

International Treaties

2019-2020 Topic Proposal

Proposed to

The National Federation Debate Topic Selection Committee

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Proposed by:

Dustin L. Rimmey

Topeka High School

Topeka, KS

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Introduction

In June 2018 the United States withdrew from the United Nations Human Rights Council, joining Eritrea, Iran, and North Korea as the only nations who no longer participate in any of its meetings. This action jeopardized the perception of the United States as a leader in the everchanging world order. Additionally, the United States has ratified only ten treaties since 1995. In order to regain its standing as a defender of international law the United States should ratify one of the widely adopted treaties discussed in this paper. Affirmatives on the topic could advocate unconditional ratification of any of the listed treaties or could alternatively advocate ratification with reservations excepting individual provisions. Cases could leverage not only the advantages specific to each treaty, but also critical and policy-based objections to American exceptionalism and unilateral action. A list of treaties allows negatives to develop a variety of strategies against each treaty. Counterplan options could include alternate actors and solvency mechanisms as well as reservations against particular provisions of the treaty. There is rich disadvantage ground in the areas of international relations, economic and political leadership, environmental impacts, and human rights. Critical positions arise from issues of American exceptionalism, exporting capitalist values, and the implications of gender and child issues.

Section 1: Potential Mechanisms

This Entire Section is from the Booth et al. 2018 collegiate paper with minimal updating

Below are potential wordings for the resolution ranked in terms of how much it limits the topic. This section is heavily influenced by work done by Nick Brown and Cameron Norris in the 2010 treaties topic paper. Furthermore, we propose that the resolution is best done in list form. It is our belief that this provides the best check on the topic for one reason, there is no way to reasonably write the topic otherwise (absent a list the resolution would have to be open ended which is unfeasible). This is a necessary constraint that we believe ensures fair and balanced ground for both the potential affirmative and the negative who would debate on this topic.

A. “Ratify or Accede to”

The United States Federal Government should ratify or accede to and implement one or more of the following treaties....

Ratify:

A resolution that focuses on the phrase “Ratify or Accede to” carries with it a well-defined process that should guide teams during the argument construction process. The process that affirmative teams must defend under this resolution comes in three tiers that are as follows; first, because treaty power co-ordinated between the executive and the Senate the President, after either forming or negotiating ‘X treaty’ that President must submit the treaty to the Senate for its advice and consent, second the Senate must convene and the treaty must be voted on, third after being voted on the treaty will be ratified only if it received a two-thirds majority vote.ⁱ

It should be noted that a resolution that focuses solely on ratification overly limits the topic and the potential treaties that could be included in it. It is our belief that a ratification only topic would exclude the OST, Ottawa Mine Ban, Rome Statue, and the TPP. This exclusion occurs because for most of the above treaties the US is not a party and not a signatory. Therefore, ratification requires there to be a signature first a resolution we strongly recommend against making the resolution solely about ratification.

Accede:

While functioning in much the same manner as ratification the process of acceding to a treaty differs in one key way, it is not preceded by the act of signature.ⁱⁱ Which is to say that accession is the tool states use when they have not participated in either negotiation and/or the signing of international agreements that have already been negotiated and signed by other states. Therefore, by “acceding to” a given state may agree to be bound by the treaties terms only after it has met the burden of entering into force. Take for example the “Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (aka the Moon Treaty), the United States is neither party nor signatory of this particular treaty, (because it made its entry into force July 11th, 1984) the US may “accede” and agree to be bound by its mandates. It is our belief that this resolves much of the problem surrounding a topic that is solely based on ratification.

B. “Implement”

The United States Federal Government should “X” one or more of the following treaties; ... and/or implement

The inclusion of the verb “implement” is meant to serve as a check on key issues in treaty negotiations, whether certain provisions are “self-executing” or “non-self-executing”, as most treaties include both. This is important to highlight as “non-self-executing” treaties provisions require domestic legislation to make them binding and thus the law of the land. It is our belief that implement should be included in any potential resolution as it balances out a disparity between aff and neg ground. Which is to say that aff teams need roads to counter-plans and case arguments that aren’t based in ratification. These arguments include congressional-executive agreements, sole-executive agreements, executive orders etc., ultimately it is outside of the scope of this paper to determine if these counter-plans are good for debate, and we believe that the process of debating this topic will reveal that answer.

C. “Modify its commitment to”

The United States Federal Government should modify its commitments to one or more of the following treaties....

“Commitment” is extremely important to the treaty negotiation process, and is how we come to ratify, accede, consent to be bound and or implement whatever treaty we are discussing. Furthermore, while this may seem to make the topic boundless, it is our belief that literature constraints check the potential for abuse. Which is to say that the incentive for an extremely small affirmative that changes one minuscule part of a treaty provision is unlikely to find enough literature to sustain an entire debate.

D. “Consent to be Bound By”

The United States Federal Government should consent to be bound by one or more of the following treaties....

After reviewing the 2010 treaties paper we determined there was no way to improve on this section and have chosen to include it here, as it both says exactly what we need it to say and brings up key concerns that we must discuss.

“That a country should “consent to be bound by” an international agreement is a phrase that originates from the Vienna Convention on the Law of Treaties, widely considered the most authoritative agreement on international treaty law.¹⁰ This terminology has several advantages, which leads us to believe it may be the best choice for a new year of debates on a treaties topic.

First, “consent to be bound” solves the problem identified above concerning the status of particular treaties in the U.S. (unsigned, signed but not ratified, etc.). According to the UN’s description, the process by which a country gives its “consent to be bound” is laid out in the text of the particular treaties themselves. In other words, “consent to be bound” basically just means “do the ratification processes outlined in each particular treaty.” Likewise, the “consent to be bound” process is inclusive of the normal “ratification” process as well as “accession,” making this phrase a more concise way to take into account the differences in treaties’ entry-into-force status. ¹¹ Thus, no matter the language of a specific treaty or the status of its progress in the U.S., the “consent to be bound” terminology would enable affirmatives to agree to be fully legally bound by a treaty of their choice.¹²

Second and most importantly, we believe this language gives the affirmative some important flexibility in arguing against generic process CPs. “Consent to be bound by” is distinct from “ratify” in the sense that the former covers a wider range of processes than the latter. Thus, no matter if done through the “advice and consent” of two-thirds of the Senate or a Congressional-Executive Agreement, as long as a process results in the U.S. being legally bound by the terms of a particular treaty, then “consent to be bound” has been expressed. We believe this phrase gives the affirmative some important leverage in making the case that these “do the plan” CPs are therefore not competitive. At the very least, “consent to be bound” would allow the affirmative to choose the specific process they want to defend, perhaps assuaging some of the concerns of those in the community who are uncomfortable with “list” topics.

A potential problem does arise with the “consent to be bound by” language, however. That is, this phrase may seem to unlimit the number of methods by which the affirmative could agree to a treaty. In fact, the Vienna Convention indicates that a state could provide its “consent to be bound” using mere “signature” alone.¹³

Nevertheless, we believe this concern is unfounded. When the Vienna Convention et al talk about “consent to be bound” via “signature,” they don’t mean a “simple signature” like the U.S. has performed on many of these multilateral agreements already, but rather a “definitive signature.” The following evidence explains this important distinction:

“Consent to be bound” means to become legally binding in the country – it can’t be just a signature

CBEL accessed 10 – Centre for Biomedical Ethics and Law Acc. Mar 31, EU Member States| SIGNING AND RATIFYING A TREATY, http://europatientrights.eu/countries/signing_and_ratifying_a_treaty.html

“Signature” is a process that has different legal meanings depending on the circumstances in which it is performed. A distinction is made between “simple signature”, which is subject to ratification, and “definitive signature”, which is not subject to ratification. The “simple signature” applies to most multilateral treaties. This means that when a State signs the treaty, the signature is subject to ratification, acceptance or approval. The State has not expressed its consent to be bound by the treaty until it ratifies, accepts or approves it. In that case, a State that signs a treaty is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. Signature alone does not impose on the State obligations under the treaty. For states this usually means that the international agreement has to be put before the national parliament for approval, thereby giving the people a direct say in the external activities of the state. The “definitive signature”, in contrary, occurs where a State expresses its consent to be bound by a treaty by signing the treaty without the need for ratification, acceptance or approval. A State may definitively sign a treaty only when the treaty so permits. To make the comparison: a definitive signature has the same force as a simple signature, which is followed by ratification. Although this last process is becoming more common in international relations, the more commonly used procedure is still signature followed by ratification at a later stage. Because of the fact that the Convention does not contain a provision stipulating the possibility of a definitively sign, signing the Convention only causes the effects of a simple signature. Thereby, ratification after a signature is necessary for a State to be bound to it. “Ratification” in contrary to “signature” refers to the act undertaken in the international plane, whereby a State establishes its consent to be bound by a treaty. Usually ratification involves two distinct procedural acts. The first is related to the constitutional (internal) laws of a contracting party. It involves the international procedure that must be fulfilled before the state can assume the international obligations enshrined in the international agreement. In many instances this involves approval by the national parliament. The second element deals with the external (international) level. It is the process through which the contracting party indicates its consent to be bound to the other contracting parties. Historically, ratification was intended to avoid that the representative exceeded his powers or instructions with regard to the making of a particular agreement. With the decline of absolute sovereigns and the increase of parliamentary democracies the consent by ratification has acquired a new meaning. Although it still gives the contracting parties the chance to weigh and consider their options under the proposed agreement, its most important role is to give the national parliament, and therefore the citizens, a direct say in the public affairs of the state. To summarize this topic, the countries which only signed, but not ratified the Convention have for the moment only an obligation to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. Ratification stays necessary before the Convention becomes part of the legal system of those countries.

More evidence indicates the advantages of the “consent to be bound by” phrase. It’s both wide enough for the affirmative to be able to make competition arguments and narrow enough to limit out plan texts that just defend simply signing an agreement:

“Consent to be bound” can be provided in a variety of ways, but simple signature isn’t enough

UN 7 – United Nations Human Rights Treaty Bodies, <http://www2.ohchr.org/english/bodies/treaty/glossary.htm>

A State party to a treaty is a State that has expressed its consent to be bound by that treaty by an act of ratification, acceptance, approval or accession, etc., where that treaty has entered into force for that particular State. This means that the State is bound by the treaty under international law. See article 2(1)(g) of the Vienna Convention 1969. Some treaties are only open to States whereas others are also open to other entities with treaty-making capacity. The two Covenants and ICERD are open to signature and ratification by “any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations”. The other core human rights treaties are open to all States. The Optional Protocols are all restricted to States parties to the parent treaty except the CRC Optional Protocol on the involvement of children in armed conflict to which any State may accede. Signature Multilateral treaties usually provide for signature subject to ratification, acceptance or approval - also called simple signature. In such cases, a signing State does not undertake positive legal obligations under the treaty upon signature. However, signature does indicate the State's intention to take steps to express its consent to be bound by the treaty at a later date. In other words, signature is a preparatory step on the way to ratification of the treaty by the State. Signature also creates an obligation, in the period between signature and ratification, acceptance or approval, to refrain in good faith from acts that would defeat the object and purpose of the treaty (see article 18 of the Vienna Convention 1969). Consent to be bound In order to become a party to a multilateral treaty, a

State must demonstrate, through a concrete act, its willingness to undertake the legal rights and obligations contained in the treaty. In other words, it must express its consent to be bound by the treaty. A State can express its consent to be bound in several ways, in accordance with the final clauses of the relevant treaty. The most common ways are: definitive signature; ratification; acceptance or approval; and accession. The act by which a State expresses its consent to be bound by a treaty is distinct from the treaty's entry into force. Consent to be bound is the act whereby a State demonstrates its willingness to undertake the legal rights and obligations under a treaty through definitive signature or the deposit of an instrument of ratification, acceptance, approval or accession. Entry into force of a treaty with regard to a State is the moment the treaty becomes legally binding for the State that is party to the treaty. Each treaty contains provisions dealing with both aspects.

“Consent to be bound” requires signature, ratification or accession, and the deposit of instruments
Bayefsky accessed 10 – A.F., Professor at York University, Toronto, Canada, and a Barrister and Solicitor, Ontario Bar Acc. Apr 8, “How To Complain About Human Rights Treaty Violations The Basic International Rules,” http://www.bayefsky.com/complain/4_rules.php

c) How Does a State Become Bound by a Treaty? In general, states parties to the international human rights treaties express their consent to be bound by a particular treaty by a two-step process, first, signature and then ratification or accession. A state that signs a treaty signals its intention to become bound by its provisions and must refrain from acts which would defeat the object and purpose of the treaty. The state does not actually become bound by the treaty until it ratifies it. For a treaty to enter into force for a particular state, the ratification or accession must be deposited. The depositary is an entity which undertakes to receive ratifications, accessions and other related statements, and keeps other states parties informed. For the UN human rights treaties, the depositary is the UN Secretary General, specifically the UN Office of Legal Affairs.

Signature alone can't provide “consent to be bound” for the U.S. – that only works for executive agreements, not preexisting multilateral agreements

CRS 1 – Congressional Research Service, Library of Congress Jan, “TREATIES AND OTHER INTERNATIONAL AGREEMENTS: THE ROLE OF THE UNITED STATES SENATE,” http://www.au.af.mil/au/awc/awcgate/congress/treaties_senate_role.pdf

Signing an international agreement may indicate a nation's consent to be bound if this is its intention. Under U.S. practice this would be the case only with executive agreements; treaties are required to go through the ratification process to be binding. Occasionally, one government may intend signing of an international agreement to indicate consent to be bound while another signs subject to ratification. This was the case with the Agreement on Friendship, Defense, and Cooperation between the United States and the Kingdom of Spain, signed July 2, 1982. The Spanish representative signed the agreement subject to ratification by the Cortes Generale, the Spanish Parliament, while the U.S. representative signed the document as an executive agreement that did not require ratification.

Signature can only express “consent to be bound” if a) the treaty text allows it, b) the parties to the treaty agreed that it's allowed, or c) your government is authoritarian

Setear 5 – John K., Professor of Law, University of Virginia School of Law Winter, Treaties, Custom, Iteration, and Public Choice, Chicago Journal of International Law, 5 Chi. J. Int'l L. 715, LEXIS

“The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.” Id, art 11. However, the signature of a representative serves as consent to be bound only when “(a) the treaty provides that signature shall have that effect; (b) It is otherwise established that the negotiating States were agreed that signature should have that effect; or (c) The intention of the State to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation.” Id, art 12(1).

In fact, this next piece of evidence indicates that “consent to be bound” really only allows for approximately 3 solvency mechanisms:

“Consent to be bound” means definitive signature, simple signature plus approval by the domestic government, or accession

Smith 3 – Brad, Legal Officer, Treaty Section, United Nations Office of Legal Affairs Multilateral Treaties Deposited with the Secretary-General, <http://webcache.googleusercontent.com/search?>

q=cache:KaKgT329mkkJ:untreaty.un.org/English/Seminar/depositary.ppt+%22consent+to+be+bound
%22+specified+in+each+particular+treaty&cd=10&hl=en&ct=clnk&gl=us

Consent to be Bound How? * Definitive Signature * Simple Signature followed by Ratification, Acceptance or Approval * Accession

All of this evidence indicates that, for the U.S. specifically, “consent to be bound” can mean a few different processes, but not a simple signature by itself. And regardless of evidence that suggests that “consent to be bound” could be expressed in several different ways, this language requires affirmatives to defend the U.S. agreeing to be fully legally bound to a particular treaty, which guarantees the requisite generic negative ground. With regards to the CEA CP specifically, it seems that “consent to be bound” makes it much more questionably competitive:

CEAs, like treaties, also “bind” the U.S.

Kirgis 97 – Frederic, Professor of Law at Washington & Lee University School of Law May, International Agreements and U.S. Law, <http://www.asil.org/insigh10.cfm>

To summarize: the Senate does not ratify treaties; the President does. Treaties, in the U.S. sense, are not the only type of binding international agreement

Congressional-Executive agreements and Sole Executive agreements may also be binding. It is generally understood that treaties and Congressional-Executive

agreements are interchangeable. Sole Executive agreements occupy a more limited space constitutionally and are linked primarily if not exclusively to the President’s powers as commander in chief and head diplomat. Treaties and other international agreements are subject to the Bill of Rights. Congress may supersede a prior inconsistent treaty or Congressional-Executive agreement as a matter of U. S. law, but not as a matter of international law. Courts in the United States use their powers of interpretation to try not to let Congress place the United States in violation of its international law obligations. A self-executing treaty provision is the supreme law of the land in the same sense as a federal statute that is judicially enforceable by private parties. Even a non-self-executing provision of an international agreement represents an international obligation that courts are very much inclined to protect against encroachment by local, state or federal law.

CEAs and treaties are indistinguishable

Kirgis 97 – Frederic, Professor of Law at Washington & Lee University School of Law May, International Agreements and U.S. Law, <http://www.asil.org/insigh10.cfm>

Although some Senators have at times taken the position that certain important international agreements must be submitted as treaties for the Senate’s advice and consent, the prevailing view is that a Congressional-Executive agreement may be used whenever a treaty could be. This is the position taken in the American Law Institute’s Restatement Third of Foreign Relations Law of the United States, § 303, Comment e. Under the prevailing view, the converse is true as well: a treaty may be used whenever a Congressional-Executive agreement could be.

At this point, some people may complain that “consent to be bound” is an attempt to write the CEAs CP out of the topic altogether. However, negative teams will always find ways to try to make their generic process CPs; the real question becomes whether or not we want to provide the affirmative with some weapons to use in arguing against their competitiveness. We believe that the dangers of overly restrictive affirmative mechanisms leading to unpredictable generic CPs—like the distinguish, NPR, and NSS CPs that we’ve seen in the past—outweigh the risks associated with increased affirmative flexibility. This is especially true since affirmatives on this proposed topic will already be defending the implementation of a massive multilateral treaty with plenty of deep case literature on both sides, and negatives will still have multiple other CPs germane to the topic. Furthermore, “consent to be bound” would give affirmatives the option of defending the CEA mechanism among others, which ensures educational debates about the desirability of these different mechanisms would still occur.

All in all, whether we choose a more restrictive resolitional mechanism like “ratify” or one more open-ended like “consent to be bound” is a decision ultimately up to the topic committee and the debate community at large. We believe “consent to be bound” offers the best solution to the potential concerns addressed here. But regardless of these issues, we can still all agree for now that a treaties topic would provide a great of year of stimulating debates, and a resolution could be easily crafted for whatever purposes the community desires.”

Section 2: Potential Treaties

Treaties A-F are from the L. Garrett 2013 collegiate topic proposal. Treaties G-I are from the Booth et al. paper, summarized in the style of Garrett 2013. Treaties J-L are from the author of this paper.

A. United Nations Convention on the Law of the Sea

Advantage Areas

Cliff Notes:

1. Arctic Resources/Conflict
2. Canadian Relations/Northwest Passage Dispute
3. Fisheries
4. Leadership/Multilateralism
5. Maritime Conservation
6. Military/Naval/Air Power
7. Piracy
8. Offshore Energy/Natural Resources
9. South China Sea Conflict

Longer Version:

For background information about the Law of the Sea Treaty (LOST) refer back to the original treaties topic paper. Ratification would give the affirmative access to several advantage areas. First, LOST would give the armed services legal certainty pertaining to freedom of navigation (Rothwell, 2012). Ratification would also give the U.S. “a seat at the table” that would allow greater influence in shaping the future norms of the Convention that would run contrary to US interests (Houck, 2012). Ascension would also reverse images of unilateralism and diminish accusations of hypocrisy due to US unwillingness to accept reciprocal legal obligations (Houck, 2012; Townsend-Gault and Schofield, 2012).

LOST ratification would bolster US ability to peacefully resolve disputes in tense regions of the world. Almost every advocate argues LOST ratification would help secure US interests in the Arctic. Ratification would give the U.S. legal standing, create a forum for dispute resolution and change other countries perceptions of US intentions in the region (Allen, 2012; Ashfaq, 2010; Rogers, 2012; Wilder, 2010; Farrens, 2011; Clote, 2009; Kolcz-Ryan, 2010; Rogers, 2011). LOST would also boost US standing concerning disputes in the South China Sea. Advocates argue it would increase US ability to leverage military force and diplomacy, credibility and leadership in the region and legal standing to participate in dispute resolution (Haider, 2013; Rogers, 2012; Wright, 2012; Harris, 2012; Hachigian, 2012).

