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### Contention one is Inherency

#### The Transboundary Agreement has been negotiated and ratified by Mexico – but U.S. implementation is lacking

Brown and Meacham ’12 – Senate Foreign Relations Committee Senior Staff Members

(Neil and Carl, “OIL, MEXICO, AND THE¶ TRANSBOUNDARY AGREEMENT¶ A MINORITY STAFF REPORT¶ PREPARED FOR THE USE OF THE¶ COMMITTEE ON FOREIGN RELATIONS¶ UNITED STATES SENATE”, 12-21-2012)

The Transboundary Agreement (TBA) provides a bilateral basis¶ upon which both countries can develop the legal framework necessary¶ for joint production of oil and natural gas reserves that extend¶ across our national maritime borders in the Gulf of Mexico.¶ Secretary of State Hillary Clinton and Mexican Minister of Foreign¶ Affairs Patricia Espinosa Cantellano signed the¶ Transboundary Agreement (TBA), officially called the Agreement¶ between the United States of America and the United Mexican¶ States Concerning Transboundary Hydrocarbon Reservoirs in the¶ Gulf of Mexico, on February 20, 2012, at Los Cabos, Mexico (see¶ Appendix I for the text of the agreement). The Mexican Senate¶ ratified the agreement on April 12, 2012, but the Obama administration¶ has not formally submitted the agreement for passage in¶ the U.S. Congress.¶ The TBA was negotiated pursuant to the 2000 Treaty on the¶ Continental Shelf, which called for the U.S. and Mexico to establish a mechanism that transboundary oil and gas reserves would be¶ shared equitably. At the time, concern that companies would drain¶ Mexican reserves from the U.S. side of the border was, reportedly,¶ a hot button political issue in Mexico. Upon conclusion of the 2000¶ Treaty, the U.S. put a moratorium on oil and gas exploration on¶ the U.S. side of the maritime border.¶ It is widely acknowledged in both capitals that the TBA negotiations¶ moved quickly in order to be completed in time for the ratification¶ in Mexico prior to 2012 Congressional elections. Both PAN¶ and PRI political leaders used their influence to gain support for¶ the TBA, which the Mexican Senate ratified.¶ In the United States, the TBA stalled within the Obama administration¶ despite support by key officials in the Departments of¶ State and Interior. Prior to completing the agreement, the Departments¶ of State and Interior participated in Senate Foreign Relations¶ Committee briefings to discuss status of the negotiations;¶ however, there was no consultation on specific text. The SFRC Minority¶ Staff appreciated candid assessments offered by lead U.S.¶ negotiator Ambassador Richard Morningstar.¶ The Obama administration has not taken a position on the key¶ question of whether the TBA is a treaty or an executive agreement,¶ although the latter seems the administration’s more likely preference.¶ A treaty would be reviewed by the Senate Foreign Relations¶ Committee and require the advice and consent of the Senate,¶ demanding a two-thirds vote, for approval. As part of the treaty¶ process, the resolution of ratification would be reviewed and¶ amended in order to provide Congressional understandings on¶ issues left unclear by the text of the TBA itself. Additional implementing¶ legislation affecting the Department of Interior would also¶ be required and need review by its committees of oversight. An executive agreement would not require the two-thirds vote¶ necessitated by a treaty, but instead it would be approved in the¶ same form as a statute, requiring passage by majority in both the¶ Senate and the House of Representatives. Legislation approving¶ the agreement, necessary implementing authorities, and clarifications¶ regarding certain provisions of the TBA could be subject to¶ amendment, including by items unrelated to the TBA itself, thus¶ possibly miring the TBA in other political fights.¶ Regardless of whether Congress considers the TBA as a treaty or¶ executive agreement, Congressional hearings and thorough examination¶ of the TBA and its implementing legislative proposals are¶ needed. So far the Obama administration has declined to officially¶ submit its proposed implementing legislation to the committees of¶ jurisdiction for action through regular order.

### Advantage one is stability

#### Drilling along US-Mexico border inevitable ----- only a question of cooperation or unilateral development

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(Karla, “TRANSBOUNDARY PETROLEUM RESERVOIRS: A RECOMMENDED APPROACH FOR THE UNITED STATES AND MEXICO IN THE DEEPWATERS OF THE GULF OF MEXICO”, Houston Journal of International Law, Volume 32, Number 2, Spring 2010)

In view of this, Mexico is primarily concerned with reservoirs located outside the Western Gap, and more specifically, those located in the Perdido fold belt. Nonetheless, it is only a matter of time until the Western Gap is made available for exploitation and production by both countries, which will create the same issues for the Western Gap faced by other areas of the GOM. The principal challenges that Pemex faces with regard to deep-water production include: (i) human resources; (ii) exploration; (iii) exploitation; (iv) technology; and (v) financing. (85) These challenges will have to be assumed in the short term because Mexico's oil production is decreasing, and Pemex has estimated that fifty-five percent of the country's 54 billion barrels of equivalent oil from prospective resources (86) is located in deep-waters. (87) Currently, Mexico cannot compete with the United States with regard to the development of the resources in the GOM, for it has not yet progressed beyond the stage of exploration. In order to strengthen Pemex's financial and technical capacities and provide it with more flexibility for the performance of its functions, Mexico began reforming its energy legislation. (88) This process ended in November 2008. However, the last legislative reform does not endow Pemex with the capital and technology necessary to undertake the activities of exploration and production of deep-waters in the GOM. (89) The issue of transboundary reservoirs has attracted the attention of Mexican lawmakers, politicians, and economists, among others. (90) Most of them advise taking prompt action to protect Mexico's rights to its resources. (91) Moreover, the exploitation of the resources located in the GOM will be a way for Mexico to increase its levels of petroleum production. To summarize, in the GOM (i) there are formations, like the Perdido fold belt, that cross the maritime boundary of Mexico and the United States, and that will enable production as early as 2010, (ii) substantial exploration activity has already been conducted by the United States, (iii) large areas have been leased by the United States for exploitation, while others are currently being exploited, (iv) Mexico has not achieved the levels of resource development that the United States has achieved, and (v) both countries need to take advantage of the production of their hydrocarbons in the short term. (92) In light of these circumstances, with the aim of protecting the rights of both countries and optimizing the use of resources, it would be appropriate for Mexico and the United States to cooperate in the development of their transboundary reservoirs. This cooperation will maximize economic benefits, avoid physical waste, increase energy security, and avoid international disputes likely to arise if the United States initiates production of the transboundary reservoirs. Cooperation has led to beneficial results among other countries that have faced similar dilemmas.

