is how we cite it here in Blue Book. If you read the entire article you will find no references to any events later than ‘96. Check this link: <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA381076> where a paper published in June 2000 cites the same article in the bibliography and says it was written in ‘96. The URL cited by The Source does not contain any publication date, so it is unclear where they obtained the “2007” date.

In this brief we dig deeper into the articles written by the plan advocates and find other statements they made and use those as links to Solvency and a Disadvantage.

HARMS

China-Taiwan war unlikely: China’s relationship with the US means they have too much to lose by starting a war over Taiwan

Dr. Lowell Dittmer 2011 . ( Ph.D. from Univ of Chicago; professor at Univ. California-Berkely; teaches courses on contemporary China, Northeast Asia, and the Pacific Rim) The Changing Dynamics of the Relations among China, Taiwan, and the United States, Chapter 2: WASHINGTON BETWEEN BEIJING AND TAIPEI: A TRIANGULAR ANALYSIS, <http://www.c-s-p.org/flyers/978-1-4438-2681-5-sample.pdf> (brackets added, parentheses in original)

China must balance any interest in acquiring Taiwan too precipitously against its interest in the US. China has acquired a very large economic stake in the US, which is China’s second largest national trading partner and market for Chinese exports (the 27-member EU has surpassed the US as a trading bloc). This relationship would surely be jeopardized should Beijing opt to use force to achieve reunification (leaving aside for the moment whether the use of force would succeed). Disruption of that economic relationship would be painful for both partners, but particularly for the PRC. Strategically considered Beijing also has a major “negative interest” in the US, in the sense that the PLA [People’s Liberation Army] must plan for the possibility of Sino-US war — a war which, given the current balance of forces, China would probably lose. Thus Beijing must balance its high and growing interest in reunification against its also high economic and negative strategic interest in its relationship with the US.

Affirmative plan advocate, Dr. Vincent Wei-Cheng Wang, in the same article quoted by the Affirmative (which was actually written in 1996) admits that the Chinese attack scenario is less likely to occur as communication and trade increase between China and Taiwan:

Dr. Vincent Wei-Cheng Wang 1996. (Ph.D., Associate Dean at the University of Richmond) “Does Democratization Enhance or Reduce Taiwan’s Security?” https://facultystaff.richmond.edu/~vwang/publications/democratization.pdf

The security consequences of Taiwan’s democratization are far from clear. In the short run, democratization, and especially a popular yearning for an increasingly “institutionalized” separation from the mainland, may prompt China to launch a preemptive strike against Taiwan. Such a scenario, however, is less likely to occur with increased communication and material incentives between the two Chinas, and the international community’s growing stake in a democratic and affluent Taiwan.

REVERSE ADVOCACY DISADVANTAGE. The DA below is linked to arguments made by plan advocate Vincent Wang

DA 1. Democracy Violation

Link: Taiwan’s own people should decide their political future. Affirmative advocate Dr. Vincent Wei-Cheng Wang in the same article cited by the Affirmative, said in 1996:

Dr. Vincent Wei-Cheng Wang 1996. (Ph.D., Assoc. Dean at the Univ of Richmond) “Does Democratization Enhance or Reduce Taiwan’s Security?” <https://facultystaff.richmond.edu/~vwang/publications/democratization.pdf>

Building Taiwan’s security entirely upon the theoretical underpinnings of the democratic peace theory, however, is untenable. The relationship between China and Taiwan contains both quasi-interstate and quasi-internal characteristics and is governed by conflicting international norms. Free expression holds a very important place in liberal tradition. Any decision made by the people of Taiwan on their political future should be respected and protected

Link: Taiwan voters don’t want UN membership. They held 2 votes and both times, the voters said “No” to referendum questions on UN membership.

Sigrid Winkler 2012. (Senior Associate Research Fellow, Institute for European Studies, Vrije Universiteit Brussel) June 2012 “Taiwan's UN Dilemma: To Be or Not To Be” Brookings Institution (brackets added) http://www.brookings.edu/research/opinions/2012/06/20-taiwan-un-winkler

After this setback, the DPP [Democratic Progressive Party] called for a referendum on the issue of Taiwan’s UN membership in 2008, asking the people of Taiwan to vote on whether the government should apply for UN membership under the name “Taiwan,” therefore actually replicating the UN bid of 2007. This move was mainly regarded as a tactic in Taiwan’s 2008 presidential campaign, in which Taiwan’s international status and participation in international organizations were hotly discussed topics. The KMT [Koumintang/Nationalist Party] therefore saw the need to follow suit by proposing a referendum of its own, however posing a much less controversial question. The KMT inquired among Taiwan’s voters, “Do you approve of applying to return to the United Nations and to join other international organizations under the name ‘Republic of China,’ or ‘Taiwan,’ or other name that is conducive to success and preserves our nation’s dignity?” Both referenda failed to pass

Impact/Analysis: By the Affirmative advocate’s standards, Taiwan should not be admitted because it would disrespect the will of the Taiwanese people

REVERSE ADVOCACY SOLVENCY. The solvency argument below is linked to evidence from Affirmative plan advocate Eric Huang.

Solvency 1. Division within the UN

Link: Affirmative fiats UN acceptance of Taiwan, even though we all know the People’s Republic of China (PRC), a permanent member of the Security Council with veto power, opposes it. Absent Affirmative fiat, the PRC would veto Taiwan membership in the UN, which even Affirmative plan advocate Eric Ting-Lun Huang admits in 2003

Eric Ting-Lun Huang 2003. (LL.B. and LL.M. from Soc-chow University School of Law, Taiwan; SJD candidate at Golden Gate Universality School of Law, San Francisco) <http://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1072&context=annlsurvey&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3D%2522If%2BTaiwan%2Bwere%2Ba%2BUN%2Bmember%2Bstate%252C%2Bgreater%2Baccess%2522%26source%3Dweb%26cd%3D1%26cad%3Drja%26ved%3D0CCEQFjAA%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.ggu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1072%2526context%253Dannlsurvey%26ei%3DlUlKUIKcFaW10QXqhoC4CA%26usg%3DAFQjCNGIUl7JuXfKctG-smMiH3a_N6_jrA#search=%22If%20Taiwan%20were%20UN%20member%20state%2C%20greater%20access%22>

The PRC continuously objected to Taiwan's application and blocked the application from being included on the daily agenda of the General Assembly for discussion and a possible vote. This is because Taiwan's UN membership would raise fundamental questions about national sovereignty which are profoundly against the PRC's so-called "one China" policy. Angeline G. Chen, Taiwan's International Personality: Crossing the River by Feeling the Stones, 20 LoY. L.A. INT'L & COMPo LJ. 223, 245-8 (1998). Regarding the issue that the UN Charter Article 4 further mandates that the Security Council must approve any membership vote by the General Assembly, Dr. Angeline has indicated that "even assuming that the General Assembly approved Taiwan's membership to the UN, the PRC could veto this vote because it retains a permanent seat on the Security Council."

Link: Divisive Mindset. The Affirmative fiats that Taiwan joins even though the PRC, a Permanent Member of the Security Council, opposes it sharply. While Affirmative can fiat the results, they can’t fiat that suddenly the PRC loves and respects Taiwan. If they could do that, then the Negative would simply Counterplan by fiat that the PRC stops threatening Taiwan and the problem would be solved instantly with no need for involving the UN.

Link: Peacekeeping must be effective for AFF to solve. Their plan advocate wants the UN to intervene in case of trouble between China and Taiwan. If that doesn’t work, the plan fails.

Impact: Divided UN is bad for peacekeeping

UN peacekeeping requires partnership & support for legitimacy and sustainability

UN Department of Peacekeeping Operations and Department of Field Support 2009. (UN agency that manages peacekeeping) July 2009, NEW PARTNERSHIP AGENDA: Charting a New Horizon for UN Peacekeeping <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf>

United Nations peacekeeping is a unique global partnership. It draws together the legal and political authority of the Security Council, the personnel and financial contributions of Member States, the support of host countries and the accumulated experience of the Secretariat in managing operations in the field. It is this partnership that gives UN peacekeeping its legitimacy, its sustainability and its global reach. Since 1948, UN peacekeeping has contributed to preventing and managing violent conflict between and within States and supporting national actors in protecting and building peace after conflict.

UN peacekeeping effectiveness depends on shared purpose & understanding of all participants

UN Department of Peacekeeping Operations and Department of Field Support 2009. (UN agency that manages peacekeeping) July 2009, NEW PARTNERSHIP AGENDA: Charting a New Horizon for UN Peacekeeping <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf>

This DPKO/DFS non-paper calls for a renewed UN peacekeeping partnership to set a new horizon – a set of achievable immediate, medium and long term goals – to help configure UN peacekeeping to meet the challenges of today and tomorrow. This partnership rests on a shared understanding among all stakeholders of the objectives of UN peacekeeping and the role that each plays in their realization: those that authorize peacekeeping, those that implement, those that contribute, those that receive and those that partner with UN peacekeepers. Each partner has a perspective and a contribution to make and each depends on the others for success. A common vision and mutual accountability of all peacekeeping partners are the basis for unity of purpose and effective action. This partnership is the foundation for building capacities for the future.

UNDP (UNITED NATIONS DEVELOPMENT PROGRAMME) AUDIT

CASE NOTES

Background:

This case appears in Ethos. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with Ethos evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement existing material and to make arguments not covered in their Negative brief.

Case Analysis:

The case has a few weaknesses you can exploit. One of the 1AC inherency cards about lack of auditing (GAO 2007) stops the underlined portion after describing deficiencies in UNDP audits, but if you keep reading the quote, it goes on to say that new reforms were put in place (we document that here in this brief). In addition, 2007 is very old for inherency on this type of issue, and a number of reforms have been documented in newer evidence since then, making inherency a vulnerable spot for this case. Mandate 2A, making internal audits available, was done in 2010. Mandate 2B, independent audit committees, appears to have been done already at the time the Affirmative’s 2007 evidence was written, if you read later in the same article cited by the Aff in their inherency.

The mandate for removing legal immunity for UNDP employees committing malfeasance on the job is an interesting one, but the 1AC never reads any evidence that says it will have any impact. In addition, the mandate is so vague that it would probably be impossible to enforce.

INHERENCY

1. “Make internal audit reports available” - already done in 2011.

UNDP Office of Audit and Investigations (the internal auditors of UNDP) 2012. UNDP: Report on internal audit and investigations June 2012 <http://www.undp.org/content/dam/undp/library/corporate/Transparency/dp2012-13Rev1%20OAI%20Annual%20Report.pdf> (brackets added)

15. Following the Board decision 2011/23 authorizing the Administrator to disclose to donor inter-governmental organizations and the Global Fund internal audit reports pertaining to a given project in which the said donor is financially contributing, OAI [Office of Audit and Investigations] updated its standard operating procedures for handling disclosure requests. These procedures ensure that all such requests are in full compliance with relevant Board decisions. OAI also signed an agreement with the Global Fund, specifying the conditions and modalities of disclosure. 16. Pursuant to decision 2011/23, UNDP developed a web-based system to enable Member States and donor inter-governmental organizations to view internal audit reports via a secure remote access system.

2. “Independent Auditing” - already done. Affirmative plan calls for ““Establish independent audit committees that are accountable to their governing bodies, where this currently does not occur.” Fortunately, UNDP already has this, according to Affirmative’s own evidence:

Government Accountability Office 2007. (US Congressional agency), “UNITED NATIONS ORGANIZATIONS Oversight and Accountability Could Be Strengthened by Further Instituting International Best Practices” June 2007, <http://www.gao.gov/new.items/d07597.pdf>

The Board of Auditors serves as the external auditors for both UNDP and UNICEF. Currently, the National Audit Office of the United Kingdom serves as the external auditor for WFP.

3. Status Quo has internal and external audits of UNDP

Analysis: Challenge the Affirmative to explain what parts of their mandates are different from the Status Quo

UNDP official website 2012. “Audit” <http://www.undp.org/content/undp/en/home/operations/accountability/audit/overview.html>

The audit of UNDP activities is carried out by UNDP's external and/or internal auditors: External audit: fulfilled by the United Nations Board of Auditors (BoA); and Internal audit: assigned to the Office of Audit and Investigations (OAI).  
External Audit   
The UN Board of Auditors was established by the General Assembly in 1946 to carry out the external audit of the accounts of the United Nations organization and its funds and programmes. The Board's report on the UNDP financial statements is a public document, it is presented to the General Assembly through the Fifth Committee and after review and advice by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). The UN Board of Auditors’ report on UNDP financial statements is also presented to the UNDP Executive Board.  
Internal Audit  
As defined by the Institute of Internal Auditors (IIA) “Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.”  
The Office of Audit and Investigations (OAI) reports to the UNDP Administrator and is responsible for internal audit and investigations. OAI also submits to the Audit Advisory Committee (AAC), for review and advice, its strategy, workplans, budget situations and periodic progress reports. In addition, every year OAI prepares a report on internal audit and investigations, which summarises significant observations from audits and investigations undertaken during the year. This report is presented to the UNDP Executive Board at its annual session in June.