LOST ratification accesses several economic issues. Ratification guarantees US control over resources 200 miles from US shores (Patrick, 2012). Investors would be more willing to extract resources in the deep sea-bed if

there were a clearer legal framework. (Rogers 2012). This argument extends beyond natural resources to include things like offshore renewable energy (Dwyer, 2009). Maintaining freedom of navigation is a necessary component for economic growth (Negroponte and England, 2007). Similar to the geopolitical concerns, U.S. ratification would increase US credibility and ability to steer international norms in a beneficial direction for US economic interests.

LOST contains other provisions pertaining to conservation and piracy which can generate affirmative advantages. Coast Guard officials LOST ratification would bolster the legitimacy and legal viability of US counter-piracy programs (Rogers, 2011, Ashfaq, 2010). LOST also stipulates practices that would restrict damaging ocean practices and support fishery conservation (Taylor, 2011). Many proponents argue without US ratification other parties will shape the customary norms of LOST which affirmatives can argue would be worse than US leadership.

NEG Ground

Cliff notes:

Economy DA
China DA
Military DA
Regionalism DA
Precautionary Principle DA

Long version:

Opponents argue LOST would force several economic costs. First, it would increase oversight and increase royalty payments to contribute to the International Seabed Authority (Jacobson, 2011). Wealth and knowledge transfers stipulated by the treaty would harm ocean industries, specifically deep sea-bed mining (Murray, 2013). Second, it would open US companies to more litigation (Groves and Loris, 2012). LOST would bolster environmental laws and bolster “Not in My Backyard” sentiments (Ridenour, 2006). Third, LOST could weaken the Trade-Related Aspects of Intellectual Property Rights (TRIPS) regime with economic ramifications (Prows, 2006). Finally, LOST ratification would create a legal regime incompatible with Outer Continental Shelf (OCS) resource development (Groves, 2012).

LOST could also harm the military. LOST could block US access and training due to environmental or jurisdictional concerns (Inhofe, 2012). LOST requires consent of the flag state before a ship can be searched which would hurt efforts to control piracy and the transportation of weapons of mass-destruction (WMD) (Pedrozo, 2010). This would

particularly damage the Proliferation Security Initiative that began under the Bush Administration (Pedrozo, 2010). The jurisdictional bodies of LOST maybe politicized against the U.S., particularly due to the rise of China which would harm US military flexibility (Giarra, 2012).

Several other areas of LOST could generate offense for the negative. LOST ratification could hinder US ability to contain China (Blumenthal and Maza, 2012). Strengthening LOST would also tradeoff with regional approaches to maritime security that would be more effective and tie countries closer together (Bateman, 2007). Formally incorporating norms found in LOST, such as the precautionary principle, may spillover to other areas and have damaging effects (Kogan, 2009). Ratification may also set a precedent for how the US will deal with territorial disputes in future domains such as space which may affect future endeavors or treaties (Rabkin, 2006).

B. Convention on Biological Diversity

Advantage Areas

Cliff Notes:

Environmental leadership
Ecosystem/Species
Genetic Diversity
Urban Conservation
Invasive Species
Biopiracy
Biotech Bad
Indigenous Knowledge

Longer version:

Ratification of the Convention on Biodiversity (CBD) would boost US standing and bolster the impetus for conservation cooperation (Angelo et al., 2012). This would increase US environmental credibility with positive spillover effects. The CBD is a soft instrument instead of a hard law. Requiring the affirmative to implement the provisions of the treaty would allow the affirmative to claim several US based ecosystem and species advantages. The convention requires parties to protect a certain amount of their available ecosystems and genetic diversity. Genetic diversity is an underexplored trope of the environment debate that would give the affirmative flexibility.

The second controversy around the CBD revolves its protocols relating to knowledge transfers and biotechnology. The convention requires those that reap a technological breakthrough from another country's biodiversity to share the knowledge gained with the source country (Mueller, 2011). Additionally, the CBD's Cartagena Protocol regulates the development and spread of genetically modified organisms. These provisions allow the affirmative to argue in favor of indigenous knowledge and against the spread of genetically modified organisms and biopiracy (Liang, 2011).

Another area that frequently comes up is how the CBD could increase urban conservation (Lundy and Wade, 2011). This could increase the type of species based advantages that could be read or simply increase the magnitude of the internal link to overall ecosystem resilience. Although this idea is under-explored at the moment, reconciling urbanization and conservation may be a positive step for a range of critical reasons.

NEG Ground:

Cliff Notes:

Economy DA

TRIPS/Intellectual Property Good DA

Biotech Good DA

Longer version:

The NEG will be able to generate specific offense relating to the measures the affirmative uses to implement the CBD. This could be argued along business confidence lines or simply precluding large amounts of resources for economic development.

There is a rich debate about CBD's effects on genetically modified organisms (GMO) and intellectual property rights. CBD could water down the US's strong support for the TRIPS regime (Rosenal, 2003). The Nagoya Protocol on Access and Benefit-sharing would limit exclusive rights to new technologies stemming from international biodiversity which could hinder innovation (Gehring and Oberthür, 2006). The Cartagena Protocol would increase public opposition against GMO's and hinder development with regulation (Strauss et al., 2009). The Cartagena Protocol is also the basis upon which the European Union challenged the export of GMO's from the United States. The U.S. won this challenge, but ratification could significantly reverse the biotech industry's positive ruling (Kingiri, 2011).

C. International Criminal Court

Advantage Areas

Cliff Notes:

Multilateralism/Soft Power

International Law/US Leadership over ICC

Restrained Foreign Policy

ICC Good/genocide/crimes against humanity

Longer Version:

The first thing that should be noted is that US cooperation with the International Criminal Court (ICC) has grown substantially under Obama (Fairlie, 2010). The U.S. has been an observer at the ICC's Assembly of States Parties for the first time, has offered to protect witnesses and has cooperated with investigations and prosecutions (Fairlie, 2010). This state of affairs is going to require the affirmative to pursue two strains of argument. First, the affirmative could argue that cooperation is insufficient and full ratification is necessary to the credibility and functioning of the ICC and the image of the United States. Second, the affirmative could argue advantages based on the idea of submitting the U.S. to complete ICC jurisdiction. I believe evidence exists for both approaches.

Ratifying the ICC would give the U.S. a seat at the table in determining who serves as judges and prosecutors, definitions of crime and referring crimes to the court (Risch, 2009). It can still be argued that ratifying the ICC signals a US commitment to human rights and helps recover a moral high ground (Risch, 2009). While material support can most likely be provided without full ratification, ratifying the treaty may garner an advantage from the signal of commitment and infuse the ICC with legitimacy (Risch, 2009).

Acceding to the ICC would have several ramifications for US foreign policy. It could limit US drone operations (Kersten, 2012). It could serve as the impetus for international law guiding US policy (Kelly, 2009). It could create an obligation towards the Responsibility to Protect (Contarino and Lucent, 2009). It could substantially reduce overall US unilateralism in military and non-military affairs (Skidmore, 2012). All these areas access timely topics that can generate diverse impact arguments.

The affirmative could also argue advantages based off the proper functioning of the Court. This would access advantages based around trying war criminals, human rights violators and perpetrators of genocide. Several authors argue that full ratification is necessary for the ICC's proper functioning. Status quo support is limited by several Congressional provisions that would be overturned in the process of implementation (NGO Coalition, 2012). Ratification would provide the ICC with necessary logistical and financial support (Schaack, 2011). It would also lend legitimacy to the institution and pressure other hold out nations into ratification (Murphy, 2010).

NEG Ground:

Cliff Notes:

Military DA

Cooperation CP + US leadership/ratification bad

ICC Bad (International law, Israel/Palestine, etc.)

Longer Version:

A core argument concerning the ICC is how it will affect the military. It could affect personnel's willingness to follow orders for fear of prosecution (Schaefer and Groves, 2010). It could lead to a drawdown of US military presence (Bolton, 2002). It could severely damage civil-military relations and overall readiness (Salter, 2008). The negative could also impact programs ICC ratification would likely curtail, such as drone operations.

There is also a debate to be had concerning whether the U.S. should tie itself more to international law. It is debatable whether tribunals are a productive method of achieving international criminal justice. Several argue that submitting US citizens to the ICC would violate constitutional rights such as trial by jury. A bolstered ICC may take action detrimental to US interests such as prosecuting Israel for past actions in Palestine, complicating Israel's relationship with the U.S. (Kersten, 2012). All of these lines of argument could provide disadvantage ground to the negative.

Another core debate is whether ratification is necessary and the desirability of the U.S. leading from the front in the ICC. Several argue US cooperation in the status quo is a positive step and more can be done short of

ratification that would bolster the ICC (McBride, 2012; Lim, 2012). The net benefit to this type of counterplan could be politics by virtue of not using Congress. The negative can also argue that the U.S. would shape the ICC in a negative way or co-opt its legitimacy which would result in a net worse institution (Kersten, 2012).

D. Arms Trade Treaty

Advantage Ground

Cliff Notes:

Human Rights Cred

Small Arms Bad (structural violence, development, etc.)

Arms Sales Bad

Longer version:

The final text of the Arms Trade Treaty (ATT) was concluded in 2013 and countries will be able to ratify beginning in June. Literature exists discussing the broad virtues of such an accord and speak theoretically about potential obstacles, but the debate about specific provisions will evolve over the next year.

There are two core areas the ATT accesses that get more diverse depending on the level of specificity. The first is ratification would enhance US credibility on human rights issues. Placing human rights concerns over economic or strategic concerns would signal a dramatic shift in how the U.S. conducts itself internationally (Layman, 2012).

The second area is the reduction of conventional arms. The U.S. is the largest arms supplier in the world. Conventional arms are one of the largest sources of deaths in the world (Oxfam International, 2012). Conventional arms also increase the propensity for genocide and crimes against humanity (Powers, 2008). Easy access to conventional arms overly taxes those states with weak institutions and hinders their ability to develop their economies (Wright, 2013). This area can vary greatly depending on the specifics of the weapons or country being discussed.

NEG Ground

Cliff Notes:

Arms Sales Good DA's (allies, non-state actors, disbanding arms embargoes, etc).

Core ground for the negative includes arms sales good disadvantages. The ATT prohibits transfers of arms to those that have violated human rights among other criterion. This puts Israel and Saudi Arabia in the crosshairs among others (Toombs and Smith, 2012). If the U.S. were to violate the treaty they would open themselves up to sanctions (Dunne, 2007). Additionally, the U.S. takes codified treaty obligations seriously and it is unlikely they would actively circumvent the ATT in a world of ratification (Stohl, 2010). In the case of Taiwan, China could argue Taiwan has no legal standing to receive arms because it lacks the status of a recognized state under the United Nations (Bromund and Cheng, 2012). The negative can argue that arms sales are necessary to substantiate security guarantees and have influence with the client state. Additionally the negative can make the argument some arms sales will occur regardless and US weapons lead to more positive outcomes than alternative suppliers.

Ratifying the ATT would have other ramifications. If China and Russia did not follow US ratification, their weapon industries would be bolstered. The negative could argue US sales are more desirable if arms will be sold inevitably. Ratification may also harm currently existing arms embargoes imposed by the U.S. by giving states a legal claim to arms in the area of self-defense (Bromund and Groves, 2009). It also would limit the U.S.'s ability to transfer arms to non-state actors, such as groups in Syria (Bromund and Groves, 2009).

E. Comprehensive Nuclear Test Ban Treaty

Advantage Ground:

Cliff Notes:

Nuclear Proliferation

International Monitoring Good

Progress Toward Disarm

Weapon Modernization Bad

Stockpile Stewardship Good

Testing Bad

Soft Power/Multilateralism

Longer Version:

The affirmative team can claim advantages based off non-proliferation, soft power/multilateralism, nuclear testing, and weapons modernization, both here and internationally, by ratifying the Comprehensive Nuclear Test Ban Treaty (CTBT). CTBT ratification would stem proliferation by bolstering US credibility relating to disarmament under Article VI of the Nuclear Non-Proliferation Treaty (NPT) (Handl, 2011). It would also strengthen global consensus and de-emphasize the salience of nuclear weapons (Shire, 2011). Strengthening an international norm against testing would, independent of the efficacy of the NPT, decrease the likelihood of proliferation (Concannon, 2009).

Failure to ratify the CTBT is one of the largest instances of the U.S. skirting international consensus (Nagan and Slemmens, 2010). Ratification would be one of the best signals of US willingness to engage multilaterally (Joseph, 2009). Ratification would resolve one of the largest instances of US hypocrisy, trying to bind countries to standards which the U.S. does not bind itself (Collina and Kimball, 2010).

Ratification would result in US support for the International Monitoring Station (IMS) and the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO). While financial support could be provided to these organizations without ratification, full entry into force would greatly increase their effectiveness. The affirmative can

make a strong argument that US ratification is necessary for full entry into force (Horovitz and Golan-Vilella, 2010). A more comprehensive and fully functioning IMS would allow the affirmative to claim advantages based off surveillance and early warning related to natural disasters, disease, asteroids, etc.

CTBT ratification would change the dynamics of several geopolitical relationships. In the wake of the most recent North Korean nuclear test, the U.S. could ratify the CTBT as way to further isolate the North Korean regime and strengthen engagement (Pickering, 2013). Ratification could bolster cooperative efforts between the U.S. and Russia over stockpile stewardship (Lindemuth, 2009). The CTBT would also prevent weapons modernization or vertical proliferation. This is an important issue between China, India and Pakistan (Banerjee, 2010).

NEG Ground

Cliff Notes:

Deterrence DA

Relations/Pressure DA's

Future Weapons Worse DA's

Non-Proliferation/Pressure DA's

Weapons Modernization Good

Verification/Cheating DA's

Grand bargain/horse trading DA's/CP's

Longer Version:

Three core issues surround the CTBT. They are the maintenance of the nuclear arsenal in a world of ratification, "what comes after" based arguments including what type of weapons will be prioritized and various pressure/relations based arguments and arguments surrounding the specific politics of the CTBT.

The deterrence disadvantage is one that is heavily debated between supporters and opponents of the CTBT. Opponents forward the following arguments. First, there is an inherent uncertainty in the current computerized method of stockpile stewardship and it is impossible to know if the arsenal will need further testing (Robinson, Foster

and Scheber, 2012). Second, if future adaptations are needed to existing warheads the only way to ensure their proficiency is nuclear testing (Bailey et al., 2011). Third, the CTBT would leave capabilities static and open to countermeasure from potential enemies (Spring, 2012). Ratification would preclude the development of new platforms tailored to specific threats. Fourth, CTBT would have a chilling effect on domestic nuclear expertise which would undermine both stockpile stewardship and the robustness of the arsenal (Woosley and Payne, 2011). The debate concerning whether it is necessary to test and whether alternatives means can achieve the same results has been going on for over twenty years. The kind of debates that reward delving deep into established literature bases are ones that should be prioritized by the community.

Ratifying the CTBT could have several negative ramifications. It could lead the U.S. to pressure Israel and India to do the same damaging relations. The U.S would most likely not engage in any form of testing, but countries such as Russia or China may perform low yield tests which are not technically prohibited and gain a deterrent advantage. Bolstering the NPT may actually make resolving issues like Iran and North Korea less likely by bolstering the chances of sanctions. Ratification may lead to the development of different weapons which may be net worse than relying on nuclear weapons. Stock pile stewardship has evolved substantially since the last treaties topic and a large debate centered on whether stewardship's spinoffs were good or bad.

The politics behind CTBT is more intricate than most treaties. The negative could argue that horse trading certain modernization programs would be required to ensure ratification. The negative could forward counterplans that fall short of ratification, but would build support for it (Friedman, 2011). They then could argue ratification would happen in the future resolving the case. These methods include provisional entry, a pledge to pursue ratification, providing financial support to the CTBTO and IMS and making the moratorium on nuclear testing permanent. The negative could also forward grand bargain type counterplans that either reduce the opposition of both the right and the left or maintain the status of the nuclear arsenal and claim deterrence as a net benefit.

F. Convention on the Elimination of All Forms of Discrimination against Women

Advantage Ground

Cliff Notes:

Human Rights Credibility

Modelling Advantages

US Domestic Law Changes

Longer Version:

Ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) would garner three main benefits. First, it would enhance US credibility on human right issues (Zeitlin, 2010). The U.S. is one of the few remaining hold out states. A more specific version of this advantage could be read arguing US credibility on women's issues is particularly important.

Second, CEDAW ratification could bolster women's rights in other countries. U.S. ratification would lend credibility to CEDAW's enforcement board. The U.S. may also begin to pressure other countries or other countries may simply model US implementation. This was an under explored area on the Arab Spring topic. Empowerment of women is seen as a key issue for both economic and democratic development (O'Connell and Sharma, 2003). There is a lively debate concerning whether U.S ratification is necessary for an improved CEDAW regime, whether the U.S. can advocate on behalf of women without ratification and whether ratification would be counterproductive based on US hypocrisy in other areas.

Third, CEDAW implementation would likely lead to dramatic changes in domestic law. This could result in things such as equal pay (Riggin, 2011), stronger reproductive rights (Benshoof, 2011), and better defense of migrant workers (Hainsfurther, 2008). There is also evidence discussing CEDAW's effect on laws like the Violence Against Women Act and assistance to victims of trafficking. CEDAW is a non-self-executing treaty so the resolution would need to require implementation. This requirement would bolster affirmative and negative ground in the context of CEDAW.

NEG Ground:

Cliff Notes:

Federalism/Sovereignty DA

Non-ratification CP + Cooption DA

Domestic law changes bad/backlash DA's

Longer Verison:

The negative ground for CEDAW stems more from the details of the convention than its principles. Full implementation of CEDAW would require a dramatic shift in domestic law. This has two components that can be used by the negative. First, party countries are subject to the oversight of the UN's Committee on CEDAW that publishes reports on the status of women's rights in the party country. The guidelines and enforcement of CEDAW through non-democratically elected officials poses a sharp departure from the traditional federalist system of the U.S. The imposition of international standards of equality via positive rights would upset a long established balance of letting lower level of governments and the market determine such issues (Sommers, 2010).

The negative can always argue that the domestic changes brought on by CEDAW are bad. The negative can argue that the market should determine things like maternity leave, pay, and access to daycare, etc. There is a debate concerning CEDAW's effect on prostitution and abortion and whether changes would be net beneficial. The negative can add a variation to this line of argument and claim the political ramifications of CEDAW ratification, beyond its effect on the agenda, would be negative by the magnitude of the conservative backlash that would ensue. While the issues concerning implementation are not always at the forefront of the debate concerning CEDAW due to political feasibility, the literature is deep enough for the negative to stake out a credible argument.

Another line of argument is that the U.S. has sufficient credibility on women's rights now. CEDAW ratification would not generate any positive leverage over countries like Saudi Arabia. However, ratification would open the U.S. up to scrutiny and litigation from countries who may want to politicize issues concerning women. This would

sap momentum from other areas and ultimately be detrimental for women's rights (Piccard, 2009). CEDAW is another treaty that some argue the U.S. can serve best by being a quiet supporter instead of out in front of the convention.

Two other things deserve mentioning. First, there are many critics on the left of CEDAW. Focusing on women's issues as a distinct human rights issue is problematic (Rosenblum, 2009). Presuming women are in special need of protection re-entrenches a binary between men and women and cast men as the perpetrator of injustice and women as the victim. This is one of the more obvious criticisms of CEDAW. However, it does not diminish the fact that multiple critical angles relating to method and starting points exist in the context of CEDAW. Second, multiple past administrations have forwarded, reservations, understandings and declarations for CEDAW. More so than with other treaties, reservations and their effectiveness are a large issue frequently discussed in regards to whether the U.S. should ratify CEDAW.

G. Outer Space Treaty

History of the OST

Faced with a problem that the traditional methods of enhancing security (defense or deterrence) could not adequately solve, US policy makers pursued the only real alternative – namely, international sanction of military space activities. In this respect the United States had the advantage of being able to influence the development of international space law, which was still essentially a tabula rasa. In support of this goal, U.S. policy towards the military use of space four basic guidelines, albeit somewhat inconsistently in the initial period.