#### PEMEX is failing now – the 08 reforms couldn’t do it

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(Lourdes, “The Future of PEMEX”, Americas Quarterly, 2012, http://www.americasquarterly.org/node/3781)

Exploration and Production: The Keys to Deeper Reform The 2008 Energy Reform initiated the makeover of the Mexican exploration and production (E&P) industry. Crucial institutional arrangements were defined, such as the governance of PEMEX, the establishment of a regulator for E&P, the terms for procurement, and the structure of contracts. Some of the innovations have since raised questions about their usefulness. But they opened a path toward an institutional architecture that resembles more closely the organization of the oil industry worldwide. Mexico continues to have one of the most—if not the most—closed arrangements in the petroleum industry. The lack of outside investment and input in PEMEX Exploration and Production (PEP), the crown jewel subsidiary of PEMEX, has hindered innovation and technological advancement. The limits of existing arrangements become increasingly evident as traditional areas of production decline and new opportunities, such as in the deep and ultra-deep waters of the Gulf of Mexico, are pursued under tougher conditions. Preserving the status quo—and maintaining legal coherence—has been made more costly by the refusal to amend the Constitution to allow some degree of private participation in the energy sector—as has been done in Brazil, Norway and even Cuba. Mexico’s oil industry is accepting inefficiency while paying a high price to pretend that it can do it all on its own. In fact, world-class service companies such as Halliburton, Schlumberger, Noble, and Baker-Hughes work closely with pemex engineers to keep the oil flowing. According to Petroleum Intelligence Weekly, PEMEX paid over $16 billion for oil field services in 2007. PEP is repeatedly the number-one client of Schlumberger. A central element of the 2008 Energy Reform was the definition of a new incentive-based contractual framework. The model was developed to attract leading oil companies to the Mexican market while keeping the constitutional mandate intact. It relies on a fee-per-barrel rate determined in a bidding process, where ownership of hydrocarbons belongs to the Mexican state. Production, profits and risk are not shared, and there is no reserve booking for the companies. Thus far, the new contract model has not attracted any major oil companies. It has been applied to low-risk projects where a high recovery rate is ensured. Instead of having a Petrobras or a Chevron working jointly with PEMEX in the deep waters of the Gulf of Mexico, bidding has gone to mature fields, with services companies such as the United Kingdom’s Petrofac Facilities Management winning the auction.

#### Gulf of Mexico key to PEMEX production

Iliff ’12

(Laurence, “Pemex Makes Its First Big Oil Find in Deep Gulf”, The Wall Street Journal, 8-29-2012, http://online.wsj.com/article/SB10000872396390444914904577619712736497598.html)

Mexican state-owned oil firm Petroleos Mexicanos, or Pemex, has made its first big crude-oil discovery in the deep waters of the Gulf of Mexico, near the Mexico-U.S. maritime boundary, President Felipe Calderon said Wednesday. Mr. Calderon said the initial estimate of a deposit in the Perdido area on Mexico's side of the Gulf was between 250 million and 400 million barrels of light crude, using the industry's broadest measurement of "proven, probable and possible," or 3P, reserves. The exploratory well was drilled in 2,500 meters (8,250 feet) of water. "We estimate that this deposit could belong to one of the most important regions of the deep-water Gulf," he said. The larger "petroleum system" of additional fields, Mr. Calderon added, "could have from four billion to 10 billion barrels of crude, which bolsters our reserves and will allow Mexico to maintain and increase petroleum production in the medium- and long-term." The new well, dubbed "Trion I," was drilled 39 kilometers (24 miles) south of the U.S.-Mexico maritime border, and 180 kilometers east of Gulf state of Tamaulipas, which also borders the U.S. On the U.S. side of the Gulf, Royal Dutch Shell RDSB.LN -0.11% PLC operates its Perdido oil-and-gas platform in the region. The platform has a peak production capacity of 100,000 barrels per day, according to Shell's website. Prior to Pemex's discovery of crude oil at Trion, the oil monopoly had found only natural gas during the recent increase of its deep-water exploratory efforts. Carlos Morales, head of Pemex's exploration-and-production division, said in a radio interview that Trion I could be among the top 10 crude-oil discoveries on either side of the Gulf. He said typically a deposit of its type would take seven years to get to the production phase, but that Pemex is going to try to do that in five years. Mr. Morales said Pemex began committing more resources to Gulf oil exploration in 2007 with the construction of special drilling platforms and said he foresees a Tamaulipas oil port to service Pemex's future operations in the Gulf. Mr. Morales said pushing aggressively into deep waters could raise Pemex's crude-oil production to four million barrels a day from the current 2.55 million barrels a day. The deep waters of the Gulf are seen by analysts as one of Pemex's best bets to have another surge of oil production after eight years of steady declines. Pemex has traditionally drilled in the shallow waters of the southern Gulf, where the discovery of the supergiant Cantarell complex in the late 1970s launched Mexico as an oil power. Cantarell's output peaked at more than two million barrels of oil per day in 2004 and is now around 400,000 barrels a day. Mr. Calderon, who held up a sample of crude oil taken from the well, said half of Pemex's petroleum reserves could be in the deep waters of the Gulf. Pemex reported proven hydrocarbon reserves of 13.8 billion barrels of oil equivalent as of Jan. 1. Its 3P reserves were 43.8 billion barrels of oil equivalent. Under current law, Mexico doesn't allow foreign companies to drill in its territory except under contract to Pemex, with strict rules that ban the sharing of risk or of oil. Oil majors have expressed interest in drilling with Pemex on the Mexican side of the Gulf, but only under shared-risk contracts.

#### But, PEMEX doesn’t have the expertise in deepwater drilling to exploit those resources

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(Lourdes, “The Future of PEMEX”, Americas Quarterly, 2012, http://www.americasquarterly.org/node/3781)

The challenge for PEMEX is to increase reserves and oil and gas production in areas that are not part of its traditional zone of expertise. PEMEX has been outstanding at E&P in shallow waters. But its experience is mostly limited to 3,300 feet (1,000 meters) deep—far above the 8,200 to 11,500 feet (2,500 to 3,500 meters) needed in the most interesting area of the Gulf of Mexico. Going to deep and ultra-deep waters or to complex, fractured onshore fields such as Chicontepec requires new skills. Mexico is in the process of developing regulatory and safety measures to do so. But it is not a matter of buying technology in the market, as some politicians have asserted. Particularly in the case of deepwater production, international best practices show that because of the associated complexity and high risk, no company can operate alone. The Deepwater Horizon oil spill in April 2010, when a BP-operated drilling rig exploded on the U.S. side of the Gulf of Mexico and caused a 4.9 million barrel leak, reinforces the concerns over risks. Ideally, PEMEX would enter in a joint venture with companies at the cutting edge of deepwater production, such as Chevron, Shell, Petrobras, or BP. Yet this is prohibited by the Mexican Constitution, and the new contracts are unlikely to attract those companies. In the past decade, over 4 billion barrels were extracted on the U.S. side of the deep waters of the Gulf of Mexico. The area offers one of the richest potentials for oil and gas production. That is why the U.S., Mexico and Cuba are eager to exploit those resources, most of which lie in the deep and ultra-deep waters of the Gulf of Mexico where E&P presents great challenges and high risks. But the sophisticated technical and managerial requirements of deepwater E&P are a great challenge for Mexico. Still, in a controversial move, PEMEX has rented three rigs to initiate deepwater drilling in the Perdido Fold Belt area in the northwestern Gulf of Mexico. The National Hydrocarbons Commission (CNH) recently approved regulations that are consistent with those in the U.S., but the newly established agency does not yet have the personnel required for the oversight; nor does it have the legal authority to force PEMEX to wait.

