### 1NC – OFF

#### 1] Interpretation: The affirmative must defend an unconditional right to strike. This means that the Affirmative must defend that anyone regardless of job or occupation has a fundamental right to strike.

Merriam Webster ND, <https://www.merriam-webster.com/dictionary/unconditional> //sid

not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified)

#### 2] Violation – They only grant the Right to Strike to farm workers That by definition is a condition since they condition the right to strike on a particular occupation.

Jensen ’18 (Eric; co-director of the Stanford Rule of Law Program, in collaboration with USAID, The Asia Foundation, and Stanford Law School; April 2018; “Introduction to the Laws of Timor-Leste”; Stanford Law School; <https://law.stanford.edu/wp-content/uploads/2018/04/Timor-Leste-Constitutional-Rights.pdf>; Accessed: 10-30-2021; AU)

If individuals want to defend their rights at work, the Constitution gives them the right form trade unions and to strike. Individuals are free to join and participate in professional associations that are peaceful. This includes trade unions. Individuals in trade unions have a right to organize their unions independent of the government or their employers. Trade unions should be free and independent, and individuals have the right to set the unions’ internal structure freely. Independent trade unions are important to allow individuals to organize with other workers to collectively defend their interests and their rights. It is important that they are independent so that they reflect the individuals’ interests and not the employer’s or the government’s interests. Individuals have the right to strike. If they feel that their employer is not respecting their rights or interests, employees can refuse to work in protest. The Constitution creates a duty that during a strike, the employer still has to maintain equipment and provide for safety. Individuals’ right to strike is **limited by the law**. The Constitution states that the right to strike is **conditional** on the strike being **compliant** with legal regulations that the government creates. This means that the **government can pass laws** that limit **when and how** individuals can exercise their right to strike. The right to strike is important to give individuals the power to defend their labor rights.

“Unconditional” necessitates the absence of narrowing restrictions.

US Legal ‘ND (US Legal; dictionary of legal terms of art; US Legal; “Unconditional Law and Legal Definition”; https://definitions.uslegal.com/u/unconditional/; Accessed: 10-30-2021; AU)

Unconditional means **without conditions**; **without restrictions**; or **absolute**. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain.

#### 3] Standards –

#### a] Limits – there are endless conditions the aff can place on the right to strike – i.e based on occupation, national holidays, location of strike, etc. That makes the topic untenable since the Aff can just infinitely specify any condition or permutation of conditions which makes predictable preparation and in-depth clash impossible.

#### b] Neg Ground – specifying scenarios lets affs spike out of core, reduction-based disads like Bizcon and Small Businesses. Links are already non-existent on this topic – letting affs impose restrictions on RTS makes it even narrower.

#### 4] TVA – establish a right to strike and read Teacher Unions as an Advantage.

#### 5] Paradigm Issues –

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability.

#### b] Use Competing Interps – 1] Topicality is a yes/no question, you can’t be reasonably topical and 2] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation.

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

### 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**.

# Case

#### There’s no one solution to biodiversity – many things must be addressed. Haluzan ’11:

free-lance ecojournalist (Ned, “Possible solutions to halt biodiversity loss,” Ecological Problems, March 16, 2011, <http://ecological-problems.blogspot.com/2011/03/possible-solutions-to-halt-biodiversity.html>)//SS

**First of all there is a habitat loss issue.** Human population is constantly growing, needing new areas to live in which reduces the animal habitats. Many animals are going extinct because their habitats are constantly shrinking (for instance Bengal tiger). **World needs to establish more protected areas free of humans because this is the only way to stop further decline of many animal species.**¶ 2. **Stop climate change from running out of control. Many plants and animals are finding it very hard to cope with the changes in climate, and many of them will forever perish from the face of our planet unless we stop climate change from becoming worse**. In order to tackle climate change world needs international climate deal that would reduce greenhouse gas emissions on global level.¶ 3. **Stop deforestation. Tropical rainforests are the areas of the richest biodiversity in our planet, providing living environment for millions of different species**. Rainforests also play important role in sinking carbon dioxide (CO2) from the atmosphere which is extremely helpful in fight against climate change.¶ 4. **Reduce environmental pollution. Many plants and animals are finding it extremely hard to survive in polluted environment**. Pollution is not only happening in land but also in our oceans having very negative impact on marine biodiversity. Animals and plants can't thrive in polluted environment.¶ 5. **Protect native ecosystems from invasive species. Invasive species more often than not do serious damage to native ecosystems, and reduce the success rate of conservation efforts.**¶ 6. Biodiversity also needs to be more studied in order to give us the necessary knowledge needed to protect animal and plant species from going extinct.