First, the United States promoted the objective that space was to be used for peaceful – that is, nonaggressive – purposes. This was a subtle but important shift from the earlier stated goal that space should be used for nonmilitary purposes. As a corollary, the United States proposed that space would not be subject to national jurisdiction or sovereignty as it applied to air space and that states should have the right to full and unhindered passage through space. This goal was officially stated in the two space policy directives of the Eisenhower administration. It was also reiterated in the public statement of the Kennedy administration, especially after the Soviet Union launched its long awaited diplomatic offensive in the United Nations to make “espionage satellites” illegal. Although the ensuing debate over the legitimacy of military satellites subsided after the Soviet Union withdrew its objections in October 1963, recent concern over the possibility of Soviet antisatellite activities have led to a restatement of the legal status of satellite objects both in the public statements of President Carter (in a press release of Presidential Directive 37 in June 1978) and in the Regan administration’s National Security Decision Directive 42 on space policy announced on 4 July 1982.

Second, the United States reduced the public profile of its military space activities to avoid contradicting publicly its commitment to the peaceful use of space, and at the same time to minimize potential political and military opposition from abroad. This process began with the Eisenhower administration’s attempts to conceal the true purpose of the Corona program by giving it the public name Discoverer and a cover description for its mission (biomedical research and development). It was finally completed in March 1962 by a formal Department of Defense directive that essentially stated that the U.S. satellite reconnaissance program and any other sensitive operations in space would no longer be publicly acknowledged. While the constraints on public reference to the other parts of the military space program have gradually been realized, this directive has remained strictly in force with regard to U.S. satellite reconnaissance activities. It was relaxed only marginally when President Carter acknowledged in 1978 that the United States operated satellites with this purpose.

Third, the United States would show restraint in the development of weapons systems for use in or from space. American policymakers recognized from an early date that there was little military incentive for the United States to develop “space weapons.” Orbital bombardment systems, for example, did not offer the same capability as ballistic missiles due to their limited operational flexibility, control, and accuracy. Furthermore, despite earlier fears, there was never an unambiguous Soviet “space threat” to justify an extensive antisatellite (ASAT) program. More importantly, it was felt by both the White House and the Defense Department that a vigorous U.S. ASAT program would encourage the Soviets to develop similar systems of their own that, given the growing U.S. dependence on military satellites, would do more harm to American than to Soviet interests. The only apparent exception to this guideline were the two land based ASAT systems that were deployed on Johnston Island and Kwajalein Atoll in 1963-64. These, however, can be categorized more correctly as orbital bomb defense systems deployed as insurance against some future Soviet attempt to blackmail the United States with the threat of bombardment from space. Although one of the U.S. ASAT systems remained nominally operational until 1975, it was recognized that the use of its nuclear warhead would pose an equal risk to U.S. satellites in the vicinity of the explosion while its fixed site limited its response time and the number of targets it could attack. Thus, it had a questionable utility in all but the extreme scenarios. The services also undertook considerable research into a variety of space weapon concepts, but this research did not go beyond feasibility studies and was intended to maintain a pool of expertise in case U.S. policy demanded further development.

This policy only began to change in the late 1970s with President Ford's decision in the last days of his administration to pursue ASAT capability. The decision was prompted in part by the February 1976 resumption of Soviet ASAT tests (after a four-and-a-half-year hiatus) and the perceived indirect threat to U.S. terrestrial forces from certain Soviet reconnaissance satellites. The Carter administration endorsed Ford's decision but as part of a "twin track" policy that included an attempt to reach an ASAT arms control agreement with the Soviet Union. The endorsement was designed to provide bargaining leverage with the Soviet Union during the negotiations and insurance if they proved unsuccessful.

Fourth, in support of the first three guidelines, the United States encouraged international agreements and treaties that codified the legitimacy of peaceful military activities in space and prohibited those activities deemed inimical or superfluous to military requirements. Since 1962, the United States has entered into a variety of agreements of both direct and indirect relevance to military activities in space. These include the Partial Test Ban Treaty of July 1963 that prohibited, inter alia, nuclear explosions in space; the October 1963 UN Resolution banning the deployment of weapons of mass destruction in space; the December 1963 Declaration of Legal Principles Governing Activities in the Exploration and the Use of Outer Space (without the original Soviet objection to "espionage satellites"); the 1967 Outer Space Treaty, which codified the nonbinding 1963 UN Resolution banning weapons of mass destruction; the clause in the 1972 SALT 1 agreements (repeated in subsequent arms control agreements) prohibiting interference with "national technical means of verification," generally considered to include reconnaissance satellites; as well as the ABM Treaty prohibition on the development, testing or deployment of space-based ballistic missile defense. In addition, as a result of President Carter's initiative, the United States and the Soviet Union began negotiating in 1978, albeit unsuccessfully, an agreement to limit the further development of antisatellite weapons.ⁱⁱⁱ

Status Quo:

"Conflict in outer space is not a case of 'if' but 'when'. However, the legal regime that governs the use of force and actual armed conflict in outer space is currently very unclear, which is why the Woomera Manual is needed," says founding partner Professor Melissa de Zwart, Dean of the Adelaide Law School, University of Adelaide. "The few international Treaties that deal with outer space provide very little regulation of modern space activities, including both military and commercial uses of space. Therefore, we need to cast our gaze more widely in our approach to determining what laws are applicable in space," she says. The University of Adelaide's Deputy Vice-Chancellor (Research), Professor Mike Brooks, says: "The University of Adelaide is Australia's leading university on defence engagement with government and industry. "This project is part of a much wider commitment our University has made to defence, covering a broad spectrum of discipline areas. The Woomera Manual places our Law School at the international forefront on defence and security laws as they apply to military conflict in space." Rob McLaughlin, Professor of Military and Security Law at UNSW Canberra, says: "Space is a key enabler for communications, surveillance, early warning, navigation systems and is a critical security and conflict domain. "Such extensive use of space by military forces has produced a growing awareness that space-based assets are becoming particularly vulnerable to adverse actions by potential competitors," Professor McLaughlin says. The US Secretary of the Air Force, Heather Wilson, declared last year that the US must start to prepare for the possibility of armed conflict in outer space. Meanwhile, US President Donald Trump also has recently made a call for a dedicated US military space force. "We can no longer afford to ignore the legal implications of the military use of space," says Michael Schmitt, Professor of Public International Law at Exeter Law School, University of Exeter. "The four universities who form the founding partnership of the Woomera Manual project are committed to developing an agreed understanding, and then subsequent articulation, of how international law more generally applies to regulate military space activities in a time of rising tension and even outright armed conflict," he says.^{iv}

Potential Affirmative/Advantage Ground

Cliff Notes:

Space Colonization

Article IV Commitments (Regulatory Regimes)

Reform the liability Convention

Revise the Moon Treaty

Define Space Weaponization

Asteroids and Planetary Defense

Space Privatization

Space Races

Neg Ground

Cliff Notes:

Arms Race DA

ASATs DA

Debris DA

Innovation DA

Other Nations CP

Incentives/Prizes CPs

K Ground

There is a litany of ways one could read a K in response to the OST section of the paper the following will not be exhaustive but will attempt to portray the breath of ground critical teams would have on this topic

1. Anthropocentrism – (aliens/animals)
2. Capitalism (Generic)
3. Security (threat con v Rus/China/India/Pak/Iran etc.,)
4. Settlerism (The very notion of treaty commitment)
5. Heidegger (Standing Reserve = Earth as a disposable Planet)
6. Post-Structuralist Critiques of Man (as identified in a treaty)
7. Including any variations of Identity

The list does not stop that and that is barely the tip of the Ice berg.

H. Convention on the Rights of Persons with Disabilities

Potential Affirmatives

1. Social Justice

CRPD would create pressure on the US to push for an expansive conception of social justice

Groves, Steve, 4/26/10 (Steven Groves is a Bernard and Barbara Lomas senior research fellow at The Heritage Foundation, "Ratification of the Disabilities Convention Would Erode American Sovereignty", <https://www.heritage.org/global-politics/report/ratification-the-disabilities-convention-would-erode-american-sovereignty>) FH

Ceding Authority to an International Committee To monitor implementation, human rights treaties usually establish a "committee of experts" to review reports from states parties on their compliance. The "experts" on such committees are not elected democratically; rather, each is appointed by a state party, regardless of that state's human rights record. States parties are required to submit periodic reports (usually every four years) to the committee detailing their compliance with the particular treaty. For example, the Human Rights Committee oversees state compliance with the provisions of the International Covenant on Civil and Political Rights, and the Committee on the Rights of the Child monitors compliance with the Convention on the Rights of the Child. The Disabilities Convention established the Committee on the Rights of Persons with Disabilities (CRPD Committee), which is charged with reviewing periodic reports and making "such suggestions and general recommendations on the report as it may consider appropriate."[15] Since the convention entered into force in May 2008, the CRPD Committee has not yet reviewed the record of any state party. The first such review session should occur in the near future for those nations that ratified the convention in 2007. Thus, they will be the first nations required to report their compliance.[16] Abuses by Treaty Committees. In general, U.N. human rights treaty committees have frequently made demands of states parties that fall well outside of the legal, social, economic, and cultural traditions and norms of states parties. This has especially been the case with the United States. For instance, in February 2008, the Committee on the Elimination of Racial Discrimination reviewed the U.S. record on racial discrimination and issued a report directing the United States to change its policies on a series of political causes completely divorced from the issues of race and racial discrimination. Specifically, the committee urged the United States to guarantee effective judicial review to the foreign unlawful enemy combatants held at the Guantanamo Bay detention facility, prevent U.S. corporations from abusing the rights of indigenous populations in other countries, place a moratorium on the death penalty, restore voting rights to convicted felons, and take action on other matters completely unrelated or only tangentially related to racial discrimination.[17] The committees overseeing the enforcement of other human rights treaties to which the United States is not a party often recommend changes in policies that are outside of traditional American norms. For example, the committee that oversees the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) regularly advocates that states decriminalize prostitution, radically expand access to abortion, devalue the role of women as mothers, reduce parental authority, and implement strict numerical gender quotas in the government and private sectors.[18] The U.S. has ample reason to expect that the experts on the CRPD Committee will disregard U.S. sovereignty and embark on similar forays in pursuit of a broader agenda of social and cultural engineering unrelated to disabilities.

2. Disability Rights

CRPD results in legal reform at a state level- leads to amending guardianship, removing involuntary psychiatric treatment, and abusive treatments towards disabled people

Lewis, Oliver, 9/3/13 (Executive Director of the Mental Disability Advocacy Center, "Why should the United States ratify the UN Convention on the Rights of Persons with Disabilities?", <http://www.mdac.info/en/olivertalks/2013/09/03/why-should-united-states-ratify-un-convention-rights-persons-disabilities>) FH

False claim 2: America doesn't need law reform after ratification "The whole point of the treaty is to encourage other nations to match the standards set by the United States in the Americans With Disabilities Act," claimed the New York Times in an editorial last month. John Kerry echoes this erroneous view, asserting that the purpose of the CRPD, "is the same as our ADA: to prevent discrimination on the basis of disability." Actually, you can read in Article 1 of the CRPD that its purpose is "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity". The CRPD goes way beyond non-discrimination; its scope is far wider than the ADA. Kerry's echoes his USA Today point in a video he recently released: the CRPD "won't change American laws one bit, alter the balance between the federal government and the states, or infringe on parental rights in the US," he says. Even the pro-CRPD United States International Council on Disabilities (USICD) argues in its publicity material that law reform won't be needed. But the fact that there is a need for law reform has already been accepted by the Obama administration in the President's communication to the Senate (see here for the embarrassingly non-accessible transmission bundle). Three examples should make this clear: 1. Guardianship. Page 34 of the bundle says that some States have made developments to move towards respecting legal capacity and people's autonomy. "Despite these positive changes in guardianship provisions in most states", the document goes on to say, "many state constitutions and statutory provisions continue to limit the full exercise of civil and political rights of persons deemed incompetent. In many states, presumptions of incompetency linked to the appointment of a guardian may result in restrictions on voting, holding office, servicing on a jury, testifying, or bearing arms. State laws also may reach into the realm of family and privacy, with termination of parental rights or the right to refuse medical treatment." That's quite an admission, because Article 12 of the CRPD requires legislation to be amended so that people with disabilities have legal capacity and are supported to exercise it. The CRPD clearly allows no room for denying the vote on the basis of disability. So if America ratifies the CRPD, many states will need to amend their guardianship laws to bring them in line with Article 12 of the CRPD. 2. Involuntary psychiatric treatment. In all states, people can be deprived of their liberty on their basis of a diagnosis of a psycho-social disability (mental illness) and some form of risk assessment. In many states outpatient commitment exists where the person is compelled to take their medication, in fear of being dragged to and drugged in a clinic. All US states allow involuntary commitment. According to the CRPD Committee, civil commitment is problematic in and of itself because it breaches Article 14 of the CRPD which prohibits law from using disability (including mental health) as a reason for detention. Although the Committee should explain how this would work, it has already made it clear to countries that they should "repeal" laws which allow for involuntary detention on the basis of a diagnosis, and in line with Article 25(d) of the CRPD, to ensure that mental health care services are based on the informed consent of the person concerned. Tina Minkowitz is surely correct to assert that if America ratifies the CRPD, many if not all states will need to re-think their mental health laws so as to bring them in line with the CRPD. 3. Abusive treatments. These include electro shock of children with disabilities and "Ashley treatment", which means stunting growth of girls with disabilities and excising their nipple buds. Amazingly, these so-called treatments have their proponents, but – in my view - there's a serious case to be made that they breach CRPD provisions setting out the right to be free from torture and ill-treatment (Article 15), from abuse (Article 16) and the right to mental and physical integrity (Article 17). If America ratifies the CRPD, states will need to amend their laws and practices to bring them in line with these provisions.

CRPD eliminates psychiatric confinement

Minkowitz, Tina 12/5/12 (An attorney and psychiatric survivor, Tina Minkowitz writes on the new perspectives in human rights law that emerged in the work done by users and survivors of psychiatry on the Convention on the Rights of Persons with Disabilities., "CRPD Defeated in Senate – What Now?", <https://www.madinamerica.com/2012/12/crpd-defeated-in-senate-what-now/>)FH

Yesterday December 4, 2012, the U.S. Senate failed to ratify the Convention on the Rights of Persons with Disabilities by a 2/3 vote. Right wing fundamentalists had opposed the CRPD as a harbinger of world government and challenge to authority of the family, and they won over enough Senators to have their way. On the other hand, a majority of the disability community supported ratification with extensive reservations, understandings and declarations and claimed

that ratification would require no change to U.S. law. The Center for the Human Rights of Users and Survivors of Psychiatry (CHRUSP) and other psychiatric survivor groups along with human rights organizations were a "third force" objecting to the RUDs and calling for full adherence and implementation of the treaty as written. We know that U.S. law needs to be changed and we cannot accept the carving out of state guardianship and civil commitment/forced treatment laws that violate the CRPD. It is an odd situation where a battle is fought for seemingly symbolic reasons on most sides, without acknowledging what is really at stake. The disability groups lobbying for CRPD "as reported," i.e. with the RUDs, have never made a convincing case for what they really aim to achieve. Is there really a substantial constituency of people with disabilities that believes U.S. ratification is an act of charity and good will towards our counterparts in other countries, to benevolently cooperate in lifting them up to our standards? Do they see some hidden potential in using the treaty, even with RUDs, to improve our own human rights situation in the U.S.? Who benefits from a superficial ratification that makes no commitment to human rights at home? These questions remain unanswered but I have in an earlier blog post voiced my suspicions regarding foreign aid and projects in other countries. The fundamentalists similarly were unconvincing, saying that CRPD was bad for parents since it incorporated a standard of "best interests of the child." These groups do not appear to be agitating for removal of the "best interest" standard from U.S. law, and they have not proposed an alternative concept or formulation. The real issue seems to be a fear that human rights treaties will bring about a world government, considered by some Christians to be the work of the Antichrist. The CRPD, together with the Convention on the Rights of the Child (which fundamentalist groups have also prevented from being ratified), recognizes that children themselves have human rights including the right to have a say in what happens to them. Children with disabilities are being tortured and abused in all kinds of institutional systems from mental health to residential treatment to juvenile justice to the notorious Rotenberg Center. The non-psychiatric survivor disability community has a second chance now perhaps, to reassess strategy and approach to human rights, but it does not appear that they are budging from the line that CRPD is only for people with disabilities in other countries and requires no change to U.S. law. That is too bad, because there is a lot for all people with disabilities in this treaty, which goes far beyond the ADA. As for us, our people – we ourselves – are still being tortured in psychiatric institutions and in outpatient commitment. We are living with the memories and their effects in our lives. There are hardly any places to talk about this and when we do it can be overwhelming and go in a loop of pain that never ends. Like all forms of oppression. The general public everywhere believes that sometimes it's "necessary" to lock someone up for their own good and for everyone else's good... (the CRPD forbids this, so it's even more ironic that fundamentalists latch onto the "best interests of the child" piece). And they believe that there is something wrong and shameful about a person who has been fingered by psychiatry, fingered by their parents or neighbors, as nuts. The social withdrawal IS the shaming and it doesn't end, society believes its own lies. Untangling this web of pain and abuse is necessary and entails the abolition of legalized force and confinement in psychiatry, as prescribed by the CRPD for all countries.

Ratifying CRPD would promote social inclusion for disabled people-ADA proves that reifying legal protections for disabled people leads to empowerment and better quality of life

Langevin, Jim being interviewed by Judy Woodruff 3/13/14(Jim Langevin is US Representative for the 2nd Congressional District of Rhode Island, " What prevents the U.S. from signing the U.N. disabilities treaty?",<https://www.pbs.org/newshour/show/prevents-u-s-signing-u-n-disabilities-treaty>)FH

REP. JIM LANGEVIN: No. In a sense, this is a — ratifying the treaty sets out broad principles to which nation was aspire to when they are passing their laws or when they're reviewing their laws and their access to public accommodations or even how they treat with disabilities, that people with disabilities aren't hidden or brushed aside, but they are actually — and would be included in society. Again, the — in many ways, the treaty is such that it is really aspirational and encourages nations to adopt the kind of laws and enact the kind of laws that we have enacted, both with the Americans with Disabilities Act and the ADA...

REP. JIM LANGEVIN: ... act, which has made such a profound difference in the lives of people who deal with disabilities. I was injured before the ADA was passed. I was injured in 1980. And I can tell you, the ADA has made a profound difference in my life and that of people with disabilities across this country.

Ratifying CRPD would not force legal reform due to Medellin v. Texas and RUDs in Senate implementation- prevents educational rights under IDEA from being undermined

Langevin, Jim being interviewed by Judy Woodruff 3/13/14(Jim Langevin is US Representative for the 2nd Congressional District of Rhode Island, " What prevents the U.S. from signing the U.N. disabilities treaty?",<https://www.pbs.org/newshour/show/prevents-u-s-signing-u-n-disabilities-treaty>)FH

REP. JIM LANGEVIN: So, two points. First of all, there is already a U.S. Supreme Court decision that says that these treaties that would be ratified by the United States are basically saying they are international commitments, but do not have the force of law. And that is clear in [Medellin v. Texas] a U.S. Supreme Court decision involving the state of Texas. The second of which is, the RUDs, if you will, the reservations, understandings, and declarations that have been adopted by the United States Senate make it clear

that it wouldn't infringe on parents' rights, in terms it of either educating their children or the other arguments that the chancellor has raised.

