### 1NC – OFF

#### [A just government ought to] request the International Court of Justice issue an advisory opinion over whether they ought to [establish an unconditional right to strike]. [A just government] should abide by the outcome of the advisory opinion.

#### Solves – the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### ICJ legitimacy is key to global multilateralism and crisis stability – it’s declining now.

Kornelios Korneliou 18 [Permanent Representative of Cyprus and Vice-President of the 73rd Session of the UN General assembly, "Report of the International Court of Justice," United Nations, 10-25-2018 <https://www.un.org/pga/73/2018/10/25/report-of-the-international-court-of-justice/>] Recut Justin

In the face of the headwinds against the multilateral system and global institutions, including direct attacks on their legitimacy, the International Court of Justice stands as testament to the principles of peace and justice in a multilateral world. Today’s debate builds on fifty years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. This historic exchange is particularly pertinent to the 73rd Session of the General Assembly, which aims to ‘make the UN relevant to all’. The court system serves as a bulwark against arbitrariness and provides the mechanism for peaceful settlement of disputes, guaranteeing the stability so necessary for international cooperation. For the peoples of the world, the court may be far away but its impact is real. Excellencies, I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court’s workload increased over the last 20-years but this trend has continued into the period under review, demonstrating unequivocally that there remains a need and desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the court, and the fact that these cases stem from four continents, is also testament to the universality of the Court. In fact, as of today a total of 73 Member States have accepted, as compulsory, the jurisdiction of the Court. In addition to the Court’s role in advancing multilateralism, its judgements and advisory opinion directly influence the development and strengthening of the rule of law in countries the world over. As stated by the report: “everything the court does is aimed at promoting and reinforcing the rule of law, through its judgement and advisory opinions, it contributes to developing and clarifying international law.” Finally, at a time when human rights abuses and conflict devastate the lives of millions, and when tensions simmer in regions throughout the world, the adjudication of disputes between states remains an essential role of the Court in preserving peace and security. We welcome the continued readiness by the Court to intervene when other diplomatic or political means have proven unsuccessful. For Member States, respect for the decisions, judgements, advice, and orders of the Court remains critical for the efficacy and longevity of the international Justice System. The General Assembly has thus called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. In closing, allow me to reiterate: if we are to preserve the international multilateral system, then adherence and respect for international law remains key.

**The CP's key to ICJ cred that solves territorial conflicts -- perm fails**

**Angehr 8 –** Mark, Expert @ the Federalist Society for Law & public policy studies, JD candidate @ Northwestern Law, Engage, Vol 9 Issue 2, June, http://www.fed-soc.org/publications/detail/saying-what-the-law-is-arguments-for-an-icj-that-is-less-deferential-to-security-council-and-general-assembly-resolutions.