4. GAO report admits auditing reforms are underway at UNDP. Affirmative’s source, the GAO report in June 2007, contains some additional material not read by the Affirmative. While discussing weaknesses in UNDP’s auditing, GAO then says reforms are being put in place:

Government Accountability Office 2007. (US Congressional agency), “UNITED NATIONS ORGANIZATIONS Oversight and Accountability Could Be Strengthened by Further Instituting International Best Practices” June 2007, <http://www.gao.gov/new.items/d07597.pdf> (brackets added)

Both the audit chief and UNDP’s external auditor had emphasized to the head of the organization that the audit function needs to be strengthened. Furthermore, BOA [Board of Auditors] reported in June 2006 that UNDP’s internal audit coverage was insufficient and that in the past 4 years, the audit office had performed an average of less than four audits per year at headquarters, all of which were of a very limited scope. BOA reiterated its recommendations to increase the audit capacity to cover key areas, such as financial records, procedures, and controls at headquarters. In April 2007, UNDP officials informed us that for 2004 to 2006, all very-high-risk-rated countries and 72 percent of high-risk rated countries had been audited. In addition, UNDP officials said they performed a risk assessment at the end of 2006, and senior management allocated $10 million to carry out its audit work plan in 2007. Furthermore, the officials said that senior management has committed to allocate additional resources as deemed necessary. According to UNDP officials, for the 3-year period of 2005 to 2007, they plan to audit all very-high-risk areas and 96 percent of high-risk countries.

HARMS

“Dual use technology will lead to weapons of mass destruction” - Response: Anyone can buy commercially available computers that can make a nuke, and you don’t even need a computer to build a nuke anyway

Glenn J. McLoughlin and Ian F. Fergusson 2003. (McLoughlin - Specialist in Technology and Telecommunications Policy, Resources, Science, and Industry Division. Fergusson - Analyst in International Trade and Finance Foreign Affairs, Defense and Trade) Congressional Research Service, 10 Feb 2003 “High Performance Computers and Export Control Policy: Issues for Congress” <http://www.fas.org/sgp/crs/RL31175.pdf>

High performance computers are used in many military situations including weapons design, testing, battlefield modeling, and command, control, coordination and intelligence activities (C3I). (See Appendix Table 1 for computer performance levels used for specific military applications.) Many experts have noted that it is possible to design nuclear weapons with current commercially available computers. (Indeed, the first atomic weapons were designed with slide rules).

“Dual use technology items” - No UNDP failure, and no evidence it was used for harmful purposes

UNDP 2008. “PRESS CONFERENCE BY ADMINISTRATOR OF UNITED NATIONS DEVELOPMENT PROGRAMME” 2 June 2008 <http://www.un.org/News/briefings/docs//2008/080602_UNDP.doc.htm> (brackets added)

Asked about dual-use equipment, in the particular context of a country accused of proliferation, he [UNDP Administrator Kemal Dervis] said that according to the panel, all immunities applied for the United Nations, while vendors and suppliers were responsible for applying the laws of their home countries. While UNDP could not be held responsible for that, the United Nations system must do further work on clarifying dual-use export regulations. The Organization’s regulations had been followed and there was no evidence that material had been used for harmful purposes.

N. Korea “Cash for Kim” was a fake scandal - UNDP was cleared and the charges were false

Peter Yeo 2011. (Executive Director of Better World Campaign, United Nations Foundation; served for ten years as the Deputy Staff Director at the House Foreign Affairs Committee; served as a Deputy Assistant Secretary at the U.S. State Department during the second Clinton Administration) A Fake UN Scandal Re-Hashed on Capitol Hill 3 Mar 2011 UN DISPATCH <http://www.undispatch.com/a-fake-un-scandal-re-hashed-on-capitol-hill>

In 2007, the Wall Street Journal’s editorial page, which is not friendly territory for the UN, alleged that hundreds of millions of dollars of funds from the UN Development Program may have been siphoned off by Kim Jong Il. The Wall Street Journal called this “Cash for Kim.” UNDP promptly suspended its operations in North Korea, and the U.S. Congress launched an investigation into the matter. A fake scandal was born. But when UNDP was cleared of the charge, few paid attention. For UN critics, it was too easy to score political points against the UN by pushing the catchy “Cash for Kim” line instead of acknowledging that the charges were false.

N. Korea - All UNDP funds were accounted for. None of it went to Kim or other NK govt. officials

Peter Yeo 2011. (Executive Director of Better World Campaign, United Nations Foundation; served for ten years as the Deputy Staff Director at the House Foreign Affairs Committee; served as a Deputy Assistant Secretary at the U.S. State Department during the second Clinton Administration) A Fake UN Scandal Re-Hashed on Capitol Hill 3 Mar 2011 UN DISPATCH <http://www.undispatch.com/a-fake-un-scandal-re-hashed-on-capitol-hill>

A bipartisan Senate investigation – led by Senator Carl Levin and former Senator Norm Coleman, a known UN critic – conducted a detailed inquiry into the charges against UNDP’s operation in North Korea. The result? UNDP funds in North Korea were fully accounted for. UNDP money was not used to line the pockets of Kim Jong-Il or other North Korean government officials. North Korean officials had moved their own national funds out of the country in UNDP’s name – without any knowledge or approval of UNDP officials.

False documents were used to try to prove UNDP/N.Korea currency diversion scandal

Colum Lynch 2008. (journalist) WASHINGTON POST 8 June 2008 “Report on U.N. Program Assails Whistle-Blower” (brackets added) <http://www.washingtonpost.com/wp-dyn/content/article/2008/06/07/AR2008060701886.html>

Mark D. Wallace, the U.S. diplomat briefed by [UNDP Pyongyang, N.Korea, operations manager Artjon] Shkurtaj, accused the UNDP of complicity in a scheme to divert millions of dollars worth of aid for the poor to Kim's personal treasure chest. Some of Shkurtaj's assertions have since been substantiated. But some of the most serious allegations -- that the UNDP knowingly channeled tens of million of dollars in funds to North Korea or that senior UNDP officials sought to cover up potentially illicit payments -- have been repudiated by congressional and U.N. investigators, who have found no evidence of significant diversion of U.N. funds. A panel appointed by the UNDP to probe the case issued a report last week attacking Shkurtaj's credibility and saying he provided U.S. officials with documents that were exaggerated, misleading or false.

UNDP agricultural program was saving lives in N. Korea by developing agriculture

Peter Yeo 2011. (Executive Director of Better World Campaign, United Nations Foundation; served for ten years as the Deputy Staff Director at the House Foreign Affairs Committee; served as a Deputy Assistant Secretary at the U.S. State Department during the second Clinton Administration) A Fake UN Scandal Re-Hashed on Capitol Hill 3 Mar 2011 UN DISPATCH <http://www.undispatch.com/a-fake-un-scandal-re-hashed-on-capitol-hill>

How were the UNDP funds used? As promised – to promote agricultural development in the famine-stricken country. I have been to North Korea and seen UN development programs in action. UN agencies work in an extremely challenging environment, and like the few embassies in Pyongyang, they must operate under staffing and financial rules that are unique to North Korea and other dictatorships. But they are helping farmers, saving lives, and making sure that taxpayer dollars are well spent.

No improper diversion of currency in North Korea by UNDP

Ronda Hauben 2007. (journalist) 7 Feb 2007 OHMYNEWS, “Hardliners Attack UNDP Aid to North Korea” (brackets in original) <http://english.ohmynews.com/articleview/article_view.asp?no=344001&rel_no=1>

The UNDP Associate Administrator Ad Melkert, and David Morrison, the Director of Communications of UNDP, responded [RM file] to the charges of illegality in the Wallace letter, but their explanations were in general ignored by much of the media. Melkert said that the accusation that the UNDP operated "in blatant violation of UN rules" was not true. Under UNDP financial regulations, he explained, the authority to decide the practices to follow was delegated to the resident coordinator in a country. Also misleading was the accusation that the UNDP program was providing hard currency to be misused by the North Korean government. As long as the UNDP operates a program in a country where the currency is not exchangeable outside of the country, there is a need to buy the currency of the country from the central bank. It is not possible to have a program in such a country without buying currency from the bank.

UNDP currency in N. Korea was tiny

UNDP 2007. Democratic People's Republic of Korea (the) DPRK backgrounder and FAQ, 12 Apr 2007 <http://reliefweb.int/report/democratic-peoples-republic-korea/dprk-backgrounder-and-faq>

The UNDP-only figures (excluding payments on behalf of other UN agencies) are as follows: roughly $30 million on program, roughly $7 million on office support. Again, only about 50% of this or approximately $18.5 million would have been spent inside the country. Does this mean that UNDP was a significant source of hard currency for DPRK? No. Official U.S. estimates put North Korea's foreign exchange earnings from international trade and other sources at approximately $3 billion per year. Over the ten year period 1996 - 2005, UNDP assistance has accounted for less than 0.1% of the total flow of hard currency into the country. UNDP's share of total Overseas Development Assistance (ODA) flowing into DPRK in the same period is only 1.8%.

Source Indictment: Fox News and Wall Street Journal

N. Korea / Cash for Kim - Affirmative’s sources didn’t provide any support for the charges other than just repeating the allegations

Ronda Hauben 2007. (journalist) 7 Feb 2007 OHMYNEWS, “Hardliners Attack UNDP Aid to North Korea” (brackets in original) <http://english.ohmynews.com/articleview/article_view.asp?no=344001&rel_no=1>

Neither The Wall Street Journal nor Fox News provided support for their charges, other than Wallace's letter containing the allegations. Neither these articles, nor most of the articles that appeared in the days that followed in the U.S. press, provided any consideration of the allegations to try to determine if they were well founded. The UNDP Associate Administrator Ad Melkert, and David Morrison, the Director of Communications of UNDP, responded [RM file] to the charges of illegality in the Wallace letter, but their explanations were in general ignored by much of the media.

SOLVENCY

1. Jurisdictional conflict

Link: Affirmative claims to criminalize UNDP malfeasance based on export-control problem

Link: Affirmative never defines what country’s criminal law will be used, nor how jurisdiction will be applied. There are literally dozens of scenarios: Imagine a Pakistani employee of the UNDP who is hired at headquarters in New York and who is then sent to do a project in Zimbabwe, where he exports a computer that might be dual-use. What country’s laws - US, Pakistan or Zimbabwe, will be used to prosecute him?

Impact: Auditing enforcement fails. Diversity of multi-national regulations creates unresolvable contradictions

Bill Watts, a partner at Crowe Horwath public accounting firm, quoted by freelance writer Russell A. Jackson 2012. ( Bill Watts, a partner at Crowe Horwath public accounting firm in Columbus, Ohio) INTERNAL AUDITOR, A Barrage of Regulations, Apr 2012 <http://www.theiia.org/intAuditor/feature-articles/2012/april/a-barrage-of-regulations/>

“Internal audit needs to be aware of the sheer complexity of multinational regulations, which can lead to conflicting requirements when one jurisdiction requires one thing, while another requires something else,” Crowe Horwath’s Bill Watts advises. “Sometimes complying with one jurisdiction’s regulations causes you to fall out of compliance with another’s.”

2. Lack of criminal case cooperation

Link: UN criminal investigations must have the cooperation of Member States

Conference of the States Parties to the United Nations Convention against Corruption 2008. “Implementation of Resolution 1/7 of the Conference of the States Parties to the United Nations Convention against Corruption” 28 Jan - 1 Feb 2008, <http://www.unodc.org/documents/treaties/UNCAC/COSP/session2/2ndCOSP7unedited.pdf>

In cases of criminal investigations or internal investigations for cases of corruption alleged committed by officials of public international organizations, international organizations and States face the challenge of effectively cooperating. The Convention does not address the issue, but dealing with corruption in international organizations may involve situations in which an investigation by an international organization may depend on information or evidence held by a Member State and vice versa. This raises the issue of the feasibility of mutual legal assistance among international organizations and between international organizations and Member States.

Failure: Countries fail to cooperate in criminal investigations ordered by the UN

Garrett Eisenhour 2012. (Associate Editor, JURIST Archives) “The Rome Statute” <http://jurist.org/feature/2012/07/international-criminal-court.php>

Weeks earlier, al-Bashir was able to visit Chad, another party state to the Rome Statute, without arrest, despite Moreno-Ocampo's call for international cooperation. Under the Rome Statute, ICC member nations that do not comply with cooperation requests can be referred to the UNSC for non-cooperation. On November 28, 2011, a Kenyan court issued a ruling declaring that al-Bashir must be arrested if he ever returns to Kenya. The failure of officials to arrest al-Bashir indicates a problem with the legitimacy of the court when nations are not willing to cooperate. JURIST Guest Columnist Eric Leonard argued:  
The Kenyan government's actions are but one example of this broader problem. Yes, the ICC has the capacity to issue arrest warrants for those individuals accused of violating the international norms of humanitarian law, but in order to act upon those warrants the Court needs state cooperation. The anarchical nature of the international system requires such cooperation. Thus, the ICC, in many ways, is only as effective as the member states make it.

“But fiat will solve” - Response: The mechanisms that are supposed to make countries cooperate in the investigations cited by Eisenhour above already exist. Fiat has already been exercised. You can fiat the establishment of institutions and mechanisms, but you can’t fiat that your enforcement will be successful or that all mindsets will change.