3. Heg

CRPD key to US Leadership and hegemony, and promotes disability rights abroad

Kerry, John 7/21/13 (Former Secretary of State, " Our disabled deserve access abroad",

<https://www.usatoday.com/story/opinion/2013/07/21/secretary-of-state-kerry-disabilities-treaty-column/2573513/>)FH

Last year I met Dan Berschinski, a retired U.S. Army captain, Afghanistan War veteran and a double amputee. Eight months after he was severely wounded, he visited South Africa to watch the World Cup. Most fans were sizing up the teams, but Dan was sizing up other questions: Would his wheelchair fit through the hotel doorway? Would the bathrooms be accessible? Would the buildings have ramps? As Dan told me, "Those are the kinds of questions we take for granted here in America, but, unfortunately, the accessibility measures that we enjoy here simply aren't present in many other countries." Too many countries haven't done what the United States did 23 years ago this week when we passed the Americans with Disabilities Act. In too many countries, what we take for granted hasn't been granted at all. American gold standard We need to change that — and we can. But it requires American leadership in the world so that our wounded warriors and Americans with disabilities can travel, serve, study and work anywhere in the world with the same dignity and respect they enjoy here at home. The United States set the gold standard when the ADA broke down barriers to equal opportunity, independent living and economic self-sufficiency. Now we must export that gold standard — and we can't do it effectively unless the United States ratifies the Disabilities Treaty. The treaty will help other countries break down barriers that also affect Americans with disabilities when they leave our shores. We can help improve the lives of millions of our citizens by pushing other countries to rise to our standards. Revived effort One of the saddest days in my public life was Dec. 4, 2012 — the afternoon when the Senate I revere fell just five votes short of approving the Disabilities Treaty. It was supported by conservatives and liberals, veterans groups and Bob Dole, whose life was altered by his World War II combat injuries. Dole made an inspiring journey to the Senate to fight for it. As he celebrates his 90th birthday this week, Dole is still fighting for his country — and still fighting for this treaty. When you get knocked down in defeat, you have to get back up — and today we renew our commitment to fight alongside Bob Dole and get the job done. The facts are on our side: The purpose of the Disabilities Treaty is the same as our ADA: to prevent discrimination on the basis of disability. It won't change American laws one bit, alter the balance between the federal government and the states, or infringe on parental rights in the U.S. What will it do? It will hold up the principles of the ADA as the bar other countries need to meet. So what's really at stake? The Disabilities Treaty is the single most important step we can take to ensure that millions of disabled Americans enjoy the same protections abroad as they do here. This treaty offers hope where there is none. Be more like us It's about who we are and what we stand for in the world. In four simple words, the treaty says to other countries that don't respect the rights of disabled people: Be more like us. To countries that warehouse children with disabilities — be more like us. To countries that leave children to die because they have a disability — be more like us. To countries that force children with disabilities to abandon education — be more like us. If we join, we can also work to level the playing field for American businesses and help create new markets for our accessible technologies products. That's why the U.S. Chamber of Commerce, IBM and other businesses support U.S. ratification. All these benefits aren't open to us until other countries rise to meet our standards. We'd have greater credibility and leverage to export our disability laws if we join this treaty ourselves. This is about projecting U.S. leadership. It's about helping our veterans, promoting our values and our companies. This treaty doesn't change America. It's about America changing the world.

*****Neg Ground*****

A2: Disability rights

CRPD doesn't resolve disability rights- empirics show commitment won't follow ratification and USAID solves in the squo

Groves, Steven 1/20/14 (Steven Groves is a Bernard and Barbara Lomas senior research fellow at The Heritage Foundation., "The U.S. Doesn't Need the Disability Treaty", <https://www.usnews.com/opinion/articles/2014/01/20/the-us-doesnt-need-the-un-treaty-on-the-disabled>)FH

Backers of the United Nations' Convention on the Rights of Persons with Disabilities received a major blow last month when Tennessee Sen. Bob Corker, the top GOP member of the Senate Committee on Foreign Relations, announced he would not support ratification. And that's good because ratification of the CRPD will not benefit Americans with disabilities. The United States already has a wide range of federal laws that protect the rights of Americans with disabilities, such as the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Individuals

with Disabilities Education Act and the Fair Housing Act. Plus, there are executive and judicial mechanisms available that meet or exceed the treaty's provisions. U.S. federal laws, unlike the ambiguous provisions of the CRPD, were crafted to address the situation of disabled persons living in the U.S., not the general opinions of the international community. As a whole, the legislation is a firm foundation that can be modified or expanded as necessary through the legislative or regulatory process. [Read Christopher Neiwem: The Senate Should Ratify the U.N. Disabilities Treaty] Undaunted, CRPD advocates promise disabled Americans – including veterans who have sacrificed limbs in combat – that U.S. ratification of the treaty will directly benefit them by improving accessibility in foreign countries. But this is an empty promise, and there isn't a shred of evidence to support it. Ratification of a human rights treaty constitutes an international commitment by a nation to protect the rights of people located on that nation's territory. It does not oblige a country to promote those rights abroad. U.S. ratification will neither bolster the rights of the disabled abroad nor will it improve accessibility in those nations. That's not how human rights treaties work. Consider the International Covenant on Civil and Political Rights. The U.S. has been a party to that treaty since 1992. Other parties include Ethiopia, Iran, Russia, Uzbekistan and Vietnam. Yet, somehow, civil and political rights in those nations are no more available now than they were before. The same goes for the Convention on the Elimination of All Forms of Racial Discrimination. The U.S. joined in 1994, but several other parties to the treaty – countries like Egypt, India and Nigeria – are considered the least racially tolerant on the planet. Simply put, there is zero correlation between U.S. ratification of a human rights treaty and the improvement of human rights in other nations that have ratified the same treaty. [See a collection of political cartoons on Afghanistan.] U.S. membership in the CRPD is not necessary to demonstrate American leadership on disability rights or to foster collaboration to improve disability rights and accessibility in other countries. Acting primarily through the U.S. Agency for International Development, the nation funds and administers programs around the world that deliver aid, technical support, equipment and other services to advance disability rights. USAID provides wheelchairs and training, works with foreign governments and nongovernmental organizations to raise public awareness of disability rights, establishes athletic programs, promotes access to education for disabled populations, campaigns to better integrate persons with disabilities into the labor force and urges other nations to provide the disabled with better access to health care. The CRPD won't help Americans with disabilities either at home or when they travel abroad, and the Senate should refuse to give its consent to ratification.

CRPD provides superfluous benefits for disabled people and US Leadership

Groves, Steve, 4/26/10(Steven Groves is a Bernard and Barbara Lomas senior research fellow at The Heritage Foundation, " Ratification of the Disabilities Convention Would Erode American Sovereignty", <https://www.heritage.org/global-politics/report/ratification-the-disabilities-convention-would-erode-american-sovereignty>) FH

America's Leadership on Disability Rights The United States should become party to a treaty only if it advances U.S. national interests. The U.S. should be especially wary of international conventions that require complex domestic regulation and enforcement by the federal government. U.S. national interests in the context of the Disabilities Convention may be characterized in both foreign and domestic terms: Would becoming a party to the treaty serve U.S. interests within the international community, and would joining advance the cause of Americans with disabilities? U.S. Laws Protecting the Rights of Americans with Disabilities Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in federal employment, programs conducted by federal agencies, programs receiving federal funding, and the employment practices of federal contractors. The Americans with Disabilities Act of 1990 provides a private cause of action for the disabled, including for instances of discrimination in employment, public accommodations, transportation, telecommunications, and other areas. The Individuals with Disabilities Education Act of 1990 provides federal funds for the educational needs of children with disabilities and requires states that accept such funds to identify and individually evaluate children who are eligible for special education and craft an individualized education program for each child. The Fair Housing Act as amended in 1988 protects the disabled against discrimination in the sale, rental, or financing of housing. Other federal laws protecting persons with disabilities include the Telecommunications Act, the Air Carrier Access Act, the Voting Accessibility for the Elderly and Handicapped Act, the Civil Rights of Institutionalized Persons Act, and the Architectural Barriers Act. From a purely public diplomacy calculus, one can argue that the United States will enhance its reputation within the international community by holding itself to a high standard of human rights. However, in the case of the Disabilities Convention, the United States already has effective legislative measures in place to protect the rights of the disabled. Those who say that ratification would allow the United States to claim the moral high ground within the international community—at least in regard to disability rights—imply that the United States is deficient in protecting the rights of the disabled. In truth, the United States has been a leader in protecting the rights of the disabled. It already holds the moral high ground. Signing a treaty merely to score points overseas is not a sound basis for making policy. Gauging how much signing the convention would actually improve the image of the United States abroad is difficult. More determinable are the domestic effects of joining such a convention. Ratification of the CRPD is not needed to end discrimination against persons with disabilities in the United States. The United States already has in place a wide range of federal laws to protect and advance the cause of Americans with disabilities. These include: Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in federal employment, programs conducted by federal agencies, programs receiving federal funding, and the employment practices of federal contractors.[7] The Americans with Disabilities Act of 1990 (ADA), which provides a private cause of action for the disabled, including for instances of discrimination in employment, public accommodations, transportation, telecommunications, and other areas.[8] The Individuals with Disabilities

Education Act of 1990 (IDEA), which provides federal funds for the educational needs of children with disabilities and requires states that accept such funds both to identify and individually evaluate children who are eligible for special education and to craft an individualized education program for each child.[9] The Fair Housing Act as amended in 1988, which protects the disabled against discrimination in connection with the sale, rental, or financing of housing.[10] Other federal laws that protect persons with disabilities, including the Telecommunications Act, the Air Carrier Access Act, the Voting Accessibility for the Elderly and Handicapped Act, the Civil Rights of Institutionalized Persons Act, and the Architectural Barriers Act.[11] These federal laws, unlike the broad provisions of the CRPD, were crafted to address the situation of the disabled in the United States, not to address the general opinions of the international community. As a whole, the legislation is a firm foundation that can be modified or expanded as necessary through the legislative process. In addition, U.S. disabilities laws are enforced by a panoply of federal agencies, most notably the Civil Rights Division of the Department of Justice.[12] Other elements of the federal government have responsibilities under the ADA and other federal disability legislation. (See text box.) In addition to federal law, all 50 states and the District of Columbia have enacted a wide range of laws to prevent discrimination against the disabled and provide an array of resources to persons with disabilities.[13] Federal Agencies Charged with Protecting the Rights of Americans with Disabilities Civil Rights Division in the U.S. Department of Justice U.S. Equal Employment Opportunity Commission Federal Transit Administration in the U.S. Department of Transportation Office for Civil Rights in the U.S. Department of Education Office for Civil Rights in the U.S. Department of Health and Human Services Civil Rights Center in the U.S. Department of Labor U.S. Department of Housing and Urban Development Office of Civil Rights in the U.S. Department of the Interior Office of the Assistant Secretary for Civil Rights in the U.S. Department of Agriculture In short, the U.S. government treats disability discrimination in a comprehensive and exhaustive manner that makes membership in an international covenant purporting to set standards for the treatment of the disabled superfluous at best.[14] To allow an international panel of disability experts to scrutinize the U.S. record every four years would yield little or no benefit in realizing disability rights for Americans. Any public diplomacy or other possible marginal benefits, if any, that could arise from signing should be weighed against the negative consequences of ratification.

CRPD would undermine educational rights under IDEA and take power away from parents to the government

Farris, Michael being interviewed by Judy Woodruff 3/13/14 (Michael Farris is the chancellor of Patrick Henry College in Virginia and the chairman of the Home School Legal Defense Association. "What prevents the U.S. from signing the U.N. disabilities treaty?",<https://www.pbs.org/newshour/show/prevents-u-s-signing-u-n-disabilities-treaty>)FH

JUDY WOODRUFF: Even though the language here is based on existing law in the United States, the Americans with Disabilities Act. What is it that would be different about the U.N. convention from what is already law? MICHAEL FARRIS: Well, there are several differences in the U.N. treaty. The rules on guardianship are different. The rules on families with disabled children are different. Right now, the law in the United States for families with disabilities are, parents are presumptive decision-makers for their children in every case, unless there is proof of harm. Article 7 of this treaty changes that rule from a presumption of parental authority to a presumption that the best interests of the child standard controls, which is not a question about what is decided, but who makes the decision. That decision, that rule in Article 7 means the government is the presumptive decision-maker for children. It's a big shift in law and would take away rights that we have under the IDEA, for example. JUDY WOODRUFF: And that is a reference to the educating of children. MICHAEL FARRIS: That's right. Right.

A2: Heg

CRPD fails to promote disability nationalism- countries provide accessibility with negligible influence from the US

Lewis, Oliver, 9/3/13 (Executive Director of the Mental Disability Advocacy Center, "Why should the United States ratify the UN Convention on the Rights of Persons with Disabilities?", <http://www.mdac.info/en/olivertalks/2013/09/03/why-should-united-states-ratify-un-convention-rights-persons-disabilities>) FH

False claim 1: Ratifying the CRPD will allow America to export its own 'high standards', and will help American tourists abroad (aka "be more like us"! Secretary of State John Kerry wrote an op-ed for USA Today a few weeks ago, entitled, "Our disabled deserve access abroad". He argues that what is required is "American leadership in the world so that our wounded warriors and Americans with disabilities can travel, serve, study and work anywhere in the world with the same dignity and respect they enjoy here at home". This argument is

flawed, because when a country ratifies the CRPD that country is bound under international law to implement the Convention to all persons within its own jurisdiction. So an American vacationing in Tuscany relies on Italy's ratification to ensure that the pizzeria in Pisa is accessible: America's ratification is irrelevant. The arguments about American leadership in the world, and American tourists, are a reaction to hard-line anti-UN activists who claim that the CRPD will "undermine US sovereignty," presumably because the US will have to abide by the treaty. Kerry is correct in a very soft sense. It does matter for country A that countries B to Z have ratified. Quantity of ratifications indicates a global consensus. If the US wants to call for other countries to respect rights laid out in the CRPD, it had better ratify the CRPD too. Other countries' ratifications seem to be important for the judiciary too. In the UK last year a court looked at the number of European ratifications when considering how much weight to accord the CRPD in that particular case (see paragraphs 98 to 108). It did not mention the USA's non-ratification because its focus was Europe. But in this very weak sense, ratification by other countries can influence the regard that courts, and other important bodies, have for the CRPD as such (thanks to Lucy Series for making this point to me). Rather than acknowledging the real benefits of ratifying the Convention, pro-CRPD leaders resort to neo-colonial claims which I find particularly cringe-worthy but which more important people hopefully find attractive. Secretary Kerry argues that ratification will aid in "projecting U.S. leadership." It will "help create new markets for our accessible technologies products", despite the fact that right now US companies are permitted and able to buy and sell accessible technologies, irrespective of the status of America's ratification. "The treaty says to other countries that don't respect the rights of disabled people: Be more like us," writes Secretary Kerry. Let's look more closely at the claim that other countries should be more like America.

I. Trans-Pacific Partnership

Timeliness

The Trans-Pacific partnership is an incredibly timely topic, as, the treaty will be ratified early next year, at which point, the United States will have the opportunity to rejoin and re-negotiate the terms of the deal. Not only does this allow for a wealth of literature on the deal, but also enables very specific counterplan ground and advantage areas based upon the process of renegotiation, beyond much of the work done here. If the US does pursue re-negotiation, many of these cards also enable an in depth debate over

Trump is looking to rejoin the TPP, but questions over renegotiation will determine whether or not the US ratifies the treaty

Ungku 4/16 [Reporting by Fathin Ungku in SINGAPORE, Charlotte Greenfield in WELLINGTON, John Mair in SYDNEY and Marius Zaharia in HONG KONG; Writing by Marius Zaharia; Editing by Raju Gopalakrishnan Trump says U.S. could rejoin TPP if deal improved. How hard would it be?]

WHAT HAS TRUMP SAID RECENTLY ON TPP **** Republican senators met Trump on April 12 and he told them that he has asked United States Trade Representative Robert Lighthizer and White House economic advisor Larry Kudlow to re-open negotiations.** **** Trump** on Twitter, April 12 "I would do TPP if we made a much better deal than we had. We had a horrible deal." HOW WOULD THE U.S. REJOIN THE TRADE PACT? It would not simply be a case of reopening the original TPP deal, given the remaining 11 changed it and Trump has said he would seek a better deal. "It's very, very unlikely that you're just going to have negotiation on the existing text and have the U.S. say 'oh, we want those suspended articles re-instated and we'll just sign," said Charles Finny, a Wellington-based trade consultant and a former New Zealand government trade negotiator. "It's probably going to be quite a long negotiation and it's probably going to be called something else and it's probably going to look quite different from TPP." The CPTPP is expected to be ratified early next year, which is the earliest the United States could formally start negotiations to join. All 11 nations must agree to admit a new member, giving each of them a veto. A BETTER DEAL? The 11 countries suspended about 20 provisions in the original deal. Many of them were pushed by Washington, including terms that strengthened intellectual property (IP) protection for certain pharmaceutical products, extended the length of copyrights and reduced barriers for express shipments companies. The TPP-11 legal text is 584 pages, versus the 622 pages original which included the United States. Eighteen of the pages dropped were in the IP chapter, which Washington saw as very important and was one of the hardest to negotiate. A possible U.S. return to the deal would also require reopening negotiations on some sore points for existing members including Japan, such as tariffs for pick-up trucks and quotas for how much of auto manufacturing has to be done within the signing countries. Japan wants to keep sourcing auto parts from economies not in the pact, such as Thailand. Aside from this, Washington might want to push for further concessions on agricultural products, which are mainly produced in states that Trump won in the 2016 election. Rice, which Japan sees as a national security staple, might be one of the toughest items on the negotiation list. Technically, reinstating the suspended provisions would not be difficult. "Improving" on them is another matter. "They are suspended on purpose. They (TPP-11 countries) could have canceled them but they chose not to do so," said Deborah Elms, Founder and Executive Director of Singapore-based Asian Trade Centre and a senior fellow in the Singapore Ministry of Trade and Industry's Trade Academy. "The tricky part is that the United States, especially under this administration, anything that the Obama administration touched, they want re-done...I do not think that there is appetite among the eleven, at least at this point, for complicated renegotiations"

*****Potential Affirmatives*****

1. Asia Pivot

One of the main strategic goals of America in ratifying the TPP had been to expand the US economic influence in Asia, primarily in order to contain China's rise, a key component of which has been their financing of numerous infrastructure projects, and trade relationships occurring through the AIIB, and the OBOR initiative. As the high school china topic showed, there is a wealth of IR scholarship focusing on how the US should contain, appease, or challenge a rising china, allowing for strong advantage ground for the aff as well as very interesting impact turn ground for the neg.

TPP key to Asia Pivot – checks China’s economic dominance

Bader and Dollar 15 [Jeffrey A. Bader Senior Fellow - Foreign Policy, John L. Thornton China Center David Dollar Senior Fellow - Foreign Policy, Global Economy and Development, John L. Thornton China Center Why the TPP is the linchpin of the Asia rebalance]

This week, twelve trade ministers meet in Hawaii to try to complete negotiations on the Trans-Pacific Partnership (TPP) agreement. If they succeed, there will be substantial benefits for their nations and a big diplomatic win for the Obama administration. If they fail, the accord risks getting bogged down in U.S. presidential politics and puts into question the rebalance to Asia. The Obama administration’s policy of “rebalance” toward Asia has been designed to achieve two objectives: to embed the United States more deeply in the world’s most dynamic economic region, and to prevent a regional vacuum to be filled predominantly by China as it continues its rise. The rebalance has rested on three pillars: political, security, and economic. The administration has tangible achievements to show in the political and security domains: strengthening of alliances with Japan, South Korea, Australia, and the Philippines; normalization of relations with Myanmar; joining of the East Asia Summit, which the U.S. president attends each year; annual presidential meetings with the leaders of the Association of Southeast Asian Nations (ASEAN) and the opening of an embassy accredited to ASEAN in Jakarta; relaxation of the arms embargo on Vietnam; expansion of counterterrorist cooperation with Indonesia; a Strategic and Economic Dialogue and frequent presidential summits with China; and heightened attention to the South China Sea. But the economic component that should be driving U.S. engagement has had few specific accomplishments. The Korea-U.S. free trade agreement stands out, but in isolation. The U.S.-China negotiation on a bilateral investment treaty is on a very slow track because of Chinese reluctance to further open up its economy. The Export-Import Bank’s future is tied up in ideological wars in the Republican Congressional Caucus. Reform of the International Monetary Fund has been blocked by the U.S. House of Representatives. Chinese initiatives such as the establishment of an Asian Infrastructure Investment Bank and a “Silk Road” investment project to build infrastructure in Eurasia have been met by sullen resistance and a lack of positive alternatives by the United States. In this context, passage of TPP is vital if the rebalance is to be seen by states in the region as being economically relevant. To impress a region that prizes economic growth and openness, the stakes in TPP therefore are high for the administration. THE BENEFITS OF TPP Currently, there are 12 countries negotiating the TPP. The full details have not yet been agreed on or disclosed. But economists have made plausible estimates of what benefits an agreement would likely yield. In this kind of trade agreement, the big absolute gains go to large economies, especially ones that still have significant protection. Thus, the United States stands to gain \$77 billion annually, while Japan’s benefit is an even larger \$105 billion. The big winner relative to the size of its economy is Vietnam, which could gain more than 10 percent of gross domestic product; followed closely by Malaysia, gaining about 6 percent. These are static estimates. If joining TPP ushers in additional reforms in Vietnam that attract more investment and productivity growth, the gains could be much larger. Still the overall gains to the TPP-12 are modest and should not be exaggerated. The long-term effect of TPP will depend on how other countries in the Asia-Pacific region react to it. China is the biggest loser from the current version of TPP. Its estimated losses are similar to Vietnam’s gains, which makes sense because the losses come from trade diversion away from China to Vietnam and other developing countries. China’s economy is many times larger than Vietnam’s, however, so the losses are a tiny 0.2 percent of China’s economy. If more developing countries—especially large ones such as India, Indonesia, and Thailand—are attracted to join, then China’s losses from being left out will mount. Most of the current TPP countries hope that China is eventually attracted to join. The benefits of any deep liberalization agreement that includes China will be many times greater than agreements without China. China may not want to join a pre-existing agreement, but that is not a big issue if it is serious about liberalizing to the standard of TPP. This could be done, for example, through a free-trade area of the Asia-Pacific whose benefits would be 6 to 7 times greater than those of the initial TPP agreement. While things look promising for reaching a TPP agreement this week, it is still challenging to get it finalized before the U.S. presidential election takes full flight. Under U.S. trade law and the recently passed Trade Promotion Authority legislation, there is an array of 60- and 90-day clocks during which the president must declare his intention to sign and publish the agreement and the Congress must vote on TPP-enabling legislation. If, as the Obama administration hopes, negotiation among the parties is completed at the round of trade ministerial talks in Hawaii this week, the most optimistic scenario would look like this: Notification to Congress in early August of President Obama’s intention to sign TPP, and publication of the TPP agreement in mid-September. If both of these events occur in those time frames, the president could sign the agreement at the Asia-Pacific Economic Cooperation (APEC) leaders meeting in Manila on November 18 and 19. After President Obama signs, Congress must act through an up or down vote within 90 days, which would mean by mid-February.