Organizational Dynamic of the ICJ’s Advisory Jurisdiction Th e ICJ is largely modeled on its predecessor court, the Permanent Court of International Justice (PCIJ), established by the League of Nations.7 However, unlike the PCIJ, which was not formally part of the League of Nations, the ICJ is a principal organ of the UN as well as the UN’s principal judicial organ.8 Only States may be parties in cases before the fi fteen-member Court, though the State need not be a member of the UN in order to appear.9 Member States may request that the Court exercise jurisdiction over any dispute involving interpretation of a treaty or international law, or the “existence of any fact which, if established, would constitute a breach of an international obligation.”10 Once jurisdiction has been established, the Court must decide disputes in accordance with international law, which is limited to international conventions, custom, and general principles of law.11 Th e Assembly and the Council are authorized to submit advisory opinion requests to the ICJ on “any legal question,” which the Court has broadly construed to include complex factual disputes or political issues.12 Th e advisory opinion request must be “accompanied by all documents likely to throw light upon the question.”13 Th e advisory opinion, while truly a peculiar notion to federal courts in the United States, is permitted in many U.S. courts.14 However, the advisory jurisdiction as exercised in the World Court diff ers from the practice in the United States of a state legislator requesting a court’s opinion on the constitutionality of a proposed law.15 Th e ICJ’s advisory opinions have often involved hotly debated political disputes16 and legal questions embedded in broader bilateral disputes.17 State consent, while required for the exercise of contentious jurisdiction, is not required for the ICJ to exercise advisory jurisdiction over a dispute.18 Th e ICJ’s status as “principal judicial organ” of the UN has been characterized as an “organic link” to the shared goals of the UN system.19 Th e ICJ, like all other principal organs in the UN system, has a **duty** to further the purposes and principles of the UN These purposes are to “**maintain peace** and security,” and “take collective measures for the **prevent**ion and removal of threats to the peace.”20 The advisory function of the ICJ, even more than its contentious jurisdiction, serves as a **vehicle for the Court’s participation** in the “Purposes and Principles” of the UN Charter.21 Proponents of the advisory jurisdiction argue that by rendering advisory opinions, the Court is able to place another organ’s operation upon a firm and secure foundation. Judge Bedjaoui has written that the Court’s advisory function assists the political organs by taking into account “its preoccupations or diffi culties and by selecting, from all possible interpretations of the Charter, the one which best serves the actions and objectives of the political organ concerned.”22 In the Wall Opinion, the Court explained that its obligation to clarify a legal issue for the Assembly outweighed any concerns about the judicial propriety of adjudicating an ongoing political dispute and armed conflict between Israel and Palestine.23 Accordingly, the Court stressed the organizational purpose of the advisory opinion: “Th e Court’s Opinion is given not to the States, but to the organ which is entitled to request it.”24 Th e ICJ characterized the opinion as that which “the General Assembly deems of assistance to it in the proper exercise of its function.”25 Accordingly, the Court placed the matter “in a **much broader frame** of reference than a bilateral dispute,” as it was “of particularly acute concern to the United Nations.”26 Th e Court is strongly inclined to not only answer a request for an advisory opinion, but to facilitate the larger aims of the UN by arriving at a conclusion in line with the preference of the political organ.27 Judge Azevedo has stated that the Court “must do its utmost to co-operate with the other organs with a view to attaining the aims and principles that have been set forth.”28 Th e closer the institutional connection of the ICJ to the requesting organ, he argues, the greater the usefulness of that opinion to the operation of the requesting organ. However, the advisory function threatens the institutional legitimacy of the Court because it often resolves disputes without the consent of the relevant States,29 and the political organ making the request has often already ruled on the issue.30 Organizational theory helps to explain why the ICJ is not **functioning as a check on the actions of the political organs** in its advisory jurisdiction. By examining the benefi ts and drawbacks of coordination among organizations and within organizations, organizational theory predicts the most effi cient modes of cooperation.31 Studies of coordination mechanisms within organizations suggest that the ICJ is likely motivated to undertake advisory opinions out of a fear of institutional isolation and marginalization.32 An organization might “seek[] to forestall or prevent future crisis which may imperil its success or even continuation.”33 Because organizations have incentives to increase their authority and prestige, the Court is unlikely to decline the opportunity to contribute to the progress of international law by rendering an advisory opinion.34 Given the institutional incentives for rendering advisory opinions, the ICJ will continue to do so as long as the perceived benefi ts of cooperation outweigh the loss in judicial autonomy.35 Similarly, the political organ will make the request as long as the perceived advantage to its operations outweighs any loss to its political autonomy. Th e ICJ’s reliance on the political organs to enforce compliance with its decisions incentivizes the Court not only to take on advisory opinions, but to give opinions in accordance with the **political preferences** of the requesting organ. Th e main impediment to coordination between the ICJ and the political organ is the line between cooperation and competition. If the degree of interdependence is high, and the degree of antagonism is high, the result will be competition and confl ict.36 By contrast, if the degree of interdependence is high, and the degree of antagonism is low, the result will be cooperation. The ICJ has an incentive to reduce competition and increase smooth cooperation in order to avoid alienating the requesting organ and risking institutional isolation. If we map the interaction of the ICJ and the Assembly in the Wall Opinion onto this organizational dynamic, we see a high level of interdependence due to their “organic link” and a low level of antagonism due to the Court’s incentive to contribute to the shared goals of the UN as reflected in the stated policy preference of the Assembly. Th e resultant “cooperation” between the two organs reduces the need for information processing and furthers the shared mission of the UN. By systematizing coordination through a process that provides the Court with “an exact statement of the question” as well as a “voluminous dossier”37 of documents “likely to throw light on the question,”38 the Court is unlikely to conduct its