UNDP GOOD – don’t abolish

(Jonathan Edelblut researched most of the evidence in this brief. See also “UNDP AUDIT” Neg brief elsewhere in this Blue Book)

SIGNIFICANCE

“ North Korea/UNDP Scandal” – Response: Allegations are baseless and exaggerated

New York Times, 2008. [Neil MacFarquhar, journalist; United Nations bureau chief of The New York Times]: “North Korea Didn’t Dupe U.N. Office, Report Says” June 2008 <http://www.nytimes.com/2008/06/03/world/asia/03nations.html?_r=2&scp=4&sq=North+Korea+&st=nyt&oref=slogin&> (JE) [brackets added]

“American allegations that North Korea duped the United Nations Development Program by diverting aid money for its own needs are not supported by any evidence, according to a lengthy external review released Monday. There was no sign that millions of dollars were mismanaged, diverted elsewhere or unaccounted for, the report said, countering accusations made in early 2007 by the United States Mission to the United Nations. Although the report acknowledged that some information the panel had sought was unavailable, the review’s conclusion was that the money had been “used for the purposes of the projects.” The controversy surrounding the accusations led the development program to suspend its operations in North Korea in March 2007. They have remained suspended because of differences over whether the government should choose local employees who work for the agency. The review was conducted by a three-member panel, led by Miklos Nemeth, a former Hungarian prime minister, and was presented Monday by Kemal Dervis, a former Turkish finance minister who leads the development program. Mr. Dervis said the panel members preferred not to comment publicly. At the news conference, when asked whether he thought the accusations emerged out of the political dispute over the Bush administration’s negotiations with North Korea, Mr. Dervis said he would not comment on internal government ideological battles. “All these allegations, clearly — when you compare it to what is in the report — are either vastly exaggerated or stem from misunderstandings or some of them may be from ill intent,” [said former Turkish finance minister Kemal Dervis] he said.”

Impact: Paranoia Policy – you can’t base policy decisions off of unfounded ‘scandals’ and conspiracies. Policy must be based on hard facts, not fear.

“Waste of Funds” – Response: UNDP is funded entirely through voluntarily contributions

UNDP Fact Sheet, 2012: “UNITED NATIONS DEVELOPMENT PROGRAM (UNDP)” Published in May 2012: <http://www.us.undp.org/WashingtonOffice/UNDPFactSheet2012.pdf> (JE)

“UNDP is the United Nations' global development agency, working in 177 countries to provide knowledge, experience, and resources to craft country-owned solutions to global and national development challenges. Funded entirely through voluntary contributions, UNDP manages an annual budget of approximately $5 billion, including roughly $1 billion of core resources that support basic program activities, technical expertise, and the global country network necessary to deliver its worldwide programs. UNDP serves as the manager of the UN’s development system, ensuring greater UN coherence at the country level.”

Impact: Self-Correcting System – If the a program is ineffective, or corrupt, or problematic, the independent country donors can choose to withhold their funding.

John Bolton 2010. (former US ambassador to the UN) 28 Oct 2010 “The Key to Changing the United Nations System” published by American Enterprise Institute <http://www.aei.org/article/foreign-and-defense-policy/international-organizations/the-key-to-changing-the-united-nations-system-outlook/>

Evidence that switching to voluntary contributions would have an important positive impact comes from several decades of operations by UN agencies and programs. The World Food Program, the UN High Commissioner for Refugees, the UN Joint Programme on HIV/AIDS, and other voluntarily funded programs have typically been more responsive to major contributors, more effective in their work, and more transparent than those funded by assessed contributions. Their leadership has typically recognized that, lacking an entitlement to assessed contributions, they have to demonstrate their utility on a continuing basis or donors will take their scarce resources to other agencies and programs.

DISADVANTAGES

1. Biodiversity Efforts Hindered

Link: UNDP is protecting biodiversity

Helen Clark, 2012. [Administrator of the United Nations Development Programme; formerly the 37th Prime Minister of New Zealand]: “Helen Clark: UNDP's Pragmatic Visionary” an Interview conducted by Michael Tobias, Forbes Contributor, in March 29th, 2012: <http://www.forbes.com/sites/michaeltobias/2012/03/29/helen-clark-undps-pragmatic-visionary/> (JE)

“Helen Clark: It is true that we face massive and daunting challenges – as we continue to lose the biodiversity and ecosystem services that underpin sustainable development. UNDP has tackled these challenges head-on, with a 40 year record of investment in helping to slow the rate of loss. On the one hand this has been achieved by supporting national governments in building institutional capacity – for example, we worked with the government of India and the UN Food and Agricultural Organization to set up the Wildlife Institute of India, now a global leader in biodiversity management. On the other hand we have helped raise finance to make possible a large portfolio of work in biodiversity and ecosystems management in 140 countries. Following the Rio Earth Summit 20 years ago, UNDP was a launch partner of the Global Environment Facility (GEF). With a current project portfolio worth US$ 990 million in grants from the GEF and other donors, UNDP continues to play a major role in this critical field.  
Michael Tobias: What about UNDP’s efforts to halt biodiversity loss?  
Helen Clark: Although biodiversity loss continues globally, many countries are significantly slowing the rate of loss by shoring up protected natural areas and the services they provide, and in expanding national park systems with tighter management and more secure funding.  
Michael Tobias: I know there have been significant UNDP conservation successes that many people are unaware of.  
Helen Clark: Over the past few years UNDP, supported by GEF funding, has helped governments and communities establish 67 new Protected Areas, covering over 8.8 million hectares(roughly the size of Austria), with 163 more covering over 28 million hectares (an area larger than the UK) in the pipeline for protection.”

Link: UNDP is an important environmental player, supporting 41 countries in environmental initiatives

United Nations Development Program Annual Report, 2012. “The Sustainable Future We Want” Published 2011/2012: <http://www.undp.org/content/dam/undp/library/corporate/UNDP-in-action/2012/English/UNDP-AnnualReport_ENGLISH.pdf> (JE)

“UNDP is an important player in initiatives around the world that focus on forestry, energy access for the poor, desertification, biodiversity conservation, water and climate change adaptation strategies. UNDP also leads programme implementation for GEF and a range of other climate-related funds. In all of its work in these areas, UNDP puts the needs of the poor and most vulnerable people at the centre of its programming, ensuring that nations are able to manage the environment in a truly sustainable manner. In 2011, with UNDP’s support, 41 countries adopted initiatives that successfully increased access to renewable and clean energy for the poor.”

Impacts: Losing biodiversity is really bad.

Impact 1. Health and resilience of crops – catastrophic disruptions of the food supply

Prof. Carmen G. Gonzalez 2007. (Seattle University - School of Law) 2007, Georgetown International Environmental Law Review (GIELR), Vol. 19, "Genetically Modified Organisms and Justice: The International Environmental Justice Implications of Biotechnology" [http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=986864#](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=986864)

Fourth, biological diversity is necessary for the health and resilience of the world’s food supply. The replacement of indigenous crop varieties and biodiverse cultivation systems with monocultures increases vulnerability to pests and disease, diminishes soil fertility, promotes dependence on toxic agrochemicals, increases the likelihood of catastrophic crop failure in the event of blight, and adversely affects human nutrition by reducing the variety of foods consumed. Even though thousands of crops have been cultivated since the dawn of agriculture, the global food supply currently depends on approximately 100 species of food crops. Just four of these crops (corn, wheat, rice and potatoes) supply over sixty percent of the world’s dietary energy needs. Thus, development strategies that encourage monocultural production techniques render our food supply vulnerable to catastrophic disruptions of the food supply akin to the Irish potato famine.

Impact 2. Protection of human life, health & well-being

Pavan Sukhdev 2008. ( Study Leader, European Commission, Ninth Conference of the Parties to the Convention on Biological Diversity) May 2008, The Economics of Ecosystems and Biodiversity – Interim Report, http://ec.europa.eu/environment/nature/biodiversity/economics/pdf/teeb\_report.pdf

There seems to be little appreciation of the many dimensions of biodiversity loss, or the connections between biodiversity loss, climate change and economic development. Species loss and ecosystem degradation are inextricably linked to human well-being, and unless we take urgent remedial action, “normal service” – in the sense of being able to enjoy the benefits that our environment affords us – may never be resumed. Humanity receives countless benefits from the natural environment in the form of goods and services (generally grouped under the collective title of ecosystem services) such as food, wood, clean water, energy, protection from floods and soil erosion (see Box 1.1). Natural ecosystems are also the source of many life-saving drugs as well as providing sinks for our wastes, including carbon. Human development has also been shaped by the environment, and this interlinkage has strong social, cultural and aesthetic importance. The well-being of every human population in the world is fundamentally and directly dependent on ecosystem services.

Impact 3. Important benefits for society

Twelve Professors specializing in Ecology, biology, and other environmental studies in 2000. F. Stuart Chapin III [professor of Ecology at the Department of Biology and Wildlife of the Institute of Arctic Biology, University of Alaska, Ph.D. in Biological Sciences, Stanford University], Erika S. Zavaleta [Associate Professor of Environmental Studies at Universtiy of Santa Cruz, California, PhD in Biological Sciences from Stanford University], Valerie T. Eviner [Professor of Plant Sciences, University of California; Ph.D. Integrative Biology, University of California], Rosamond L. Naylor [Professor, Environmental Earth System Science; Associate Professor of Economics at Stanford University; Ph.D. in applied economics from Stanford University], Peter M. Vitousek [Professor of Biological Sciences at Stanford University; Ph.D. in biology from Dartmouth College], Heather L. Reynolds [Assitant Professor of Biology, at Kalamazoo College; Ph.D. (Integrative Biology), University of California, Berkeley], David U. Hooper [Assistant Professor, Department of Biology, Western Washington University; Ph.D., Biological Sciences, Stanford University], Sandra Lavorel [Multidisciplinary Institute of Plant Biology, National University of Cordoba], Osvaldo E. Sala [Professor, Department of Ecology, School of Agronomy, University of Buenos Aires, Argentina; PhD, Ecology, 1982, Colorado State University], Sarah E. Hobbie [Professor of Ecology, Evolution, and Behavior at the University of Minnesota; Ph.D., University of California – Berkeley], Michelle C. Mack [Associate Professor of Biology at the University of Florida; Ph.D. University of California at Berkeley]& Sandra Díaz [Professor of Forest Ecology at Wageningen University; Ph.D. Córdoba National University]: “Consequences of changing biodiversity” May 2000: <http://129.175.106.17/epc/conservation/PDFs/chapin.pdf> (JE)

“Biodiversity and its links to ecosystem properties have cultural, intellectual, aesthetic and spiritual values that are important to society. In addition, changes in biodiversity that alter ecosystem functioning have economic impacts through the provision of ecosystem goods and services to society (Fig. 1 and Box 2). Changes in diversity can directly reduce sources of food, fuel, structural materials, medicinals or genetic resources.”

2. Sustainable energy lost.

Link: UNDP brings clean sustainable energy to millions

Impact: 2 million people/year die without clean sustainable energy

United Nations Development Program Annual Report, 2012. “The Sustainable Future We Want” Published 2011/2012: <http://www.undp.org/content/dam/undp/library/corporate/UNDP-in-action/2012/English/UNDP-AnnualReport_ENGLISH.pdf>

Our common future depends on resource-efficient, low-emission development. How access to energy is obtained will play an important part in that. Achieving sustainable energy for all will reduce energy poverty and can help combat climate change. Today, 1.4 billion people are still without electricity access, and three billion use firewood and other biomass and coal as fuel for cooking and heat, causing indoor pollution and leading to illnesses which kill two million people every year. UNDP has been working with countries to achieve universal energy access and sustainable energy transitions. We have assisted countries in investing more than US$4.7 billion over the last decade in projects that have brought sustainable energy to 10 million poor around the world.

3. Democratic Reform Lost

Link: UNDP works in democratic reform through election assistance, anti-corruption, training, and capacity development

UNDP Fact Sheet, 2012: “UNITED NATIONS DEVELOPMENT PROGRAM (UNDP)” Published in May 2012: <http://www.us.undp.org/WashingtonOffice/UNDPFactSheet2012.pdf> (JE)

“As the largest multilateral organization with expertise in democratic reform, UNDP in 2010 dedicated almost 25 percent of its overall budget to help build institutional capabilities and promote gender equality in Ministries, electoral commissions, National Parliaments, and other governmental institutions. UNDP supports:   
\*Electoral assistance to 60 countries   
\*Anti-corruption programs in 103 countries   
\*Training for parliamentarians in one in three countries in the developing world   
\*Capacity development of ministries and sub-national institutions, including support for public sector anticorruption reform and the rule of law”

Impact 1: Election Protection

UNDP provides Electoral Assistance, safeguarding human rights, choice, and the ability to express opinions

Democratic Governance Group, Bureau for Development Policy, 2007. [programme of the UNDP]: “Electoral Assistance Implementation Guide” Published in 2007: <http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/undp-electoral-assistance-implementation-guide/UNDP-Electoral-Assistance-Implementation-Guide.pdf> (JE)

Electoral support comprises two major components: electoral assistance and electoral observation. UNDP does not observe elections1; instead, it [UNDP] concentrates on providing electoral assistance, often as a strategic entry point for broader democratic governance programmes. Such assistance stresses the transfer of professional skills and operational knowledge and on long-term capacity and institutional strengthening of the different stakeholders of an electoral process. Ultimately, UNDP assistance aims to ensure that elections are fully owned nationally, that there is awareness of elections being part of a broader democratic governance framework, and that elections provide a vital means to safeguard human rights, exercise choice and express opinions. To advance these goals, UNDP helps countries acquire the necessary skills to organize elections that are both credible and enjoy the confidence of electoral stakeholders. This assistance can take myriad forms — helping electoral management bodies (EMBs) prepare to conduct a specific electoral event, supporting civic and voter education programmes, building the long-term capacity of institutions as diverse as the media or police forces, and providing capacity development support to political parties. A good deal of technical assistance is also increasingly targeted at EMBs in the periods between electoral events (or ‘inter- election periods’), when the bodies can engage in a number of activities without the political and operational pressure of delivering an electoral event.”