US Pulling out of the TPP enabled china's rise – destabilizes the region and hurts south korea and japan alliances

Kounalakis 17 [Markos Kounalakis, Ph.D. is a senior fellow at Central European University and visiting fellow at the Hoover Institution. Obama's Asia Pivot is in full, disastrous swing under Trump]

Trump's Asia pivot relies less on reassuring allies than on military buildup and sales. America is increasing new regional military deployments. Hard power is combined with harsh words dominated by Trump's trademark abrasive speech and more confrontational approach towards a rapidly rising China. Asian nations feel the heat and insecurity from the region's increased tensions, shifting power, and threatened trade. In response, they seek greater security and more American weaponry. All this adds up to a rebalance of power. President Trump has aggressively shined the spotlight on China's culpability for the North Korean regime's survival. Beijing is being called out for long supporting Pyongyang, allowing or perhaps even encouraging it to be an international irritant. Now China must reckon with the sovereign Frankenstein it helped create, having over the years enabled the rogue nation and Kim-clan to now credibly threaten the global peace. North Korea, however, is not the only regionally destabilizing project pursued by the Chinese. Beijing has used its size and economic strength to remind its neighbors who rules the regional roost. It constructs new militarized islands and challenges those who freely ply international waters it claims. The pivot is meant to counter these moves. Started by President George W. Bush in 2008, the Trans-Pacific Partnership (TPP) trade accord Obama later sought to sign was the centerpiece of the Asia pivot, seeing increased regional trade and tightening commercial bonds as a less threatening approach to countering China's growing power. TPP was central to the Bush-Obama pivot. Trump dumped that powerful tool, preferring increased arms sales to added trade deficits. Trump's TPP retreat was seen widely as an unforced error, signaling a lack of American interest in Asian economic security and an invitation for Chinese regional economic domination. Chinese President Xi Jinping's consolidating leadership and a post-TPP regional opening for China made the neighborhood nervous. Asian countries grew anxious that an economically powerful, militarily growing and unchecked China would set new rules and force conditions favorable to Beijing. Xi's economic infrastructure plan, the "one belt, one road" initiative, was beginning to look to some more like a one noose policy. That anxiety spread quickly to Japan, which is in the middle of shifting from a previously pacifist posture to one of a more militarized and mobilized nation. Japanese Prime Minister Shinzo Abe, who made an early trip to Trump Tower, is now coordinating in a more robust way with America and its forces to make sure that missiles flying overhead are not hanging over Tokyo's head like the sword of Damocles. Seoul is currently on ice as Trump asserts he will not be blackmailed over South Korea. In his uniquely tortured and torturing communications, he dressed down new South Korean leaders, calling them appeasers. Trump lets the trade imbalance with the U.S. imply American ennui about Seoul's fate. From a Trump economic nationalist perspective, South Korea is an export-oriented trade parasite. His seeming indifference to South Korea is a cold and callous negotiating calculus applied to tell Kim Jong-un he is calling his bluff. It is an incendiary game of chicken with potentially dire consequences. As Defense Secretary Jim Mattis put it, a North Korean attack would reap a "massive military response". Trump came into office with an unfamiliar and unpredictable rhetoric that is now translating into a set of unintended foreign policies and strategic directions. Global dynamics have rapidly evolved his initial and instinctual populist approach into a course of confrontational actions, regional rebalancing, and geopolitical recalculation. The latest development of this reactive approach is an increased American presence and forward posture that Bush, Obama and Hillary Clinton desired, but failed to implement fully. Trump's comes much faster, furiously and with greater risks than the incremental strategic approach previous administrations sought. A rawer, unapologetic, and aggressive Bush-Obama-Clinton Asia pivot is now fully underway. As in basketball, however, a quick, hard pivot always runs the risk of an epic fall.

2. Agriculture

One of the numerous consequences of Trump's decision to launch steel tariffs on china has been a retaliatory tariff on US agricultural products, which, coupled with a loss of agricultural exports to countries in the TPP has resulted in massive losses for the US agricultural sector. Many farmers are calling on Trump to reconsider his stance on the TPP, trade with member countries is a crucial part of maintaining their profits. This opens up advantage ground both for

arguments about how the agriculture sector is critical to economic growth, as well as arguments about the importance of food security.

TPP and China Trade war have devastated American Agricultural Productivity

Capri 18 [Alex, I work with the world's thought leaders in business, public policy and civil society, in the areas of global value chains, sustainable capitalism and international trade. My focus is on disruptive technology and the digital economy. Before becoming an academic, I was a partner with KPMG, a global consultancy, as well as an international trade specialist with the United States Customs Service. I did my graduate studies at the London School of Economics. Trump's 'Trade War' Irony: America Loses By Not Rejoining The TPP]

China has drawn first blood in the “trade war” between Washington and Beijing. With surgical precision, Beijing has targeted America’s farmers, in key agricultural states that are critical to U.S. President Donald Trump’s political fortunes. Chinese tariffs on U.S. pork, nuts and fruits—which were in retaliation for Washington’s tariffs against steel and aluminium—have swiftly mobilized home-grown special interest groups against Trumps trade policies. The next round of Chinese tariffs could inflict even more pain. Beijing has promised to retaliate against the USTR’s \$50 billion of Section 301 tariffs, with more of its own tariffs, many of which are aimed at the U.S. agricultural sector-- including soy beans, which would have a devastating impact on farmers throughout the American Midwest. Trump and his trade team are now grappling with a dilemma of their own making. And in what may become an irony of historic proportions, Trump’s best defensive tactic might be to have America re-join the Trans-Pacific Partnership (TPP). Trump’s supreme irony When Mr. Trump withdrew the U.S. from the original TPP-- now known as the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP)-- he put the American agricultural sector at a competitive disadvantage. By depriving U.S. farmers of preferential duty rates throughout the CPTPP territory, The White House unwittingly turned Canadian, Australian and Mexican growers into winners and U.S. farmers into losers. This trade scenario will begin to play out at the end of this year, when the CPTPP goes into effect. Withdrawing from the TPP was damaging to the American agricultural sector, but the further piling on of Chinese retaliatory tariffs has now brought things to a tipping point. In a startling reversal of thinking, Trump has tasked the USTR’s Robert Lighthizer with looking into the prospects of the U.S. re-joining the TPP. The threat of trade wars have unintended results, but few could have predicted how quickly grassroots politics in America would pressure the administration to reconsider its position on the TPP. But how realistic is the prospect of Trump’s America re-joining the TPP? First, it will depend on how extensively Trump and his trade advisors try to alter or renegotiate the existing agreement. Second, going forward, it will depend on how effectively the existing political system of checks and balances in the U.S. can contain the often mercurial behaviour of the president.

Pulling out of the TPP devastated US Agriculture – its also key to the beef, pork and soybean industries which are integral to economic growth

Weintraub 17 [Mark, Director of the Buckingham Research Group, Struggling U.S. farm sector faces new threat as TPP dies]

Agricultural groups expressed disappointment over the move and urged the new administration to find alternative ways to boost product shipments to Asian countries. Trump announced the cancellation on Monday, quickly fulfilling a campaign promise. Trump won nearly two-thirds of the rural vote in November, with big agricultural states including Iowa, Nebraska, Ohio and Indiana all lining up for the Republican. The TPP, which was never approved by Congress, was a 12-nation trade pact which the Obama administration framed as way for the United States to establish economic leadership in the region. But Trump, who wants to boost manufacturing, claimed the deal hurt the U.S. job market. “The TPP held great promise for us, and has been a key priority for several years now. We’re very disappointed to see the withdrawal,” said Ron Moore, president of the American Soybean Association. Soybeans have been a rare bright spot in the struggling agriculture sector and even helped boost overall U.S. economic growth as prices for most crops have faded. But strength in the oilseed’s price was largely due to overseas demand. A 10 percent jump in soybean shipments during the third quarter helped spur the biggest gross domestic product gains in two years. The U.S. Department of Agriculture (USDA) expects 2016-17 soy exports to hit a record 2.05 billion bushels, accounting for nearly half of the recently harvested U.S. crop. The United States is a net exporter of agricultural goods, and shipments to the 11 other countries in the TPP deal totaled \$61.735 billion in 2015, latest data shows. The Obama administration had touted TPP as a trigger for further gains. At its annual Outlook Forum in 2016, the USDA had themed its trade-related

sessions “U.S. Exports in the warm glow of a completed Trans-Pacific Partnership.” Trump signaled he wants to strike trade pacts with individual countries instead of joining TPP, said U.S. Senator Charles Grassley, a Republican from Iowa. The message to the country was: “I like trade and we need to negotiate down barriers,” Grassley told reporters on a conference call on Tuesday. Negotiating bilateral deals could take years, though, Grassley said, adding that “it’s just not an easy thing to do.” Japan is the top priority, he added. THE CHINA FACTOR U.S. farmers and trade groups are also concerned that backing out of the deal could provide other countries with better access to China, a major agriculture goods importer that was not part of the TPP negotiations. “Mounting competition and new trade agreements within that region that exclude the U.S. continue to block opportunities for the U.S. feed industry to capture this demand.” Joel Newman, president and chief executive of the American Feed Industry Association, said in a statement. Australia and New Zealand said on Tuesday they would encourage China and other Asian countries to join the trade pact. The U.S. Meat Export Federation, a trade group that promotes sales of U.S. meat overseas, wants to hear details on what the Trump administration plans to do to improve trade now that TPP is officially dead. “We urge the new administration to utilize all means available to return the United States to a competitive position, so that our industry can continue to serve this important international customer base and further expand our export opportunities,” Philip Seng, the federation’s chief executive, said. U.S. meat exporters could have made their biggest potential gains in Japan, which bought \$2.88 billion of U.S. beef and pork in 2015, and Vietnam if TPP had been implemented, said Joe Schuele, federation spokesman. He declined to quantify in dollar amounts those possible gains. “We look at access to the Asia Pacific region as being very, very important to both the beef and pork industries,” Schuele said.

3. Proliferation

While fairly similar to the question concerning the – importance of the TPP to the Asia Pivot writ large, this literature base discusses how the treaty is important to signaling a credible commitment to the US’s various alliances, and ensuring that countries like south korea and japan, who are currently dependent on the US nuclear umbrella don’t feel a need to aggressively build up their military – similar to the Japan Proliferation disad on both the high school china topic, and college military presence topic, this opens up strong internal link for many affirmatives, as economic cooperation is seen by some as the critical aspect of alliances which lends weight to defense commitments.

Leaving the TPP signaled weakening commitments to Asian alliances – that encourages Japanese military buildup and decks counterterrorism response

Soloway 16 [Benjamin Soloway is an associate editor at Foreign Policy. He worked previously in Indonesia as a web editor and Princeton in Asia journalism fellow at the Jakarta Globe. He has also lived in Brazil and Turkey. His work has been published in the Boston Globe, the New Republic, USA Today, the Washington Post, and elsewhere. He studied history at Wesleyan University. Under Trump, U.S. Allies in Asia May Look to Themselves for Security]

On the campaign trail, Trump said he would call on Japan and South Korea to pay more of a share in the expenses of security cooperation with the United States, and expressed openness to the idea of nuclear proliferation among U.S. allies. Obama is set to leave office at a time of rising tensions over disputes in the East and South China Seas and North Korea’s continued development of nuclear weapons. Foreign Policy asked Ford to outline a sense of what U.S. allies in East and Southeast Asia should expect. This interview, conducted by email, has been condensed and edited. FP: What is the most telling example of Asian allies hedging in preparation for a diminished U.S. presence in the region? LF: One of the most telling examples of Asian hedging is the careful balancing act we’ve seen Association of Southeast Asian Nations nations engaging in for quite some time. This has included diversifying both their economic ties as well as their military investments between the U.S. and China. Witness this past month’s visits by [Philippine President Rodrigo] Duterte and [Malaysian] Prime Minister Najib [Razak] to China as a great example. We’ve also seen this balancing act play out time and again in the South China Sea, where ASEAN nations have wrestled with how to avoid hewing too closely to either the United States or China. FP: What specifically might Trump do to assuage these fears? LF: President-elect Trump could begin by publicly reaffirming that America’s extended deterrence commitments — its nuclear umbrella — remains rock solid. His earlier suggestion that countries like Japan and the Republic of Korea should perhaps seek out their own nuclear capabilities seriously spooked Asian partners. While he may not wish to explicitly walk back these statements, he needs to make clear that nuclear proliferation is in no one’s best interests and that the United States remains firmly invested in protecting its allies from nuclear attack or provocation. FP: U.S. partners like Japan and the Philippines are already looking to further boost their own military capabilities — what might an acceleration in those efforts look like? LF: Under President [Shinzo] Abe, Japan has slowly dipped its toes in the waters of becoming a more “normal” military power for the first time since World War II. Thus far, Japan has proceeded relatively cautiously in reinterpreting its definition of “self-defense” and the appropriate role for its military forces. However, this change could be accelerated should Japan feel more convinced it could not rely on the U.S. security umbrella. We could potentially see Japan moving to increase military spending above its traditionally

limited levels of one percent of gross domestic product. We could see an Abe government push to more fundamentally revisit or overturn Article 9 of the Constitution, allowing Japan to build a more traditional “offensive” capability for its forces. Either of these developments would worry neighbors such as the Republic of Korea and China, potentially setting off ripple effects in terms of their own military spending and posture. FP: Does the imminent breakdown of the Trans-Pacific Partnership have security implications? LF: From a security perspective, the biggest implication of our failure to secure the TPP would be the loss of American credibility in Asia. If our allies and partners view our failed follow through on issues such as TPP and Syria as evidence that America will not make good on its word, it will greatly diminish their trust in our security commitments and leadership. This could, in turn, make it harder for the U.S. to build coalitions of support on any number of thorny international security problems, such as countering the Islamic State and deterring North Korean provocations.

4. Credibility/Trade

Another possible advantage area to consider regarding rejoining the TPP concerns the US ability to project power economically. Some have isolated that the US’s shaky position on the treaty has substantially reduced the nations bargaining power, hurting its chances of negotiating favorable trade deals in the future. While the TPP is in and of itself an important part of establishing effective free trade for the United States, this gives affirmatives an even stronger internal link to assessing multiple distinct regions in which US trade deals could boost economic and political stability.

Ambiguity over the TPP is devastating the United States ability to negotiate future trade deals

Alem 18 [Zeeshan, Staff Writer for VoxCovering economics and energy for the foreign affairs team. Trump changed his mind on joining the TPP ... again]

President Donald Trump shocked Washington on Thursday when he told lawmakers he was looking into rejoining the Trans-Pacific Partnership. In his first week in office, Trump withdrew the US from the huge free trade pact after criticizing it sharply as a bad deal for American workers on the campaign trail. But now it appears he’s changing his mind yet again — back to his original stance. “While Japan and South Korea would like us to go back into TPP, I don’t like the deal for the United States,” Trump tweeted Tuesday night. “Too many contingencies and no way to get out if it doesn’t work. Bilateral deals are far more efficient, profitable and better for OUR workers.” The TPP is a free trade agreement between 11 Pacific Rim countries, including Canada, Mexico, Japan, and Australia, which eliminates barriers to buying and selling goods and services between them. On his path to the White House, Trump said it would end up killing jobs in the US by exposing them to more foreign competition. It’s unclear if Trump’s tweet means he has decided against rejoining the TPP or if it’s just a general expression of skepticism as the process is underway. Trump’s tweet came hours after his top economic adviser Larry Kudlow told reporters the US is “in the pre-preliminary stages of any discussions” with TPP countries about rejoining the pact, and that the prospect of reentry was more a “thought” than a “policy” at this point. The 11 countries that make up the TPP all signed on to the free trade agreement in March and are currently in the process of officially ratifying the deal. On Thursday night, after the original news that he was reconsidering the agreement broke, Trump tweeted that he would “only join TPP if the deal were substantially better than the deal offered to Pres. Obama.” That seemed to suggest he had withdrawn from the TPP because he thought the terms of the agreement didn’t favor the US as much as he liked. Now, based on his latest tweet, he seems to simply find the very idea of doing a multilateral deal — that is, an agreement with more than one other country — to be overly complicated and cumbersome. It’s difficult to determine what’s causing the president’s equivocations and reversals. Trump revisited the idea of joining the TPP while telling farm-state lawmakers and governors on Thursday that it could open up new export markets for American farmers’ crops. He apparently did that in response to lobbying from US farmers, who were worried about China’s promise to impose tariffs on their products, as Washington and Beijing gear up for a possible trade war. But it’s hard to tell why that calculation would change within a matter of days. Trump’s true position on the TPP is vague. But what is clear is that he’s doing huge damage to his ability to secure a stronger deal if he chooses to negotiate one in the future. If Trump does ultimately decide to get into formal talks over the TPP, as he instructed his economic advisers to look into last week, he’s going to be in bad shape. Trade experts like Edward Alden at the Council on Foreign Relations say Trump already squandered his best chance to nail down a stronger deal than Obama did after he left. The other 11 countries in the agreement have already wrapped up grueling negotiations, and Trump simply doesn’t have the leverage he would have had if he were already in talks and threatening to pull out if he doesn’t get what he wants (much the way he has with renegotiations over NAFTA). But by sending these mixed signals on the TPP, he’s further weakening his negotiation position. That’s because he’s losing something that analysts point out as key to effective bargaining in trade talks: credibility. Countries that have signed on to the TPP are going to be more skeptical than ever that the US is truly committed to rejoining. And if they don’t trust Trump, they’re going to be more reluctant to make

concessions to US demands, which could include things like forcing Japan to import more US cars or agreements on patent laws that benefit US pharmaceutical companies. They're also going to question if Trump has the competence and resolve to convince Congress to approve any agreement that he secures, especially after the midterm elections in November, since it's unclear if Republicans will remain in control of the House. In fact, Trump's constant reversals on the TPP will also weaken his strength as a negotiator for potential future bilateral deals with Japan, the UK, or others. It would be foolish for any country to concede to his demands if they know he could change his mind about the deal, or any of its provisions, if they wait long enough. So Trump is potentially shooting himself in the foot here by making unforced errors. The US has enormous leverage in trade talks because it has a highly desirable market. And Trump's top trade official, US Trade Representative Robert Lighthizer, is a formidable negotiator with trade experience dating back to the Reagan era. But all this doesn't amount to much if Trump can't make up his mind about what he wants.

*****Neg Ground*****

While this section is shorter, it should be noted that many generic arguments about US Soft Power and Diplomatic capital, as well as politics disads would have incredibly strong links to such a hot-button topic as the TPP. Moreover, almost all of the advantages can be easily impact turned or internal link turned, as opponents of the TPP have stressed its secretive nature, as well as made claims about how protectionism is preferable to free trade.