#### The plan solves—the TBA would cause PEMEX reforms by giving Mexico an overwhelming economic incentive

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(Lourdes, “The Future of PEMEX”, Americas Quarterly, 2012, http://www.americasquarterly.org/node/3781)

Deepwater drilling is likely to take center stage with the signing of the U.S.–Mexico Transboundary Hydrocarbon Agreement in February 2012. The agreement, ratified by the Mexican Senate but still awaiting approval in the U.S., relieves concerns about the so-called “straw” effect, in which Mexican oil is sipped away by the U.S. as its production advances closer to the international maritime border in the Gulf of Mexico. The agreement provides a legal framework for development of oil and gas reservoirs that cross the maritime border in the Gulf of Mexico—the first such pact for both countries. In fact, it is viewed as a dress rehearsal for negotiations the U.S. will have to undertake with Canada, Russia and even Cuba to address shared reservoir exploitation. Implementation will require legal and institutional adjustments in Mexico and in the United States. Since it requires joint or coordinated production, the agreement possibly opens a new era of cooperation between PEMEX and international oil companies. If a transboundary field were identified, PEMEX would have to work with field operators on the U.S. side. This makes technological aptitude particularly relevant, since shared reservoirs are more likely to exist in the deep and ultra-deep waters of the Gulf of Mexico. For sovereignty, energy security and political reasons, Mexico will go the extra mile to ensure that its hydrocarbon resources are not lost to its neighbor. This gives it a high incentive to develop the institutional architecture—including strengthening the CNH—needed to implement the agreement. Identifying and developing a joint reservoir would allow PEMEX to work in full partnership with companies at the cutting edge of ultra-deepwater production. The experience, benefits and know-how that would be gained may reduce the reluctance to undertake joint production and other strategic alliances that are banned by PEMEX bylaws. Implementation of the treaty could trigger an accelerated transformation of the regime under which deepwater resources are exploited in Mexico. Exciting times are in sight. The incoming administration will be compelled to conduct a debate on the future of PEMEX, and the issue of constitutional reform will have to be a full part of it. The Mexican oil industry can no longer thrive on amendments to distorted schemes.

#### **Declines in Mexican oil production result in escalating instability**

Barnes 11 [Joe, Bonner Means Baker Fellow James A. Baker III Institute for Public Policy Rice University, “OIL AND U.S.–MEXICO BILATERAL RELATIONS”, April 29]

In summary, the slow decline of Mexican oil production, in and of itself, is unlikely to have a dramatic impact on international petroleum markets or prompt any dramatic response from the United States. There is, however, one set of circumstances which this decline would capture Washington’s attention. That is the extent to which it contributes to significant instability in Mexico. There is already a short- to medium-term risk of substantial instability in Mexico. As noted, the country is enduring extremely high levels of drug-related violence. Even if the Mexican government eventually succeeds in its efforts to suppress this violence, the process is likely to be expensive, bloody, and corrosive in terms of human rights. A period of feeble economic growth, combined with a fiscal crisis associated with a drop in revenues from Pemex, could create a “perfect storm” south of the border. If this were to occur, Washington would have no choice but to respond. In the longer-term, the United States has a clear interest in robust economic growth and fiscal sustainability in Mexico.34 There is at least one major example of the U.S. coming to Mexico’s aid in an economic emergency. In 1994, the United States extended US$20 billion in loan guarantees to Mexico when the peso collapsed, in large part to make U.S. creditors whole.35 Not least, a healthy Mexican economy would reduce the flow of illegal immigration to the United States. To the extent that prospects for such growth and sustainability are enhanced by reform of Pemex, the United States should be supportive. It might be best, in terms of U.S. economic and commercial interests, were Pemex to be fully privatized, but even partial reforms would be welcome. Not all national oil companies are created equal: Pemex’s development into something like Norway’s Statol would mark an important improvement.36

#### Mexican stability is critical to U.S. power - Mexican instability collapses hegemony

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(Robert D., With the Focus on Syria, Mexico Burns, Stratfor, 3-28-2012, http://www.stratfor.com/weekly/focus-syria-mexico-burns)

While the foreign policy elite in Washington focuses on the 8,000 deaths in a conflict in Syria -- half a world away from the United States -- more than 47,000 people have died in drug-related violence since 2006 in Mexico. A deeply troubled state as well as a demographic and economic giant on the United States' southern border, Mexico will affect America's destiny in coming decades more than any state or combination of states in the Middle East. Indeed, Mexico may constitute the world's seventh-largest economy in the near future. Certainly, while the Mexican violence is largely criminal, Syria is a more clear-cut moral issue, enhanced by its own strategic consequences. A calcified authoritarian regime in Damascus is stamping out dissent with guns and artillery barrages. Moreover, regime change in Syria, which the rebels demand, could deliver a pivotal blow to Iranian influence in the Middle East, an event that would be the best news to U.S. interests in the region in years or even decades. Nevertheless, the Syrian rebels are divided and hold no territory, and the toppling of pro-Iranian dictator Bashar al Assad might conceivably bring to power an austere Sunni regime equally averse to U.S. interests -- if not lead to sectarian chaos. In other words, all military intervention scenarios in Syria are fraught with extreme risk. Precisely for that reason, that the U.S. foreign policy elite has continued for months to feverishly debate Syria, and in many cases advocate armed intervention, while utterly ignoring the vaster panorama of violence next door in Mexico, speaks volumes about Washington's own obsessions and interests, which are not always aligned with the country's geopolitical interests. Syria matters and matters momentously to U.S. interests, but Mexico ultimately matters more, so one would think that there would be at least some degree of parity in the amount written on these subjects. I am not demanding a switch in news coverage from one country to the other, just a bit more balance. Of course, it is easy for pundits to have a fervently interventionist view on Syria precisely because it is so far away, whereas miscalculation in Mexico on America's part would carry far greater consequences. For example, what if the Mexican drug cartels took revenge on San Diego? Thus, one might even argue that the very noise in the media about Syria, coupled with the relative silence about Mexico, is proof that it is the latter issue that actually is too sensitive for loose talk. It may also be that cartel-wracked Mexico -- at some rude subconscious level -- connotes for East Coast elites a south of the border, 7-Eleven store culture, reminiscent of the crime movie "Traffic," that holds no allure to people focused on ancient civilizations across the ocean. The concerns of Europe and the Middle East certainly seem closer to New York and Washington than does the southwestern United States. Indeed, Latin American bureaus and studies departments simply lack the cachet of Middle East and Asian ones in government and universities. Yet, the fate of Mexico is the hinge on which the United States' cultural and demographic future rests. U.S. foreign policy emanates from the domestic condition of its society, and nothing will affect its society more than the dramatic movement of Latin history northward. By 2050, as much as a third of the American population could be Hispanic. Mexico and Central America constitute a growing demographic and economic powerhouse with which the United States has an inextricable relationship. In recent years Mexico's economic growth has outpaced that of its northern neighbor. Mexico's population of 111 million plus Central America's of more than 40 million equates to half the population of the United States. Because of the North American Free Trade Agreement, 85 percent of Mexico's exports go to the United States, even as half of Central America's trade is with the United States. While the median age of Americans is nearly 37, demonstrating the aging tendency of the U.S. population, the median age in Mexico is 25, and in Central America it is much lower (20 in Guatemala and Honduras, for example). In part because of young workers moving northward, the destiny of the United States could be north-south, rather than the east-west, sea-to-shining-sea of continental and patriotic myth. (This will be amplified by the scheduled 2014 widening of the Panama Canal, which will open the Greater Caribbean Basin to megaships from East Asia, leading to the further development of Gulf of Mexico port cities in the United States, from Texas to Florida.) Since 1940, Mexico's population has increased more than five-fold. Between 1970 and 1995 it nearly doubled. Between 1985 and 2000 it rose by more than a third. Mexico's population is now more than a third that of the United States and growing at a faster rate. And it is northern Mexico that is crucial. That most of the drug-related homicides in this current wave of violence that so much dwarfs Syria's have occurred in only six of Mexico's 32 states, mostly in the north, is a key indicator of how northern Mexico is being distinguished from the rest of the country (though the violence in the city of Veracruz and the regions of Michoacan and Guerrero is also notable). If the military-led offensive to crush the drug cartels launched by conservative President Felipe Calderon falters, as it seems to be doing, and Mexico City goes back to cutting deals with the cartels, then the capital may in a functional sense lose even further control of the north, with concrete implications for the southwestern United States. One might argue that with massive border controls, a functional and vibrantly nationalist United States can coexist with a dysfunctional and somewhat chaotic northern Mexico. But that is mainly true in the short run. Looking deeper into the 21st century, as Arnold Toynbee notes in A Study of History (1946), a border between a highly developed society and a less highly developed one will not attain an equilibrium but will advance in the more backward society's favor. Thus, helping to stabilize Mexico -- as limited as the United States' options may be, given the complexity and sensitivity of the relationship -- is a more urgent national interest than stabilizing societies in the Greater Middle East. If Mexico ever does reach coherent First World status, then it will become less of a threat, and the healthy melding of the two societies will quicken to the benefit of both. Today, helping to thwart drug cartels in rugged and remote terrain in the vicinity of the Mexican frontier and reaching southward from Ciudad Juarez (across the border from El Paso, Texas) means a limited role for the U.S. military and other agencies -- working, of course, in full cooperation with the Mexican authorities. (Predator and Global Hawk drones fly deep over Mexico searching for drug production facilities.) But the legal framework for cooperation with Mexico remains problematic in some cases because of strict interpretation of 19th century posse comitatus laws on the U.S. side. While the United States has spent hundreds of billions of dollars to affect historical outcomes in Eurasia, its leaders and foreign policy mandarins are somewhat passive about what is happening to a country with which the United States shares a long land border, that verges on partial chaos in some of its northern sections, and whose population is close to double that of Iraq and Afghanistan combined. Mexico, in addition to the obvious challenge of China as a rising great power, will help write the American story in the 21st century. Mexico will partly determine what kind of society America will become, and what exactly will be its demographic and geographic character, especially in the Southwest. The U.S. relationship with China will matter more than any other individual bilateral relationship in terms of determining the United States' place in the world, especially in the economically crucial Pacific. If policymakers in Washington calculate U.S. interests properly regarding those two critical countries, then the United States will have power to spare so that its elites can continue to focus on serious moral questions in places that matter less.