4. Anti-corruption programs lost

Link: UNDP has 103 anti-corruption programs

Democratic Governance Group, 2012. [program of the UNDP]: “Anti-Corruption” Published in 2012: <http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus_areas/focus_anti-corruption.html> (JE)

 “UNDP, through the Global Programme on Anti-Corruption for Development effectiveness (PACDE), regional and country-level programmes, is a major provider of anti-corruption technical support to approximately 103 countries. It is also a global knowledge leader on anti-corruption. UNDP provides advisory services to programming countries; engages in advocacy and global awareness raising on anti-corruption; builds synergies with the initiatives of relevant partners; synchronizes global and regional activities with emerging demands from the countries involved; and develops knowledge products on anti-corruption to assist anti-corruption programming at the country level. UNDP has strong partnerships with other organizations working on anti-corruption such as the UN Office of Drugs and Crime, Tiri, GTZ, the Basel Institute on Governance, and the Institute of Governance Studies, Bangladesh.”

Link: UNDP anti-corruption programs are effective. UNDP helps countries make corruption more difficult, as illustrated by the Peru initiative

Helen Clark, 2012. [Administrator of the United Nations Development Programme; formerly the 37th Prime Minister of New Zealand]: “Remarks on corruption at the ECOSOC 2012 High Level Segment” Published by the United Nations Development Program in July 2012: [http://www.undp.org/content/undp/en/home/presscenter/speeches/2012/07/09/helen-clark-openi ng-remarks-at-the-ecosoc-2012-high-level-segment/](http://www.undp.org/content/undp/en/home/presscenter/speeches/2012/07/09/helen-clark-openi%20ng-remarks-at-the-ecosoc-2012-high-level-segment/) (JE)

“UNDP works with UNODC, for example, to make the Convention’s national review process, not just an end in itself, but, also an opportunity to engage stakeholders and citizens in meaningful dialogue on the reforms and policies needed. UNDP also works to build the capacity of anti-corruption institutions which can develop and support the policies and legislation needed to align national processes with the tenets laid out in the convention. We have complementary roles: UNODC focuses on inter-governmental processes and enforcement; while UNDP focuses on prevention through development. By supporting efforts to enhance transparency and increase citizen participation in local service delivery, UNDP helps countries to make corruption more difficult and therefore less likely. This was the result of Peru’s initiative, for example, to engage associations of water users in the operation and maintenance of large-scale irrigation systems. With users engaged, less bribery was reported and services were improved.”

Link: UNDP anti-corruption program effectiveness examples: Kosovo, Serbia, Macedonia, and Montenegro

United Nations Development Program, 2012. “Anti-Corruption in Eastern Europe and the CIS” Published in 2012: <http://europeandcis.undp.org/anticorruption/> (JE)

“To address corruption, UNDP works with national partners to reduce corruption, especially related to basic services for people living in poverty. This includes:  
Supporting anti-corruption in public sectors like health, education, water and sanitation, energy  
Supporting capacity development of anti corruption agencies and national integrity systems  
Developing effective and responsive public institutions through enhancing openness, transparency and accountability of the public administration  
Increasing participation of NGOs and citizens in the work of public institutions, including citizen monitoring  
Supporting integrity and corruption assessments  
Encouraging policy dialogue on anti-corruption  
Highlights:   
Kosovo\* is introducing citizen reporting for instances of corruption and bribery via SMS using a web based platform, similar to “I paid a bribe” in India. Serbia and FYR Macedonia are currently developing national anti corruption strategies. Serbia also established the Serbian Anti-Corruption Agency, introduced whistleblower protection, and is introducing citizen charters - codes of conduct for municipal authorities. Montenegro assessed the integrity of its health sector, focusing on informal payments. Findings (pdf) were used to develop a strategy to reform the health sector. Montenegro also assessed the risk of corruption to fine tune policies that prevent corruption, and adopted an evaluation framework for the national anti-corruption strategy and action plan. Montenegro’s Directorate for Anti-Corruption Initiative is also investing in its management capacities.”

Impact: Vulnerable suffer

Corruption undermines Human Development and democracy, and the vulnerable suffer worst

Democratic Governance Group, 2012. [program of the UNDP]: “Anti-Corruption” Published in 2012 <http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus_areas/focus_anti-corruption.html> (JE)

“Corruption undermines human development and democracy. It reduces access to public services by diverting public resources for private gain. The real costs of corruption were highlighted by the UN Secretary-General in his 2009 statement for the International Anti-Corruption Day: "When public money is stolen for private gain, it means fewer resources to build schools, hospitals, roads and water treatment facilities. When foreign aid is diverted into private bank accounts, major infrastructure projects come to a halt. Corruption enables fake or substandard medicines to be dumped on the market, and hazardous waste to be dumped in landfill sites and in oceans. The vulnerable suffer first and worst."”

5. Infectious diseases

Link: UNDP is actively fighting HIV in 46 countries

United Nations Development Program Annual Report, 2012. “The Sustainable Future We Want” Published 2011/2012: <http://www.undp.org/content/dam/undp/library/corporate/UNDP-in-action/2012/English/UNDP-AnnualReport_ENGLISH.pdf> (JE)

UNDP reviewed laws affecting people living with HIV in 15 Pacific Island Countries. 34 million people live with HIV around the world. In 2011, UNDP provided $275 million in HIV response assistance to 46 countries.”

Link: UNDP works with other countries to respond to HIV

United Nations Development Program, 2012: “HIV/AIDS” Published 2012: <http://www.undp.org/content/undp/en/home/ourwork/hiv-aids/overview.html> (JE)

“Globally there are 34 million people living with HIV. While new HIV infections have declined by 20 percent between 2001 and 2011, the HIV epidemic continues to outpace the response. In 2011, 2.5 million people were newly infected with HIV and 1.7 million people died from AIDS-related causes. UNDP works with countries to understand and respond to the development dimensions of HIV and health, recognizing that action outside the health sector can contribute significantly to better health outcomes.”

Example: UNDP actions against Malaria, HIV/AIDs, and TB (tuberculosis) in Sudan

UNDP Annual Report on Sudan, 2012. “UNDP Global Fund to Fight Aids Tuberculosis and Malaria in Sudan” Published in May 2012: <http://www.sd.undp.org/publications/GFATM%202011%20Final%20Annual%20Report.pdf> (JE)

“This Report offers a general description of the 2011 activities under the UNDP/GFATM Grants. The aim of the Report is to show the general objectives of each Grant, the main achievements of 2011; as well as the challenges that have faced the programme as a whole. In 2011, the main achievements were as follows: The malaria project activities have enabled 1,814,644 cases of uncomplicated and severe malaria to receive anti-malaria treatment according to National guidelines; as well as distributing 1,260,785 bed nets to protect approximately 630,393 people from malaria. The project also continued to support the provision of free anti malarial drugs for 4,330 health facilities. As part of strengthening national CSOs working against the disease; the project supported the training of 210 NGO staff members on national control strategies, resource mobilization, proposal writing and donor reporting. The HIV/AIDs activities reach over 150 thousand people, almost 58,000 members of the vulnerable population (youth in IDPs) as well as 67,000 young people from out-of-school settings. There are now almost 7,000 schools and drop-in centers providing life-based HIV/AIDS education; as well as more than 153,000 people who have completed the testing and counseling process; in addition to almost 5,000 people with advanced HIV infection receiving ARV combination therapy. Finally, almost 2,000 TB patients have begun ART during or at the end of TB treatment. The Tuberculosis activities enabled the detection of 7,266 new smear positive TB cases, and 80.4% of reported new smear positive cases were successfully treated; as well as 132 TB cases diagnosed as MDR-TB cases and put on treatment; in addition to 337,447 condoms distributed to TB patients. Almost 2,114 people were trained on TB management, contact tracing and management, PPM, DOTS links and health communication skills.”

Impact: People untreated, prevention ignored, people die, etc.

UNICEF – don’t abolish

CASE NOTES

Background:

This case appears in Decratum. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with their evidence but may not be prepared for additional arguments not covered there

Case Analysis:

The case is only outlined in Decratum, not fully explained. The most prominent arguments for ending UNICEF are financial accountability, funding terrorism, operating in countries like Iran and N.Korea where people (including children) are oppressed, and blocking international adoptions. As a general critique, a fair amount of the Affirmative evidence is either from old articles or else from sources that are not well qualified. You should be able to argue that your source qualifications and/or dates are better as an aid to winning many Negative arguments. As far as I can tell there is no plan advocacy that says the world would be better off if UNICEF were abolished.

We add a big section here on adoptions because that issue is heavily featured in their Affirmative case but not covered much in Decratum’s Negative material, and there are a lot more issues to be debated there than it might seem. International adoptions might just be a bad thing, not a good thing, so if UNICEF is blocking them, that’s wonderful

Total UNICEF budget is $11.7 billion for the 2-year budget of 2012-2013

UNICEF Report of the Advisory Committee on Administrative and Budgetary Questions 2011. “United Nations Children’s Fund UNICEF institutional budget for 2012-2013” 5 August 2011 <http://www.unicef.org/about/execboard/files/2011-ABL3-Report_of_the_ACABQ-LK-SS-Final_sent_to_UN_5_August_11.pdf>

According to the resource plan summarized in annex I of the present document, the total projected resources from regular resources, other resources and trust funds for the biennium 2012-2013, including an opening balance of $2,816 million, amount to $11,700 million, reflecting an increase of $1,281 million, or 12.3 per cent, compared with the total planned resources of $10,419 million for 2010-2011. For 2012-2013, total regular resources are projected at $2,709 million, reflecting an increase of $105 million, or 4 per cent, compared with $2,604 million in 2010-2011.

INTERNATIONAL ADOPTION RESPONSES: If UNICEF is blocking international adoptions, that’s good

Negative Philosophy: Let’s reverse those sad orphan suffering stories told by AFF. The fact is, international adoption is not really about saving children – it’s about Americans who want kids and brokers who want money. If we really cared about poor kids, we’d just help the poor families, instead of taking their kids away

Prof. David Smolin 2007. (an adoptive father; also Professor of Law, Cumberland School of Law, Samford University; Director, Center for Biotechnology, Law and Ethics; J.D. 1986, University of Cincinnati College of Law; B.A. 1980 New College of the University of South Florida) 2007 VERMONT LAW REVIEW, CHILD LAUNDERING AS EXPLOITATION: APPLYING ANTI-TRAFFICKING NORMS TO INTERCOUNTRY ADOPTION UNDER THE COMING HAGUE REGIME http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDkQFjAA&url=http%3A%2F%2Flawreview.vermontlaw.edu%2Ffiles%2F2012%2F02%2Fsmolin.pdf&ei=P9vLUI2bG5GCyAHTzIH4BA&usg=AFQjCNEu2mpMu1CuLO75l929LAEx\_wiLWQ&sig2=poo3vME4x4pv8rhm-i6b5w&bvm=bv.1355325884,d.aWc

The expectation in the United States has been that such birth parents should be so overwhelmed with gratitude to the individual for giving the child a “better life” that they would indeed feel gratitude rather than resentment. It may be that some birth parents in such situations do feel and express these sentiments. The concern for the child, the hope that the child will have greater opportunities than the parent, and the crushing sense of hopelessness that such poverty can bring may indeed come into play. Victims of exploitation sometimes are so oppressed that they feel grateful even to those who exploit them. Objectively speaking, however, the decision to intervene in such situations by spending $30,000 for a Guatemalan adoption, rather than $50 for a one-time humanitarian project—or $240 per year, per family for a long term economic development project—is clearly driven primarily by the desire of the adoptive parents for children and the intermediaries for profits. In a very real sense, the combined poverty and fecundity of the birth family are being exploited for the benefit of others, to the harm of the birth family. The fact that the birth family makes a “choice” in some such situations is overshadowed by the choice of interventions made by those who select a much more expensive adoption over a much less expensive intervention that would have kept the birth family intact.

Adoption is not necessarily “good” – we need an attitude adjustment

Prof. David Smolin 2007. (an adoptive father; also Professor of Law, Cumberland School of Law, Samford University; Director, Center for Biotechnology, Law and Ethics; J.D. 1986, University of Cincinnati College of Law; B.A. 1980 New College of the University of South Florida) 2007 VERMONT LAW REVIEW, CHILD LAUNDERING AS EXPLOITATION: APPLYING ANTI-TRAFFICKING NORMS TO INTERCOUNTRY ADOPTION UNDER THE COMING HAGUE REGIME http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDkQFjAA&url=http%3A%2F%2Flawreview.vermontlaw.edu%2Ffiles%2F2012%2F02%2Fsmolin.pdf&ei=TtzLUIybBqTRyAHCkIC4CA&usg=AFQjCNEu2mpMu1CuLO75l929LAEx\_wiLWQ&sig2=YdvFcWnv3Wgm8tXdhfTHGg&bvm=bv.1355325884,d.aWc

The reason it is difficult to consider adoption a form of exploitation is that our intuitions have been conditioned to consider adoption as an inherently good, rather than harmful, act. Even to consider that *some* adoptions might be “exploitative” seems contradictory, since adoption is considered in its essence a “good” and helpful act. These intuitions, however, are misguided, at least from the perspective of the birth family. To the degree that adoptions are—and they often are—built upon the destruction and denigration of birth family relationships, adoption is not an inherent or essential good, but is at best a tragic good. Once one perceives adoption through the lens of the birth family, and the child as an initial member of a birth family, then adoption comes into focus as a deeply difficult, problematic act inherently steeped in loss.

SIGNIFICANCE / HARMS

1. No need for international adoptions

Outside of China, the need for international adoption has virtually disappeared

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love

To complicate matters further, while international adoption has become an industry driven by money, it is also charged with strong emotions. Many adoption agencies and adoptive parents passionately insist that crooked practices are not systemic, but tragic, isolated cases. Arrest the bad guys, they say, but let the “good” adoptions continue. However, remove cash from the adoption chain, and, outside of China, the number of healthy babies needing Western homes all but disappears.

