## 1

#### Business Confidence is high now – best surveys.

ICAEW 8-20 8-20-2021 "Business confidence remains at record high as economy gets sales boost" <https://www.icaew.com/about-icaew/news/press-release-archive/2021-news-releases/business-confidence-remains-at-record-high-as-economy-gets-sales-boost> (Institute of Chartered Accountants in England and Wales)//Elmer

Friday 20 August 2021: **Business confidence** has **hit a record high** for the second quarter in a row, a survey of chartered accountants published today has found. Business confidence at record **high for second consecutive quarter**, ICAEW survey finds Strong sales growth projections key to confidence boost Companies face new challenges as economy reopens Business confidence has hit a record high for the second quarter in a row, a survey of chartered accountants published today (FRIDAY 20 AUGUST 2021) has found. Sentiment tracked by ICAEW’s Business Confidence Monitor™ (BCM) found **optimism at 47 on the quarterly index**, its **highest** level **since** the **survey was launched** in 2004 and surpassing the previous record set last quarter. [1] The optimism was **shared by businesses of all sizes across all sectors, nations and regions** in the UK. The record reading was a likely reflection of the expectation of strong sales growth in the year ahead, especially in the domestic market where a record rise of 7.4% is predicted over the coming 12 months. Companies also expect a sharp boost in export sales, which will rebound to pre-pandemic rates of increase. [2] However, the likelihood of confidence remaining positive is highly dependent on the COVID-19 situation not deteriorating further, ICAEW said. Decisions on interest rates, the winding down of support schemes, such as furlough, could also have an impact on future business sentiment. Office for National Statistics figures published last week showed that Britain’s economy grew 4.8% between April and June, below the 5% that the Bank of England had forecast. Michael Izza, ICAEW Chief Executive, said: “Business confidence has now hit record levels for two quarters in a row - companies are clearly benefitting from rising customer demand as the economy reopens and life begins to return to normal. The high level of optimism is unsurprising but it remains vulnerable to a possible resurgence of COVID-19 as we head into the autumn. “While confidence is high across all sectors, with companies reporting record expectations for domestic sales growth, they also told us they **face challenges from** **skills shortages**, wage increases and rising costs. “This is a crucial stage for the economy. Despite having to cope with the winding down of government financial support and possible interest rate rises, businesses are definitely bouncing back, but **finances are fragile** and any **additional costs could threaten** the recovery.”

#### Right to Strike has unintended effects that threaten growth and business confidence.

Tenza 20, Mlungisi. "The effects of violent strikes on the economy of a developing country: a case of South Africa." Obiter 41.3 (2020): 519-537. (lecturer in the field of Labour Law at the School of Law. He holds a LLM Degree.)//Elmer

2 BACKGROUND When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of **violent strikes** that have bedevilled this country in recent years seems to have **shattered-down** the **aspirations of a better South Africa**. South Africa recorded 114 strikes in 2013 and 88 strikes in 2014, which **cost** the country about **R6.1 billion** according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry. The biggest strike took place in the platinum sector where about 70 000 mineworkers’ downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that “the five-month-long strike in the platinum sector pushed the economy to the brink of recession”. 7 This strike was closely followed by a four-week strike in the metal and engineering sector. All these strikes (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people. Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 While participating in a strike, workers’ stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.10 These **strikes** are not only violent but **take long to resolve**. Generally, a lengthy strike has a **negative effect on employment**, **reduces business confidence** **and increases the risk of economic stagflation**. In addition, such strikes have a **major setback on** the growth of the economy and **investment opportunities**. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty. One of the measures that may boost the country’s economic growth is by attracting potential investors to invest in the country. However, this might be difficult as **investors** would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment **may not materialise** **if the labour environment** **is not fertile** for such investments **as a result** **of**, for example, **unstable labour relations**. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment. 3 THE COMMISSION OF VIOLENCE DURING A STRIKE AND CONSEQUENCES The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike. 11 The Constitution grants these rights to a “worker” as an individual.12 However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14 The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to “advance economic development, social justice, labour peace and the democratisation of the workplace”. 16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society. Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that **the right to strike is exercised** **for purposes not intended** by the Constitution and the LRA, generally. 18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful. 19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers’ demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows: “[T]here is no sweet strike, there is no Christian strike … A strike is a strike. [Y]ou want to get back what belongs to you ... you won’t win a strike with a Bible. You do not wear high heels and carry an umbrella and say ‘1992 was under apartheid, 2007 is under ANC’. You won’t win a strike like that.” 21 The use of violence during industrial action **affects** not only the strikers or picketers, the **employer** and his or her **business** but it also affects **innocent members of the public**, **non-striking employees**, the **environment** **and the economy at large**. In addition, striking workers visit non-striking workers’ homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour. 22 This points to the fact that for many workers and their families’ living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24 In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25 striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer’s business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26

#### Corporate optimism, specifically investment, drives self-sustaining recovery.

Van der Welle 7-7 Peter Van der Welle 7-7-2021 “How capex holds the key to a self-sustaining economic recovery” <https://www.robeco.com/latam/en/insights/2021/07/how-capex-holds-the-key-to-a-self-sustaining-economic-recovery.html> (Strategist within the Global Macro team, M.A. in Economics from Tilburg University)//Elmer