#### Heg is key to prevent global nuclear wars that end in extinction

Brooks, Ikenberry, and Wohlforth ’13 (Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51)

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. **security** commitments are unnecessary **for peace** is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difªcult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

#### **Even if humanity survived the war, we could never rebuild—this makes us vulnerable to extinction and magnifies their impacts**

BOSTROM 2**,** PH.D. FACULTY OF PHILOSOPHY AT OXFORD, 2002 (Nick, Journal of Evolution and Technology, March, http://www.nickbostrom.com/existential/risks.html)

While some of the events described in the previous section would be certain to actually wipe out Homo sapiens (e.g. a breakdown of a meta-stable vacuum state) others could potentially be survived (such as an all-out nuclear war). If modern civilization were to collapse, however, it is not completely certain that it would arise again even if the human species survived. We may have used up too many of the easily available resources a primitive society would need to use to work itself up to our level of technology. A primitive human society may or may not be more likely to face extinction than any other animal species. But let’s not try that experiment.

### Advantage two is spills

#### Deepwater oil accident inevitable in the Gulf of Mexico

Shields ’12 – independent energy consultant

(David, “Q&A: Is Mexico Prepared for Deepwater Drilling in the Gulf?”, Inter-American Dialogue’s Latin American Energy Advisor, 2/20/2012, http://repository.unm.edu/bitstream/handle/1928/20477/Is%20Mexico%20Prepared%20for%20Deepwater%20Drilling%20in%20the%20Gulf.pdf?sequence=1)

They say that if a country does not defend its borders, then others will not respect those borders. That is probably how we should understand Pemex's decision to drill the Maximino-1 well in 3,000 meters of water in the Perdido Fold Belt, right next to the shared maritime boundary with the United States. It is a decision that does not make sense in terms of competitiveness or production goals. It is about defending the final frontier of national sovereignty and sticking the Mexican flag on the floor of the Gulf of Mexico to advise U.S. companies that they have no right to drill for oil in the ultradeep waters on the Mexican side. The recently signed deepwater agreement obliges both countries to work together and share the spoils of the development of transboundary reservoirs, if they actually exist. For now, Pemex, in line with constitutional restrictions, is going alone on the Mexican side. Safety is a major concern as Pemex and its contractors have no experience in such harsh environments. In fact, Pemex has never produced oil commercially anywhere in deep water. It does not have an insurance policy for worst-case scenarios nor does it have emergency measures in place to deal with a major spill. It does not fully abide by existing Mexican regulation of its deepwater activity, which cannot be enforced. On the U.S. side, prohibition of ultradeepwater drilling, enacted after the Deepwater Horizon spill, has come and gone. The next disaster is just waiting to happen.

#### Gulf’s ecosystems on the brink—plan key to solve another accident

Craig ’11 – Attorneys’ Title Professor of Law and Associate Dean for Environmental Programs at Florida State University

(Robin Kundis, “Legal Remedies for Deep Marine Oil Spills and Long-Term Ecological Resilience: A Match Made in Hell”, Brigham Young University Law Review, 2011, http://lawreview.byu.edu/articles/1326405133\_03craig.fin.pdf)

These results suggest that we should be very concerned for the Gulf ecosystems affected by the Macondo well blowout. First, and as this Article has emphasized throughout, unlike the Exxon Valdez spill, the Deepwater Horizon oil spill occurred at great depth, and the oil behaved unusually compared to oil released on the surface. Second, considerably more toxic dispersants were used in connection with the Gulf oil spill than the Alaska oil spill. 164 Third, humans could intervene almost immediately to begin cleaning the rocky substrate in Prince William Sound, but human intervention for many of the important affected Gulf ecosystems, especially the deepwater ones (but even for shallower coral reefs), remains impossible. Finally, and perhaps most importantly, the Prince William Sound was and remains a far less stressed ecosystem than the Gulf of Mexico. In 2008, for example, NOAA stated that “[d]espite the remaining impacts of the [still then] largest oil spill in U.S. history, Prince William Sound remains a relatively pristine, productive and biologically rich ecosystem.” 165 To be sure, the Sound was not completely unstressed, and “[w]hen the Exxon Valdez spill occurred in March 1989, the Prince William Sound ecosystem was also responding to at least three notable events in its past: an unusually cold winter in 1988–89; growing populations of reintroduced sea otters; and a 1964 earthquake.” 166 Nevertheless, the Gulf of Mexico is besieged by environmental stressors at another order of magnitude (or two), reducing its resilience to disasters like the Deepwater Horizon oil spill. As the Deepwater Horizon Commission detailed at length, the Gulf faces an array of long-term threats, from the loss of protective and productive wetlands along the coast to hurricanes to a growing “dead zone” (hypoxic zone) to sediment starvation to sealevel rise to damaging channeling to continual (if smaller) oil releases from the thousands of drilling operations. 167 In the face of this plethora of stressors, even the Commission championed a kind of resilience thinking, recognizing that responding to the oil spill alone was not enough. It equated restoration of the Gulf to “restored resilience,” arguing that it “represents an effort to sustain these diverse, interdependent activities [fisheries, energy, and tourism] and the environment on which they depend for future generations.” 168 A number of commentators have catalogued the failure of the legal and regulatory systems governing the Deepwater Horizon platform and the Macondo well operations. 169 The Deepwater Horizon Commission similarly noted that the Deepwater Horizon’s “demise signals the conflicted evolution—and severe shortcomings— of federal regulation of offshore oil drilling in the United States.” 170 In its opinion, “[t]he Deepwater Horizon blowout, explosion, and oil spill did not have to happen.” 171 The Commission’s overall conclusion was two-fold. First, “[t]he record shows that without effective government oversight, the offshore oil and gas industry will not adequately reduce the risk of accidents, nor prepare effectively to respond in emergencies.” 172 Second, “government oversight, alone, cannot reduce those risks to the full extent possible. Government oversight . . . must be accompanied by the oil and gas industry’s internal reinvention: sweeping reforms that accomplish no less than a fundamental transformation of its safety culture.” 173