In East Europe and Central Asia, babies can be adopted within their own country – the need for international adoption may be zero.

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love

Nigel Cantwell, a Geneva-based consultant on child protection policy, has seen the dangerous influence of money on adoptions in Eastern Europe and Central Asia, where he has helped reform corrupt adoption systems. In these regions, healthy children age 3 and younger can easily be adopted in their own countries, he says. I asked him how many healthy babies in those regions would be available for international adoption if money never exchanged hands. “I would hazard a guess at zero,” he replied.

2. No orphan crisis

The world orphan crisis is a myth

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love

**W**e all know the story of international adoption: Millions of infants and toddlers have been abandoned or orphaned— placed on the side of a road or on the doorstep of a church, or left parentless due to aids, destitution, or war. These little ones find themselves forgotten, living in crowded orphanages or ending up on the streets, facing an uncertain future of misery and neglect. But, if they are lucky, adoring new moms and dads from faraway lands whisk them away for a chance at a better life. Unfortunately, this story is largely fiction. Westerners have been sold the myth of a world orphan crisis.

There are not many homeless infants who need international adoption

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love?page=0,1

Orphans are rarely healthy babies; healthy babies are rarely orphaned. “It’s not really true,” says Alexandra Yuster, a senior advisor on child protection with UNICEF, “that there are large numbers of infants with no homes who either will be in institutions or who need intercountry adoption.”

3. International adoption is driven by demand from the US, not the needs of poor kids

International adoption process is developed to meet the US demand

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love?page=0,1

“Guatemala is a perfect case study of how international adoption has become a demand-driven business,” says Kelley McCreery Bunkers, a former consultant with UNICEF Guatemala. The country’s adoption process was “an industry developed to meet the needs of adoptive families in developed countries, specifically the United States.”

The babies are only available because the money is available

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love?page=0,2

Guatemala’s example is extreme; it is widely considered to have the world’s most notorious record of corruption in foreign adoption. But the same troubling trends have emerged, on smaller scales, in more than a dozen other countries, including Albania, Cambodia, Ethiopia, Liberia, Peru, and Vietnam. The pattern suggests that the supply of adoptable babies rises to meet foreign demand—and disappears when Western cash is no longer available.

International adoption is about Americans with money in search of children, not children in search of homes

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love?page=0,0

We are told that millions of children are waiting for their “forever families” to rescue them from lives of abandonment and abuse. But many of the infants and toddlers being adopted by Western parents today are not orphans at all. Yes, hundreds of thousands of children around the world do need loving homes. But more often than not, the neediest children are sick, disabled, traumatized, or older than 5. They are not the healthy babies that, quite understandably, most Westerners hope to adopt. There are simply not enough healthy, adoptable infants to meet Western demand—and there’s too much Western money in search of children. As a result, many international adoption agencies work not to find homes for needy children but to find children for Western homes.

Almost all international adoptions make US officials uneasy

E.J. Graff 2008. (associate director and senior researcher at Brandeis University’s Schuster Institute for Investigative Journalism) Nov/Dec 2008 “The Lie We Love,” FOREIGN POLICY, http://www.foreignpolicy.com/articles/2008/10/15/the\_lie\_we\_love?page=0,3

One U.S. official told me that when embassy staff in a country that sent more than 1,000 children overseas last year were asked which adoption visas they felt uneasy about, they replied: almost all of them.

INTERNATIONAL ADOPTION DISADS

Link: UNESCO blocks international adoptions. It’s in the AFF case.

Link: Affirmative removes the agency that is blocking the international adoptions. That means more international adoptions will happen if you vote Affirmative.

Impacts: International adoptions are bad.

Impact 1: Horrific emotional impact. Women are manipulated into giving up their babies and then have emotional regrets similar to women who have abortions

Prof. David Smolin 2007. (an adoptive father; also Professor of Law, Cumberland School of Law, Samford University; Director, Center for Biotechnology, Law and Ethics; J.D. 1986, University of Cincinnati College of Law; B.A. 1980 New College of the University of South Florida) 2007 VERMONT LAW REVIEW, CHILD LAUNDERING AS EXPLOITATION: APPLYING ANTI-TRAFFICKING NORMS TO INTERCOUNTRY ADOPTION UNDER THE COMING HAGUE REGIME http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Flawreview.vermontlaw.edu%2Ffiles%2F2012%2F02%2Fsmolin.pdf&ei=wuDLUIr6EO3AyQHBg4G4Bw&usg=AFQjCNEu2mpMu1CuLO75l929LAEx\_wiLWQ&sig2=pzylaGOvoqokmRVU7GLAlw&bvm=bv.1355325884,d.aWc

Ironically, the socially conservative moral vision undergirding twentieth-century domestic adoption required a denial of what might be called the “natural law” of mother-child relationships. Those who most embraced motherhood failed to understand how “unnatural” and disabling it can be for a woman to bear and birth a child, and then try to pretend that the event never occurred. Indeed, from a traditionalist family perspective the horrific narratives of women who regret losing their children to adoption read like the narratives of women who regret their abortions. There is the same sense of being pressured by difficult circumstances, manipulative intimates, and strangers into an irredeemably painful “choice.”

Impact 2. Exploitation and slavery.

Treating poor families as a source of babies is just like slavery

Prof. David Smolin 2007. (an adoptive father; also Professor of Law, Cumberland School of Law, Samford University; Director, Center for Biotechnology, Law and Ethics; J.D. 1986, University of Cincinnati College of Law; B.A. 1980 New College of the University of South Florida) 2007 VERMONT LAW REVIEW, CHILD LAUNDERING AS EXPLOITATION: APPLYING ANTI-TRAFFICKING NORMS TO INTERCOUNTRY ADOPTION UNDER THE COMING HAGUE REGIME http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Flawreview.vermontlaw.edu%2Ffiles%2F2012%2F02%2Fsmolin.pdf&ei=wuDLUIr6EO3AyQHBg4G4Bw&usg=AFQjCNEu2mpMu1CuLO75l929LAEx\_wiLWQ&sig2=pzylaGOvoqokmRVU7GLAlw&bvm=bv.1355325884,d.aWc

Viewing the question of exploitation and harm from the perspective of the birth family as a family, rather than a mere collection of individuals, is also helpful. When profit-motivated individuals take children from a family and place the child for adoption, they are clearly exploiting the birth family as a unit. The capacity of the birth family to procreate and nurture their young is being exploited. The birth family is treated in effect as breeders, as was done historically with slavery in the United States, when slaves’ capacity to produce and raise more slaves was a part of their value.

From the birth mother’s perspective, it’s exploitation, not mercy

Prof. David Smolin 2007. (an adoptive father; also Professor of Law, Cumberland School of Law, Samford University; Director, Center for Biotechnology, Law and Ethics; J.D. 1986, University of Cincinnati College of Law; B.A. 1980 New College of the University of South Florida) 2007 VERMONT LAW REVIEW, CHILD LAUNDERING AS EXPLOITATION: APPLYING ANTI-TRAFFICKING NORMS TO INTERCOUNTRY ADOPTION UNDER THE COMING HAGUE REGIME http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Flawreview.vermontlaw.edu%2Ffiles%2F2012%2F02%2Fsmolin.pdf&ei=wuDLUIr6EO3AyQHBg4G4Bw&usg=AFQjCNEu2mpMu1CuLO75l929LAEx\_wiLWQ&sig2=pzylaGOvoqokmRVU7GLAlw&bvm=bv.1355325884,d.aWc

It would be helpful for the reader at this point in the Article to imagine herself in a situation of such deep poverty, struggling to provide for herself and her children, but, due to a crisis, temporarily short of the bare means of subsistence. If someone of ample means came to you, refusing to provide even the pittance it would take to help you keep your child (under $50)— but willing to buy your child from you—would you consider this an act of mercy or an act of exploitation?

Think Again about Adoption: We need to put the birth family first and stop exploiting the poor

Prof. David Smolin 2007. (an adoptive father; also Professor of Law, Cumberland School of Law, Samford University; Director, Center for Biotechnology, Law and Ethics; J.D. 1986, University of Cincinnati College of Law; B.A. 1980 New College of the University of South Florida) 2007 VERMONT LAW REVIEW, CHILD LAUNDERING AS EXPLOITATION: APPLYING ANTI-TRAFFICKING NORMS TO INTERCOUNTRY ADOPTION UNDER THE COMING HAGUE REGIME http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Flawreview.vermontlaw.edu%2Ffiles%2F2012%2F02%2Fsmolin.pdf&ei=wuDLUIr6EO3AyQHBg4G4Bw&usg=AFQjCNEu2mpMu1CuLO75l929LAEx\_wiLWQ&sig2=pzylaGOvoqokmRVU7GLAlw&bvm=bv.1355325884,d.aWc

It takes blinders not to see such systematic and lucrative efforts to obtain the children of the poor and vulnerable for adoption as an act of exploitation. Those blinders have existed thus far in the deeply held moral intuition that adoption is an overriding good; such blinders can be removed only by an act of moral imagination that perceives the birth family as a unit of worth and dignity and the child as a part of that family.

Impact: We’ve lost our moral compass on adoption

Ken Watson in an article copyrighted 2007. **(** professional social worker in the field of child welfare for over forty-five years; presented over 650 workshops and seminars, has had faculty appointments at four university graduate schools of social work; in 1994 he retired as the Assistant Director of the Chicago Child Care Society) published by American Adoption Congress, “Who Cares If People Are Exploited by Adoption?” <http://www.americanadoptioncongress.org/practices_watson_article.php>

The wide variation in agency adoption fees is based less on the quality of the service than on the fiscal base of an agency and how it calculates its fees. Whatever the agency charges, adoptive parents are not deceived. They know they are paying for a child. Some agencies involved in international placements make this clear. At their initial meeting with prospective adoptive parents, they circulate their fee schedule. Children are listed in categories by race and sex with a different cost for the adoption of the children in each category. The highest cost is for a white female and the lowest for a black male. The sad truth is that we have lost our way in adoption. We are being driven by greed. There are no certain legal signposts, and we have misplaced our moral compass. We have all become victims of commercial exploitation-children, birthparents and siblings, adoptive parents, and those of us who tolerate this situation.

SOMALIA CRISIS DISAD

Link: Affirmative cancels UNICEF

Link & Brink: Without UNICEF, kids will be at serious risk of hunger and disease in Somalia

UNICEF 2012. “Humanitarian Action for Children,” EASTERN AND SOUTHERN AFRICA – SOMALIA, <http://www.unicef.org/hac2012/hac_somalia.php>

In line with the Consolidated Appeals Process (CAP) requirements, UNICEF is requesting US$289,134,000 to provide urgently needed basic services to the children and women of Somalia. In the absence of a fully functional government, UNICEF and its partners are primary providers of basic services, and children are at serious risk of hunger and disease if such services are unavailable. Lack of funding will mean that health centres are likely to experience drug shortages, and many schools will not be able to function. Children will be subject to increasing risks if UNICEF is unable to respond to the increased humanitarian needs at the necessary scale.

Link: UNICEF is providing food, sanitation, and medical care to millions in Somalia

UNICEF 2012. “Humanitarian Action for Children,” EASTERN AND SOUTHERN AFRICA – SOMALIA, <http://www.unicef.org/hac2012/hac_somalia.php>

UNICEF is scaling up its response in 2012 in coordination with local authorities and more than 100 national and international partner organizations, while leading the education, nutrition and WASH clusters and the child protection sub-cluster.  
- Some 145,000 severely and 180,000 moderately malnourished children will be treated and blanket supplementary feeding will be provided to 200,000 households per month.  
- A combination of health interventions, including measles, polio, tetanus, vitamin A and deworming, will be provided through Child Health Days to 1.8 million children under 5 and 2 million women of childbearing age.  
- Treatment for 5.6 million children and 1 million women will be provided at maternal and child health centres; appropriate case management will ensure response to outbreaks of measles, cholera and acute watery diarrhoea.  
- Access to safe water will be gained by 2.2 million people; latrines will be constructed for 96,000 adults and 24,000 children.

Impact: Hunger and disease. 4 million people in Somalia at risk from hunger and sickness

UNICEF 2012. “Humanitarian Action for Children,” EASTERN AND SOUTHERN AFRICA – SOMALIA, <http://www.unicef.org/hac2012/hac_somalia.php>

The conflict and insecurity that have defined Somalia throughout the past two decades are now compounded by the damaging effects of the worst famine the country has seen in 17 years. Four million people, including 2 million children, are in need of immediate food security and livelihood assistance. Three million of these people live in the al-Shabab-controlled south, where humanitarian access is limited due to the high level of insecurity. Rates of acute malnutrition illustrate an almost unimaginable situation: 30 per cent of children under 5 are acutely malnourished, with nearly three quarters of them living in the south.2 As the crisis worsens, acute watery diarrhoea and cholera are spreading due to lack of safe water and sanitation. During the first two weeks of October, there were more than 906 suspected measles cases (including 711 of children under 5) and 20 related deaths reported in South and Central Somalia, as well as 1,206 suspected malaria cases, including 706 cases under 5 and 6 related deaths.

Impact: 8 million people in the Horn of Africa need food assistance – UNICEF is providing it

Athanas Makundi 2012. (journalist reporting from Mogadishu, Somalia;  Bachelor of Arts from Urbaniana University, Italy, M.A in communication Studies and a Postgraduate Diploma in Mass Communication from the University of Nairobi; former media consultant to NGOs.  ) 20 July 2012 **“**One year after the declaration of famine, Somalia sees signs of progress” <http://www.unicef.org/somalia/reallives_11416.html>

One year ago, on 20 July 2011, the United Nations declared famine in two regions of southern Somalia, the flashpoint in a humanitarian crisis gripping the Horn of Africa. After an outpouring of international support, the famine ended in February 2012, and countless lives across the region were saved. But 8 million people in Somalia, Ethiopia and Kenya remain in need of humanitarian assistance, and UNICEF’s relief efforts must continue.