own investigation outside of the given universe of documents. From an organizational theory perspective, the Court will not engage in its own extensive review of the background material and facts, because such a duplicative inquiry would bring the Court into competition with the functioning of the requesting organ. In relying on the resolutions and factual studies made by the political organs, the likelihood that the Court will render an opinion in line with the policy preferences of the political organ is thus greater. Th e results of such a model have been borne out in the Court’s case law. In 1949, the Court held in an advisory opinion that South Africa had no legal obligation to place its mandate, South West Africa (now Namibia), under a trusteeship with the UN39 Th e Assembly had advocated for South Africa’s withdrawal from South West Africa, but the Court found in favor of South Africa’s continued occupation. Th e opinion weakened the Court’s credibility, especially among African nations.40 Th e loss of political capital to the Assembly outweighed any potential benefi t of further coordination with the Court on the issue, and, as a result, the Assembly never revisited the issue with the Court. Th en, in 1971, the Council requested an advisory opinion on the “legal consequences” of South Africa’s continued presence in Namibia.41 The request was seen as an opportunity for the Court to “**redeem its impaired image**,” since its advisory jurisdiction had been unused since 1962.42 Th e Council had in fact already passed Resolution 276, which strongly condemned the “illegal” presence of South Africa in Namibia.43 The Court in this iteration of coordination produced an opinion in line with the clear political preference of the Council by **holding that South Africa’s presence** in Namibia **was illegal**.44 Th e Court’s interaction with the Council was thus cooperative, and in rendering an opinion that mirrored the eff ect of the Council’s resolution on the issue, the Court avoided confl ict with the political organ. Th e Court consequently repaired its image and staved off institutional marginalization by indicating its willingness to cooperate with the political organs. Although this coordination effect has positive value as an explanation of the ICJ’s behavior, it should not be seen as normative. Th e ICJ **overestimates the institutional benefits** it receives from such coordination. The fear of institutional isolation motivates the ICJ to defer to the political organ, but there is little evidence that behaving in such a way increases in the long-term the number of advisory requests that the Court receives. If the Court were correct in the assumption that advisory opinions deferent to the preferences of the political organs lessen the court’s marginalization and increase the volume of its advisory jurisdiction caseload, there would be an increase in advisory opinions after the ICJ rendered a deferent advisory opinion. Although advisory requests two and four years later followed the deferent South West Africa opinion, a statistical breakdown of the Court’s advisory docket shows no long-term changes in the number of opinions rendered from its fi rst opinion in 1947 to its last in 2004. Th e Court averages about four advisory opinions a decade. As of 2008, the Court has not received another advisory request since the Wall Opinion, and it would appear that the Court will have a below-average number of advisory opinions this decade, despite the accommodation it provided the Assembly in the cooperative Wall Opinion. While the ICJ is concerned about institutional marginalization and orders its behavior in rendering advisory opinions accordingly, the motivation of the political organs in requesting advisory opinions proves to be more complex. First, the Council or Assembly may refer a dispute to the ICJ’s advisory jurisdiction when the intractability of the dispute does not lend itself to political resolution. Second, a referral to the ICJ’s advisory jurisdiction can take place if the particular dispute is susceptible to judicial resolution, that is, if the ICJ can help the organ overcome a political impasse by settling a question of international law. Th ird, if the political organ doubts the utility of the advisory opinion it will receive, or if it fears an opinion not in line with its political preferences, it can take steps to make known its preferences before the Court composes its opinion. Th erefore, the political organ’s perception of the ICJ’s propensity to render an opinion not in line with the organ’s political preference is just one of three factors that determine when the ICJ will be asked to exercise its advisory jurisdiction. Th e Court’s fear of marginalization is thus overblown; the factors determining when the organs refer a dispute to its advisory jurisdiction depend more on the peculiar nature of the dispute itself than on the Court’s perceived deference to the political will of the Council or Assembly. In other words, the Assembly’s decision to refer to the ICJ the question of the legality of the wall in Palestine depended more on the exigencies of that particular situation—namely, the need for a legal and not political resolution—than on the ICJ’s recent record of deference to the Assembly in its advisory jurisdiction. In light of the cost in **loss of judicial autonomy and reduced institutional benefits**, a new calculation shows that the Court should **defer less** to the requesting organ. Th e Court should thus be **more competitive** by undertaking its own fact- fi nding and by **rendering decisions that may not line up with** the **political preferences** of the requesting organ. The result of such an undertaking is **more independent and legitimate** advisory opinions. As more authoritative statements of the law, the opinions would provide a **better enforcement mechanism** against the political organs to police the behavior of States that have violated their legal obligations. By asserting its jurisdiction over fact-finding and legal interpretation, the ICJ would **signal** to the requesting organ **that the function each organ was to perform had changed**. In the long-term, the functional differentiation of each organ would **shift to accommodate the Court’s new role**, and the organs could ultimately **resume a cooperative interaction**. Th e political organ would continue to request opinions, because the benefit of receiving **truly independent** advisory opinions would outweigh the risk of an opinion not in line with its political preference. A **revitalized** advisory jurisdiction could **aid the political organs in providing another strong enforcement mechanism against States that violate international norms**. This model has the **additional advantage of better serving the shared goals of the UN system**. In reclaiming its judicial autonomy within its advisory jurisdiction, the Court is **aiding the UN’s settlement of international disputes** “in conformity with the principles of justice and international law.”45 **In contrast, an opinion that reproduces the politically-determined legal conclusion** of the requesting organ **does not further this goal, because it abdicates judicial responsibility to a political organ**.