Manufacturing DA

One main concern held by many is that the TPP would devastate American companies, by encouraging offshoring and decreasing job growth. This could lead to in depth debates over whether free trade, or protectionism better encouraged economic growth.

TPP kills manufacturing jobs and tanks gdp growth

Hoff 16 [Michele Nash-Hoff has been in and out of San Diego's high-tech manufacturing industry since starting as an engineering secretary at age 18. Her career includes being part of the founding team of two startup companies. She took a hiatus from working full-time to attend college and graduated from San Diego State University in 1982 with a bachelor's degree in French and Spanish. After graduating, she became vice president of a sales agency covering 11 of the western states. In 1985, Michele left the company to form her own sales agency, ElectroFab Sales, to work with companies to help them select the right manufacturing processes for their new and existing products. Michele is the author of four books, For Profit Business Incubators, published in 1998 by the National Business Incubation Association, two editions of Can American Manufacturing be Saved? Why we should and how we can (2009 and 2012), and Rebuild Manufacturing – the key to American Prosperity (2017). Michele has been president of the San Diego Electronics Network, the San Diego Chapter of the Electronics Representatives Association, and The High Technology Foundation, as well as several professional and non-profit organizations. She is an active member of the Soroptimist International of San Diego club. Michele is currently a director on the board of the San Diego Inventors Forum. She is also Chair of the California chapter of the Coalition for a Prosperous America and a mentor for CONNECT's Springboard program for startup companies. She has a certificate in Total Quality Management and is a 1994 graduate of San Diego's leadership program (LEAD San Diego.) She earned a Certificate in Lean Six Sigma in 2014. How Could the Trans-Pacific Partnership Affect You or Your Business?]

As a result, we now have the worst trade deficit in U. S. history, and we are off to even a higher deficit this year based on the trade figures released for January (\$45.9 billion) and February (\$47.1 billion). As a recent example of the effect of trade agreements on our total trade deficit, our trade deficit with Korea has nearly doubled in less than four years, increasing from \$14.7 billion in 2012 to \$28.4 billion in 2015. Proponents of KORUS promised that it would create 70,000 jobs and \$10 billion in exports. As mentioned in a previous article, proponents of the TPP aren't even giving such rosy predictions. The Peterson Institute's analysis of the TPP states: "...GDP is projected to fall slightly (-0.54%), employment to decline by 448,000 jobs..." Coalition for a Prosperous America Buy American Act would essentially be made null and void: The worst effect would be to those businesses who sell to the government, whether it be local, state or federal because under the TPP procurement chapter, the U.S. would have to agree to waive Buy America procurement policies for all companies operating in

TPP countries. This means that all companies operating in any country signing the agreement would be provided access equal to domestic firms to bid on government procurement contracts at the local, state and federal level. There are many companies that survived the recession and continue in business today because of the Buy American provisions for government procurement, especially defense and military. The TPP could be a deathblow for companies that rely on defense and military contracts. However, it would also affect procurement for infrastructure projects, such as bridges and freeways, as well as construction of local, state or federal facilities. Of course, this means that U.S. companies could bid on government procurement projects in TPP countries, but the trading benefit is miniscule. The U.S. government procurement market is 7X the size of current TPP partner countries (+550 billion vs. \$55 -70 billion.) It is also highly unlikely that U.S. companies would be the low bidder against domestic companies in these TPP countries because of the vast difference in wages in countries such as Vietnam, where the average wage is 55 cents/hour. Past trade agreements has resulted in an average annual wage loss of 5.5% for full-time workers without college degrees, and U.S. wages have been stagnant for decades, growing by only about 2% per year since 2008. The result has been increased wage inequality from low to high wage earners. Product labeling could be made illegal: If you like to know if your food is safe, then you won't like the fact that "Country of Origin," "Non-GMO," or "Organic" labeling could be viewed as a "barrier to trade" and thus be deemed illegal. According to Food & Water Watch, around 90% of the shrimp and catfish that Americans eat is imported. They warn, "The TPP will increase imports of potentially unsafe and minimally inspected fish and seafood products, exposing consumers to more and more dangerous seafood." Many TPP countries are farm-raising seafood in polluted water using chemicals and antibiotics prohibited in the U. S. Farmed seafood from Malaysia, Vietnam, and China is being raised in water quality equivalent to U. S. sewers. Today, the FDA only inspects 2% of seafood, fruits and vegetables, and the USDA only inspects 4-5% of meat and poultry. Increased imports of food from TPP trading partners could swamp FDA and USDA inspections, so that even less is inspected. TPP would increase immigration: If you are concerned about jobs for yourself or family members, then you won't like the fact that the TPP increases "the number of L1 visas and the number of tourist visas, which can be used for business purposes." Any service provider (phone service, security, engineers, lawyers, architects or any company providing a service) can enter into a TPP partner country and provide that service. Companies don't have to hire Americans or pay American wages – they can bring in their own workers and pay less than the American minimum wage. TPP would increase job losses in key industries: If you work in the automotive or textile industries, you may lose your job. The Center for Automotive Research projects a loss of 91,500 U.S. auto jobs to Japan with the reduction of 225,000 automobiles produced in the U.S. Also, the National Council of Textile Industries projects a loss of 522,000 jobs in the U. S. textile and related sectors to Vietnam. TPP would reduce reshoring: Because TPP will reduce tariffs in trading partner countries, such as Vietnam, it will make the Total Cost of Ownership analysis to return manufacturing to America more difficult to justify. The high U.S. dollar has already diminished reshoring in the past year. Harry Moser, founder and president of the Reshoring Initiative, recently told me, "The combination of the high USD and TPP will reduce the rate of reshoring by an estimated 20 – 50%." Remember that the TPP is missing any provisions to address the mercantilist policies practiced by our trading partners: currency manipulation, value added taxes that are both a hidden tariff and a hidden export subsidy, government subsidies/state owned enterprises, and "product dumping."

TPP Neolib K

This is fairly straightforward, it just talks about why the TPP, and free trade agreements writ large are built out of a desire to colonize the world and expand American hegemony, this card addresses both criticisms of the TPP from the perspective of the worker and that of the colonized

The trans pacific partnership is the latest iteration in a long line of US policies aimed at developing hegemonic dominance through neoliberal economic coercion

Biegon 17 [The United States and Latin America in the Trans-Pacific Partnership Renewing Hegemony in a Post-Washington Consensus Hemisphere? Rubrick Biegon is an Associate Lecturer in International Political Economy in the School of Politics and International Relations at the University of Kent.]

The crises that struck Latin America beginning with the Mexican peso crisis of 1994 and extending through the Brazilian and Argentinian crises of the late 1990s stripped the sheen from the Washington Consensus, even among its erstwhile

supporters. From the perspective of inter-American relations, the antinomies of neoliberal capitalism destabilized the United States' structural institutional power. This dynamic was interwoven with the rise of leftist leaders and parties backed by influential social movements (Robinson, 2008: 268–359; Sader, 2011). By the late 2000s, none of the Latin American countries without free-trade agreements with the United States were open to the prospect (Hornbeck, 2011: 1). As noted above, the breakdown of the Free Trade Area of the Americas had already precipitated the turn to a more modest strategy of bilateral agreements. With the bilateral track exhausted and the Doha Round deadlocked, the Obama administration turned toward the Asia-Pacific agreement, with the bonus that—in contrast to bilateral free-trade agreements—the TPP would have the potential to develop global supply chains. The regional consensus on “free trade” had all but cracked when the global financial crisis of 2008–2009 problematized Washington's commonsense enthusiasm for “free markets.” Mired in a severe recession, U.S. economic policy turned inward, toward bailouts and fiscal stimuli. In the context of economic contraction, growing trade deficits, the persistent loss of manufacturing jobs, and Obama's anti-NAFTA campaign stance, free-traders in Washington were put on the defensive (Ikenson and Lincicome, 2009: 1–2). According to the right-wing/libertarian Cato Institute (2009: 611–623), which has long pushed for free trade, the bipartisan model that dominated U.S. politics since World War II “collapsed entirely” in the late 2000s. If Obama's turnabout on trade was predictable, the domestic consensus of previous decades remained elusive, Biegón / LATIN AMERICA IN THE TRANS-PACIFIC PARTNERSHIP 93 prompting vigorous support from business lobby groups, including the powerful U.S. Chamber of Commerce (2015: 16), which actively campaigned on behalf of the TPP as a matter of priority. Of the several hundred corporations and interest groups known to have lobbied Congress for or against the TPP, no organization has been more active than the Chamber of Commerce (Center for Responsive Politics, 2015). In the United States, debate over the TPP was channeled through the president's trade promotion authority (“fast track”), in which Congress grants the executive the ability to enter into reciprocal trade agreements in a manner that expedites their implementation (by avoiding “undue” legislative procedures provided that the president observes certain statutory obligations), essentially guaranteeing an up-or-down vote without amendments. Before this was granted in June of 2015, fast track had last expired in 2007. Although it is not required to begin or conclude trade negotiations under U.S. law, its periodic renewal is often tied to legislative support for specific agreements (Fergusson, 2015: ii). The inability of the Bush and Obama administrations to regain this authority slowed executive efforts at revamping Washington's traditional freetrade agenda following the global crisis. The Obama administration called for the passage of fast track as a means of enabling the finalization of the TPP, indicating that the administration saw it as necessary to the culmination of the negotiations and its eventual implementation (Watson, 2013). As a means to an end, the fast-track debate was the main battleground over the common sense of U.S. foreign economic policy, as well as an indicator of the shape of the freetrade consensus in the heartland of the hegemonic actor. Given the legislative effort involved in passing free-trade agreements and the perceived inefficiencies in overlapping regimes, from Washington's perspective it was crucial that trade policy move away from bilaterals to aim for “convergence” (Estevadeordal, 2012: 27). A reconstitution of the free-trade consensus, beginning with the passage of fast track, would entail a reinvigorated commitment to liberalization and in a manner that tied up the loose ends of existing agreements to give the “spaghetti bowl” a more coherent shape. Convergence in this context allows for new sets of rules to facilitate capital accumulation and mobility by deepening “free trade” with states that already have free-trade agreements with one another. However, like the Free Trade Area of the Americas and NAFTA before it, the TPP has generated controversy and opposition. If consensus is to be consolidated through the TPP process, the commonsense position in favor of free trade must circumvent or internalize a disparate collection of oppositional forces. As was the case with earlier agreements, including NAFTA (Rupert, 2000), this opposition finds expression in the United States itself and in a way that cuts across ideological and partisan divisions (Needham and Goad, 2013). The TPP has come under criticism from nongovernmental organizations and transnational civil society groups over a host of issues, from Internet governance to public health (Gordon, 2012). While hundreds of corporations (and some unions) had access to the text as part of a formal stakeholder process, it was reportedly kept from many legislators as it was being negotiated. When challenged over this lack of transparency, Ron Kirk recalled that, after the release of the Free Trade Area of the Americas text in 2001, that particular deal could not be completed. “In other words,” wrote Lori Wallach (2012: 9), “the official in charge 94 LATIN AMERICAN PERSPECTIVES of the TPP says the only way to complete the deal is to keep it secret from the people who

would have to live with the results.” Nevertheless, chapters of drafts of the text were leaked by stakeholders, fueling the disparate political opposition. Attempts to utilize an uneven stakeholder process to frame the negotiations as “transparent” demonstrated an awareness by policy makers that the neoliberal common sense on trade had yet to be fully rebuilt (USTR, 2012b) and that the hegemony of the post–Washington Consensus remained a work in progress. Conclusion The TPP is, in the Obama administration’s slogan for the agreement, “Made in America” (USTR, 2015). A project of U.S. foreign economic policy, the mega-trade deal is focused firmly on the Asia-Pacific. This paper has argued that its extension to Latin America evidences U.S. efforts to renew its damaged hegemonic position in its so-called backyard. The reconstitution of U.S. hegemony is an ongoing and multidimensional process that extends beyond the TPP. In Gramscian fashion, hegemony combines coercive elements alongside the ideological production of consent, conceptually spanning levels of analysis to connect foreign policy to class interests within and across national borders. The effort to rehabilitate the free-trade consensus is a major component of this process. Constructed to facilitate capital accumulation and transnationalization, free-trade agreements overlap institutional and structural forms of power. Under Washington’s guidance, their rules ensure that the United States’ privileged position in the global political economy is protected while the mobility of transnational capital is enhanced

TRIPS DA

The basic story of this disad would be like, TPP that will be ratified now and implemented doesn’t include the patent protections for brand name drugs that the US fought to include, that means that we won’t be able to export our patent rules, in free trade agreements, which would keep the costs of drugs low – this disad could have both a structural violence impact: similarly to what Dartmouth ran this year, or it could also have an extinction level impact relating to poor access to care in developing countries

TPP would raise drug prices in developing countries

Fernholtz 15 [Tim Fernholz covers space, the economy and geopolitics for Quartz. Under the TPP, America’s insanely high drug prices will be an unappreciated export]

With the unveiling last week of all 6,000 pages of the Trans-Pacific Partnership (TPP), fans of abstruse trade law can spend some time digging into the meaty goodness of tariff schedules and regulatory harmonization designed to boost trade. But there is one chapter health-care advocates are focused on—and they say it will likely make vital medicine more expensive in the poorer countries involved in the pact. The TPP was agreed to earlier this year by 12 nations including the US, Mexico, Canada, Japan, Vietnam, Peru, and Chile, and now awaits ratification; South Korea and Indonesia are expected to join in the coming years. Though the US in the end relented on some of its demands to protect its drug makers from competition—to the point where some US trade boosters threatened to pull their backing for the deal—the TPP still obliges signatory countries to accept many of the patent rules that help drug firms keep prices high in the US. The origins of these new rules in the entangled worlds of high-tech medical businesses and government regulation illustrate the compromises that have to be made in reconciling market forces with the public good. And they show how a powerful industry has a habit of ending up on the winning side of those compromises. US drugs already have strong patent protections US patents on traditional drugs last 20 years; once they expire, competitors can apply for permission to market a generic version. Generic manufacturers don’t have to repeat the entire costly process of clinical trials, though; a 1984 law called the Hatch-Waxman Act lets them rely on the brand-name drug’s clinical data if they can prove their generic drug is an equivalent. Brand-name drug makers were aghast at the idea of allowing rivals to use their expensive clinical data to start robbing them of market share, of course. So Hatch-Waxman also contains a compromise: five years of “data exclusivity” after the 20-year patent expires, during which no one else can use brand-name clinical data to get a drug approved. Generic drugs developed under this system have helped consumers in the US and around the world. But there is a strong case that 25 years of protection for traditional drugs is too long—and ultimately, a way for investors to extract rents (like the infamous case of Martin Shkreli, who bought a drug and raised the price 5,000%) rather than an incentive for innovation. Obamacare made some protections even stronger. Nonetheless, certain kinds of drug patents ended up even better protected under the Obama administration’s Affordable Care Act (ACA). The president and his team knew well that to pass a comprehensive overhaul of the health-care system, they’d need the health industry’s powerful players—big hospital chains and pharmaceutical makers, mainly—on their side, even as they found ways to spend less money on them. To gain pharma’s support, the administration not only agreed not to use the government’s negotiating power to drive down drug prices, but also endorsed a 12-year period of data exclusivity for “biologics”—a class of drugs based not on inert chemical compounds but instead created from living cells, and seen as the next big thing in medical research. This concession was made despite arguments in a 2009 Federal Trade Commission report that biologics don’t need that kind of protection (pdf) because generic versions of them, known as biosimilars, are more difficult to develop than traditional generics. Now the TPP is exporting those protections The US sought to accomplish a half-dozen sometimes conflicting goals with the TPP: Open new markets for US exports and especially services; deepen economic linkages with Pacific states in a bid to contain China; convince China to continue

liberalizing its economy; and generally raise economic standards, such as labor rights and environmental regulations, at a time when the main forum for doing this, the World Trade Organization, was deeply deadlocked. Even supporters of the pact in America concede that it will result in low-skilled manufacturing jobs leaving the US for other countries. Though US negotiators included worker protections in the treaty, including the right to unionize, the wage gap between the US and, say, Vietnam or Peru, is just too large for many manufacturers to ignore. But that sacrifice will be balanced out by benefits to US service industries, particularly those that make their money off intellectual property. When it comes to tech companies or Hollywood films, the higher prices these protections bring can be onerous to consumers, but arguably a lot more so when they involve prices not for entertainment but for health and medicines. With Republicans in control of Congress, gaining approval of the TPP would in part be contingent on the support of pharma. So US negotiators presented demands opposed by every other country in the talks. The 12-year data exclusivity proposal for biologics was the most controversial, since it was new, well beyond global norms, and considered unnecessary by well-respected authorities. In the end, it was wrangled down to a range of five to eight years. Get ready for higher drug prices in other TPP countries While the final agreement was significantly less restrictive than some advocates feared, trade lawyers who reviewed the intellectual property chapter (pdf) say it protects pharmaceutical patents more than previous trade deals do—in particular the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), a global floor on patent rules that has loopholes to ensure cheap access to medicines. As well as the five to eight years of data exclusivity for biologics, the TPP has two other key patent protections. One requires countries to allow the practice known as “evergreening”—letting drug companies request patent extensions for new uses of old drugs. (Opponents of evergreening say it allows companies to extend their lucrative monopoly on drug sales for flimsy reasons.) The other provision makes it easier for drug makers to request extensions on their patents if it takes more than five years for an application to be granted or rejected. “I am sure it will increase the prices of medicine,” Judit Rius Sanjuan, a legal adviser to Médecins Sans Frontières (MSF), tells Quartz. “It will take components of US law and export them to other countries, and create a new global norm that will change the way the TRIPS agreement was negotiated.” The effects are unpredictable Rius notes that MSF, for example, mostly uses generic medicines. Thanks to the rise of generics, she notes, the yearly cost of treating one HIV/AIDS patient has fallen from about \$10,000 in 2000 to \$100 now. Before the TPP’s final text was released, AIDS research groups argued (pdf) that the new rules would make such dramatic falls in price impossible. The final draft, however, is less restrictive than they feared and does make exemptions for public-health emergencies; it specifically mentions HIV/AIDS, tuberculosis, and malaria. So it’s hard to say exactly what all this will do to drug prices around the world in the long run. But that doesn’t mean the rules won’t have real health costs. One study that looked at drug prices in Guatemala after the Central American Free Trade Agreement went into effect in 2005—the pact included the US and five Latin American countries—found that drugs available as cheap generics in the US were still sold under expensive brand names in Guatemala. Price gaps were substantial; one protected insulin cost eight times as much as a generic version, and there were antibiotics costing three to five times as much as their generic equivalents. One biologic drug that the TPP could have big consequences for is Herceptin, a popular breast cancer treatment from Roche. A full course of it can cost more than \$30,000. An Indonesian national drug company recently announced a partnership with a German firm to develop a cheap biosimilar for Herceptin. If they act before Indonesia enacts TPP, they could significantly undercut Roche; but any country where the TPP’s rules are enacted would likely need to wait at least five years before approving a generic version. The benefits for America are dubious It’s a testament to the drug industry’s power—and also the US economy’s power—that a deal to expand health insurance for America’s poor will end up raising drug prices for the global poor.

J. The Paris Climate Agreement

Trump no-showed to a G7 meeting on climate arguing that the US will focus on energy security

Sarah George, 6-11-2018, "Paris Agreement 'G6' formed as Trump skips climate meetings," edie.net, <https://www.edie.net/news/9/G7-summit--All-countries-reaffirm-Paris-Agreement-commitment-except-US/>

As the G7 summit in Canada came to a close, leaders of the so-called "G6" nations reaffirmed their commitment to the Paris Agreement, while President Trump asserted that the US would instead prioritise energy security and economic growth over carbon reductions. Canada, France, Germany, Italy, Japan, the UK and the EU agreed new language on the importance of carbon pricing and a "just transition" to clean energy by signing the summit communique – but the US asserted its position in a separate paragraph, saying it will use "all available energy sources", including the "more clean and efficient" use of fossil fuels. **Trump, who once dismissed global warming as a "hoax", left the summit before a scheduled discussion on how G7 economies would fund measures to keep the global temperature increase below 2C, leading to the remaining G6 to reaffirm commitments to reaching a "carbon-neutral economy". "We reaffirm the commitment that we have made to our citizens to reduce air and water pollution and our greenhouse gas emissions to reach a global carbon-neutral economy over the course of the second half of the century," states the declaration from the G6 nations. In contrast, the US statement says that the nation "commits to ongoing action to strengthen the world's collective energy security, including through policies that facilitates open, diverse, transparent, liquid and secure global markets for all energy sources".** Another key differentiator in stances was collaboration; while the G6 nations pledged to "fight against climate change through collaborative partnerships and work with all relevant partners" including the private sector, local authorities and international organisations, the US stood alone in pledging to fund fossil fuel projects in other nations.