Impact: Somali families are lucky if they can get to UNICEF – it may save them from death by malnutrition

Athanas Makundi 2012. (journalist reporting from Mogadishu, Somalia;  Bachelor of Arts from Urbaniana University, Italy, M.A in communication Studies and a Postgraduate Diploma in Mass Communication from the University of Nairobi; former media consultant to NGOs.  ) 20 July 2012 **“**One year after the declaration of famine, Somalia sees signs of progress” <http://www.unicef.org/somalia/reallives_11416.html>

The convoy moves on to a UNICEF-supported feeding centre run by the local NGO SAACID. During the crisis last year, displaced people in Mogadishu were among the six declared famine areas. “The children coming to the feeding centre are early cases of malnutrition compared to the once who came here at the point of death last year,” says SAACID project coordinator Adam Yusuf Mandi. In some ways, these families are lucky. There are areas of Somalia that UNICEF cannot get to. It is estimated that over 3.5 million people – half of them children – have been out of reach since November 2011, when the Al-Shabaab militia banned UNICEF from the areas they controlled.

AFRICA MALARIA DISAD

Link: Affirmative cancels UNICEF

Link: European Union/UNICEF anti-malaria bed net partnership program is having a major impact

Andris Piebalgs 2012. (Latvian diplomat serving as European Commissioner for Development at the European Commission; former  European Commissioner for Energy) “WINNING THE FIGHT AGAINST MALARIA” April 2012 <http://ec.europa.eu/commission_2010-2014/piebalgs/headlines/news/2012/04/20120425_en.htm>

Nationally, in some heavy-burden countries, such as the DRC [Democratic Republic of Congo], the disease accounts for up to 40% of public health expenditure, up to 50% of inpatient admissions and up to 60% of outpatient health clinic visits. Yet with minor changes, these terrible figures could be drastically reduced. Anti-malarial mosquito nets are key – indeed it is estimated that if at least 80% of all households in sub-Saharan Africa were to use them, the number of malaria cases could be reduced by up to 50%. An EU-UNICEF partnership to distribute insecticide treated mosquito nets in the DRC [Democratic Republic of Congo], Ethiopia, Mozambique and Niger that began at the end of 2007 is making a major impact on the number of people sleeping under nets.

Impact: Malaria kills 655,000 people/year in Africa, most of them children

UNICEF in an article last updated January 2012. “ChildInfo – monitoring the situation of children and women” <http://www.childinfo.org/malaria.html>

Malaria poses a tremendous public health problem. The World Health Organization (WHO) estimated that in 2010, there were 216 million malaria episodes, most of them in the African region (81 per cent), leading to approximately 655,000 malaria deaths. While malaria is endemic within most tropical and subtropical regions of the world, 91 per cent of all malaria deaths currently occur in Africa and most of these deaths are among children under five years of age. Approximately 1 in every 5 child deaths (18 per cent) in Africa is due to malaria.

UNMIK / UN MISSION IN KOSOVO - is good, don’t abolish

TOPICALITY

1. Not “Significantly” reforming

UN operation in Kosovo is insignificant

Andrew MacDowall 2012. (journalist living in southeast Europe) 24 July 2012 “Ban Ki Moon in Kosovo – at best, a reminder of the country’s problems” <http://blogs.ft.com/beyond-brics/2012/07/24/ban-ki-moon-in-kosovo-at-best-a-reminder-of-the-countrys-problems/#axzz29CZJG9Ko> (brackets added)

The trip is part of a larger tour of the western Balkans – Ban [Ki-Moon, UN Secretary General] was in Belgrade on Monday and our photo shows him in Slovenia on July 20. He is, on paper at least, visiting Kosovo to check up on the UN’s presence there. This is in fact rather insignificant these days, as the UN mission in Kosovo, UNMIK, handed over most of its responsibilities to the EU mission (EULEX) and to Kosovar authorities. UNMIK now largely serves to inform UN headquarters of goings-on in the region.

Insignificant budget: $49 million

United Nations Interim Administration Mission in Kosovo official website 2012. “UNMIK Facts and Figures” <http://www.un.org/en/peacekeeping/missions/unmik/facts.shtml>

“Financial aspects  
- Method of financing: Assessment in respect of a Special Account  
- Approved budget (1 July 2012 - 30 June 2013): $49,022,100 “

Total UN peacekeeping budget is $7.23 billion

United Nations Peacekeeping official website 2012. “Financing Peacekeeping“ <http://www.un.org/en/peacekeeping/operations/financing.shtml>

How much does peacekeeping cost?  
The budget for UN Peacekeeping operations for the fiscal year 1 July 2012-30 June 2013 is about $7.23 billion [A/C.5/66/17].

Violation: $49 million divided by $7.23 billion = a total change of 0.68%. This is microscopic, not significant.

Topicality Impacts:

**1. No Affirmative team.** No one in this room today is advocating significantly reforming the UN. One team is arguing for a 0.68% reform, and the other is arguing for no reform. With no one affirming the resolution, no matter who wins you should write Negative on the ballot.

**2. Opportunity cost.** The time spent debating this tiny policy could have been spent debating something worthwhile. The impact to debating insignificant things is that we are losing the opportunity to debate meaningful things. We will never get this hour and a half back again. Experts agree that we have to consider Opportunity Cost when debating public policy:

Prof. Daniel Drezner 2010. (professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University) FOREIGN POLICY 16 Nov 2010 What do you do with dumb debates? <http://drezner.foreignpolicy.com/posts/2010/11/16/what_do_you_do_with_dumb_debates>

When it comes to policy debates I'm always on the side of John Stuart Mill -- the best way to deal with stupid arguments is to counter them with better arguments in the public sphere. That said, there's a serious cost to this philosophy in a world in which the stupid ideas can command the policy agenda. The opportunity cost to the inordinate amount of time that is spent swatting away these ideas is that less time is spent debating policies and ideas that have a real chance of being enacted.

SOLVENCY

Kosovo doesn’t have the ability to govern itself

Pellumb Kallaba 2011. (graduated University of Trento,Italy, Master’s Programme Comparative Local Development; works for the Mission of OSCE in Kosovo; KCCS Head of Research as well as the KCSS representative to the European Peacebuilding Laison Office in Brussels) Europe an Presence in Kosovo’s Post-independence :Between Contestation and Recognition, KOSOVAR CENTER FOR SECURITY STUDIES (KCSS) <http://qkss.org/new/images/content/PDF/Kallaba%20Pellumb_Panorama%202012.pdf>

From an international viewpoint, post-independent Kosovo is a hybrid classification mainly considered as a low-income post-conflict country characterised by weak institutional capacity and state legitimacy. It is lacking control of the whole national territory, without monopoly on the use of force, and an inability to provide core functions and basic services to citizens (Geldenhuys 2009; Montanaro 2009; World Bank 2009).

DISADVANTAGES

1. Divisiveness at the UN

Link: No UN Security Council permanent member advocates changing UNMIK/Resolution 1244

Pellumb Kallaba & Violeta Ferati 2012. (Kallaba - graduated University of Trento,Italy, Master’s Programme Comparative Local Development; worksfor the Mission of OSCE in Kosovo; KCCS Head of Research as well as the KCSS representative to the European Peacebuilding Laison Office in Brussels. Ferati - graduated Fulda University of Applied Sciences (Germany) in the Master’s Programme of Intercultural Communication and European Studies; worked at the International Relations Office of the University of Prishtina, Caritas Europa in Brussels, the Embassy of Republic of Kosovo in Berlin) Mapping the UNSCR 1244 Legacy in Post‐Independence Kosovo:Between Contestation and Recognition, KOSOVAR CENTER FOR SECURITY STUDIES, May 2012 <http://qkss.org/new/images/content/PDF/English%20version%20-%20Mapping%20the%20UNSCR%201244%20legacy%20in%20post-independent%20Kosovo%20between%20contestation%20recognition.pdf>

Despite these developments, one can easily see that a large number of international actors remain in Kosovo, even after the Declaration of Independence, working under the protection of UNSCR 1244. UNMIK’s authority, in particular, is considered to be rather nominal, lacking recognition by other international organizations and having no contractual relationship with Kosovo Government officials. However, the UN asserted that despite Kosovo’s declaration of Independence, Resolution 1244 remained in force unless repealed by the Security Council. This means that the UNMIK Special Representative of the Secretary General retained the exclusive executive and legislative authority in Kosovo under Resolution 1244 with changing circumstances on the ground due to Kosovo’s declaration of independence merely limiting UNMIK’s operational but not legal capacity. This would mean that any upcoming EU engagement in Kosovo would need the consent of the UN under Resolution 1244. Consecutively, Kosovo’s international presence (both civilian and military), with the exception of the ICO, remains highly dependent on any development regarding any Security Council decision over Resolution 1244. Except for a few sporadic statements by political leaders, the research team did not discover any policy endorsed by post‐independence institutions in Kosovo that favors replacement or revision of Resolution 1244 via the backing of a powerful UNSC permanent member state, in order to shift away from the ongoing status‐quo.

2. Loss of peace in Kosovo

Link & Brink: UNMIK presence is the only hope for peace in Kosovo

**Gerard M. Gallucci 2012.** (retired US diplomat and UN peacekeeper; worked as part of US efforts to resolve the conflicts in Angola, South Africa and Sudan and as Director for Inter-American Affairs at the National Security Council; served as UN Regional Representative in Mitrovica, Kosovo from July 2005 until October 2008 and as Chief of Staff for the UN mission in East Timor from November 2008 until June 2010) 18 June 2012 Kosovo – UNMIK refuses Quint gambit <http://www.transconflict.com/2012/06/kosovo-unmik-refuses-quint-gambit-186/> (brackets added)

What UNMIK eventually does with the north Mitrovica office may still be up in the air. Without funds from Pristina, it really cannot contribute much in the way of services to the various communities there. But an UNMIK presence in north Mitrovica – and the other three Serb-majority municipalities in the north – is required under UNSCR [UN Security Council Resolution] 1244 and remains the only available means to peacefully preserve the integrity of Kosovo’s boundaries as recognized by 1244. The UN, and NATO, remain bound to the peacekeeping mandate that sent them there in 1999. The Quint [France, Germany, Italy, the United Kingdom and the United States] is luckier than it appreciates that UNMIK remains on the job. KFOR cannot enforce any political objectives **through use of force.** UAM [UNMIK Administration in Mitrovica ] and UNMIK provide the political continuity that keeps open the door for a peaceful resolution to the remaining issues of Kosovo status.

Link + Uniqueness: UN, NATO and EU play vital role in preventing relapse into violence – as of Oct 2012

Bergþóra Silva Hólm 2012. (candidate for Master of Arts in Development Studies at the University of Iceland, publishing research supervised by Prof. Jónína Einarsdóttir, Professor of Anthropology at the Faculty of Social and Human Sciences at the University of Iceland) Oct 2012 Building a New Tomorrow -International Peacebuilding in Kosovo <http://skemman.is/en/stream/get/1946/12969/31345/1/MA+%C3%9Er%C3%B3una...pdf>

The international peacebuilding journey started in Kosovo in 1999, when NATO stopped the air campaign, and Resolution 1244 was adopted by the United Nation Security Council on 10th of June 1999. Since then the government in Kosovo has gained increased control, and in February 2008 Kosovo declared independence. The international community has been focussing on issues like, security and rule of law, governance, human rights, democratic development, and improving the standard of living (Ruecker, 2000). The United Nations, NATO, and the European Union play a vital role in these areas in helping to reduce the risk of relapsing into conflict and to assist building a sustainable peace.

Impact: Violence. Conflicting parties in Kosovo will take a long time to get out of their history of violence, and they are not at the end of the process yet (Oct 2012)

Bergþóra Silva Hólm 2012. (candidate for Master of Arts in Development Studies at the University of Iceland, publishing research supervised by Prof. Jónína Einarsdóttir, Professor of Anthropology at the Faculty of Social and Human Sciences at the University of Iceland) Oct 2012 Building a New Tomorrow -International Peacebuilding in Kosovo <http://skemman.is/en/stream/get/1946/12969/31345/1/MA+%C3%9Er%C3%B3una...pdf>

Lederach (1997) argues that it takes people at least as long to get out of a conflict as it does to get into one. The Serbs and Albanians share a long history of fighting over Kosovo, which makes the peacebuilding process a long time commitment at both local and international levels. It is a long journey and no one can say for certain when it will end. The Balkan history is full of violence and great tension between the ethnic-Serbs and ethnic-Albanians. It is home of two ethnic groups, who both claim that they are the first inhabitants in Kosovo. This past has left a lasting demographic and emotional effect on Kosovo and its inhabitants (Judah, 2008).

3. EULEX. Note: Responses to EULEX depend on what strategy you want to take. If AFF argues that EULEX is good for replacing UNMIK, and you want to argue that it’s bad, you can argue that relying on EULEX is bad. That’s our disad 3A. If you want to argue that EULEX is good, the DA would be that canceling UNMIK will also end EULEX, and losing EULEX is bad. That’s our disad 3B. Obviously, you can’t argue both at the same time.