#### Multilateralism solves a laundry list of impacts – even a tiny net benefit is enough to o/w the AFF

Esther Brimmer 14 [Assistant Secretary for the Bureau of International Organization Affairs at the United States Department of State from April 2009 to June 2013, “Smart Power” and Multilateral Diplomacy, June, <http://transatlantic.sais-jhu.edu/publications/books/Smarter%20Power/Chapter%204%20brimmer.pdf>] Recut Justin

Over the subsequent decade, the variable definitions of Smart Power have evolved to reflect a rapidly changing foreign affairs landscape – a landscape shaped increasingly by transnational issues and what can only be described as truly global challenges. Nations of the world must now calibrate their foreign policy investments to try to leverage new opportunities while protecting their interests from emerging vulnerabilities. Smart Power is no longer an alternative path; it is a four-lane imperative. ¶ The world in 2014 is fundamentally different from previous periods, growing vastly more interconnected, interdependent, networked, and complex. National economies are in many cases inextricably intertwined, with cross-border imports and exports increasing nearly tenfold over the past forty years, and more than doubling over just the past decade. At the same time, we are all connected – and connected immediately – to news and events that in past generations would have been restricted to their local vicinities.¶ Consider, for example, the 2011 tsunami that devastated parts of Japan. Not only did we know in real time of the earthquake that triggered the tsunami, we had live coverage of some of the tsunami’s most devastating impacts and then round-the-clock coverage of the Fukushima nuclear power plant crisis. Communications technology brings such events to us without delay and in high definition. This communications revolution, headlined by the explosion of social media, carries with it the almost unlimited potential to inform and educate. It also provides people and communities with new ability to influence and advance their causes – both benevolent and otherwise, as the dramatic events of recent years in North Africa and the Middle East have made clear. ¶ At the same time, global power is more diffuse today than in centuries. Although predictions of the nation-state’s demise have gone unrealized, non-state actors – including NGOs, corporations, and international organizations - are more influential today than perhaps at any point in human history. The same might be said for transnational criminal networks and other harmful actors. Concurrently, we are witnessing the rise of new centers of influence – the so-called “emerging” nations – that are seeking and gaining positions of global leadership. These emerging powers bring unique histories and new perspectives to the discussion of current challenges and the future of global governance. Several of these countries are democracies and share many of the core values of the United States; others have sharply different political systems and perspectives. All are gauging how to be more active in the global arena. ¶ It is this new, more diffused global system that must now find means of addressing today’s pressing global challenges – challenges that in many cases demand Smart Power ingenuity. From terrorism to nuclear proliferation, climate change to pandemic disease, transnational crime to cyber attacks, violations of fundamental human rights to natural disasters, today’s most urgent security challenges pay no heed to state borders. ¶ So, just as global power is more diffuse, so too are the opposing threats and challenges, and it is in this new reality that the United States must define and employ its Smart Power resources. That reality demands a definition that must now far exceed the origin parameters of hard and soft. Many of these challenges would be unresponsive to traditional Hard tools (coercion, economic sanctions, military force), while the application of Soft tools (norm advancement, cultural influence, public diplomacy) in customary channels is likely to provide unsatisfactory impact. ¶ Ultimately, the other component necessary in today’s Smart Power alchemy is robust, focused, and sustained international cooperation. In effect, in an increasing number of instances, Smart Power must now feature shared power, and in that context foreign policy choices must follow two related but distinct axes. ¶ First, those policy choices must strengthen a state’s overall stature and influence (rather than diminish it), leaving the state undertaking the action in a position of equal or greater global standing. This is easier said than done. The proliferation in challenges facing all states has created a need for multiple, simultaneous diplomatic transactions among a broadening cast of actors. Given the nature of today’s threats facing states both large and small, those transactions have never been more frequent and at times overlapping – a reality that requires new agility and synchronization within foreign policy hierarchies. States that are less capable of responding to this new reality may experience diminished political capital and international standing by acting on contemporary threats in isolation or without a full appreciation of the reigning international sentiment. Many observers have highlighted U.S. decision-making in advance of the 2003 Iraq invasion as indicative of just this phenomenon. ¶ Alternatively, states applying a new Smart Power approach to their foreign policy recognize the overlapping need to maintain global standing and stature while seeking resolution of individual policy challenges. We see considerable effort on the part of emerging powers to find just that balance, and I would argue that the United States has also made great strides in that regard since 2009. ¶ Second, Smart Power policy choices must contribute to the strength and resilience of the international system. As noted above, the globalization of contemporary challenges and security threats has augmented the need for effective cooperation among states and other international actors, and placed even greater demands on the global network of international institutions, conferences, frameworks, and groupings in which these challenges are more and more frequently addressed. Given this heightened need for structures to facilitate international collaboration, states are more rarely undertaking foreign policy courses of action that entirely lack a multilateral component, or that feature no interaction with or demands upon the international architecture. As recent American history shows, even states with unilateral tendencies have found themselves returning to the multilateral fold to address aspects of a threat or challenge that simply cannot be addressed effectively alone.

**Goes nuclear**

**Chakraborty 10** – Tuhin Subhro, Research Associate at Rajiv Gandhi Institute for Contemporary Studies (RGICS), his primary area of work is centered on East Asia and International Relations. His recent work includes finding an alternative to the existing security dilemma in East Asia and the Pacific and Geo Political implications of the ‘Rise of China’. Prior to joining RGICS, he was associated with the Centre for Strategic Studies and Simulation, United Service Institution of India (USI) where he examined the role of India in securing Asia Pacific. He has coordinated conferences and workshops on United Nation Peacekeeping Visions and on China’s Quest for Global Dominance. He has written commentaries on issues relating to ASEAN, Asia Pacific Security Dilemma and US China relations. He also contributed in carrying out simulation exercise on the ‘Afghanistan Scenario’ for the Foreign Service Institute (FSI). Tuhin interned at the Indian Council of World Affairs (ICWA), Sapru House, wherein he worked on the Rise of People’s Liberation Army (PLA) military budget and its impact on India. He graduated from St. Stephen’s College, Delhi and thereafter he undertook his masters in East Asian Studies from University of Delhi. His areas of interest include China, India-Japan bilateral relations, ASEAN, Asia Pacific security dynamics and Nuclear Issues, The United States Service Institution of India, 2010, “The Initiation and Outlook of ASEAN Defence Ministers Meeting (ADMM) Plus Eight”, http://www.usiofindia.org/Article/?pub=Strategic%20Perspectiveandpubno=20andano=739

The first ASEAN Defence Ministers Meeting Plus Eight (China, India, Japan, South Korea, Australia, New Zealand, Russia and the USA) was held on the 12th of October. When this frame work of ADMM Plus Eight came into news for the first time it was seen as a development which could be the initiating step to a much needed security architecture in the Asia Pacific. Asia Pacific is fast emerging as the economic center of the world, consequently securing of vulnerable economic assets has becomes mandatory. The source of threat to economic assets is basically unconventional in nature like natural disasters, terrorism and maritime piracy. This coupled with the **conventional security threats** and **flashpoints** based on **territorial disputes** and **political differences** are very much a part of the region posing a **major security challenge**. As mentioned ADMM Plus Eight can be seen as the first initiative on such a large scale where the security concerns of the region can be discussed and areas of cooperation can be explored to keep the threats at bay. The defence ministers of the ten ASEAN nations and the eight extra regional countries (Plus Eight) during the meeting have committed to cooperation and dialogue to counter insecurity in the region. One of the major reasons for initiation of such a framework has been the new face of threat which is non-conventional and transnational which makes it very difficult for an actor to deal with it in isolation. Threats related to violent extremism, maritime security, vulnerability of SLOCs, transnational crimes have a direct and indirect bearing on the path of economic growth. Apart from this the existence of territorial disputes especially on the maritime front plus the issues related to political differences, rise of China and dispute on the Korean Peninsula has aggravated the security dilemma in the region giving rise to areas of potential conflict. This can be seen as a more of a conventional threat to the region. The question here is that how far this ADMM Plus Eight can go to address the conventional security threats or is it an initiative which would be confined to meetings and passing resolution and playing second fiddle to the ASEAN summit. It is very important to realize that when one is talking about effective security architecture for the Asia Pacific one has to talk in terms of addressing the conventional issues like the territorial and political disputes. These issues serve as bigger **flashpoint** which can **snowball** into a **major conflict** which has the possibility of turning into a **nuclear conflict**.