Title: How capex holds **the key to a self-sustaining economic recovery**. **Capital expenditure** to fix supply shortages and meet burgeoning demand is seen figuring strongly in the post-Covid recovery. [Author and summary omitted]. **Companies** are **expected to invest heavily** in new equipment and capacity as they seek **to meet** the pent-up **demand released from** economic **reopening**. “The world is emerging from the pandemic, and much of the focus has been on the release of huge pent-up demand for goods and services that have been inaccessible for much of the past year,” says Peter Van der Welle, strategist with Robeco’s multi-asset team. “But there is a bigger issue regarding the ability of companies to supply these goods and services, due to the supply side constraints that have emerged through economic reopening. We believe this is powering a resurgence in capital expenditure by companies, and those which are investing in new equipment to meet greater demand will be the more sought after stocks.” Capex intentions Van der Welle says this trend can already be seen in the US Federal Reserve’s Capex Intentions Index, which shows that steep year-on-year increases in capital expenditures are planned. “So, that's **promising for** a near-term **rebound** in the capex cycle,” he says. “The market has already picked up on that theme because you can see a clear outperformance of capex-intensive stocks compared to the broader market year to date.” Fiscal dominance Van der Welle says five elements support the multi-asset team’s view that capex will rise from here onwards. “The first is the overarching macroeconomic picture in that we are increasingly moving towards an environment of fiscal dominance and away from one that has been monetary-led via quantitative easing,” he says. “Central banks have pursued very easy monetary policies, but they have hit the nominal lower bounds with regard to policy rates.” “This is a hard constraint because real rates are difficult for central banks to push even lower than they are nowadays, given the strong consensus among both central bankers and market participants that inflation is transitory.” Big spending plans For stimulus, fiscal policy is better suited to address the negative supply shock that Covid-19 has posed. Fiscal dominance can be seen in the huge infrastructure spending planned in the US, with the USD 1.9 trillion American Rescue Plan already in motion, and the USD 2 trillion American Jobs Plan going through Congress. In Europe, the disbursement of the EUR 750 billion EU Recovery Fund is due to start later in July. “An era of f**iscal dominance** is able to **say goodbye to** the secular **stagnation** thesis, which holds that the economy is suffering from under-investment,” says Van der Welle. “Under-investment due to insufficient demand, which was the biggest problem after the global financial crisis, has become less likely.” “We saw very subdued consumption growth both in the US and elsewhere between 2009 and 2019. That story is reversing in the US. Households’ income has been supported by fiscal policy during the Covid-19 recession, while burgeoning consumer demand in the reopening phase could prove to be more sticky as employment prospects continue to improve in the medium term.” Tobin’s Q looks good A third reason to expect higher capex is driven by ‘Tobin’s Q’ – the market value of a company divided by its assets' replacement cost. If this ratio is above one, then corporates have an incentive to invest directly in the underlying assets rather than buying another company at market value to acquire the same assets. The Tobin’s Q ratio is currently at 1.7 for the US. “So it's very expensive to do M&A, and it is wiser for corporates to invest in the underlying capital goods themselves,” Van der Welle says. “We should therefore expect a gradual move away from M&A activity towards companies making direct investments in capital goods.” Supply-side constraints The fourth element is the severe supply-side constraints seen in the global economy, as capacity shut down during the pandemic. “This is reflected in the ISM Prices Paid Index, which reached an all-time high in June in reflection of rampant shortages of raw materials and labor,” says Van der Welle. “Clearly the issue today following the pandemic is not demand related, but supply related. This will also trigger more awareness to push the productivity frontier and incentivize capital expenditure.” Less reliance on labor The fifth element is the partial substitution from labor to capital in the US against the backdrop of lingering labor shortages. “A decline in the labor force participation rate shows that people are not quickly returning to the labor force, as they have been disincentivized by the subsidies and pay checks they have gained from the stimulus plans, and/or structural changes in their work/life balance due to the pandemic,” says Van der Welle. “When the cost of labor becomes more expensive, substituting labor with capital becomes more attractive for employers. Typically, the inflection point for capex intentions becoming positive is when unit labor costs rise by more than 2% year on year, which is the case today.” Capex will lengthen the earnings cycle Regarding earnings, **there is a** significant **relationship** **between** capex intentions and productivity, though the lag from intending to invest to actually getting a realized productivity gain is quite long – up to several years. **Higher capex that eventually brings higher productivity** **growth will sustain the earnings cycle**, Van der Welle says. Higher productivity gives corporates more pricing power because they suppress unit labor costs, and that means profit margins can stay elevated for longer.

#### Business confidence is the best indicator for growth.

Khan 20, Hashmat, and Santosh Upadhayaya. "Does business confidence matter for investment?." Empirical Economics 59.4 (2020): 1633-1665. (Economics Professor at Carleton University)//Elmer