3A. Reliance on EULEX is bad

Link: AFF increases reliance on EULEX

Link & Impact: EULEX fails to improve rule of law, is distrusted and discredited

Pellumb Kallaba 2011. (graduated University of Trento,Italy, Master’s Programme Comparative Local Development; works for the Mission of OSCE in Kosovo; KCCS Head of Research as well as the KCSS representative to the European Peacebuilding Laison Office in Brussels) Europe an Presence in Kosovo’s Post-independence :Between Contestation and Recognition, KOSOVAR CENTER FOR SECURITY STUDIES (KCSS) <http://qkss.org/new/images/content/PDF/Kallaba%20Pellumb_Panorama%202012.pdf>

Consequently, North Kosovo is a clear reflection of this reality: EULEX has an asymmetric mandate based on the UN Secretary General’s six point plan in six fields related to Serb majority areas: police, courts, customs, transportation and infrastructure, boundaries and cultural heritage (Hoogenboom 2011; Džihić and Kramer 2009). According to the international reports, three years after the EULEX’s deployment, “there is little to be positive about. The overall rule of law situation has not improved and, in some ways, has even deteriorated.” EULEX does not receive the trust of the majority of the population and is increasingly discredited by Kosovo officials as well. In North Kosovo, EULEX is status neutral, thus, reinforcing the division of North Kosovo, and giving rise to resentment among Kosovo Albanians (Blockmans 2010). The EULEX’s stalemate has been recently reconfirmed during the violence in North Kosovo against the two northern crossing points along the Serbian border.

3B. We lose EULEX

Link: AFF abolishes UNMIK

Linnk: EULEX depends on UNMIK. EULEX can only be deployed under the authority of UMIK and UNSC Resolution 1244

Pellumb Kallaba 2011. (graduated University of Trento,Italy, Master’s Programme Comparative Local Development; works for the Mission of OSCE in Kosovo; KCCS Head of Research as well as the KCSS representative to the European Peacebuilding Laison Office in Brussels) Europe an Presence in Kosovo’s Post-independence :Between Contestation and Recognition, KOSOVAR CENTER FOR SECURITY STUDIES (KCSS) <http://qkss.org/new/images/content/PDF/Kallaba%20Pellumb_Panorama%202012.pdf>

After the Declaration of Independence, the EU’s robust presence in Kosovo consisted of the largest Common Security and Defence Policy mission so far, with extensive mandate including executive competences - Rule of Law Mission (EULEX). However, being originally foreseen under the provisions of Ahtisaari’s proposal, the deployment and the legal basis of the EULEX due to the UN and the EU disunity was not in alignment with Ahtisaari’s vision. Before 17 February 2008, this vision consisted of the UN reconfiguration25 of the civilian presence in Kosovo and the transfer of the UNMIK’s competence to the civilian and political missions of the EU – such as the EULEX and the ICO. Through this reconfiguration, the EU was supposed to play a leading role in Kosovo, in particular in the area of justice, customs and police. However due to the rejection of Ahtisaari Plan, Serbia and other Member States conditioned the deployment of EULEX only under the umbrella of the UNMIK established by the UNSC Resolution 1244.

Brink: European Union state-building effort in Kosovo depends on EULEX’s performance

Pellumb Kallaba 2011. (graduated University of Trento,Italy, Master’s Programme Comparative Local Development; works for the Mission of OSCE in Kosovo; KCCS Head of Research as well as the KCSS representative to the European Peacebuilding Laison Office in Brussels) Europe an Presence in Kosovo’s Post-independence :Between Contestation and Recognition, KOSOVAR CENTER FOR SECURITY STUDIES (KCSS) <http://qkss.org/new/images/content/PDF/Kallaba%20Pellumb_Panorama%202012.pdf>

Simultaneously, for the first time the EU has become involved in contested state-building, therefore its policy of ambiguity produced an oxymoronic situation for Kosovo, and along with it has left its European perspective in limbo. In this distinctive case, the EU’s role in state-building is highly contingent upon EULEX’s performance. As the most ambitious and the largest civilian mission ever launched by the EU, indeed, EULEX’s success in fulfilling its mandate must translate into clear political, economic and social development for Kosovo.

Impact: Cross-apply DA2 impact card above. Kosovo isn’t able to settle its problems, they need outside peacebuilding or else they’ll descend into violence.

WORLD HEALTH ORGANIZATION CONTINGENCY FUND

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement the material already available in The Source and to make arguments not covered in their Negative material.

Case Analysis:

This case has problematic plan advocacy, and there are some gaps in the links from the inherency to the harms to the advantages to an impact. “So what?” is often a good response to arguments presented in this 1AC. The one example of a disease outbreak that needs WHO attention cited in the case, swine flu, is tricky because the card that supports it contains non-underlined words that negate the impact of the card. In fact, we quote the card here to show how it helps beat the case. The card is mistagged “The response is slow,” referring to WHO’s response to the swine flu epidemic in 2009, but the analysis of “slowness” is from the debater’s own introduction to the card and some facts he asserts himself, and not in the evidence text, which makes no claims about slowness. Ask for that card and challenge how it is being used and how much of it is the debater’s commentary and how much is in the evidence text. Also, check out a later card in the same 1AC that says (in a non-underlined part) that WHO spent $15 million in the first 3 weeks of the epidemic. The debater’s analysis at the beginning of the swine flu card is contradicted by AFF’s own evidence.

There is a good 1AC impact card that says lives are at risk if WHO has to delay its response and that funds are critical. Unfortunately, it does not say that WHO actually does have any delays in crisis situations, nor does it name any scenario where WHO ever had to delay its response due to funding shortages.

And there’s a big problem with the plan advocacy card from the WHO Executive Board in 2011. If you read the rest of the article where they advocate for the creation of the contingency fund, they advocate for $15 million, not a billion and a half dollars. This would be only a teeny weeny reform of an organization that already has a billion dollar budget and an existing $469 million crisis response fund. Someone just ignored the advocacy and put over a billion dollars into the plan because it needed to be a big number. Negative can minor repair to just do what the Aff’s expert said and call it good.

HARMS

“WHO reacted too slowly to Swine Flu in 2009” - Response: Affirmative’s source says some commentators criticized WHO for reacting too fast

(Source cited by the Affirmative) Report of the Review Committee on the Functioning of the International Health Regulations 2011. published 5 May 2011 Report by the Director General of WHO. “Implementation of the International Health Regulations (2005) Report of the Review Committee on the Functioning of the International Health Regulations (2005) in relation to Pandemic (H1N1) 2009” <http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_10-en.pdf>

Some commentators accused WHO of rushing to announce Phase 6 and suggested the reason was to enrich vaccine manufacturers, some of whose advance-purchase agreements would be triggered by the declaration of Phase 6. Far from accelerating the declaration of Phase 6, WHO delayed declaration until evidence of sustained community spread in multiple regions of the world was undeniably occurring.

Context of the quote above, if needed: WHO Review Committee report on Influenza A (H1N1) 2009

(Source cited by the Affirmative) Report of the Review Committee on the Functioning of the International Health Regulations 2011. published 5 May 2011 Report by the Director General of WHO. “Implementation of the International Health Regulations (2005) Report of the Review Committee on the Functioning of the International Health Regulations (2005) in relation to Pandemic (H1N1) 2009” <http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_10-en.pdf>

In January 2010, at its 126th session, WHO’s Executive Board welcomed the Director-General’s proposal to convene a Review Committee provided for in Chapter III of Part IX of the International Health Regulations 2005 (IHR). The Director-General’s proposal included a request for the Committee to review the experience gained in the global response to the influenza A (H1N1) 2009 pandemic in order to inform the review of the functioning of the Regulations; to help assess and, where appropriate, to modify the ongoing response and to strengthen preparedness for future pandemics.

ADVOCACY RECONSIDERED

Affirmative’s advocate recommends a $15 million fund, not a billion and a half dollars

Analysis: None of the Affirmative’s evidence says they need a billion dollar crisis fund. And the source they cited that advocates for the fund (which is the WHO itself, by the way - surprise: the WHO says WHO needs more money!) actually advocates for a fund of only $15 million

Affirmative evidence source, later in the same article: The World Health Organization Executive Board 2011. “Managerial Reform: Contingency Fund for Outbreaks” WHO Secretariat, 22 Dec 2011 (“inter alia” means “among other things”) <http://apps.who.int/gb/ebwha/pdf_files/EB130/B130_5Add6-en.pdf>

The Health Assembly adopted resolution WHA64.1, in which the Director-General was requested, inter alia, to provide technical support to Member States in implementing the recommendations of the Review Committee. One of the Committee’s recommendations concerned the creation of a contingency fund that would support surge capacity during public-health emergencies. Work on implementing resolution WHA64.1 is currently under way.  
Aims, structure and function  
6. Within WHO, the fund will be used to support activities that are critical for the management of outbreaks. Activities requiring immediate surge capacity include: obtaining and analysing epidemiological information from around the world, conducting proactive communications with both technical and general audiences, providing support for rapid investigation, organizing technical coordination of response networks, producing immediate technical guidance for countries, convening the IHR Emergency Committee, managing field teams, and providing internal administration and management (including financial management, human resources and the running of the JW Lee Centre for Strategic Health Operations). The fund is not for the purchase of materials such as vaccines, medicines or personal protective equipment  
7. The fund is intended to supplement existing mechanisms, for example, contingency funds already established in regional offices, which are designed to provide rapid support to Member States in the event of an emergency.  
8. The fund will be financed through voluntary contributions from Member States and other donors. In order to avoid any conflict of interest, all contributions will be publicly disclosed and due diligence will be exercised.  
9. All contributions must be unearmarked within the fund and reports to contributors will be made in respect of the pooled funds.  
10. The fund will be a revolving fund, replenished as needed. The target amount for the initiation of the fund is US$ 15 million. This figure reflects experience gained from the response to pandemic (H1N1) 2009.

Affirmative’s evidence casts doubt on WHO need for crisis money: WHO Swine Flu appeal was doubtful, may have been merely a convenient way to raise money

Associated Press in an article laste updated in 2009. “United Nations seeks $1.5 billion for swine flu” MSNBC last updated 24 Sept 2009 [http://www.msnbc.msn.com/id/33005574/ns/health-cold\_and\_flu/t/united-nations-seeks-billionswine-flu/#](http://www.msnbc.msn.com/id/33005574/ns/health-cold_and_flu/t/united-nations-seeks-billionswine-flu/)

United Nations health officials claim in a new report they need nearly $1.5 billion to prevent the swine flu epidemic from spiraling into a global catastrophe. But for a virus from which most people recover without ever being treated, not all experts are convinced swine flu merits such attention — and some critics even suspect the U.N. is using the pandemic as a convenient way to raise money.

INHERENCY

As of 2012, Member States have increased their own capacity to deal with emergencies

World Health Organization PROGRAMME BUDGET 2012–2013, published in October 2011. <http://whqlibdoc.who.int/pb/2012-2013/PB_2012%E2%80%932013_eng.pdf>

An increasing number of Member States now have national emergency preparedness plans and programmes for disaster risk reduction, including for making health facilities safer. Institutional capacity has been developed through regular training courses, such as those targeted at WHO Representatives and coordinators of the Inter-Agency Standing Committee Global Health Cluster. Staff members at global, regional and country levels have received training in WHO emergency standard operating procedures. A central logistics platform, with decentralized stocks in five regional warehouses, has been established to respond to humanitarian, as well as public health, emergencies. WHO-led health clusters are supporting the efforts of most Member States facing protracted emergency situations in order to fill critical gaps in service provision and satisfy priority health needs. Communicable disease control interventions have been systematically implemented during all acute natural disasters and conflict situations, and national communicable disease risk profiles have been prepared to guide the response effort.

WHO already has a crisis response budget: $469 million. Way bigger than what the Affirmative’s experts recommend!

*World Health Organization PROGRAMME BUDGET 2012–2013, published in October 2011.* [*http://whqlibdoc.who.int/pb/2012-2013/PB\_2012%E2%80%932013\_eng.pdf*](http://whqlibdoc.who.int/pb/2012-2013/PB_2012%E2%80%932013_eng.pdf)

Outbreak and crisis response: these activities are governed by acute external events. The resource requirements are normally significant and difficult to predict; for this reason, budgeting is an uncertain process. The requirements for the biennium 2012–2013 have been estimated at US$ 469 million, i.e. above the amount budgeted in 2010–2011.

MINOR REPAIR: Transfer $15 million from the existing crisis response budget to the Affirmative’s crisis response fund. According to their experts, that’s all we need to do to solve. No significant reform of anything. This solves with 0.1% of the Affirmative’s plan ( 15 million divided by 1.5 billion)

MINOR REPAIR: Cut other WHO budgets and transfer the money to crisis response. They’ve already got $469 million in the crisis budget. If someone proves we need more, here’s where it can come from without any new funding:

Cut unnecessary WHO staff and work more with local experts in other countries

Thomas Bollyky 2012 (Senior Fellow for Global Health, Economics, and Development, Council on Foreign Relations) 23 May 2012 “Reinventing the World Health Organization” <http://www.cfr.org/global-health/reinventing-world-health-organization/p28346>

WHO must reinvent itself as a twenty-first century international institution in which its central functions in Geneva are streamlined and tightly prioritized to the cross-border health challenges that countries and donors cannot themselves address. The real work of the organization should be performed not by WHO employees in regional and country offices, but by technical professionals resident in the public health authorities within member states. WHO resources should not longer go primarily to its own staff and the maintenance of regional and country offices, but to those public health authorities that develop the capacity to engage in global networks to address emerging microbial threats, NCDs, and other cross-border health threats. This proposal is ambitious, but hardly unprecedented. The U.S. Centers for Disease Control and Prevention have long relied on programs such as the Epidemic Intelligence Service, in which a core of technical experts based in its Atlanta headquarters draws on the expertise available in the field to monitor and control disease.