# Strikes-General

## Turns

### Strikes bad for employees

#### Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

Levine 1, Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean.) JG

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength **by overriding private rights.** They routinely block anyone from working **under a non-union contract**, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent **customers and workers** from **entering company property**; they may **fine employees who cross these lines.** They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt and unaccountable union leaders. But even a completely democratic union sometimes supplants private rights. As libertarians like Morgan O. Reynolds point out, majorities within a union are able to ignore minorities’ preferences.

### Strikes Bad for Wages

#### Strikes reduce real wages of workers as a whole – companies mitigate losses by hiring less employees. Strikes also make gains at the expense of other workers who are excluded despite wanting to fill vacant jobs.

**Hazlitt 19** (Henry Hazlitt (1894–1993) was a well-known journalist who wrote on economic affairs for the New York Times, the Wall Street Journal, and Newsweek, “How Unions Reduce Real Wages” \*\*\*\*Note ---The Text in the card comes from Chapter 13 of Henry Hazlitt’s 1973 Book “The Conquest of Poverty,” which the Mises Institute posted on 12/17/2019 The Mises Institute cites 12/17/2019 as the publication date, but the text originally appeared in Hazlitt’s book in **1973** the url: https://mises.org/wire/how-unions-reduce-real-wages)

Case For more than a century the economic thinking not only of the public but of the majority of economists has been dominated by a myth — the myth that labor unions have been on the whole a highly beneficent institution, and have raised the level of real wages far above what it would have been without union pressure. Many even talk as if the unions had been chiefly responsible for whatever gains labor has made. **Yet the blunt truth is that labor unions cannot raise the real wages of all workers.** We may go further: **the actual policies that labor unions have systematically followed from the beginning of their existence have in fact reduced the real wages of the workers as a whole below what they would otherwise have been.** Labor unions are today the chief antilabor force. To realize why this is so we must understand what determines wages in a free market. **Wage rates are prices. Like other prices they are determined by supply and demand.** And the demand for labor is determined by the marginal productivity of labor. **If wage rates go above that level, employers drop their marginal workers because it costs more to employ them than they earn. They cannot long be employed at a loss**. If, on the other hand, wage rates fall below the marginal productivity of workers, employers bid against each other for more workers up to the point where there is no further marginal profit in hiring more or bidding up wages more. So assuming mobility of both capital and labor, assuming free competition between workers and free competition between employers, there would be full employment of every person wanting and able to work, and the wage rate of each would tend to equal his marginal productivity. It will be said — it has in fact repeatedly been said — that such an analysis is merely a beautiful abstraction and that in the actual world this mobility and competition of labor and capital do not exist. There is, some economists have argued, in fact a wide range of "indeterminacy" in wages, and it is the function of unions to make sure that wage rates are fixed at the top rather than the bottom of this range or zone. We cannot reply that this indeterminacy theory is wholly wrong; but what we can say is that in relation to the problem of unions it is unimportant. The indeterminacy theory is true of wages only to the extent that it is true of other prices: it is true where the market is narrow or specialized. It is true, say, of highly specialized jobs in journalism, or in the universities, or in scientific research, or in the professions. But wherever we have large numbers of unskilled workers, or large numbers of approximately equal special but widespread skills — such as carpenters, bricklayers, painters, plumbers, printers, train-men, truckdrivers — this zone of indeterminacy shrinks or disappears. It is the craft unions themselves who insist that their individual members are so nearly equal to each other in competence that all should be paid on equal "standard" wage. And so we have the paradox that the unions exist and flourish precisely where they are least necessary to assure that their members get a market wage equal to their marginal productivity. It is true, of course, that an individual union can succeed in forcing the money wage rates of its members above what the free market rate would be. It can do this through the device of a strike, or often merely through the threat of a strike. Now a strike is not, as it is constantly represented as being, merely the act of a worker in "withholding his labor," or even merely a collusion of a large group of workers simultaneously to "withhold their labor" or give up their jobs. The whole point of a strike is the insistence by the strikers that they have not given up their jobs at all. They contend that they are still employees — in fact, the only legitimate employees. They claim an ownership of the jobs at which they refuse to work; they claim the "right" to prevent anybody else from taking the jobs that they have abandoned. That is the purpose of their mass picket lines, and of the vandalism and violence that they either resort to or threaten. They insist that the employer has no right to replace them with other workers, temporary or permanent, and they mean to see to it that he doesn't. **Their demands are enforced always by intimidation and coercion, and in the last resort by actual violence. So wherever a union makes a gain by a strike or strike threat, it makes it by forcibly excluding other workers from taking the jobs that the strikers have abandoned. The union always makes its gains at the expense of these excluded workers.**

### Illegal Strikes Solve Better

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state- TURNS CASE

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.