#### The plan solves ------ the TBA leads to safety coordination between the U.S. and Mexico

Broder and Krauss ’12 – business correspondents at the New York Times

(John M. and Clifford, “U.S. in Accord With Mexico on Drilling”, The New York Times, 2-20-2012, http://www.nytimes.com/2012/02/21/world/americas/mexico-and-us-agree-on-oil-and-gas-development-in-gulf.html?\_r=1&ref=americas)

WASHINGTON — The United States and Mexico reached agreement on Monday on regulating oil and gas development along their maritime border in the Gulf of Mexico, ending years of negotiations and potentially opening more than a million acres to deepwater drilling. The agreement, if ratified by Mexican and American lawmakers, would for the first time provide for joint inspection of the two countries’ rigs in the gulf. Until now, neither was authorized to oversee the environmental and safety practices of the other, even though oil spills do not respect international borders.“Each of the nations will maintain sovereignty and their own regulatory systems,” Ken Salazar, the interior secretary, said from Los Cabos, Mexico, where the agreement was completed. “But what this signifies, and what may be the most significant part of the agreement, is that we’re moving forward jointly with Mexico to ensure we have a common set of safety protocols. “As the Mexicans move into deepwater development,” Mr. Salazar said, “we want to make sure it’s done in a way that protects the environment and is as safe as possible.” The Transboundary Agreement, as it is called, will make up to 1.5 million acres of offshore territory claimed by the United States available for leasing as early as June, though the leases will not become active until a pact is ratified. The Interior Department estimates that the area contains as much as 172 million barrels of oil and 300 billion cubic feet of natural gas, relatively modest amounts by the oil-rich gulf’s standards. Mexico’s oil production has been a major source for the United States for more than 25 years, and it is the single most important revenue-raiser for the Mexican government. But its output has been in sharp decline in the last decade, as energy demand by its growing middle class has risen, forcing a decline in exports and raising the possibility that Mexico could become a net oil importer by the end of the decade. In response, Mexico’s national oil company, Petróleos Mexicanos, known as Pemex, has started a deepwater drilling program in recent years despite concerns that it is not sufficiently experienced for the task. Under the Mexican Constitution, Pemex cannot bring in a foreign partner like Royal Dutch Shell or Exxon Mobil to develop the gulf reserves, even though those companies have much more expertise in drilling in challenging waters. Pemex has drilled more than a dozen exploratory deepwater wells since 2002, but the results have been mixed. It plans to drill six more wells this year, including two at depths of more than 6,000 feet, where well pressure is customarily high and the possibility of a blowout is greater than in shallower wells. The program has been controversial in Mexico, especially after the BP accident two years ago. Juan Carlos Zepeda, Mexico’s chief oil regulator, has warned that Pemex is not prepared to control a possible leak from the two deepest wells it is planning this year and that the National Hydrocarbons Commission, the three-year-old agency Mr. Zepeda oversees, may be overmatched when it comes to regulating deepwater drilling. With a staff of 60, little logistical capability and a budget of only $7 million, it has had minimal say in how Pemex operates. In 1979, a blowout at one of Pemex’s shallow-water wells called Ixtoc I in the Bay of Campeche resulted in the largest oil spill ever in the gulf until the BP Deepwater Horizon disaster in 2010. The issue of sharing oil and gas reserves in gulf border waters dates from the 1970s. The two countries negotiated a treaty that would define their exploratory rights in border zones, but the United States Senate declined to ratify it in 1980. Presidents Obama and Felipe Calderón agreed to extend a drilling moratorium in the area until they could negotiate a final accord. The zones are near areas being drilled successfully, but they are in water depths reaching 10,000 feet and are considered vulnerable to hurricanes. “Mexico doesn’t have the resources to combat a major oil spill, and the United States does,” said Jorge Piñon, a former president of Amoco Oil Latin America and a current research fellow at the University of Texas. “Coordination and sharing communications, training, personnel, equipment and technology are essential for safe and productive drilling.” Gasoline prices are on the rise, and Republicans have blamed the administration for being slow to approve more domestic drilling. With the new agreement, coming at a time when the White House is moving closer to approving drilling in Alaskan Arctic waters, Mr. Obama was expected to argue that his policies have led to a surge in domestic production.

#### Joint inspection solves oversight --- key to safety even if there’s no Western Gap development

Padilla ’12 – managing director at IPD Latin America

(John D. Padilla, “Q&A: Is Mexico Prepared for Deepwater Drilling in the Gulf?”, Inter-American Dialogue’s Latin American Energy Advisor, 2/20/2012, http://repository.unm.edu/bitstream/handle/1928/20477/Is%20Mexico%20Prepared%20for%20Deepwater%20Drilling%20in%20the%20Gulf.pdf?sequence=1)

"The plan at issue is Pemex's intent to drill in the Perdido Foldbelt area, which abuts the U.S.- Mexico maritime border. Although the bulk of Pemex's offshore infrastructure is located in the southern Gulf of Mexico (i.e. near Cantarell and Ku-Maloob-Zaap), Perdido represents the company's most promising near-term commercial crude oil prospect. The 18 other deepwater wells Pemex has drilled have either been principally natural gas or heavy oil; those that will be brought online still await commercialization. Complicating the equation, Pemex is saddled with four latest- generation semisubmersible rigs that cost $500,000 per day. Because the company has been unable to drill in Perdido's ultra-deepwater, the rigs have been relegated to drilling in shallower water—work that less sophisticated technology could accomplish. Ongoing concerns over deepwater drilling in the wake of the Macondo incident, combined with memories of Pemex's less-than-aggressive response to its 1979 Ixtoc spill, have given authorities on both sides of the U.S.– Mexico border pause. An archaic constitutional ban that prevents the company from providing the proper balance of risk-reward incentives, coupled with declining production, leave Pemex few large-scale, near-term alternatives—other than forging into Perdido on its own. The accord signed by U.S. and Mexican authorities on Monday offers an elegant way to calm fears on both sides of the border. Whether joint ventures materialize or not, the accord would permit joint inspection teams the right to ensure compliance with safety and environmental laws. Will Mexico's Senate approve the accord?"