Abstract Business confidence is a well-known leading indicator of future output. Whether it has information about future investment is, however, unclear. We determine how informative business confidence is for investment growth independently of other variables using US business confidence survey data for 1955Q1–2016Q4. Our main findings are: (i) **business confidence has predictive ability for investment growth**; (ii) remarkably, business confidence has **superior** forecasting power, relative **to conventional predictors**, for investment downturns over 1–3-quarter forecast horizons and for the sign of investment growth over a 2-quarter forecast horizon; and (iii) exogenous shifts in business confidence reflect short-lived non-fundamental factors, consistent with the ‘animal spirits’ view of investment. Our findings have implications for improving investment forecasts, developing new business cycle models, and studying the role of social and psychological factors determining investment growth. Introduction Business confidence is a well-known leading indicator of future output, especially during economic downturns, and receives attention from the media, policymakers and forecasters. Somewhat surprisingly, the direct link between business confidence and investment has not yet been investigated. Our paper fills this gap. We provide a quantitative assessment of the information in business confidence for future investment growth, after **controlling for** the conventional determinants such as **user cost, output, cash flow and stock price**. Understanding the predictive power of business confidence is valuable along three dimensions. First, it can help forecasters and policymakers improve their investment forecasts. Second, it can provide a rationale for explicitly including **business confidence**—either **as causal or** as **anticipatory**—**in** theoretical models of **business cycles**. Third, it can help motivate studies on the how investment managers’ social and psychological circumstances influence investment decisions over and beyond rational cost-benefit analyses.Footnote1 We consider the Organization for Economic Co-Operation and Development (OECD)’s business confidence index for the USA as a measure of business confidence and ask the following three questions.Footnote2 Does business confidence have independent information about future business investment growth? Does it have forecasting power for investment downturns? Does it help in making directional forecasts—the positive or negative movements in the trajectory of investment growth? Previous literature that used business confidence has primarily studied its predictive properties for variables other than investment. Heye (1993) examines the relationship between business confidence and labour market conditions in the USA and other industrialized countries. Dasgupta and Lahiri (1993) show that business sentiments have explanatory power of forecasting business cycle turning points. Taylor and McNabb (2007) find that business confidence is procyclical and plays an important role in forecasting output downturns. Although we focus on business confidence, our paper is related to a large body of previous research that has studied consumer confidence or sentiment and its ability to forecast macroeconomic variables. Leeper (1992) finds that consumer sentiment does not help predict industrial production and unemployment, especially when financial variables are taken into account. On the other hand, Matsusaka and Sbordone (1995) reject the hypothesis that consumer sentiment does not predict output. Carroll et al. (1994), Fuhrer (1993), Bram and Ludvigson (1998), Ludvigson (2004) and Cotsomitis and Kwan (2006) find that the consumer attitudes have some additional information about predicting household spending behaviour. Lahiri et al. (2016) employ a large real-time dataset and find that the consumer confidence survey has important role in improving the accuracy of consumption forecasts. Christiansen et al. (2014) find that consumer and business sentiments contain independent information for forecasting business cycles. Barsky and Sims (2012) find that consumer confidence reflects news about future fundamentals and a confidence shock has a persistent effect on the economy. More recently, Angeletos et al. (2018) quantify the role of confidence for business cycle from both theoretical and empirical perspectives. They construct a measure of confidence within a Vector Autoregressive (VAR) framework by taking the linear combination of the VAR residuals that maximizes the sum of the volatilities of hours and investment at frequencies of 6–32 quarters. Their measure likely captures a mixture of consumer and business confidence and is, therefore, distinct from the survey-based measure that we use in our analysis. We find that business confidence leads US business investment growth by one quarter. It leads structures investment, which is one of the major components of business investment, by two quarters. Our **empirical analysis shows** that **investors’ confidence has** statistically **significant predictive power for** US business investment **growth** and its components (equipment and non-residential structures) after **controlling for other determinants of investment**. To better gauge the role of business confidence for investment growth, we also perform Out-Of-Sample (OOS) test for 1990Q1–2016Q4. Our findings suggest that the OOS test results are similar to the in-sample test results.Footnote3 While, as we found, business confidence has predictive power for total investment, it may also contain additional information on the trajectory of investment as captured by downturns and directional changes. This information would be of interest to policymakers in assessing the economy’s near-term outlook, over and above the general ability of business confidence to forecast investment. Indeed, we find that contemporaneous correlation between business confidence and investment growth rises during NBER recession dates. This property of the data suggests that it is worthwhile to explore the forecasting ability of business confidence for investment downturns and directional changes. Towards this end, we define investment downturns as business investment growth below the sample average for more than two consecutive quarters.Footnote4 Using a static probit forecasting model, we assess the OOS forecasting ability of business confidence for investment downturns for 1990Q1–2016Q4. A key finding of this approach in the literature is that term spread and stock price contain information for forecasting US recessions (Estrella and Mishkin 1998; Nyberg 2010; Kauppi and Saikkonen 2008). We follow a similar approach and find that business confidence has statistically significant forecasting power for investment downturns over 1–4-quarter forecast horizons in the US economy. It has stronger forecasting ability than the traditional predictors such as term spread, credit spread and stock price at 1–3-quarter forecast horizons. We also find strong evidence that the business confidence has good incremental predictive power for investment downturns over 1–4-quarter forecast horizons, controlling for other predictors of downturns.

#### Economic decline results in multilateral breakdown that causes state collapse, conflict, climate change, and Arctic and Space War.

McLennan 21 – Strategic Partners Marsh McLennan SK Group Zurich Insurance Group, Academic Advisers National University of Singapore Oxford Martin School, University of Oxford Wharton Risk Management and Decision Processes Center, University of Pennsylvania, “The Global Risks Report 2021 16th Edition” “http://www3.weforum.org/docs/WEF\_The\_Global\_Risks\_Report\_2021.pdf //Re-cut by Elmer

Forced to choose sides, governments may face **economic** or diplomatic **consequences**, as proxy disputes play out in control over economic or geographic resources. The deepening of geopolitical fault lines and the lack of viable middle power alternatives make it harder for countries to cultivate connective tissue with a diverse set of partner countries based on mutual values and maximizing efficiencies. Instead, networks will become thick in some directions and non-existent in others. The COVID-19 crisis has amplified this dynamic, as digital interactions represent a “huge loss in efficiency for diplomacy” compared with face-to-face discussions.23 With some **alliances weakening**, diplomatic relationships will become more unstable at points where superpower tectonic plates meet or withdraw. At the same time, without superpower referees or middle power enforcement, global **norms** may **no longer govern** state **behaviour**. Some governments will thus see the solidification of rival blocs as an opportunity to engage in regional posturing, which will have destabilizing effects.24 Across societies, domestic discord and **economic crises will** **increase** the risk of **autocracy**, **with corresponding** **censorship, surveillance**, restriction of movement and abrogation of rights.25 Economic crises will also amplify the **challenges for middle power**s as they navigate geopolitical competition. **ASEAN countries, for example, had offered a potential new manufacturing base as the United States and China decouple, but the pandemic has left these countries strapped for cash to invest in the necessary infrastructure and productive capacity.26** Economic fallout is pushing many countries to debt distress (see Chapter 1, Global Risks 2021). While G20 countries are supporting debt restructure for poorer nations,27 larger economies too may be at **risk of default** in the longer term;28 this would **leave them further stranded**—**and unable to exercise leadership—on the global stage**. Multilateral meltdown **Middle power weaknesses** will be **reinforced** in weakened institutions, which may translate to **more uncertainty and lagging progress on shared global challenges such as climate change**, **health, poverty reduction and technology governance**. In the absence of strong regulating institutions, **the Arctic and space represent new realms for** potential **conflict** as the superpowers and middle powers alike compete to extract resources and secure strategic advantage.29 If the global superpowers continue to accumulate economic, military and technological power in a zero-sum playing field, some middle powers could increasingly fall behind. Without cooperation nor access to important innovations, middle powers will struggle to define solutions to the world’s problems. In the long term, GRPS **respondents forecasted “w**eapons of **m**ass **d**estruction” **and “state collapse**” as the two top critical threats: in the absence of strong institutions or clear rules, clashes— such as those in **Nagorno-Karabakh or the Galwan Valley**—**may more frequently flare into** full-fledged **interstate conflicts**,30 which is particularly worrisome where unresolved tensions among nuclear powers are concerned. These conflicts may lead to state collapse, with weakened middle powers less willing or less able to step in to find a peaceful solution.