### Econ/Innovation Turn

#### Prolific strikes undermine economic growth - discourage new investment and innovation

**Hazlitt 19** (Henry Hazlitt (1894–1993) was a well-known journalist who wrote on economic affairs for the New York Times, the Wall Street Journal, and Newsweek, “How Unions Reduce Real Wages” \*\*\*\*Note ---The Text in the card comes from Chapter 13 of Henry Hazlitt’s 1973 Book “The Conquest of Poverty,” which the Mises Institute posted on 12/17/2019 The Mises Institute cites 12/17/2019 as the publication date, but the text originally appeared in Hazlitt’s book in **1973** the url: https://mises.org/wire/how-unions-reduce-real-wages)

Discouraging Capital Investment This result will follow not only because of the success of previous strikes or strike threats in that particular industry. **When strike threats have become chronic in an industry, and seem likely to be systematically repeated, new capital and new investment will no longer venture into that industry.** **Union tactics may even end by discouraging and gravely reducing new investment everywhere. Hence the strike gains of unions are at best short-run gains.** **In the long run they not only reduce employment but reduce the real wages of the whole body of workers**. For the productivity of industry — and the real wages of workers — are dependent on the amount of investment of capital per head of the working population. It is only because American manufacturing industry has invested more than industry in any other country — some $30,000 for every production worker1 — that American wages so greatly exceed wages in any other country. **Labor unions can only exploit capital already invested, and they can do this only at the cost of discouraging new investment. By discouraging new investment, by discouraging maintenance, expansion, and modernization, labor unions in the long run reduce real wages below what they would otherwise have been.** But this is not the only way in which labor unions reduce real wages. They do so, and they have done so since the beginning of their existence, by jurisdictional disputes, by forcing the employment of more workers than are necessary for a particular job, by systematic hostility to piecework, by forcing slow-downs, soldiering and malingering on the excuse that they are combatting unreasonable speed-ups, and by countless other featherbedding practices. In a famous review of William Thornton's book on labor, John Stuart Mill wrote in 1869: Some of the Unionist regulations go even further than to prohibit improvements; they are contrived for the express purpose of making work inefficient; they positively prohibit the workman from working hard and well, in order that it may be necessary to employ a greater number. Regulations that no one shall move bricks in a wheelbarrow, but only carry them in a hod, and then no more than eight at a time; that stones shall not be worked at the quarry while they are soft, but must be worked by the masons at the place where they are to be used; that the plasterers shall not do the work of plasterers' laborers, nor laborers that of plasterers, but a plasterer and a laborer must both be employed when one would suffice; that bricks made on one side of a particular canal must lie there unused, while fresh bricks are made for work going on upon the other; that men shall not do so good a day's work as to "best their mates"; that they shall not walk at more than a given pace to their work when the walk is counted "in the master's time"—these and scores of similar examples … will be found in Mr. Thornton's book. These depressingly familiar practices, in short, have been going on for more than a century. **The unions, far from "maturing," show not the slightest sign of abandoning them, but create more unreasonable obstacles than ever, still combat the introduction of labor-saving machinery, refuse to accept discipline, and undermine more and more management's ability to manage. To reduce productivity is to reduce wages. These short-sighted practices can only have the long-run effect of keeping real wages far below that they could otherwise be.**

#### Unions cause protectionism – that slows growth and causes tariffs

Epstein 16 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Rise of American Protectionism." https://www.hoover.org/research/rise-american-protectionism]

This point explains why the American labor movement has historically opposed free trade. The essence of unionism is, and always will be, the acquisition of monopoly power. There is no way for a union to obtain that monopoly power in the marketplace. It can only secure it through legislation. The first step in that process was the exemption of unions from the antitrust laws under Section 6 of the Clayton Act of 1914. The second major step was the legitimation of collective bargaining under the National Labor Relations Act of 1935, which gave the union the exclusive bargaining rights against the firm once it was successful in a union election. These major statutory benefits strengthened private sector unions and imposed inefficiencies on unionized firms. This, in turn, opened the field for new firms, like the Japanese automobile companies, to organize outside the union envelope. In response, labor’s strategy went one step further. It pushed hard on trade and tariff barriers to keep out foreign imports, and exerted political influence to encourage local zoning boards to exclude new businesses that do not use union labor. Add to these issues the aggressive rise of minimum wage laws and other mandates like Obamacare and family leave statutes, and you construct a regulatory fortress that defeats the corrective forces of free trade and renders the nation less economically resilient and productive than before.

### Turn- Inequality

#### Unions don’t solve inequality – they’re too weak and tons of alt causes

Epstein 20 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Decline Of Unions Is Good News." https://www.hoover.org/research/decline-unions-good-news]

So what then could justify this inefficient provision? One common argument is that unions help reduce the level of income inequality by offering union members a high living wage, as seen in the golden age of the 1950s. But that argument misfires on several fronts. Those high union wages could not survive in the face of foreign competition or new nonunionized firms. The only way a union can provide gains for its members is to extract some fraction of the profits that firms enjoy when they hold monopoly positions.

When tariff barriers are lowered and domestic markets are deregulated, as with the airlines and telecommunications industries, the size of union gains go down. Thus the sharp decline in union membership from 35 percent in both 1945 and 1954 to about 15 percent in 1985 led to no substantial increase in the fraction of wealth earned by the top 10 percent of the economy during that period. However, the income share of the top ten percent rose to about 40 percent over the next 15 years as union membership fell to below 10 percent by 2000.

But don’t be fooled—that 5 percent change in union membership cannot drive widespread inequality for the entire population, which is also affected by a rise in the knowledge economy as well as a general aging of the population. The far more powerful distributive effects are likely to be those from nonunion workers whose job prospects within a given firm have been compromised by higher wages to union workers.