#### Plan spills over past the border to environmental standardization in the entire Gulf of Mexico

Velarde ’12 – attorney and counselor-at-law

(Rogelio Lopez, held various positions at Pemex during 1988-1993, including that of Financial Advisor to the Finance Department, In-House Counsel in Houston, Texas, In-House Counsel in New York, and Head of the International Legal Department of Pemex. He was honored with the “Most Distinguished Attorney Award” of Pemex for the period 1990-1991, former Chairman of the Energy Committee of the Mexican Bar Association, and currently he is the President for the Latin America Chapter of the Association of the International Petroleum Negotiators (AIPN), as Visiting Professor of Judicial Process on the Mexican Legal Studies Program at the University of Houston Law Center, and he is currently the director of the Energy Law Seminar organized between the Universidad Iberoamericana and the Mexican Bar Association. “US-Mexican treaty on Gulf of Mexico transboundary reservoirs”, International Law Office, 3-19-2012, http://www.internationallawoffice.com/newsletters/Detail.aspx?g=b9326bf8-f27f-43ff-b45a-1b2b70ccb217&redir=1)

Pemex has indicated that it has no information to confirm the existence of a transboundary field. However, it is unlikely that both countries would take the step of concluding such a treaty without having geological information to suggest the existence of such a field. One of the covenants included in the treaty is particularly significant in this context. It requires the two federal governments to adopt common norms and standards concerning safety and environmental protection for the "activity contemplated under this agreement". Effectively, this means a harmonised system of offshore technical standards for exploration and production in the Gulf Of Mexico - it seems highly unlikely that the relevant authorities in the United States(1) and Mexico(2) would agree to harmonise applicable standards only in respect of transboundary reservoirs.

#### Gulf ecosystems are critical biodiversity hotspots and have a key effect on the world’s oceans

Brenner ‘8 –

(Jorge Brenner, “Guarding the Gulf of Mexico’s valuable resources”, SciDevNet, 3-14-2008, http://www.scidev.net/en/opinions/guarding-the-gulf-of-mexico-s-valuable-resources.html)

The Gulf Of Mexico is rich in biodiversity and unique habitats, and hosts the only known nesting beach of Kemp's Ridley, the world's most endangered sea turtle. The Gulf's circulation pattern gives it biological and socioeconomic importance: water from the Caribbean enters from the south through the Yucatan Channel between Cuba and Mexico and, after warming in the basin, leaves through the northern Florida Strait between the United States and Cuba to form the Gulf Stream in the North Atlantic that helps to regulate the climate of western Europe.

#### Ocean biod key to survival

Craig 3 - Attorneys’ Title Professor of Law and Associate Dean for Environmental Programs at Florida State University

(Robin Kundis Craig, “ARTICLE: Taking Steps Toward Marine Wilderness Protection? Fishing and Coral Reef Marine Reserves in Florida and Hawaii,” McGeorge Law Review, Winter 2003, 34 McGeorge L. Rev. 155)

Biodiversity and ecosystem function arguments for conserving marine ecosystems also exist, just as they do for terrestrial ecosystems, but these arguments have thus far rarely been raised in political debates. For example, besides significant tourism values - the most economically valuable ecosystem service coral reefs provide, worldwide - coral reefs protect against storms and dampen other environmental fluctuations, services worth more than ten times the reefs' value for food production. [n856](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n856) Waste treatment is another significant, non-extractive ecosystem function that intact coral reef ecosystems provide. [n857](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n857) More generally, "ocean ecosystems play a major role in the global geochemical cycling of all the elements that represent the basic building blocks of living organisms, carbon, nitrogen, oxygen, phosphorus, and sulfur, as well as other less abundant but necessary elements." [n858](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n858) In a very real and direct sense, therefore, human degradation of marine ecosystems impairs the planet's ability to support life. Maintaining biodiversity is often critical to maintaining the functions of marine ecosystems. Current evidence shows that, in general, an ecosystem's ability to keep functioning in the face of disturbance is strongly dependent on its biodiversity, "indicating that more diverse ecosystems are more stable." [n859](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n859) Coral reef ecosystems are particularly dependent on their biodiversity. [\*265] Most ecologists agree that the complexity of interactions and degree of interrelatedness among component species is higher on coral reefs than in any other marine environment. This implies that the ecosystem functioning that produces the most highly valued components is also complex and that many otherwise insignificant species have strong effects on sustaining the rest of the reef system. [n860](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n860) Thus, maintaining and restoring the biodiversity of marine ecosystems is critical to maintaining and restoring the ecosystem services that they provide. Non-use biodiversity values for marine ecosystems have been calculated in the wake of marine disasters, like the Exxon Valdez oil spill in Alaska. [n861](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n861) Similar calculations could derive preservation values for marine wilderness. However, economic value, or economic value equivalents, should not be "the sole or even primary justification for conservation of ocean ecosystems. Ethical arguments also have considerable force and merit." [n862](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n862) At the forefront of such arguments should be a recognition of how little we know about the sea - and about the actual effect of human activities on marine ecosystems. The United States has traditionally failed to protect marine ecosystems because it was difficult to detect anthropogenic harm to the oceans, but we now know that such harm is occurring - even though we are not completely sure about causation or about how to fix every problem. Ecosystems like the NWHI coral reef ecosystem should inspire lawmakers and policymakers to admit that most of the time we really do not know what we are doing to the sea and hence should be preserving marine wilderness whenever we can - especially when the United States has within its territory relatively pristine marine ecosystems that may be unique in the world.

#### Destruction of species leads to a devastation of food chains and wrecks biodiversity and culminates in extinction

Mims 11

[Jim, 4/6/11, “The Effectiveness of Chemical Dispersants for Oil Spill Cleanup”, Albuquerque Academy <http://www.supercomputingchallenge.org/archive/10-11/finalreports/6.pdf>, p. 5-6, accessed 6/30/13]

The major effects of oil on life and the environment stems from the toxicity of oil. Many birds¶ and marine life can die from complications caused by the contact of oil in addition to the inherent¶ effects of oil. These complications include hypothermia, asphyxiation, weak immune system,¶ and the inability to sense or escape from predators. As one part of the food chain is disrupted, a¶ balance between predator and prey is broken, and, in extreme cases, can lead to extinction. Oil¶ spills also impact coral reefs. Coral reefs are not motile, and can easily become contaminated. Oil,¶ apart from being toxic to the animal life in coral reefs, can cause obscure the water, preventing the¶ photosynthetic processes of symbiotic algae. This leads to the infamous coral bleaching, causing¶ whole regions of coral to die off.

#### Resiliency is wrong specifically for the Gulf of Mexico—any shock can be the tipping point – prefer our evidence which assumes the BP oil spill

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(Robin Kundis, “Legal Remedies for Deep Marine Oil Spills and Long-Term Ecological Resilience: A Match Made in Hell”, Brigham Young University Law Review, December 27, 2011, http://lawreview.byu.edu/articles/1326405133\_03craig.fin.pdf)