## 2

#### Covid has supercharged tech innovation but sustained development is key to ensure further development.

Neuwahl Tannen 8/18 Neuwahl Tannen, Janette. “Pandemic Spurs a Burst of Technology Innovation.” University of Miami News and Events, 18 Aug. 2020, news.miami.edu/stories/2020/08/pandemic-spurs-a-burst-of-technology-innovation.html. SJEP

Since the novel coronavirus put its grip on the United States, daily life has changed in countless ways. Those who can, work from home. Those who rarely cooked now have little choice. And the days of enjoying sports events or concerts among a throng of people seem like distant memories. But COVID-19 has been a boon for technology and, according to University of Miami experts, these innovations are destined to transform how we do business and almost every other facet of life—from how we communicate, educate, recreate, and entertain to how we seek medical care, design new homes, and perhaps even choose who we live with. “Tech companies are enabling digital productivity,” said Ernie Fernandez, vice president of information technology and the University’s chief information officer. “And this is not just a temporary COVID-19 response—these companies will continue to provide value in a world where digital technology is going to persist.” Geoff Sutcliffe, a computer science professor, added that amid the unfortunate misery and death, the pandemic has some silver linings. “We are privileged to be living through an industrial revolution, with computing at the core of it,” he said. “Suddenly, this is how we do life and it will change our economic lives completely.” Health care. The health care sector is one area undergoing massive technological growth. Not only are several companies developing contact tracing applications for COVID-19, but the pandemic has dramatically increased the acceptance of telehealth visits. Not long ago, insurance companies refused to reimburse doctors for remote exams conducted over a computer screen, yet COVID-19 has given them no choice, said Sara Rushinek, professor of business technology and health informatics in the Miami Herbert Business School. Beginning with its football team and other student-athletes, the University is the first in the nation to use Tyto Care kits to diagnose or monitor patients who may have been exposed to COVID-19 or who are recovering from the disease. The handheld devices allow health care providers to remotely peer down a person’s throat, inspect their ears, listen to their lungs, and heart, even measure the oxygen in their blood. Rushinek expects the number of such devices that relay patient data to physicians will flourish with time. Nicholas Tsinoremas, who directs the University’s [Institute for Data Science and Computing](https://idsc.miami.edu/) (IDSC), and Yelena Yesha, distinguished visiting professor of computer science, who is serving as IDSC’s chief innovation officer, also see the opportunity for technology to improve health care. “We may still go to the hospital, but there will be a lot of digital therapeutic devices to manage the patient outside of the doctor’s office,” Tsinoremas said. Scientists are also harnessing artificial intelligence to uncover patterns among those infected with COVID-19 and to determine why some people are asymptomatic, why others die, and how the virus interacts with other ailments—such as liver disease—to affect a person’s immune response, Yesha said. Kenneth Goodman, professor of medicine and director of the Miller School of Medicine’s Institute for Bioethics and Health Policy, said the pandemic is fostering an accelerated digitalization of patient health histories and stimulating the creation of tools to allow these records to be shared more easily for both public health and clinical care. “Health system computers need to talk to each other better,” said Goodman, who also co-directs the University’s Ethics Programs and IDSC’s Data Ethics and Society Center. “Systems must become more interoperable; so that patients who move or are transferred can share their records seamlessly and securely.” Education and Business When offices and classrooms shuttered almost overnight, workplaces and school districts were forced to adopt collaborative platforms like Zoom, Blackboard Collaborate, or Microsoft Teams. Once used occasionally, such tools are now almost essential for everyday survival, and they are being updated constantly, experts said. “We are learning that some of the things we were doing are not the best way to have an impact,” Tsinoremas said. “Why get on an airplane, when you can just have a virtual meeting?” Sutcliffe, who has been able to attend several digital conferences this summer and is planning one of his own in October, sees the change as an advantage for students and faculty alike. “They can now attend high-end conferences with experts in their field at a very low cost or sometimes for free,” he said. The growing presence of 5G networking amid the pandemic also could spur an explosion of technological innovation, Tsinoremas said. With more advanced computing and quicker video streaming, co-workers may forgo Zoom and simply meet with 3D avatars of themselves. “It sounds like science fiction, but with a crisis like COVID, this may come much sooner than we all think,” Tsinoremas said. “We can have a virtual meeting, or you could have your own 3-D model there.” In science classes, virtual labs will likely be more interactive, with instructors sharing multiple screens with the students—one with directions and another demonstrating experiments, Tsinoremas pointed out. Many companies and research centers are also improving decision-support software to help humans make more accurate, efficient, and sometimes safer decisions, Goodman said. An example is shown among the features now offered in cars to alert drivers of potential safety hazards. But the software—driven increasingly by machine-learning algorithms—is already improving some physicians’ diagnostic accuracy and might reduce error. “The future will bring an expanded use of computer decision support, which raises difficult ethical issues about whether to—and who should—use those tools,” Goodman said. “Indeed, such software is already transforming science, commerce, and transportation. For instance, autonomous cars are rolling decision-support systems.” Yesha envisions a day when block chain technology, which enables the creation of secure and permanent records of transactions, will protect the nation’s supply chains, many of which were paralyzed at the onset of the pandemic.

#### Violent strike efforts are increasing – they slow innovation, specifically in the tech sector.

Hanasoge 16 [Chaithra; Senior Research Analyst, Market Researcher, Consumer Insights, Strategy Consulting; “The Union Strikes: The Good, the Bad and the Ugly,” Supply Wisdom; April/June 2016 (Doesn’t specifically say but this is the most recent event is cites); <https://www.supplywisdom.com/resources/the-union-strikes-the-good-the-bad-and-the-ugly/>] Justin

The result: Verizon conceded to several of the workers’ demands including hiring union workers, protection against outsourcing of call-center jobs, and employee benefits such as salary hikes and higher pension contributions, among others and thus bringing an end to the strike in June.