## Defense

### Low Wages Inevitable

#### Low wages inevitable and structural---labor monopsony, non-compete agreements and no unions

Smith 6-11-2018 – PhD, former assistant professor of finance at Stony Brook University (Noah, “Commentary: A job market this tight should deliver bigger raises,” *Chicago Tribune*, <http://www.chicagotribune.com/business/columnists/ct-biz-job-market-raises-20180611-story.html)//BB>

With the economy strong and unemployment low, why is wage growth so sluggish? Lots of economists and pundits are debating this vexing question. When the labor market gets tight, wages are supposed to rise faster. Instead, median wage growth is slower than it was back in 2016: The most benign explanation is that there's no mystery here -- total compensation, which includes both wages and benefits, may be accelerating: The first quarter of 2018 did see substantial compensation increases -- an annualized rate of almost 4 percent. But one quarter doesn't make a trend. In 2017, compensation growth was running at about 2.5 percent. That's lower than in the early 2000s, even though more prime-age Americans are at work now than then. Another benign explanation is that despite extremely low unemployment, the economy still isn't really at full employment yet. The Great Recession lasted so long that many workers simply gave up looking for jobs -- these people were classified not as unemployed, but as out of the labor force altogether. Some argue that when we take this shadow unemployment into account, the recovery -- and the associated wage growth -- are right on track. However, even in this picture, 2017 looks a bit weak. Also, using total compensation instead of wages might not be a good idea, because benefits might be increasing due to factors unrelated to the business cycle, such the rapid rise in health-care costs. If this is the case, then the disparity between now and the early 2000s increases -- wage growth in early 2018 has been equal to or lower than the trough of the early 2000s business cycle. There's also a possibility that some of the people who dropped out of the labor force during the Great Recession weren't really unemployed, but were just people who decided not to have formal jobs anymore by working under the table or in the black market. If that's true, then using prime-age employment overstates the unemployment rate, meaning that wage growth is even slower than it ought to be at this point in the cycle. So perhaps things aren't OK. It's possible that structural forces, unrelated to the business cycle, may be putting long-term downward pressure on wages. One such factor might be what economists call monopsony, or concentrated market power. Evidence is piling up that employers in the U.S. are able to hold down wages because it's hard for workers to find new jobs at higher pay in the area. If this power is greater now than in past years, it could be restraining wages, as Nobel economist Paul Krugman explains in an excellent blog post. Other structural factors -- increased use of noncompete agreements, and the continued decline of unions -- might be increasing employers' power to avoid raising pay. The idea that employer power is holding down wages is becoming more popular.

### No u/q

#### STRIKES ARE HIGH NOW AND MORE ARE COMING- PROVES NO UNIQUENESS OR REASON WHY THE AFF IS KEY

Romero 10-21 Dani Romero (REPORTER, yahoo finance) 10/21/21, ‘Strikes are contagious’: Wave of labor unrest signals crisis in tight job market, <https://news.yahoo.com/strikes-are-contagious-wave-of-labor-unrest-signals-crisis-in-tight-jobs-market-135052770.html>

As employers of all sizes grapple with an acute worker shortage amid what’s being called the pandemic era’s Great Resignation, it’s become increasingly clear that people with jobs aren’t all that happy, either. At an ever-lengthening list of workplaces around the country, workers this year have been getting loud about the state of wages, working hours and conditions. From healthcare to entertainment, nearly 100,000 U.S. workers are either striking or preparing to strike in a bid to improve working conditions. New data signals that worker unrest is growing: a Cornell Labor Action Tracker shows that more than 180 strikes have been recorded this year, and over 24,000 workers have walked off the job this month. This all plays out against a backdrop of an economy bouncing back from an economic shutdown during the pandemic. More than 10,000 John Deere workers went on strike Thursday, the first major walkout at the agricultural machinery giant in more than three decades. “We have noticed a bit of an uptick in late September into early October, for example, we've already documented 39 strikes on the month of October,” Johnnie Kallas, a Ph.D. student at Cornell University’s School of Industrial and Labor Relations, or ILR, who tracks labor actions across the country, said in an interview. “Those numbers are already the largest of any month in 2021,” he added. The Bureau of Labor Statistics, which records only large work stoppages, has documented 12 strikes involving 1,000 or more workers. That represents a big jump from when the pandemic started over 19 months ago. “What will happen is you'll see more workers going on strike,” Kate Bronfenbrenner, director of labor education research and senior lecturer at Cornell school of industrial and labor relations, told Yahoo Finance. “Each time there's a ripple effect with each one of those, if the John Deere strike isn’t settled, you're going to see another big group go out,” she said. “If companies don't move, you're going to see this spread from one group to another. Strikes are contagious,” Bronfenbrenner added.

### Strikes are Recognized

#### RTS is already international law, no inherency

Kiai 17, Maina Kiai, Rapporteur on freedom of peaceful assembly and of association, independent expert of the UN Human Rights Council, Office of the High Commissioner of UN Human Rights, 3-9-2017, " UN rights expert: “Fundamental right to strike must be preserved” <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21328&LangID=E> [llr]