Ecological resilience and resilience theory acknowledge that ecosystems are dynamic—not, as prior theories had assumed, inherently stable systems tending toward an equilibrium. 142 Resilience theory recognizes that there are at least three different ways in which ecosystems experience and respond to change and perturbation—three different aspects of “resilience.” 143 The first and most common understanding of resilience refers to an ecosystem’s ability to absorb change and persist in function and relationships. 144 This sense of resilience refers to “the rate or speed of recovery of a system following a shock.” 145 As a practical matter in the law of natural resource management, the law tends to expect that ecosystems will be resilient in this first sense—that is, the law assumes that ecosystems will generally successfully absorb any human-induced perturbations of the system. As a result, natural resources law is what I will term “first sense resilience dependence,” but that dependence reflects a truncated understanding of ecosystems’ resilience and capacity for change. Importantly, however, the second aspect of resilience theory acknowledges that ecosystems can exist in multiple states rather than stabilizing around a single equilibrium state; as a result, changes and disturbances can “push” ecosystems over thresholds from one ecosystem state to another. 146 This second sense of resilience “assumes multiple states (or ‘regimes’) and is defined as the magnitude of a disturbance that triggers a shift between alternative states.” 147 For example, the boreal forests of Canada can exist in at least two states with respect to spruce budworms: a “no outbreak” state “characterized by low numbers of budworm and young, fastgrowing trees,” and an “outbreak” state “characterized by high numbers of budworm and old, senescent trees.” 148 The shift between the two appears to relate to an increase in canopy volume, which in turn affects bird populations and the birds’ ability to control the pest. 149 Regime-shift models can also help to explain outbreaks of some human diseases. 150 However, natural resources law and policy generally do not acknowledge this second sense of resilience, and, as a result, it generally does not incorporate mechanisms for acknowledging, responding to, or even trying to avoid ecological regime shifts. Finally, resilience theory also acknowledges “the surprising and discontinuous nature of change, such as the collapse of fish stock or the sudden outbreak of spruce budworms in forests.” 151 In other words, the long-time persistence of an ecosystem (or collection of multiple ecosystems) like the Gulf Of Mexico in an apparently stable, productive ecosystem state is absolutely no guarantee that humans can continue to disturb and abuse the system and expect only a gradual or linear response. As was true for the second sense of resilience, natural resource law in general and marine resources law in particular do not deal well with the possibility of sudden and dramatic ecosystem changes. Nevertheless, such regime shifts have been documented for a number of marine ecosystems. For example, In Jamaica, the effects of overfishing, hurricane damage, and disease have combined to destroy most corals, whose abundance has declined from more than 50 percent in the late 1970s to less than 5 percent today. A dramatic phase shift has occurred, producing a system dominated by fleshy macroalgae (more than 90 percent cover). Immediate implementation of management procedures is necessary to avoid further catastrophic damage. 152 Similarly, the presence or absence of sea otters can significantly influence the structure and function of Alaskan kelp forests because the otters, when present, control sea urchin populations, allowing for more extensive coral growth. 153 In some locations, moreover, “sea urchin population changes in response to sea otter predation were rapid and extreme” and could result in “short-term changes in kelp density.” 154 The current law, policy, and remedy regime for offshore oil drilling effectively presumes that marine ecosystems have virtually unlimited first-sense resilience with respect to oil spills—in crudest terms, that restoration will always be possible, and perhaps even through entirely natural means. 155 Our experience with the last large oil spill in U.S. waters, however, suggests otherwise.

### Advantage three is relations

The TBA is crucial to US-Mexico relations – failure to ratify results in conflict

Brown and Meacham 6/5/13 [Brown is non-resident fellow at the German Marshall Fund of the United States. Meacham is director of the Americas Program at the Center for Strategic and International Studies. They previously served as senior advisers on the Republican staff of the Senate Foreign Relations Committee and authored the report Oil, Mexico, and the Transboundary Agreement, “Time for US-Mexico Transboundary Agreement”]

The United States-Mexico Transboundary Agreement (TBA) would enable cooperation between our two federal governments and our companies to unlock the potential for oil and natural gas reserves that extend across our Gulf of Mexico maritime boundary. Congressional approval of the TBA would enrich U.S.-Mexico relations in the near term while laying the foundation for improved energy security and enhanced environmental protection for the Gulf Coast. Bilateral relations with Mexico have improved dramatically in recent years, yet energy cooperation has lagged. Oil holds a privileged position of national pride and constitutional protection in Mexico, historically putting it off limits for domestic reform and bilateral cooperation with the U.S. The TBA is, therefore, more than just an energy agreement. Its approval by the Mexican government is a political statement opening a window to richer relations. While the area under future jurisdiction of the TBA could provide incremental domestic oil production, a far greater prize for the U.S. oil portfolio is the prospect of more reliable oil trade with our ally Mexico. The TBA would, for the first time, allow oil majors to work in joint production arrangements with PEMEX and support the confidence building necessary to enable those arrangements more widely in Mexico. That is not only good for oil major shareholders, it is good for our nation’s energy security. Even as U.S. domestic oil production increases, the sources of our imports remain critical for economic stability and national security flexibility**.** Recently, Mexico was supplanted by Saudi Arabia as our second largest foreign oil source after Canada. Mexican oil production has dropped by more than a quarter over the last decade, and U.S. refiners geared for heavy oil had to look elsewhere to make up the difference. Canadian heavy crude production is increasing in the country’s oil sands region, but pipeline infrastructure is insufficient. Therefore, in effect, the U.S. has had to increase imports of Middle East crudes in order to make up for shortfalls in Mexico. The TBA alone will not structurally reverse Mexico’s oil decline, but it is likely a necessary first step along that path. Regardless of TBA approval, Mexico’s PEMEX will continue its deepwater exploration near the U.S. border. With memories of Deepwater Horizon still fresh, it is worrisome that Mexico’s oil safety regulator, known as CNH, has almost no capacity to provide independent on-site inspections. All facilities operating under the TBA would be subject to U.S. inspectors with the ability to stop operations. Moreover, U.S. and Mexican regulators would work hand in hand, offering support for more systematic improvement. Given the foreign policy, energy security, and environmental benefits of the TBA signed in February 2012, it is disappointing that the Obama administration has delayed taking steps necessary for Congress to approve the agreement. That delay does not make it any less important for Congress to approve the agreement soon. Congress has a critical role in clarifying certain provisions of this international agreement. Dispute resolution mechanisms warrant particular attention. Already, it has been mistakenly argued that the TBA requires greater secrecy in payments of oil deals, encouraging an effort to exempt the agreement from the Cardin-Lugar transparency law. No such secrecy is required by the TBA, which subordinates its confidentiality rules to domestic law. The longer the TBA sits on the shelf, the more likely it will be hamstrung as a proxy for more rancorous energy disputes. Prompt Congressional activity could be a useful vote of confidence in the upcoming domestic energy sector reform in Mexico. Mexico needs new oil production from more complex fields to counterbalance its declining fields, let alone increased production. Leaders in Mexico’s two largest political parties know that under current capital and management constraints, PEMEX alone is extremely unlikely to turn Mexico’s oil and natural gas abundance into prosperity for the Mexican people. International oil majors are needed, but that will take political courage. Congressional approval of the TBA would tangibly demonstrate that the U.S. government and our companies are willing partners. That is good for Mexico and for the U.S.