The repercussion: The strike witnessed several instances of social disorder, violence and clashes, ultimately calling for third party intervention (Secretary of Labor – Thomas Perez) to initiate negotiations between the parties. Also, as a result of the strike, Verizon reported lower than expected revenues in the second quarter of 2016.

Trade unions/ labor unions aren’t just this millennia’s product and has been in vogue since times immemorial. Unions, to ensure fairness to the working class, have gone on strike for better working conditions and employee benefits since the industrial revolution and are as strong today as they were last century. With the advent of technology and advancement in artificial intelligence, machines are grabbing the jobs which were once the bastion of the humans. So, questions that arise here are, what relevance do unions have in today’s work scenario? And, are the strikes organized by them avoidable?

As long as the concept of labor exists and employees feel that they are not receiving their fair share of dues, unions will exist and thrive. Union protests in most cases cause work stoppages, and in certain cases, disruption of law and order. Like in March 2016, public servants at Federal Government departments across Australia went on a series of strikes over failed pay negotiations, disrupting operations of many government departments for a few days.  Besides such direct effects, there are many indirect effects as well such as strained employee relations, slower work processes, lesser productivity and unnecessary legal hassles.

Also, union strikes can never be taken too lightly as they have prompted major overturn of decisions, on a few occasions. Besides the Verizon incident that was a crucial example of this, nationwide strikes were witnessed in India in March and April this year when the national government introduced reforms related to the withdrawal regulations and interest rate of employee provident fund, terming it as ‘anti-working class’. This compelled the government to withhold the reform for further review. In France, strike against labor law reforms in May turned violent, resulting in riots and significant damage to property. The incident prompted the government to consider modifications to the proposed reforms.

However, aside from employee concerns, such incidents are also determined by a number of other factors such as the country’s political scenario, economy, size of the overall workforce and the unions, history of unionization, labor laws, and culture. For example, it is a popular saying that the French are always on strike as per tradition (although recent statistics indicate a decline in frequency). In a communist government like China, strikes have steadily risen in number. In 2015, China Labor Bulletin (CLB), a Hong Kong-based workers’ rights group recorded 2,700 incidents of strikes and protests, compared to 1,300 incidents in 2014. Most of them have stemmed out of failure by the government to respect the basic rights of employees and address labor concerns.

Interestingly, unions have not been able to gain a strong foothold in the IT-BPO industry. While many countries do have a separate union to represent workers from the sector, incidents of strikes like Verizon have been relatively low.  However, workplace regulations, in addition to other factors mentioned could be a trigger for such incidents, even if on a smaller scale. For example, a recent survey that interviewed several BPO employees in India revealed that while forming a union in the BPO sector was difficult, irksome workplace regulations such as constant surveillance, irregular timings and incentives have prompted employees to express their resentment in smaller ways such as corruption of internal servers and so on.  Such risks are further enhanced in a city like Kolkata, which carries a strong trade union culture.

#### Victories like the aff mobilizes unions in the IT sector.

Vynck et al 21 [Gerrit De; Carleton University, BA in Journalism and Global Politics, tech reporter for The Washington Post. He writes about Google and the algorithms that increasingly shape society. He previously covered tech for seven years at Bloomberg News; Nitashu Tiku; Columbia University, BA in English, New York University, MA in Journalism, Washington Post's tech culture reporter based in San Francisco; Macalester College, BA in English, Columbia University, MS in Journalism, reporter for The Washington Post who is focused on technology coverage in the Pacific Northwest; “Six things to know about the latest efforts to bring unions to Big Tech,” The Washington Post; <https://www.washingtonpost.com/technology/2021/01/26/tech-unions-explainer/>] Justin

In response to tech company crackdowns and lobbying, gig workers have shifted their strategy to emphasize building worker-led movements and increasing their ranks, rather than focusing on employment status as the primary goal, says Veena Dubal, a law professor at the University of California Hastings College of the Law in San Francisco. The hope is that with President Biden in the White House and an even split in the Senate, legislators will mobilize at the federal level, through the NLRA or bills such as the PRO Act, to recognize gig worker collectives as real unions.

#### Technological innovation solves every existential threat – which outweighs.

Matthews 18 Dylan. Co-founder of Vox, citing Nick Beckstead @ Rutgers University. 10-26-2018. "How to help people millions of years from now." Vox. https://www.vox.com/future-perfect/2018/10/26/18023366/far-future-effective-altruism-existential-risk-doing-good