US Withdrawal from Paris has galvanized the world to combat climate change, but Federal leadership is still needed

Nathan Hultman and Paul Bodnar, 6-1-2018, "Trump tried to kill the Paris agreement, but the effect has been the opposite," Brookings, <https://www.brookings.edu/blog/planetpolicy/2018/06/01/trump-tried-to-kill-the-paris-agreement-but-the-effect-has-been-the-opposite/>

One year ago, President Donald **Trump announced his intent to withdraw the United States from the Paris agreement on climate change. This international accord, reached after a decade of multilateral negotiation and considerable U.S. leadership, represented a new and flexible global approach to climate action that respects individual nations' priorities while encouraging all countries to move toward a cleaner economy. If Trump thought his decision would cripple the Paris agreement and global momentum on climate action, the reality one year later looks quite different.**

First, America's governors, mayors, and CEOs immediately stepped into the breach. Within hours of Trump's announcement, an unprecedented coalition—now numbering over 2,700 states, cities, and businesses—rallied behind the Paris agreement under the banner "We Are Still In." This coalition is globally significant, equivalent in size to the world's third-largest economy, and made its voice heard at the U.N. climate talks by setting up the largest U.S. presence ever at a global climate meeting. As the America's Pledge on Climate initiative—led by Michael Bloomberg and Jerry Brown—has estimated, more than half of Americans now live in a state or city or work for a business that has committed to driving down its carbon pollution and building a clean energy economy in line with goals to stabilize climate and improve health. For example, states accounting for 35 percent of the U.S. economy will institute a carbon pricing policy by the end of 2018. Eighty-four cities and counties have committed to 100 percent renewable energy. And over 100 companies globally, including 25 in the U.S., have announced their own emissions reduction targets in line with the Paris agreement. Second, the world has rallied around the Paris agreement itself. Both large and small countries have since stated their intention to see the agreement succeed, linking its success to both global needs and to their own domestic priorities for cleaner air, health, and jobs. Just weeks after Trump's announcement, the other 19 members of the G-20—including countries diverse as China, Japan, Saudi Arabia, and Germany—took the highly unusual step of closing ranks to declare that Paris was "irreversible" regardless of the Trump administration's view. By the fall, Nicaragua and Syria became the last two countries in the world to sign the agreement—an unusual degree of global consensus for any multilateral accord. Third, the shift away from carbon pollution and toward clean energy in the U.S. has continued to accelerate, even since the presidential election. Previous U.S. policies and surprisingly high rates of technological innovation have created an explosion of new opportunities for modern and clean energy sources that can go hand-in-hand with strong economic growth. As a result, U.S. carbon emissions continued to fall through 2017, hitting their lowest level in 25 years. The International Energy Agency estimates that solar photovoltaic module costs dropped by around 80 percent in the six years to 2016, and that by 2020, electricity from renewables will be cheaper than most fossil fuels. Already, in many regions, it is now cheaper to build new renewable energy capacity than new fossil energy. Since 2016, nearly every forecast for electric vehicle growth has increased dramatically as costs have dropped and consumer demand increased. Bloomberg New Energy Finance projects that 27 million electric vehicles will be on U.S. roads by 2030. In the year since Trump's announcement, the U.S. has added more than 9 gigawatts of renewable electricity capacity—enough to power more than 2 million homes each year. In the first two months of 2018 alone, we added 2.1 gigawatts of wind and solar. Meanwhile, the pace at which coal fired power plants have announced shutdowns has actually increased since 2016. **While federal leadership is sorely needed to combat the climate crisis, American climate leadership remains alive and well. And this new kind of leadership—bottom up, driven by the**

conviction of citizens, the leadership of cities, states, and businesses, and the innovative capacity of our private sector—is not only delivering real action today, but also laying the groundwork for a sustained future partnership with the federal government.

Countries and Multinational Corporations are striving to uphold the US end of the Paris Agreement

Sarah **George, 6-11-2018**, "Paris Agreement 'G6' formed as Trump skips climate meetings," edie.net, <https://www.edie.net/news/9/G7-summit--All-countries-reaffirm-Paris-Agreement-commitment-except-US/>

While much reaction to the communique has focused on the US's failure to commit to a shared climate agreement, Unilever chief executive Paul Polman emphasised that most leading governments and corporates stood against Trump's climate stance. "The majority of the world is forging ahead to meet the goals of the Paris Agreement, and this leadership is not only coming from governments," Polman said. "Companies around the world - including those in the US - are rapidly aligning their business strategies with Paris Agreement to build a just transition to net-zero emissions by 2050 that protects people, reduces risk and drives economic growth." Indeed, since Trump decided to withdraw from the Paris Agreement, more than 900 companies, including Nike, Tesla, Google and Microsoft, have vowed to achieve and exceed the original commitment. The business response to Trump's decision has seen corporates including Adidas, eBay, Mars, Amazon, Apple, Facebook, Ikea, and Twitter set more ambitious climate targets than those outlined by the US government.

The EU is raising their formal pledge to try to hit temperature goals

Karl **Mathiesen, 6-20-2018**, "EU will increase pledge to Paris Agreement, says Cañete ," <http://www.businessgreen.com/bg/news/3034536/eu-will-increase-pledge-to-paris-agreement-says-ca-ete>

The European Union will increase its pledge to the Paris Agreement, its climate chief said on Wednesday. The EU will cut its emissions by 45 per cent below 1990 levels. Its current pledge to the Paris deal is for a cut of "at least 40 per cent". But after European countries last night finalised two new clean energy targets, the EU was able to raise its level of overall ambition, Miguel Arias Cañete, EU commissioner for climate action and energy, told a meeting of climate ministers in Brussels. That also meant the EU would raise its formal pledge to the Paris climate deal, known as a 'nationally determined contribution' or NDC. "Both new targets would de facto mean that the European Union would be in a position to raise the level of ambition of the NDC and increase its emissions reduction target from the current 40 per cent to slightly over 45 per cent by 2030," said Cañete.

However, the world will struggle to hit the Paris goals without US adherence to goals

Alister **Doyle, 6-15-2018**, "Global Warming Likely to Exceed Paris Agreement Cap of 1.5°C by 2040: UN," Insurance Journal, <https://www.insurancejournal.com/news/international/2018/06/15/492357.htm>

The Paris climate agreement, adopted by almost 200 nations in 2015, set a goal of limiting warming to "well below" a rise of 2°C above pre-industrial times while "pursuing efforts" for the tougher 1.5° goal. The deal has been weakened after U.S. President Donald Trump decided last year to pull out and promote U.S. fossil fuels. Temperatures are already up about 1°C (1.8°F) and are rising at a rate of about 0.2°C a decade, according to the draft, requested by world leaders as part of the Paris Agreement. "Economic growth is projected to be lower at 2°C warming than at 1.5° for many developed and developing countries," it said, drained by impacts such as floods or droughts that can undermine crop growth or an increase in human deaths from heatwaves. In a plus-1.5°C world, for instance, sea level rise would be 10 centimeters (3.94 inches) less than with 2°C, exposing about 10 million fewer people in coastal areas to risks such as floods, storm surges or salt spray damaging crops. It says current government pledges in the Paris Agreement are too weak to limit warming to 1.5°C.

India will feel the impacts of climate change, but they are still fighting to meet their Paris goals and may hit it before the deadline

Faizan Ahmad, 6-25-2018, "India to achieve targets of Paris Agreement on climate change," Pioneer, <http://www.dailypioneer.com/nation/india-to-achieve-targets-of-paris-agreement-on-climate-change.html>

East India is the most vulnerable to the impacts of climate change owing to its geographical and ecological diversity even though this region is least contributor in global warming. Stating this here on Sunday, Union Minister of Environment, Forest and

Climate Change Dr Harsh Vardhan reiterated **India's commitments at the Paris Agreement and said India will potentially achieve the targets of Paris Agreement before the deadline.** Inaugurating the high level Council on Climate Change Resilient East India: Minister's Network, he also talked about inculcating 'Green Good Behaviour in ourselves' and said that such a conclave that brings experts and practitioners from the scientific community would not just help the East India region but the country at large. The Department of Environment and forests, Government of Bihar, organised the Conclave in partnership with Action on Climate Today under Department for International Development, UK and The Centre of Environment, Energy and Climate Change at Asian Development Research Institute, under aegis of Ministry of Environment, Forest & Climate Change. The Ministers of Environment and Forest from Chhattisgarh, Assam, Odisha, Jharkhand and West Bengal are also attending the two-day conclave which also brings together policy makers, top Government officials, decision makers and industries from East Indian region to deliberate and exchange lessons on building a climate-resilient nation. Chief Minister Nitish Kumar said **impacts of climate change were most felt in Bihar even though it was the least contributor to this issue. "Bihar is most impacted by climate change even though it has not contributed to it in any way; it faces the most unique occurrence of both floods and droughts", he said. He also highlighted the issue of silt deposition in its two big water bodies, Ganga and Kosi, and suggested that removing the silt could not solve the problem, but giving it way to pass on to the oceans.** He said the average rainfall was gradually declining whereas the water level in all the rivers of Bihar would go high during the floods. Saying that real source of energy is the sun and not the coal, the CM said Bihar will work for solar energy plants. He said it was not because of the peoples' need but their greed that nature has been badly interfered and impacted.

States are striving to uphold Paris goals, but absent a strong framework it is hard for them to be successful

Sarah Holder, 6-1-2018, "If the U.S. Won't Keep the Paris Agreement, Can Cities and States?," CityLab, <https://www.citylab.com/environment/2018/06/one-year-after-trump-left-the-paris-agreement-whos-still-in/561674/>

When Trump pulled out of the Paris climate agreement last June, cities and states promised they'd fill the environmental vacuum. If the U.S. would no longer deliver on its commitment to lower carbon emissions 26 percent from 2005 levels by 2025, as the international agreement had stipulated, local leaders would. "We're going to do everything America would have done if it had stayed committed," said former mayor of New York Michael Bloomberg at the time. A full year has passed since that commitment was broken and another was made. And while states and cities have taken climate action on the ground—banning hydrofluorocarbon pollutants(California); divesting pension funds from fossil fuel companies(New York State and several cities), and levying harsher-than-ever emissions regulations (California again)—it's been difficult to measure their collective progress toward fulfilling the accord, which traditionally does not accept members other than countries in its ranks. So to mark the June 1 anniversary, states and cities have set themselves a new raft of green goals.

New green goals established by the states show a commitment to uphold Paris goals

Sarah Holder, 6-1-2018, "If the U.S. Won't Keep the Paris Agreement, Can Cities and States?," CityLab, <https://www.citylab.com/environment/2018/06/one-year-after-trump-left-the-paris-agreement-whos-still-in/561674/>

The U.S. Alliance on Climate Change also announced eight new initiatives this week, focused on sustainable infrastructure, renewable energy, carbon storage, and clean transportation. Created by New York Governor Andrew Cuomo, California

Governor Jerry Brown, and Washington State Governor Jay Inslee in the days after Trump's Rose Garden announcement, the Alliance has grown to include governors from 16 states and Puerto Rico. Together, this group represents 40 percent of the U.S. population and has a collective economy worth \$9 trillion. **These tandem announcements themselves represent little more than a commitment to future action, and, in the case of some of the Alliance's initiatives, a commitment to start a committee to then plan for future action. Next steps for both groups will be announced at the Global Climate Action Summit in September. But the announcements are a signal to the rest of the world that although nationally, the U.S. has broken from global consensus, citizens on the ground are dedicated to lowering emissions. The moves are far from purely symbolic,** insisted Antha Williams, head of environmental programs at Bloomberg Philanthropies. **She expects the challenge to foster a range of local-level projects—from “no-brainers,” like buying more renewable energy or removing permitting barriers for solar on municipal buildings, to transformative policies, such requiring building energy efficiency retrofits or adding parking charges to encourage public transportation use.**

While the states are acting to meet goals, its not a reason why the federal government should cede climate leadership

Sarah Holder, 6-1-2018, "If the U.S. Won't Keep the Paris Agreement, Can Cities and States?," CityLab, <https://www.citylab.com/environment/2018/06/one-year-after-trump-left-the-paris-agreement-whos-still-in/561674/>

The Alliance's efforts, meanwhile, are targeted at the state level. They include a solar soft-costs initiative to drive down permitting, installation, and other non-hardware costs of solar, and offset some federal tariffs. With the help of NY Green Bank, the group is looking into opening new green banks, which work with private-sector investors to fund sustainable infrastructure projects. Following California's lead in phasing out hydrofluorocarbons, it's launching a super-pollutant challenge to reduce short-lived climate pollutants. And it's rolling out an initiative to get more electric vehicles on the roads, while pushing back against any federal weakening of a clean car standard. **Setting these goals as a team allows for valuable information-sharing,** said Julie Cerqueira, the executive director of the U.S. Climate Alliance. California is holding webinars on how to inventory and set policy around HFCs; New York and Massachusetts have spent \$1.5 million on a climate-change clearinghouse filled with state-specific climate data tools, a database model that could be duplicated elsewhere. **Broad buy-in is also necessary to compel market-level innovation and lower costs, especially for states that have fewer resources. To deploy more EVs, faster, “whether or not through some kind of coordinated procurement across the states, they can also help to move the market, thereby reducing the cost of those vehicles to make it more affordable to a larger number of states,”** said Cerqueira. **These initiatives are meant to fill federal gaps, but not all of them can be filled by localities, Cerqueira says. “There's a ton that states and cities can do, and we're seeing this incredible groundswell,” she said. “But ... at the end of the day, it's not an excuse for the federal government to continue to cede the leadership on climate change.”**

The longer the US waits to re-join Paris, the greater the likelihood nations like China will pull out

Akshat Rathi, 6-2-2018, "Could Trump's own party end up restoring US as a climate leader?," Quartz, <https://qz.com/1294105/a-year-on-since-trump-left-the-paris-accord-the-world-still-craves-us-leadership/>

When Donald Trump pulled the US out of the Paris climate accord on June 1 last year, many worried whether the voluntary, non-binding, global deal to avoid catastrophic climate change could survive. The Paris accord requires that every few years, there will be negotiations for more ambitious goals on reducing emissions. In the lead-up to the latest talks, the doubts of the long-term survival of the Paris accord are getting stronger. The agreement needs 55 countries putting out at least 55% of the world's emissions. And with the US gone, it's easy for Paris to fail if China were to pull out now. It's not quite come to that, but it could happen. “Just as the ‘China card’ is played on the Hill in Washington, US inaction is also used in Beijing for not doing more,” Li Shuo, senior global policy adviser at Greenpeace East Asia, told Climate Wire (paywall). **“There is indeed skepticism from the strategic community—the ones that are nationalistic and view US-China relations as a zero-sum game.”**

Ultimately, Paris is doomed without the US, and republicans may be attempting to pivot their strategy to include action on Paris

Akshat **Rathi**, **6-2-2018**, "Could Trump's own party end up restoring US as a climate leader?," Quartz, <https://qz.com/1294105/a-year-on-since-trump-left-the-paris-accord-the-world-still-craves-us-leadership/>

In any case, the Paris agreement is doomed without the US, the second-largest emitter. To keep global warming in check, the world as a whole must reach zero emissions before the end of the century. Can we imagine the US rejoining? So far, Trump's Republicans have not paid a political price for their climate-denying stance. But there's a growing divide between Republican voters, who largely believe in the scientific consensus that climate change is being driven by human activity, and the party's fossil-fuel funders, who deny the consensus view.

That's one reason why lobbyists are looking to align the Republican agenda with clean energy and convert fence-sitters in swing seats during the US midterms later this year. "Clean energy... doesn't alienate the base," according to Jay Faison, CEO of ClearPath, a clean-energy lobbying group that had 13 out of 15 Republicans it supported win seats in the House and Senate during the 2016 elections.

And there are already hopeful signs coming from within Trump's own Republican Party, which hasn't always been an enemy of the environment. Over the past few years, unusual coalitions have formed between climate-denying Republicans and climate-championing Democrats. They are visible in laws introduced or passed that support nuclear power, energy storage, carbon-capture technology, and even renewable energy. They show up when the US Congress, against Trump's wishes, continues to grow budgets for science, climate, and energy research. **It's not impossible to imagine that it may be Trump's own party that ends up restoring the US's place at the head of the table for fighting climate change.**

K. International Convention for the Protection of All Persons from Enforced Disappearance

1. A Brief Summary of the Treaty

Humanrights.Ch, 5-21-2014, "International Convention against Enforced Disappearance," No Publication, <https://www.humanrights.ch/en/standards/un-treaties/disappearance/#Navigation>

On the history of the Convention As early as 1980 the UN Commission on Human Rights constituted a working group to address the problems arising from missing and disappeared persons, and in 1992 the General Assembly agreed on a declaration for the protection of all persons from enforced disappearance. **In 2002, the Commission on Human Rights mandated a working group with elaborating a draft of a convention which was then presented in September 2005. During its first meeting in June 2006, the newly created Human Rights Council adopted the draft treaty unanimously and forwarded it to the General Assembly which agreed on it on 20 December 2006.** Definition «Enforced Disappearance» **«Enforced disappearance» is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law** (Art.2). **Obligations of Contracting States State Parties must enact specific laws establishing the crime of enforced disappearance. They must investigate complaints and reports of enforced disappearance and bring those responsible to justice. Other obligations are of a preventive nature, such as the obligation to detain persons only in officially approved and monitored institutions in which all prisoners are registered, the absolute right to Habeas corpus** (a legal action, through which a prisoner can be released from unlawful detention, that is, detention lacking sufficient cause or evidence), **the interdiction of concealment of the whereabouts of arrested persons which are in this way placed outside the protection of the law, as well as the right to receive information on prisoners. The Convention recognises the right of victims and their families to know the truth regarding the circumstances and fate of the disappeared person. It also treats the unlawful abduction of children whose parents were victims of enforced disappearance as well as the faking of these childrens' identities and their adoption.** Monitoring Process **A monitoring body is established to check on the implementation of the rights and obligations agreed upon.** If the Committee receives information which appears to it to contain wellfounded indications that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a State Party, it may, after seeking from the State Party concerned all relevant information on the situation, urgently bring the matter to the attention of the General Assembly of the United Nations, through the Secretary-General of the United Nations. In certain cases enforced disappearance can also be considered as a crime against humanity and may result in international prosecution with the help of the organisations of the United Nations

2. NGOs love the promise of the treaty to advocate for victims of forced disappearance throughout the world.

Human Rights Watch, 6-26-2006, "International Convention for the Protection of All Persons from Enforced Disappearance," <https://www.hrw.org/news/2006/06/26/international-convention-protection-all-persons-enforced-disappearance>

This Convention represents an extremely important development in the fight against enforced disappearances and for the protection of victims and their families. On the whole, the adopted text meets the expectations of the NGOs. We would like to express our satisfaction with regard to the following points: **First, the Convention is an autonomous treaty endowed with its own treaty-monitoring body. This choice represents an appropriate recognition of not only the extreme seriousness of the multiple violations of human rights and international crime that enforced disappearance constitutes, but also of the suffering of victims of forced disappearances and of their families' tireless fight to locate them. This choice is also a guarantee of the treaty's effectiveness in the future, including in the event of a reform of the UN treaty monitoring bodies.** The Convention constitutes a large step forward in a long historical process. It effectively marks a significant development in applicable international law, all the while based on firmly established standards of customary international law. **The Convention also responds to a substantial gap in the law - the absence of a treaty to address the multiple violations of human rights and international crime that enforced disappearance represents.** The organisations welcome the recognition by the Convention of the right not to be subjected to enforced disappearance and the requirement put on States to prohibit and criminalise this practice in their national legislation. The Convention includes provisions related to the criminal

responsibility of subordinates and superiors, to national and international preventive measures, extradition and international cooperation. **Moreover, the Convention recognizes that, in certain circumstances, enforced disappearances can be considered a crime against humanity and therefore be subject to an international criminal prosecution, even extending as far as a response of the whole international community through the organs of the United Nations. The Convention establishes a very significant body of legal obligations in relation to prevention, such as the prohibition of secret detention; the deprivation of liberty solely in officially recognized and supervised places of detention that are equipped with a detailed register of the detainees; and non-derogable rights to habeas corpus and to obtain information on detainees.**

The Convention recognizes the right to truth and to reparation for victims and their family, as well as the right to form organisations and associations to fight against enforced disappearances. It also deals with the question of the wrongful removal of children whose parents are victims of the crime of enforced disappearance, the falsification of the children's identity and their adoption. The Convention is innovatory in its international mechanism and procedures for monitoring and protection. It provides for a Committee on enforced disappearances that, in addition to functions of monitoring and consideration of individual and inter-state complaints, has a humanitarian urgent procedure, the power to undertake field inquiries and the ability to bring to the attention of the UN General Assembly situations of widespread and systematic practice of enforced disappearance. Our organisations believe that the power of the Committee to recommend urgent action is of particular importance to prevention and protection. **The Convention constitutes an invaluable tool in the fight against impunity for perpetrators of enforced disappearances. It also represents, for us NGOs, an invaluable advocacy instrument.**

3. However, the US rejected the treaty because they thought some elements were too murky or did not believe the monitoring agency would be a successful tool.