#### Can’t solve biodiversity – no political will. Worldwatch Institute ’12:

Analyzes interdisciplinary environmental data from around the world, providing information on how to build a sustainable society (“Rapid Biodiversity Loss Continues in Absence of Political Action and Accurate Assessments of Ecosystem Values,” Worldwatch Institute, May 22, 2012, <http://www.worldwatch.org/rapid-biodiversity-loss-continues-absence-political-action-and-accurate-assessments-ecosystem-values>)/SS

At the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, **leaders made a commitment to preserve biological resources by signing the Convention on Biological Diversity** (CBD), **but there remains a fundamental lack of political will to act on biodiversity threats.** In 2002, **the CBD promised “a significant reduction of the current rate of biodiversity loss” by 2010, yet within those eight years, most countries failed to meet their targets.**¶ To combat the loss of Earth’s natural capital, scientists strive to assign concrete values to natural resources with the hope that an economic appreciation of ecosystem services may facilitate improved planning and management of Earth’s systems. Yet **progress on developing accurate, straightforward, and widely accepted measures for assessing ecosystem values remains slow**.¶ “Accurate valuation of ecosystem services is vital to create greater accountability and awareness of the ecological impact of our actions,” said Erik Assadourian, Worldwatch senior fellow and State of the World 2012 project co-director. “By understanding ecosystem services in monetary or physical terms, leaders can assess and improve the sustainability of their policies.”¶ Current international practices discount future generations by effectively valuing ecosystem services at zero. Such undervaluing is often a result of society’s ignorance of the full benefits that humans derive from an intact ecosystem. Thus, **individuals make decisions based on the immediate financial gains of logging a forest**, for example, **instead of considering the “invisible” benefits of the forest**, such as carbon sequestration, flood protection, and habitat for pollinators.¶ **Valuing ecosystems and their services is difficult as knowledge is limited by the complexity of environmental systems. Many linkages between organisms are yet to be discovered, and slight perturbations may have dramatic, unforeseen consequences**. Despite these challenges, scientists and politicians attempt to frame the benefits provided by ecosystems using relatable monetary or physical indices. The two most common methods are to create a common asset trust, which “propertizes” the public good without privatizing ecosystems; and to pay for ecosystem services, such as when farmers are paid to leave land fallow for improved soil health.

### 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.

# 2nr

**Perm wrecks cred and independence:**

**Maintains deference, not adversarial, and decks sequencing**

**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

The ICJ is the “principal judicial organ” of the UN.1 In addition to deciding contentious disputes between States, the ICJ possesses an advisory jurisdiction, under which it considers legal questions received from the Council and Assembly.2 The UN Charter mandates that the ICJ decide these legal questions in accordance with international law.3 The ICJ’s advisory jurisdiction has become a dustbin for intractable political and humanitarian conflicts that the political organs have failed to solve with their own resolutions. Therefore, to answer an advisory opinion request, the ICJ often deals with resolutions closely related to the underlying legal question. The Court should **retain its legitimacy** as a judicial organ, but nonetheless further the political goals of the larger UN system. It should scrutinize the legal determinations of the UN’s political organs or risk lending its **judicial imprimatur to decisions based on political, non-judicial processes**. The **judicial autonomy and legitimacy of the ICJ are centrally important to the healthy functioning of the UN system**. The structural principles embedded in the UN Charter mandate that the ICJ **not cede** control over judicial determinations to **political organs guided by the national interests of its Member States**. Consequently, the ICJ must **reclaim its judicial independence** in the exercise of its advisory jurisdiction by rehabilitating its fact-finding capabilities and ensuring the correct application of international law to the specific factual situation before it. Regardless of previous legal action taken by the political organs, the ICJ must bring to bear on international disputes the inherent advantage of the judicial process—namely, an **adversarial process** to fi nd true facts and the ability to ensure the correct application of international law. Th e ICJ’s recent advisory opinion on Israel’s construction of a security wall in the disputed West Bank illustrates the danger to the Court’s institutional legitimacy posed by cases that the Council and Assembly have **already dealt with in their political processes**.4 In this opinion, the ICJ held that the wall violated international humanitarian law and international human rights law, and ordered Israel to remove the portions of the wall located in the West Bank.5 However, Council and Assembly resolutions had already reached the same legal conclusion before the request for the advisory opinion. Just nineteen days before the submission of the advisory request, the Assembly passed Resolution 10/13, declaring the wall in violation of international law and ordering its removal.6 A lengthy dossier submitted with the advisory request formed the factual basis of the ICJ’s decision. Th is dossier included relevant Council and Assembly resolutions, as well as UN-commissioned fact-fi nding reports. Aside from written statements mainly opposing the Court’s exercise of jurisdiction, the ICJ did not gather evidence outside of this dossier. Th e Wall Opinion illustrates the risks to the Court’s **institutional legitimacy**, as well as to international law as a whole, when the ICJ **defers** to the factual and legal determinations of the political organs. If the ICJ is to expand its role in fact-intensive disputes such as those involving international human rights, it should increase its fact-fi nding capacity so that it may act less like an appellate body and more like a trial court of **first instance**.