If you care about improving human lives, you should overwhelmingly care about those quadrillions of lives rather than the comparatively small number of people alive today. The 7.6 billion people now living, after all, amount to less than 0.003 percent of the population that will live in the future. It’s reasonable to suggest that those quadrillions of future people have, accordingly, hundreds of thousands of times more moral weight than those of us living here today do. That’s the basic argument behind Nick Beckstead’s 2013 Rutgers philosophy dissertation, “On the overwhelming importance of shaping the far future.” It’s a glorious mindfuck of a thesis, not least because Beckstead shows very convincingly that this is a conclusion any plausible moral view would reach. It’s not just something that weird utilitarians have to deal with. And Beckstead, to his considerable credit, walks the walk on this. He works at the Open Philanthropy Project on grants relating to the far future and runs a charitable fund for donors who want to prioritize the far future. And arguments from him and others have turned “long-termism” into a very vibrant, important strand of the effective altruism community. But what does prioritizing the far future even mean? The most literal thing it could mean is preventing human extinction, to ensure that the species persists as long as possible. For the long-term-focused effective altruists I know, that typically means identifying concrete threats to humanity’s continued existence — like unfriendly artificial intelligence, or a pandemic, or global warming/out of control geoengineering — and engaging in activities to prevent that specific eventuality. But in a set of slides he made in 2013, Beckstead makes a compelling case that while that’s certainly part of what caring about the far future entails, approaches that address specific threats to humanity (which he calls “targeted” approaches to the far future) have to complement “broad” approaches, where instead of trying to predict what’s going to kill us all, you just generally try to keep civilization running as best it can, so that it is, as a whole, well-equipped to deal with potential extinction events in the future, not just in 2030 or 2040 but in 3500 or 95000 or even 37 million. In other words, caring about the far future doesn’t mean just paying attention to low-probability risks of total annihilation; it also means acting on pressing needs now. For example: We’re going to be better prepared to prevent extinction from AI or a supervirus or global warming if society as a whole makes a lot of scientific progress. And a significant bottleneck there is that the vast majority of humanity doesn’t get high-enough-quality education to engage in scientific research, if they want to, which reduces the odds that we have enough trained scientists to come up with the breakthroughs we need as a civilization to survive and thrive. So maybe one of the best things we can do for the far future is to improve school systems — here and now — to harness the group economist Raj Chetty calls “lost Einsteins” (potential innovators who are thwarted by poverty and inequality in rich countries) and, more importantly, the hundreds of millions of kids in developing countries dealing with even worse education systems than those in depressed communities in the rich world. What if living ethically for the far future means living ethically now? Beckstead mentions some other broad, or very broad, ideas (these are all his descriptions): Help make computers faster so that people everywhere can work more efficiently Change intellectual property law so that technological innovation can happen more quickly Advocate for open borders so that people from poorly governed countries can move to better-governed countries and be more productive Meta-research: improve incentives and norms in academic work to better advance human knowledge Improve education Advocate for political party X to make future people have values more like political party X ”If you look at these areas (economic growth and technological progress, access to information, individual capability, social coordination, motives) a lot of everyday good works contribute,” Beckstead writes. “An implication of this is that a lot of everyday good works are good from a broad perspective, even though hardly anyone thinks explicitly in terms of far future standards.” Look at those examples again: It’s just a list of what normal altruistically motivated people, not effective altruism folks, generally do. Charities in the US love talking about the lost opportunities for innovation that poverty creates. Lots of smart people who want to make a difference become scientists, or try to work as teachers or on improving education policy, and lord knows there are plenty of people who become political party operatives out of a conviction that the moral consequences of the party’s platform are good. All of which is to say: Maybe effective altruists aren’t that special, or at least maybe we don’t have access to that many specific and weird conclusions about how best to help the world. If the far future is what matters, and generally trying to make the world work better is among the best ways to help the far future, then effective altruism just becomes plain ol’ do-goodery.

## 3

#### Counterplan text – a just government ought to

#### ---enter a prior, binding, and genuine consultation with the International Court of Justice to issue a binding ruling to [recognize an unconditional right of workers to strike]

#### ---pass a concurrent resolution that non-compliance with the International Court of Justice’s ruling constitutes an enforceable violation of Charter obligations.

#### ICJ says yes and creates a culture of *acculturation* that socializes acceptance of international law – the aff shreds that.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin \*\* Brackets in original