WHO is trying to do too much. Affirmative’s inherency expert Zoe Liberman admits in 2012:

Zoe Liberman 2012. (Research Associate at the Global Health Program of the Concil on Foreign Relations) “World Health Organization Reform Workshop in New York” Council on Foreign Relations, 27 Feb 2012 http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDkQFjAA&url=http%3A%2F%2Fwww.cfr.org%2Fcontent%2Fpublications%2Fattachments%2FGlobalHealth\_WHO\_ReformWorkshop\_Feb2712.pdf&ei=\_eTLULXqK8HfyAGHyoGoCw&usg=AFQjCNF0\_ioOA\_uY6nJEdjQOzPAiPQdNkA&sig2=eWCkmCDkycA3Wy8tx\_fi-w&bvm=bv.1355325884,d.aWc

Article 2 in WHO constitution lays out twenty-two functions that the organization is supposed to execute, making it difficult for the organization to focus on the areas where it has a special advantage in, such as in setting health standards, as many people recommend.

WHO activities can be cut: Health Services in the WHO budget can be done better by someone else

*Gaudenz Silberschmidt 2011. (Vice-Director of the Swiss Federal Office of Public Health and Head of the International Affairs Department. He is also Chairperson of the Advisory Board of the Global Health Programme at the Graduate Institute, Geneva) “How to set priorities for the World Health Organization” published by The Graduate Institute, Geneva, Global Health Programme, (note: “Constitution” in this context refers to the constitution of the World Health Organization)* [*http://graduateinstitute.ch/webdav/site/globalhealth/shared/1894/Working%20Papers\_006\_final.pdf*](http://graduateinstitute.ch/webdav/site/globalhealth/shared/1894/Working%20Papers_006_final.pdf)

The Constitution did not establish WHO as a primarily operational organisation providing health services on its own through implementation programmes such as those of other UN organisations, development agencies or non-governmental organisations (NGOs). This is one of the functions in global health that is better performed by other actors and where WHO should reduce its activities. Any references in the Constitution that could be interpreted as providing a mandate for operational programmes are always described in a subsidiary role to governments or the UN:  
> Article 2 (c) – “to assist Governments, upon request, in strengthening health services;  
> Article 2 (d) – to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of Governments;  
> Article 2 (e) – to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories”.

Can “someone else” do it? - Yes: Global health aid funding has quadrupled since 1990 outside of WHO

Thomas Bollyky 2012 (Senior Fellow for Global Health, Economics, and Development, Council on Foreign Relations) 23 May 2012 “Reinventing the World Health Organization” <http://www.cfr.org/global-health/reinventing-world-health-organization/p28346>

WHO became largely a bystander as interest in global health surged over the last two decades with the advent of the Bill and Melinda Gates Foundation and the extension of lifesaving treatment to millions through the U.S. President's Emergency Plan for AIDS Relief and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. Since 1990, global health aid has quadrupled to $22 billion annually, but WHO's core budget remains the same, roughly $1 billion annually, and has declined in real terms.

HYPE CRITIQUE/DISADVANTAGE. When someone hypes a disease and claims it’s a disaster and then it turns out to be nothing, this is bad for public health.

Link: Affirmative hypes the Swine Flu epidemic of 2009 as if it justified significant reform. They cited it in their evidence to justify a billion and a half dollars for WHO.

Link: Swine Flu was not a crisis

Dr. Richard M. Fogoros M.D. 2009. The Pandemic of the Century: The Top 10 Most Overblown Health Stories of the Past Decade, last updated 23 Dec 2009 <http://heartdisease.about.com/od/womenheartdisease/a/pandemic_of_century.htm>

The latest Pandemic of the Century is H1N1 (Swine) Flu, which appeared early in 2009 and rapidly spread around the world. Because of its rapid spread, its similarity to the deadly 1918 influenza, and the fact that most individuals under 60 years of age had never been exposed to a similar strain, this virus actually seemed a reasonable candidate for a very nasty pandemic. So the media lost no time in explaining how we all might be doomed, and the government chipped in with its own helpful message to the effect that: a) it is absolutely imperative that everyone receive the H1N1 vaccine; but b) we can't figure out how to get it to you, so you can't have it. (Not exactly the best way to allay panic.) Fortunately, the H1N1 virus, while widespread, so far appears even less lethal than the standard seasonal flu virus. And, by its spread, it is creating immunity in a large subset of our population.

Impact: False hype causes public indifference, which means people will not be prepared for a real health crisis

Dr. Richard M. Fogoros M.D. 2009. The Pandemic of the Century: The Top 10 Most Overblown Health Stories of the Past Decade, last updated 23 Dec 2009 <http://heartdisease.about.com/od/womenheartdisease/a/pandemic_of_century.htm>

In summary, so far none of the Pandemics of the Century have actually panned out. And hyping each novel virus that comes along as a potential plague of Biblical proportions is not cost-free. For, we in the public are likely to become desensitized to this message if it is repeated often enough. If we continue to be treated to a new "Pandemic of the Century" on an average of every 3.3 years, then when the real thing does come along (and it will), it may be difficult for the authorities to get our attention, much less get us to roll up our sleeves to receive the needle yet one more time.

WEIGHTED VOTING IN THE GENERAL ASSEMBLY

CASE NOTES

Background:

This case appears in The Source. We add here additional evidence not provided in their Negative brief, with the hope that it may help against Affirmatives who are already familiar with The Source evidence but may not be prepared for additional arguments not covered there. This material is not intended to be a complete Negative brief, but merely to supplement the material already available in The Source and to make arguments not covered in their Negative material.

Case Analysis:

The Plan establishes a weighted voting system in the UN General Assembly. The case has several major weaknesses. The first is a mistake in the first plan advocacy (Advantage 1) card. This card (by Strand & Rapkin) is giving a description of voting changes that would be accomplished by implementing the “Schwartzberg” reform plan. One problem is that the Schwartzberg plan is different from the Affirmative plan, so it cannot be used as advocacy. We have details here in this brief about the actual facts behind Strand & Rapkin and Schwartzberg and what they advocate.

The second advocacy card, from Webster, contains similar problems. In the non-underlined part shown in the 1AC, there are a number of additional reforms that are not mentioned in the Affirmative Plan mandates that would be needed to achieve the Advantage. By not reading them, the Affirmative is leaving out important information and making it sound like Webster endorses their plan as-is.

In general, be VERY CAREFUL with quotes from Strand & Rapkin and from Schwartzberg. Sometimes, in some contexts, they are talking about weighted voting in the Security Council, not the General Assembly. These two bodies have completely separate voting systems, hence changes to one have nothing to do with the other, so a card could be used completely out of context. The Affirmative contributes to this confusion in the transition comments leading into the impact of Advantage 1 by talking about “veto power” - since the US has no veto power in the General Assembly (nor does anyone else).

Other problems include the lack of impact to the advantages. Advantage One claims an impact of improved financial responsibility deriving from US influence. Unfortunately there’s no card that makes this link. The Ad-1 card says US influence goes up. The Impact card says the US is (today, status quo) influencing budget reductions at the UN. What’s missing is a card that says what happens after the plan is enacted - what happens to the budget then? And by the way, why is it a good thing if the UN budget is reduced? In other words, what’s the impact to this impact?

ADVOCACY RECONSIDERED

Strand & Rapkin

UN General Assembly and UN Security Council have 2 different voting systems

Impact: Be careful about cards talking about reforming voting rules to ensure they are referring to General Assembly voting, not UN Security Council voting

Prof. Jonathan R. Strand, Prof David Rapkin and Prof. Patrick W. Scales 2005. (Strand - Department of Political Science, University of Nevada, Las Vegas. Rapkin - Department of Political Science, University of Nebraska. Scales - Department of Political Science, University of Nevada, Las Vegas) **“**WEIGHTED VOTING, RELATIVE VOTING POWER, AND UN SECURITY COUNCIL REFORM” paper Prepared for delivery at the annual meeting of the International Studies Association, Honolulu, March 1-5, 2005 <http://citation.allacademic.com//meta/p_mla_apa_research_citation/0/7/0/4/7/pages70473/p70473-2.php>

The United Nations General Assembly (UNGA) and the UN Security Council (UNSC) embody two different methods, based on different underlying principles, for their members to make collective decisions. The UNGA’s one-country, one-vote decision rule reflects the principle of the sovereign equality of states, as codified in the UN Charter (Chapter I, Article 2). The UNSC departs from this principle by providing a veto to each of its five permanent members, in recognition of their much greater power and influence

Schwartzberg

Affirmative cannot cite Schwartzberg for their plan, because they’re not doing what Schwartzberg advocated, which was: weighted voting in both the GA and the Security Council, abolishing permanent membership in the Security Council, and abolishing the Sec. Council veto

Prof. Jonathan R. Strand, Prof David Rapkin and Prof. Patrick W. Scales 2005. (Strand - Department of Political Science, University of Nevada, Las Vegas. Rapkin - Department of Political Science, University of Nebraska. Scales - Department of Political Science, University of Nevada, Las Vegas) **“**WEIGHTED VOTING, RELATIVE VOTING POWER, AND UN SECURITY COUNCIL REFORM” paper Prepared for delivery at the annual meeting of the International Studies Association, Honolulu, March 1-5, 2005 <http://citation.allacademic.com//meta/p_mla_apa_research_citation/0/7/0/4/7/pages70473/p70473-2.php>

The most comprehensive proposal for reform of UN Security Council voting procedures is offered by Schwartzberg (2003; 2004), who maintains that the UN must reform its decision-making processes in order for it to adapt to the geopolitical realities of the 21st century. In particular, the one-country, one-vote principle and the veto power undermine the ability of the UN to operate effectively. Accordingly, reform must begin with abandonment of the one-country, one-vote principle adhered to in the UNGA and the UNSC. In addition, the entire membership of the Security Council should be selected recurrently from the overall membership of the UN, thus ending permanent member status. Concomitantly, *de jure* veto power in the Council would also be abolished.

Schwartzberg advocated equal weighting of contributions, population, and basic votes

Prof. Jonathan R. Strand, Prof David Rapkin and Prof. Patrick W. Scales 2005. (Strand - Department of Political Science, University of Nevada, Las Vegas. Rapkin - Department of Political Science, University of Nebraska. Scales - Department of Political Science, University of Nevada, Las Vegas) **“**WEIGHTED VOTING, RELATIVE VOTING POWER, AND UN SECURITY COUNCIL REFORM” paper Prepared for delivery at the annual meeting of the International Studies Association, Honolulu, March 1-5, 2005 <http://citation.allacademic.com//meta/p_mla_apa_research_citation/0/7/0/4/7/pages70473/p70473-2.php>

Aside from providing a clear focal point, Schwartzberg’s equal weighting of the three EQ components seems to lack justification. Why should population, contributions, and basic votes (especially the latter) count equally toward the apportionment of votes and influence? Voting weights could just as easily be apportioned with alternative, less symmetrical weightings for the component factors. Furthermore, it is unlikely that the wealthier members who contribute most to the UN budget – especially the present permanent members, who would also be giving up this status as well as their veto – would agree to an arrangement in which basic votes are as important as contributions. Instead, they would insist greater weight be given to assessments.

DISADVANTAGES

1. Democracy Failure #1: Democratic legitimacy reversal. “Weighted Voting” is less democratic than status quo UN voting

David Woodward 2007. (former economic advisor to the Foreign and Commonwealth Office in London; formerly worked in the office of the UK's Executive Director to the International Monetary Fund and the World Bank) Vote buying in the UN Security Council, THE LANCET, January 6, 2007 - January 12, 2007 [www.thelancet.com/pdfs/journals/lancet/PIIS0140673607600099.pdf](http://www.thelancet.com/pdfs/journals/lancet/PIIS0140673607600099.pdf)

However, global governance is becoming increasingly controversial, particularly in the case of global economic institutions. Controversies have included: the World Bank's and IMF's undemocratic weighted-voting structures; the so-called tradition by which the USA and European Union (EU) effectively appoint the respective heads of these organisations; and the abuse of economic and political power by the USA and EU to pressurise developing countries to accept potentially damaging concessions in WTO negotiations. By comparison, the UN has tended to be seen as relatively democratic, neither sharing the IMF's and World Bank's weighted-voting system nor showing the routine circumvention of democratic and transparent processes that characterise the WTO

2. Democracy Failure #2: Perverse voting outcomes. Weighted voting can lead to outcomes that confound democracy due to the strategic nature of the way weighted voting works: It can end up giving all the power to the little guys. Note that this card specifically addresses the Schwartzberg advocacy claimed by the Affirmative team.

Prof. Jonathan R. Strand, Prof David Rapkin and Prof. Patrick W. Scales 2005. (Strand - Department of Political Science, University of Nevada, Las Vegas. Rapkin - Department of Political Science, University of Nebraska. Scales - Department of Political Science, University of Nevada, Las Vegas) **“**WEIGHTED VOTING, RELATIVE VOTING POWER, AND UN SECURITY COUNCIL REFORM” paper Prepared for delivery at the annual meeting of the International Studies Association, Honolulu, March 1-5, 2005 <http://citation.allacademic.com//meta/p_mla_apa_research_citation/0/7/0/4/7/pages70473/p70473-2.php>

For an even clearer example, consider a committee in which one member has 99 votes, the second 98 votes, and the third only two votes. A simple majority decision rule in this committee requires 100 votes to pass an initiative. Even though the third member has only a small fraction of the voting weight of the first two, it has an equal share of the influence over electoral outcomes because of the manner in which minimum winning coalitions can form. Schwartzberg (2003, 2004) does not address this potential pitfall of weighted voting systems.