“As the 329th session of the Governing Body of the ILO starts today, I wish to reiterate the utmost importance of the right to strike in democratic societies. As stated in my 2016 thematic report to the General Assembly (A/71/385), the right to strike has been established in international law for decades, in global and regional instruments, such as in the ILO Convention No. 87 (articles 3, 8 and 10), the International Covenant on Economic, Social and Cultural Rights (article 8), the International Covenant on Civil and Political Rights (article 22), the European Convention on Human Rights (article 11), and the American Convention on Human Rights (article 16). The right is also enshrined in the constitutions of at least 90 countries. The right to strike has in effect become **customary** **international** **law**. The right to strike is also an intrinsic corollary of the fundamental right of freedom of association. It is crucial for millions of women and men around the world to assert collectively their rights in the workplace, including the right to just and favourable conditions of work, and to work in dignity and without fear of intimidation and persecution. Moreover, protest action in relation to government social and economic policy, and against negative corporate practices, forms part of the basic civil liberties whose respect is essential for the meaningful exercise of trade union rights. This right enables them to engage with companies and governments on a more equal footing, and Member States have a positive obligation to protect this right, and a negative obligation not to interfere with its exercise. Moreover, protecting the right to strike is not simply about States fulfilling their legal obligations. It is also about them creating democratic and equitable societies that are sustainable in the long run. The concentration of power in one sector – whether in the hands of government or business – inevitably leads to the erosion of democracy, and an increase in inequalities and marginalization with all their attendant consequences. The right to strike is a check on this concentration of power. I deplore the various attempts made to erode the right to strike at national and multilateral levels. In this regard, I welcome the positive role played by the ILO’s Government Group in upholding workers’ right to strike by recognizing that ‘without protecting a right to strike, freedom of association, in particular the right to organize activities for the purpose of promoting and protecting workers’ interests, cannot be fully realized.’ I urge all stakeholders to ensure that the right to strike be fully preserved and respected across the globe and in all arenas”, the expert concluded.

### AT: Solvency

#### Reject their solvency arguments – their evidence is tainted by a socio- economic bias that assumes strikes are always positive sum. Recognizing the unconditional right to strike increases unemployment and competition amongst unions.

**Hazlitt 19** (Henry Hazlitt (1894–1993) was a well-known journalist who wrote on economic affairs for the New York Times, the Wall Street Journal, and Newsweek, “How Unions Reduce Real Wages” \*\*\*\*Note ---The Text in the card comes from Chapter 13 of Henry Hazlitt’s 1973 Book “The Conquest of Poverty,” which the Mises Institute posted on 12/17/2019 The Mises Institute cites 12/17/2019 as the publication date, but the text originally appeared in Hazlitt’s book in **1973** the url: https://mises.org/wire/how-unions-reduce-real-wages)

Overlooking the Victims **It is amazing to find how systematically the self-proclaimed humanitarians, even among professional economists, have managed to overlook the unemployed, or the still more poorly paid workers, who are the victims of the union members' "gains.**" It is important to keep in mind that the unions cannot create a "monopoly" of all labor, but at best a monopoly of labor in certain specific crafts, firms, or industries. A monopolist of a product can get a higher monopoly price for that product, and perhaps a higher total income from it, by deliberately restricting the supply, either by refusing to produce as much as he can of it, or by withholding part of it, or even by destroying part of it that has already come into existence. But while the unions can and do restrict their membership, and exclude other workers from it, they cannot reduce the total number of workers seeking jobs. Therefore whenever the unions gain higher wage rates for their own members than free competition would have brought, they can do this only by increasing unemployment, or by increasing the number of workers forced to compete for other jobs and so comparatively reducing the wage rates paid for such jobs. All union "gains" (i.e., wage rates above what a competitive free market would have brought) are at the expense of lower wages than otherwise for at least some if not most nonunion workers. The unions cannot raise the average level of real wages; they can at best distort it. As the gains of union workers are made at the expense of nonunion workers, it is instructive to ask what proportion union members constitute of the whole working population.The answer for the United States is that union members now number about 20 million, or not more than 25 percent of the total civilian labor force of 87 million. So the unions are in a distinct minority. This might not be a fact worth emphasizing if there were reason to think that the average earnings of union workers were below the average earnings of nonunion workers. But while statistical comparisons cannot be exact, the evidence is conclusive that the case is the other way round. It is the most skilled occupations that are most unionized. In brief, we have a one-quarter minority of already higher paid union workers exploiting a three-quarters majority consisting mainly of already lower paid nonunion workers. People could save themselves a good deal of misplaced sympathy if next time they read in their newspapers of a strike for a "decent wage," they take the trouble to compare what the strikers were already getting with, say, the official statistics of average wages for all nonagricultural workers. The "gains" of union labor, of course, need not be solely at the expense of nonunion labor; they may be at the expense of some union members themselves. **The higher wage rates gained in a particular industry (assuming an elastic demand for its product) will lead to less employment than otherwise in that industry. This may force unemployment on some of the members of the "successful" union. The result may then be that smaller aggregate wages will be paid in that industry than if the higher** wage rate had not been successfully imposed. In addition, any union's "gains" (continuing to use "gains" in the sense of any excess over what would have been free-market wage rates) will be at the expense not only of unemployment or lower pay for other workers, but at the expense of consumers, by forcing them to pay higher prices. But as the great bulk of consumers consists of other workers, this means that these gains will be at the expense not only of nonunion workers but also of other union workers. **The real wages of the mass of workers are reduced whenever they have to pay higher prices. Once it is clearly recognized that the strike-threat gains of each union are at the expense of all other unions, in forcing their members to pay higher prices for products, the whole myth of "labor solidarity" collapses. It is this myth that has kept the strike-threat system going.** It has created sympathy for strikes and tolerance of the public harm they do. **The mass of the working population has been taught to believe that all workers should support every strike, no matter how disorderly or for what unreasonable demands, and always to "respect the picket lines," because "Labor's" interests are unified. The success of any strike is thought to help all labor and its failure to hurt all labor.**