C. FOA and the Right to Strike as Opinio Juris There is also considerable support for the proposition that the general practice of states on FOA and the right to strike stems from acceptance as a matter of legal obligation. Admittedly, while the existence of opinio juris may be inferred from a general practice, the International Court of Justice (ICJ) has at times noted the insufficiency or inconclusiveness of such practice, instead seeking confirmation that "[states'] conduct is 'evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it. ",149 Trade agreements, for instance, may represent treaty law and may qualify as evidence of general practice, but they are typically entered into by States that have specific economic or political objectives rather than from a desire to embrace obligations arising under international law.15° Further, it is possible that even with respect to ILO conventions, widespread ratification is in part a function of acculturation, insofar as endorsements across a region contribute to socialized acceptance of norms on FOA, reassuring peer countries that protecting rights to association including the right to strike will not place them in an inferior competitive position. 151 That said, the ICJ often does infer the existence of opinio juris from a general practice and/or from determinations by national or international tribunals.152 And there are ample reasons to draw such an inference here. To start, FOA is consciously accepted as an obligation by ILO member states not simply through ratification of Convention 87 (covering more than 80 percent of them) but by virtue of membership itself. The ILO Constitution expressly requires support for FOA principles, and these principles are further imbedded through a tripartite governance structure that allocates power-sharing roles to worker organizations alongside governments and employers. 153 Thus, ILO members understand there is an underlying obligation to respect FOA in law and practice.154 A second reason is that domestic law can provide relevant evidence regarding the presence of opinio juris among states. Commitments to FOA expressed in national constitutions, statutes, and court decisions are not necessarily evidence of a state's belief that the principle is international as opposed to domestic law. Nonetheless, the International Law Commission has made clear that evidence of acceptance as law (opinio juris) "may take a wide range of forms," including but not limited to "official publications; government legal opinions; [and] decisions of national courts." 155 In this regard, the CEACR in 2012 identified 92 countries where "the right to strike is explicitly recognized, including at the constitutional level"; the list includes six countries that have not ratified Convention 87.156 Recognition in domestic law of a right to strike alongside a conscious decision not to ratify Convention 87 could give rise to an inference that these six countries are rejecting the right as a principle of international law. However, as explained earlier, national courts for two of the six non-ratifying countries (Brazil and Kenya) expressly invoke ILO membership and/or principles as guidance in their domestic law decisions.157 In addition, Canada—a country not listed among the 92 endorsing the right to strike in the 2012 General Survey—has since recognized a constitutional right to strike under national law, relying in part on international law principles including CEACR and CFA determinations.158 The Canadian Supreme Court had previously been explicit in invoking Convention 87, ICESCR, and ICCPR as "documents [that] reflect not only international consensus but also principles that Canada has committed itself to uphold." 159 Further, a third country in the group of six—South Korea—has affirmed in its trade agreements with the United States and the EU its obligation to "adopt and maintain in its statutes and regulations, and practices" FOA in accordance with the ILO Declaration.16° And in various CFA complaints against South Korea for violating FOA principles, including the right to strike, the Government has disputed the facts of the complaints while at the same time recognizing that such rights are embedded in international law.161 Accordingly, a more relevant reference point in this setting may be that "when States act in conformity with a treaty provision by which they are not bound . . . this may evidence the existence of acceptance as law (opinio juris) in the absence of any explanation to the contrary.3 3162 Stepping back, domestic law on FOA and the right to strike, which for many countries developed after Convention 87 and its initial applications by the CEACR and CFA, may be viewed in part as a window into countries' sense of obligation in law and practice. A state may at times adopt labor provisions of a trade agreement for reasons of comity or relative competitive advantage. These reasons may play a more modest role with respect to adoption of certain human rights treaties or ILO conventions. 163 But evidence of practice and obligation in the domestic law sphere—especially when informed by regard for international instruments—seems almost by definition to be a function of acceptance as law rather than susceptibility to strategic motivations. In this regard, there are numerous instances in recent years where governments have expanded their legislative protections for the right to strike following a period of dialogue with the CEACR, and that committee has recognized and applauded the changes in law. 164 Of particular relevance to the U.S. setting, these expansions have included assuring the right to strike for public sector employees and prohibiting the hiring of replacements for strikers. 165 A third reason to infer opinio juris (in addition to the centrality of FOA principles within the ILO Constitution and the strong evidence of FOA and right-to-strike practice and obligation under domestic law) involves recent statements from high officials in the United Nations indicating that the right to strike is understood by its leaders as CIL. In his 2016 report to the U.N. General Assembly, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and association explained, "The right to strike has been established in international law for decades, in global and regional instruments, and is also enshrined in the constitutions of at least 90 countries. The right to strike has, in fact, become customary international law.'5166 In 2018, responding to a press briefing on a strike by U.N. employees following announced pay cuts, the Deputy Spokesman for the U.N. Secretary-General reiterated the U.N. view that the right to strike is indeed CIL and did so in the context of the right being asserted by public employees not involved in the administration of the state: Question: Does the Secretary-General believe that U.N. staff have a right to take part in industrial action? Deputy Spokesman: We believe the right to strike is part of customary international law. 167 These statements did not simply materialize in recent times. Two major U.N. Human Rights treaties—the ICESCR and the ICCPR—have been interpreted by their relevant treaty bodies to include a right to strike; these bodies have reaffirmed their joint commitment to the right to strike as part of FOA, and they regularly monitor governments' record of compliance with this right. 168 And as noted earlier, the two treaties—each ratified by over 80 percent of U.N members—include a clause explicitly identifying respect for ILO Convention 87. In sum, the principles of FOA including the right to strike would appear to satisfy both prongs of the CIL test. The widely recognized general practice on strikes has sufficient shape and contours: a basic right, three substantive exceptions (public servants involved in administration of the state, essential services in the strict sense of the term, and acute national emergencies), a recognition that strikers retain their employment relationship during the strike itself, and certain procedural prerequisites or attached conditions.169 There are variations in national practice and also disagreements at the margins about what the right to strike protects, but these aspects are not different in kind from diversity and contests regarding international rights prohibiting child labor, or for that matter domestic constitutional rights involving freedom of expression or the right to bear arms. As for opinio juris, a broad range of sources combine to establish that the general practice stems from a sense of acceptance and obligation: ILO foundation and structure; two widely endorsed United Nations human rights treaties; national constitutions; government representations; domestic legislative and judicial decisions that expressly refer to or impliedly accept international standards and practices; and contemporary U.N. leadership.

#### Ruling on the right to strike secures the legitimacy of the ICJ as an international mediation body.

Hofmann and Schuster 16 [Claudia and Norbert; February 2016; Dr. Claudia Hofmann works as a research associate at the Chair for Public Law and Policy at the University of Regensburg. She specializes in public international law (in particular the field of socio-economic human rights and equality-oriented policies), social law, constitutional and administrative law. Norbert Schuster works as a lawyer in Berlin and teaches at the University of Bremen. He specialises in labour law; “It ain’t over ‘til it’s over: the right to strike and the mandate of the ILO Committee of Experts revisited,” <https://global-labour-university.org/fileadmin/GLU_Working_Papers/GLU_WP_No.40.pdf>] Justin

BASES FOR A POTENTIAL RULING BY THE INTERNATIONAL COURT OF JUSTICE The question of whether the Committee has left the area of interpretation and entered the sphere of standard-setting can only be answered on a case by case basis. As has been indicated before, the primary question for an advisory opinion of the ICJ is whether Convention No. 87 contains a right to strike (see Section IV). What follows is, therefore, a cursory glance at the legal bases for an ICJ opinion, so as to sketch the broad outlines of a possible decision. Under Art 37.1 of the ILO Constitution, taken together with Art 36 of the ICJ Statute, the International Court of Justice is responsible for questions or differences of opinion about the interpretation of the ILO Constitution and the ILO Conventions. This reflects the function of the ICJ as an international mediation body inasmuch as cases are to be referred to the ICJ when the parties to a treaty disagree about the interpretation of a norm within the treaty. Let us assume that such a disagreement exists here as to whether, in particular, Art 3 of ILO Convention No. 87 also accords trade unions a right to strike.85 The Committee of Experts and the Committee on Freedom of Association have expressed a legal opinion on this. In the current legal situation, i.e. in the absence of concrete rules explicitly granting the Committee of Experts a corresponding interpretative competence, the competence to decide on this issue rests with the ICJ. Upon what sources of law and which principles will the ICJ base its decision? Two provisions are particularly relevant here. One is Art 38 of the ICJ Statute and the other is Art 31 of the Vienna Convention on the Law of Treaties (VCLT).