United States State Department, 2005, "32. U.S. statement concerning draft International Convention for the Protection of All Persons from Enforced Disappearances," U.S. Department of State, <https://www.state.gov/s/l/2005/87209.htm>

General Statement of the United States As the task of the Working Group draws to a close and responsibility is passed to the Human Rights Commission to consider further work, we express sincere appreciation to the Chair and his team, including the Secretariat, for your enormous dedication, skill, and industriousness during negotiations on a binding instrument to combat this heinous crime. We also commend the State delegations, the independent experts, the ICRC, and non-governmental organizations for their intense commitment, expertise, tireless work, and collegiality throughout, and give special thanks to the families of the disappeared for bearing witness to this terrible scourge. At the same time, as we have said before, in order to produce a document that will attract the widest possible number of states parties, treaty negotiations should be deliberate, unhurried, and careful, allowing for full expression of views by all representatives, with every effort to achieve a consensus text that can be applied in all legal systems. We regret that often the pace of negotiations, among other factors, has resulted in a document that includes provisions **the United States does not support, and to which we have registered key reservations. These reservations include, but are not limited to the following: Preambular paragraph 7 and Article 24(2) on the RIGHT TO THE TRUTH. This is a notion that the United States views only in the context of the freedom of information, which is enshrined in Article 19 of the ICCPR, consistent with our long-standing position under the Geneva Conventions.** We are grateful for the good will shown in seeking compromise language in the Preamble, but our reservations remain concerning this issue, including with respect to Article 24 (2), which we read in this same light. **We have serious concerns about Article 2 which we firmly believe needs a more focused DEFINITION that includes the element of intentionality. This is the core of the Convention and we believe it needs a great deal more work. ARTICLE 5 REQUIRING DOMESTIC LEGISLATION CRIMINALIZING CRIMES AGAINST HUMANITY REMAINS INSUFFICIENTLY DEFINED AND INAPPROPRIATE TO AN OPERATIVE PARAGRAPH IN THE TEXT. AS WE HAVE NOTED, THE LACK OF A DEFENSE OF SUPERIOR ORDERS IN ARTICLE 6(2) COULD UNFAIRLY SUBJECT UNWITTING MILITARY AND LAW ENFORCEMENT PERSONNEL TO THE POSSIBILITY OF PROSECUTION FOR ACTIONS THAT THEY DID NOT AND COULD NOT KNOW WERE PROHIBITED. Despite some modifications, the specific requirements for a STATUTE OF LIMITATIONS in Article 8 continue to present a problem of implementation within a Federal system like that of the U.S. Likewise, Article 4 should not be read to require our various domestic legal systems to enact an autonomous offense of enforced disappearance, which is unnecessary and, from a practical standpoint, extremely burdensome and unworkable in the United States.** We also note that our continuing objection to Article 9 (2) concerning "FOUND IN" JURISDICTION has not been satisfactorily addressed. **We have clearly stated for the record our continuing reservation to the absence of language in Article 16 explicitly conforming this text to the principle of NON-REFOULEMENT articulated in the 1951 Refugee Convention. We find that Article 17 concerning ACCESS TO PLACES OF DETENTION, despite significant improvement, retains the possibility of conflict with constitutional and legal provisions in the laws of some state parties. Finally, we remain unconvinced that the appropriate vehicle for implementation of this instrument is a NEW**

TREATY MONITORING BODY. Despite our continuing reservations, let me reiterate to you, Mr. Chairman, and your magnificent staff, the appreciation of my delegation for your outstanding leadership and the warm, cooperative and collegial spirit which defined these negotiations.

4. The US may not have ratified the treaty because the War on Terror prisons violated the convention. However, we cannot be retroactively punished if we joined

Human Rights Watch, 7-24-2009, "United States Ratification of International Human Rights Treaties,"
<https://www.hrw.org/news/2009/07/24/united-states-ratification-international-human-rights-treaties>

During the drafting of the Convention against Enforced Disappearance, the Bush administration was then maintaining CIA secret prisons in which terrorist suspects were held without any acknowledgment of their detention-which would have been in violation of the convention. President Obama's executive order abolishing long-term CIA detention and providing notification and timely access for the International Committee of the Red Cross to all detainees held by the US in any armed conflict, places the US in compliance with the central component of the treaty. **The United States can and should sign and ratify the convention, and begin the process to make enforced disappearance a specific criminal offense - a step that would be broadly welcomed by US allies. The Convention against Enforced Disappearance explicitly applies to prospective actions only, thereby mooting any concerns that ratifying the convention would result in the retroactive application of its provisions. None of the provisions on compensation and reparation, for example, would apply to those held in secret prisons under the Bush administration.**

5. Joining the treaty would make us a more credible human rights broker worldwide

Human Rights Watch, 7-24-2009, "United States Ratification of International Human Rights Treaties,"
<https://www.hrw.org/news/2009/07/24/united-states-ratification-international-human-rights-treaties>

The convention's most important function going forward will be to encourage states parties to institute effective laws and policies to prevent enforced disappearance, bring international mechanisms to bear on states parties that commit enforced disappearance, and strengthen the international consensus against the practice so as to be better able to pressure states that are not a party to the convention. Signing and ratifying the convention will not only solidify the administration's dramatic break from past US practices, but also provide the United States another tool to promote respect for human rights around the world.

6. If the US signed the convention, more states could follow on.

Human Rights Watch, 7-24-2009, "United States Ratification of International Human Rights Treaties,"
<https://www.hrw.org/news/2009/07/24/united-states-ratification-international-human-rights-treaties>

Upon signing the Convention against Enforced Disappearance, the US will be in a stronger position to raise concerns about "disappearances" elsewhere and encourage other states to join the convention. For instance, the widespread view that the US facilitated or supported hundreds of enforced disappearances carried out by the Musharraf government, **often in cases related to the "war on terror," has contributed to the growing disillusionment with the US among moderate Pakistanis.** Signature of the treaty by both the US and Pakistan would also go a long way toward regaining the trust of moderate Pakistanis and building a positive relationship with the Pakistani people and its government.

L. Declaration on the Rights of Indigenous Peoples

1. In 2007 the United Nations passed the UNDRIP guaranteeing self-determination and management of land etc. The United States was the only nation to not ratify and implement it
Pine Tree Legal Assistance, 7-26-2011, "US Acts on UN Rights of Indigenous Peoples Declaration," No Publication, <https://ptla.org/wabanaki/us-acts-un-rights-indigenous-peoples-declaration>

In September 2007 **the United Nations passed the Declaration on the Rights of Indigenous Peoples (UNDRIP). It covers 46 issues important to Native people, including: Self-determination, or the right of a people to decide their political status and government Culture and language Education and health Housing, land, resources and environment Indigenous law 143 nations voted for the Declaration. Only Canada, New Zealand, Australia, and the United States voted against it. Later on New Zealand, Australia and Canada changed their positions. That left only the U.S. opposing it.**

2. In 2010, Obama announced the US would “lend its support” to the declaration
Cultural Survival, 2010, "VICTORY!: U.S. Endorses UN Declaration on the Rights of Indigenous Peoples," No Publication, <https://www.culturalsurvival.org/news/victory-us-endorses-un-declaration-rights-indigenous-peoples>

At the White House Tribal Nations Conference December 15, U.S. President Barack **Obama announced that the United States would "lend its support" to the UN Declaration on the Rights of Indigenous Peoples.** "The aspirations it affirms," he said, "including the respect for the institutions and rich cultures of Native peoples, are one we must always seek to fulfill. . . I want to be clear: what matters far more than words, what matters far more than any resolution or declaration, are actions to match those words. And that's what this conference is about. . . That's the standard I expect my administration to be held to." The statement is significant because the United States was one of only four countries that voted against the declaration when the UN General Assembly adopted it in 2007, and the last of those four to have reversed its former opposition. Cultural Survival program officer Jennifer Weston was on hand for Obama's announcement as a member of the press, and she reports that the mood was jubilant. President Fawn Sharp of the Quinault Nation, who introduced President Obama to open the summit, reflected later, "It's exciting and a long time coming, but I especially appreciate his comments that it's actions not words that matter, and I believe he's very committed to not only being a signatory but to implementing both the spirit and intent of the declaration." Jefferson Keel, president of the National Congress of American Indians, said, **"It's amazing that the United States is finally getting on board with the declaration. The U.S. has avoided it for so long, but finally we're seeing some results. It's just another example of what the Obama administration has done for Indian Country, and of how seriously they take the rights of the world's Indigenous Peoples."**

3. However, the US doesn't see it as binding, and believes many of our current actions towards Indian Country are enough. The US should be bound to more than just “consultation”
Pine Tree Legal Assistance, 7-26-2011, "US Acts on UN Rights of Indigenous Peoples Declaration," No Publication, <https://ptla.org/wabanaki/us-acts-un-rights-indigenous-peoples-declaration>

The US State Department does not regard the Declaration as binding law, but recognizes it as having both moral and political force. Some international treaties become US law. However, UNDRIP is only a resolution. **It has not been ratified by the Senate and, therefore, is not binding on the United States.** While it is not law, the US aspires to fulfill the spirit of the resolution. The official statement gives examples of how the US is already working towards the goals of UNDRIP through consultation and collaboration with US Tribes. These ongoing efforts are addressing, for example: environmental protection, health care, economic development and cultural protection. **Some commentators, including many in Indian Country, say that the US doesn't really support the Declaration. One example involves the concepts of “consultation” and “consent.” The US government already follows a policy of tribal “consultation.” But UNDRIP appears to require actual consent by tribes, which is much more than just consultation.** Critics of the US position point to Article 19, which states that governments shall get indigenous people's “free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” However, the US State Department statement defines consent only as a “process of meaningful consultation with tribal leaders, but not necessarily the agreement of those leaders.” **As a result, it seems likely that as time goes on US Tribes and the US government will have different ideas about what changes in US law and policy UNDRIP actually requires. Although the US recognition of the UN Declaration seems like a step forward, it remains to be seen how this will actually affect US policymaking.**

4. The US should follow suit and ratify and be bound by the treaty.

Cultural Survival, 2010, "VICTORY!: U.S. Endorses UN Declaration on the Rights of Indigenous Peoples," No Publication, <https://www.culturalsurvival.org/news/victory-us-endorses-un-declaration-rights-indigenous-peoples>

The president's decision is the result of a comprehensive review of the declaration by the Obama administration, who held extensive consultations with tribal governments and received over 3,000 written comments. Cultural Survival this summer mounted a campaign to provide every tribal president and chairperson in the U.S. with a copy of the declaration, a sample letter to submit to President Obama, and background information and perspective on the declaration. Volunteers and staff then logged hundreds of follow-up calls to tribal government offices urging submission of letters detailing how the declaration reinforces the exercise of local tribal rights. Many tribes sent letters, and their pressure played a role in changing the U.S. position. Many of the largest national intertribal organizations in the U.S., including the National Congress of American Indians and the United Southern and Eastern Tribes, also passed resolutions calling for endorsement and implementation of the declaration. At the close of the Tribal Nations Conference the White House issued their official statement on supporting the declaration, which was generally positive, highlighting the administration's many efforts on behalf of Native Peoples. It was, in fact, far more wholehearted in its endorsement than those of Canada or New Zealand, two of the other countries that initially voted against the declaration. There was, however, one disappointing aspect of the statement. **Perhaps the most important provision in the declaration is the requirement that governments get Indigenous Peoples "free, prior, and informed consent" before embarking on any development project or other action that would affect the Indigenous People's territory. The White House statement says that, "the United States understands [the importance of a] call for a process of meaningful consultation with tribal leaders, but not necessarily the agreement of those leaders, before the actions addressed in those consultations are taken." On balance, however, the endorsement is very good news and provides a solid foundation for future progress. "The U.S. endorsement of the declaration symbolizes a significant step towards collective international recognition of the rights of Indigenous Peoples and their assertive status as peoples,"** said Suzanne Benally, Cultural Survival's new executive director. **"While we applaud the endorsement, the position taken by the U.S. should extend beyond the limitations of its historical policies and practices to those that embody and guarantee full recognition of sovereignty in its deepest cultural, spiritual, and political significance."** Les Malezer, an indigenous Australian and Cultural Survival board member, who was instrumental in getting the declaration adopted by the UN General Assembly, also applauded the decision: "Obama is the most powerful of the few world leaders who choose to publicly advocate human rights for Indigenous Peoples. The president must be congratulated for emphasizing the pragmatic nature of the declaration and for not qualifying the rights in the declaration, as some critics feared. **Hearing the U.S. President back these sentiments is a landmark for the declaration and gives encouragement to Indigenous Peoples everywhere that states can move forward to embrace the rights of Indigenous Peoples. It shows that the declaration is growing stronger and more prominent as an international benchmark."**

5. Maintaining indigenous rights are key to protecting all human rights.

Betty Lyons, 3-3-2018, "Dreamers must be protected – as Indigenous Peoples were not," Guardian, <https://www.theguardian.com/commentisfree/2018/mar/03/dreamers-daca-indigenous-peoples-americas>

The United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) proclaims: **"Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders."** **In the spirit of responsibility for caretaking the land for future generations, we call upon leadership from all sectors of society to live up to the ideals of democracy and decency, of human rights and justice and act immediately to protect Dreamers and their families, and to recognize, respect and guarantee basic dignity and inherent human rights of all peoples, including Indigenous Peoples' equal right of self-determination. No one is illegal. Human rights cannot be deferred.**

6. The United States should follow suit to help protect indigenous both at home and abroad.

ACLU, 12-17-2010, "United States Endorses International Declaration On Indigenous Rights," American Civil Liberties Union, <https://www.aclu.org/news/united-states-endorses-international-declaration-indigenous-rights>

NEW YORK – **In an important step toward upholding and promoting the United States' commitment to international human rights at home, President Obama announced Thursday that the U.S. will lend its support to the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP). The decision is a reversal of the position taken by the Bush administration in 2007, when the U.S. voted against UNDRIP even as 145 nations supported it.** The American Civil Liberties Union and the Human Rights at Home Campaign (HuRAH Campaign) have long called for unqualified endorsement of UNDRIP, which articulates the rights set forth for indigenous peoples in the Universal Declaration of Human Rights. The following can be attributed to Jamil Dakwar, Director of the ACLU Human Rights Program and steering committee member of the HuRAH Campaign: "We commend the Obama administration for endorsing this important declaration and rectifying the Bush administration's rejection of an essential human rights document. Unqualified endorsement of this declaration is essential to protecting the rights of all indigenous peoples, especially Indian and Alaska Native nations in the United States. The administration should work in close partnership with indigenous peoples and tribal governments to address the serious human rights challenges that continue to face indigenous communities in this country." The following can be attributed to Laura W. Murphy, Director of the ACLU Washington Legislative Office: "**Guaranteeing basic human rights for our indigenous population should be considered a priority and we are happy to see that the Obama administration agrees. We will continue to work with Congress and the administration to ensure that it remains so. We are hopeful this endorsement will lead to a renewed effort to bolster human rights protections both here in the U.S. and abroad.**" The following can be attributed to Professor Lisa Crooms, chair of the HuRAH Campaign: "**The Obama administration's endorsement of the Declaration is a welcome first step towards matching U.S. rhetoric on human rights with concrete actions. Effective promotion and implementation of the declaration will require the administration to work in full partnership with indigenous peoples and civil society to build a human rights infrastructure here at home.**" The ACLU and the HuRAH Campaign also urged the Obama administration to issue an executive order to reconstitute the Inter-Agency Working Group on Human Rights, which is essential to promoting and implementing UNDRIP and other declarations and ratified treaties across the government.

Section 3: Potential Resolutions

Clearly, the mechanism stem will be dependent on two items of discussion at the Topic Selection Meeting: 1. Which mechanism is the simplest to teach to a variety of students and 2. Which treaties best meet that mechanism. It is the belief of the author that the ideal topic stem is ratify/accede to and implement. There should also be 5 treaties listed which cover a variety of issues/topic themes. Instead of creating a list of 5-7 resolutions with a variety of treaties mashed together I will rank all of the treaties discussed in the paper from what I believe are the best/most interesting opportunity for debate.

Topic Stem:

The United States Federal Government should ratify or accede to and implement one or more of the following treaties:

Treaty Ranking

1. United Nations Convention on the Law of the Sea
2. Paris Climate Agreement
3. Arms Trade Treaty
4. International Criminal Court
5. Convention on the Rights of Persons with Disabilities
6. Trans-Pacific Partnership
7. Convention on the Elimination of all Forms of Discrimination Against Women
8. International Convention for the Protection of All Persons from Enforced Disappearance
9. Convention on Biological Diversity
10. Outer Space Treaty
11. Comprehensive Nuclear Test Ban Treaty
12. Declaration on the Rights of Indigenous Peoples

Section 4: The Argument for the Topic

Resources Available

There is a wide variety of resources available to researching treaties and international law. The first is the depth of government agencies and/or committees that review and evaluate positions on treaties and explanations of how the United States adheres to or interprets international law. As Trump continues to evolve the role the United States takes in the world order, there will be timely research available to provide uniqueness claims for nearly all potential advantage areas. Secondly, Nongovernmental Organizations and Think Tanks constantly criticize the United States and offer suggestions for positions our government should take. Journals and/or other publications would change based on the treaties that show up in the final topic proposal. There is equity in the literature base of both people who believe the United States should own up to international accords the rest of the world has signed on to, as well as individuals who believe treaty obligations not only threaten our ability to work as a global superpower as well as our sovereignty.

Topic Balance

As noted in the final line above, and in the affirmative/negative section there is balanced literature. I am a firm believer that if the literature base is balanced, then the topic is balanced. Where this topic could have its challenges is in topic size. Some may perceive a list of 5-7 treaties as too limited, whereas some will argue allowing reservations and/or signing statements may make the topic a little too bidirectional. However, a topic like this allows for thorough case and impact level debates we do not see on topics which are considerably more broad.

Timeliness

Timeliness will be the true issue of debating treaties. Some of the treaties in the paper are more recent and constantly written about (like the TPP, Arms Trade Treaty, and Paris Agreement), whereas some of the treaties will have amazing uniqueness claims for their advantages (hegemony and human rights). As we march toward the midterm elections and the 2020 Presidential election, some may campaign on why the US should change course on foreign policy and/or international law since Trump has been altering and/or ignoring international commitments in the name of his own MAGA style of leadership.

Interest

There is a huge interest in both the High School and Collegiate debate communities to debate treaties. Colleges debated treaties in 2003, and since that topic there has been a huge push for colleges to debate treaties again (look at the wealth of authors of the 2010 Coalition to Debate Treaties paper). This topic area has also been proposed several times recently at the High School Topic Meeting. Each time Treaties has been presented, it has either been in the top 5 or been the 6th place topic missing the final ballot. In our push to develop more desire to debate an international actor, debating treaties and the UN will force students to learn international processes and international law, which could make a “nontraditional actor” seem less terrifying. Debating treaties across a variety of topic areas (arms, human rights, trade, the environment etc.) really allows us to create a topic where there really is something for everyone.

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