#### UN Charter solves – empirics.

Abiodun 18 [Amuda-Kannike, and Sylvanus Abila. "A Critical Examination of the Enforcement of ICJ Decisions through the Organs of the United Nations." Journal of Law and Criminal Justice 6.1 (2018): 21-46. Faculty of Law at Poma University] Elmer

Further, the study has also shown that irrespective of the powers of the enabling statute, **there is the need to resort to the UN Charter for such directive especially where non-compliance** of a recalcitrant party can threaten world peace and security. To this end, as was observed in the Pan Am case, the UN Charter is **superior to any other international instrument** and its provisions **can be the basis for judgment enforcement directives to an international organization to act** outside the mandates of its enabling statu8te. It is recommended that there should be immediate restriction of the use of “veto” power on the ICJ decisions in other to give enough respect to the said decision by not only the member nations but all the nations of the World. This will bring about separation of powers to work in favour of the ICJ as an independent institution instead of being subjected to the control and manipulations of the permanent members of the Security Council. The provisions of Article 94(2) of the UN Charter should be amended to state that the Security Council should immediately ensure compliance with the ICJ Decisions instead of “if they deem necessary”. It is equally recommended that once there is a decision of the ICJ, it must be readily carried out by all the organs of the United Nations and any member nation who refused to carry out or support the carrying out of such decision or decisions should be the suspended or expelled from membership of the organs of the United Nations, or even from the United Nations in General in addition to the penalty of a fine of $100,000 (one hundred thousand dollars) within 3 months of non-compliance.

#### 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.

#### Multilateralism solves a bunch 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.

#### The perm wrecks legitimacy.

Shany, 14– [Yuval, Hersch Lauterpacht Chair in Public International Law and Dean, Hebrew U of Jerusalem, Assessing the Effectiveness of International Courts, Google Books, p. 103-109] Recut Justin

Outcome-related factors Judicial independence and impartiality pertain to the rules and conditions governing the judicial decision-making process and to certain practices featured in the judicial decision-making process itself. All of these notions do not cover, however, the outputs and outcomes of adjudication per se. We have no way of ascertaining merely on the basis of the contents of an international courts decision to hold in favor of one party and against the other, or to adopt a specific interpretation of a legal provision, whether the decision has been taken in a manner that is independent and impartial. Still, studying the **actual outputs and outcomes** generated by international courts may provide us with important insights regarding judicial independence and impartiality. **Most significantly**, the courts **ongoing record** of generating decisions running **contrary to the interests of powerful states** and other constituencies may be **prima facie indicative of its actual independence or lack thereof** (ie, a possible proxy for judicial independence). A record of court judgments manifesting a **clash between law and power** would also, most probably, **impact the courts reputation for independence** (which is a structural asset related, but analytically **separate from, actual independence**-supporting structures and processes). Thus, independent structures and processes create a "**feedback loop**," by influencing the courts **reputation for independence**, which **affects the courts structures** and, in turn, its processes and outcomes.26 For example, a series of controversial decisions issued by the court deemed as **catering to the interest of powerful states** (an outcome indicator of judicial independence) may suggest that the court in question has been operating in a **less than fully independent manner**, or that an **informal dependency** has been created. Consequently, the value of the courts **reputation for independence**—an intangible "asset" the court possesses—might **decrease**. At the same time, a solid record of "speaking law to power" may **strengthen the courts independent image**.27 In any event, changes in the **perceived independence** of international courts may **impact these courts' legitimacy** in the eyes of potential parties and **render them more or less credible** institutions. The **newly acquired or lost credibility** may, in turn, affect the ability of courts to **attract new cases** and to **generate compliance** with their judgments. Ultimately, **changes in the perceived independence** of international courts may **modify these courts goal attainment potential**.28 Note, however, that international actors possessing high levels of control or influence over the court may react differently to changes in a courts independence than international actors possessing low levels of control or influence. Strong states, for example, may dislike the reduced ability to influence judicial outcomes attendant to increased judicial independence and may distance themselves from courts whose perceived independence is growing.2'1 A similar analysis to the one undertaken above with respect to perceptions of judicial independence could also be employed in relation to perceptions of judicial impartiality. A reputation for impartiality is a structural "asset," which feeds on the degree to which judicial outputs—court decisions—are viewed by relevant constituencies to reflect justifiable preferences. Thus, the strong criticism directed against the 1966 judgment of the ICJ on South West Africa implied a perception of illegitimate conservative bias among many of the judges on the Court. Indeed, the **loss of credibility** attendant to perceived impartiality might have led large parts of the developing world to **disengage from the Court**.30 It also led to political efforts to change the composition of the bench, so as to ensure greater representation for positions sympathetic to the interests of developing countries (a structural fix to an allegedly inadequate process).31 Developing countries' hostility towards the Court **abated significantly**, however, following the ICJ judgment in Military and Paramilitary Activities in Nicaragua, which was **perceived as indicative** of a move away from the age of conservatism and indicative of a greater willingness on the part of the bench to "speak law to power."32 In sum, the relationship between the different operative categories comprising the effectiveness model enable evaluation of more advanced stages of the operative category chain in order to better understand the nature and quality of antecedent links in the same chain. Evaluation of outcomes may offer us valuable insights into the independence and impartiality of the judicial process, and evaluation of outcomes and process may serve as an indicator of the adequacy of the independence and impartiality structures that have been put in place.

## FW

#### The standard is maximizing life. Prefer it:

#### [1] Actor spec: util is the best for governments, which is the actor in the rez – multiple warrants:

#### [a] Governments must aggregate since every policy benefits some and harms others, which also means side constraints freeze action.

#### [b] Actor-spec comes first since different agents have different ethical standings. Takes out util calc indicts since they’re empirically denied and link turns them because the alt is no action.

#### [c] Reject calc indicts—they’re functionally NIBs that everyone knows are silly but skew the aff and move the debate away from the topic and actual philosophical debate, killing valuable education. All indicts assume the Aff is true.

#### [d] Action under one framework doesn’t preclude another. I can still have an obligation under Util, even if the aff is bad under Kant. Framing issues don’t exclude the offense.

#### [2] Death outweighs— A] agents can’t act if they fear for their bodily security. B] biological life is a prerequisite to any alternative advocacy.

Paterson 3 – Department of Philosophy, Providence College, Rhode Island (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics.

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81  In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82