#### Bioterror attack inevitable, fast and cant be contained in the status quo – cripples the US and collapses the world economy

Rense 1

"US Lawmakers Warned Of 'Dark Winter' In Case Of Bioterrorist Attack." US Lawmakers Warned Of 'Dark Winter' In Case Of Bioterrorist Attack. Rense.com, 24 July 2001. Web. 24 Sept. 2013. <http://www.rense.com/general12/wnter.htm>. This article describes a congressional hearing and quotes policymakers about the inevitability of a bioterror attack] RJ

A chilling scenario of possible national collapse was presented Monday to US lawmakers by a group of prominent security experts, who warned that a biological terrorist attack on US soil could bring the country to the brink of disintegration. The panel, which included former deputy secretary of defense John Hamre, Oklahoma governor Frank Keating and former senator Sam Nunn, presented their conclusions after holding a two-day exercise code-named "Dark Winter," which featured a computer-simulated bioterrorist attack on three US states. Members of the House Subcommittee on National Security closely listened as participants painted a picture of the world's most powerful nation descending into chaos in a matter of several weeks. The game starts with a brief television report that about two dozen people checked into an Oklahoma City hospital with an unidentified illness. Doctors soon find the patients have smallpox, a highly contagious and deadly disease unseen in the United States since 1949. Similar smallpox cases are reported in Pennsylvania and Georgia. By day six, 300 Americans are dead and 2,000 others are infected. Cases of smallpox are reported in Mexico, Canada and Britain, according to the scenario. Meanwhile the US heath system is overwhelmed, the 12 million doses of smallpox vaccine quickly disappear, schools nationwide are forced to close, and public gatherings are limited due to fear of contagion. Droves of Oklahomans anxious to flee stream toward Texas -- but the Texas governor, eager to protect his own residents, closes the border and deploys the state National Guard. Shots are fired. As the standoff between Texans and Oklahomans deepens, a rift opens between federal and local authorities. Members of the US National Security Council suggest "nationalizing" the national guard, while state governors insist on keeping the local troops under their control. On day 12 of the scenario, when the death toll reaches 1,000, interstate commerce grinds to a halt and stock trading is suspended. Demonstrations demanding more smallpox vaccines turn into riots. The United Nations moves its headquarters from New York to Geneva, Switzerland. Less than two months after the outbreak, when the number of dead reach one million and three million more are infected, the president, played in the exercise by Nunn, gathers his top aide to considers imposing marshal law. Dead silence reigned in the hearing room as Hamre and Nunn presented their findings with the help of colorful "emergency newscasts" prepared by the nation's leading television broadcasters, who also took part in the exercise, which took place at Andrews Air Force Base outside Washington, D.C. in June. "I think we felt it would cripple the United States if it occurred," Hamre said. "We though we were really gathering together to talk about the mechanics of government," Hamre said. "What we ended up doing is thinking how we save democracy in America." To Republican Congressman Benjamin Gilman, scenarios like this no longer belong to the realm of science fiction. "Sadly, events of the last few years, with bombings ... in New York, Oklahoma City, have transformed the bioterrorism debate from the question of 'if' to the seeming inevitability of 'when," he said.

#### The border is susceptible to bioterror now – cooperation is key to solve

Rosales et al 11- MD has worked in the health arena for more than 20 years and in public health over 15 years, after serving five years as Director, Office of Border Health for the Arizona Department of Health Services. Dr. Rosales has expertise in program development and implementation, public health administration, policy and health disparities research in the Southwest, (Cecilia, “U.S.Mexico cross-border workforce training needs:survey implementation”, January 2011, Journal of Injury and Violence Research at Kermanshah University of Medical Sciences, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3134923/>)

A binational border-wide, online assessment on preparedness/emergency response and workforce training needs of personnel dedicated to the U.S.-Mexico border region was ommissioned by the ten U.S.-Mexico border state health offices through the U.S.-Mexico Border Governor’s Conference. The overarching goal of the study was to provide the Border States with information that could serve to orient, train, and evaluate the workforce charged with public health emergency preparedness and response as well as future preparedness personnel. The primary objective of the study was to assess and prioritize bioterrorism, infectious disease, and border training needs critical for responding to intentional and unintentional emergencies along the border region. The study was to describe the characteristics, learning preferences, proficiency and educational needs of the emergency preparedness and response workforce operating in the counties located in the U.S. border area. This area was defined by the La Paz Agreement and Public Law 103-400 (U.S. – Mexico Border Health Commission) as 100 kilometers north and south of the international boundary. The relative lack of literature addressing U.S.-Mexico cross-border issues related to emergency preparedness and bioterrorism highlights the importance of this assessment. This study describes and provides results of the assessment conducted with the four U.S. Border States and two Mexico Border States. While the study was mandated for all ten states funding was only provided for border cities within six states. Funding of transborder studies has been challenging for researchers focused on border health issues. The state of Sonora, sister state to Arizona, and the state of Chihuahua, sister state to Texas, were both successful in securing the resources to survey the preparedness and response workforce.

#### Bioterror leads to extinction **Ochs 2** (Richard Ochs, ANALYST FOR THE CHEMICAL WEAPONS WORKING GROUP, July 9 2002 -- “BIOLOGICAL WEAPONS MUST BE ABOLISHED IMMEDIATELY” -- <http://www.freefromterror.net/other_articles/abolish.html>)

Of all the weapons of mass destruction, the genetically engineered, biological weapons, many without a known cure or vaccine are an extreme danger to the continued survival of life on earth. Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories.¶ While a "nuclear winter," resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause.¶ Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever.¶ Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE.

### Plan

#### Thus the plan: The United States federal government should ratify Senate Bill 812

### Contention two is Solvency

#### The plan solves best—leadership from Congress and State is key to effective cooperation with Mexico

Brown and Meacham ’12 – Senate Foreign Relations Committee Senior Staff Members

(Neil and Carl, “OIL, MEXICO, AND THE¶ TRANSBOUNDARY AGREEMENT¶ A MINORITY STAFF REPORT¶ PREPARED FOR THE USE OF THE¶ COMMITTEE ON FOREIGN RELATIONS¶ UNITED STATES SENATE”, 12-21-2012)

U.S.-Mexico bilateral cooperation has improved dramatically in¶ the last 5 years. Mexican sensitivities regarding their sovereignty¶ are still present in government dealings. But today they don’t prevent¶ bilateral cooperation, as they did in the recent past. As evidence¶ in this regard, we have seen a significant increase in Mexico’s¶ efforts to institutionalize and even expand cooperation among¶ both civilian and military officials.¶ The willingness to improve Mexican cooperation with the United¶ States is partly due to the trust developed through the successful¶ partnership the U.S. and Mexican governments have built while¶ working against drug trafficking organizations. The $1.9 billion¶ Merida Initiative through which the United States provides equipment,¶ training, and technical assistance to support the Mexican¶ government’s battle against the narcotics trade and transnational¶ crime has created a platform for greater bilateral cooperation.¶ Today, our two nations work closer than ever before. Yet, there¶ are still new areas in which the bilateral relationship should improve.¶ Interlocutors both from the then-existing Caldero´n administration¶ and senior advisers to then-incoming Pen˜ a Nieto administration¶ expressed a similar desire to expand cooperation in the bilateral¶ relationship. One senior member of the then-incoming Pen˜ a¶ Nieto administration expressed that it is time to move beyond tourism¶ and drugs, issues which are so prominent in the bilateral agen da today.11 Of course, the development of a contemporary, comprehensive¶ immigration policy ranks high when broadening the¶ agenda is discussed.¶ The U.S. is well positioned to increase dialogue and cooperation¶ on energy security with Mexico (included in renewable power and¶ efficiency, which were not part of this review, but which are areas¶ where cooperation can move forward without significant political¶ obstacles from the Mexican side). Key recommendations include:¶ 1. The U.S. should approve the Transboundary Agreement. The¶ Obama administration should formally submit to Congress proposed¶ implementing legislation and/or resolution of ratification¶ for the Transboundary Agreement and request Congressional¶ review through regular order. Congress should then quickly establish¶ a timetable for consideration of that proposal and approval¶ of the TBA.¶ 2. The State Department should integrate oil and natural gas development¶ into the bilateral agenda. U.S. Embassy officials are¶ well-versed in energy concerns. The commercial service is already¶ active in promoting business relationships, and some¶ agencies are building technical relationships. The newly established¶ Energy and Natural Resources Bureau at the State Department¶ is ably led by a former Ambassador to Mexico, Carlos¶ Pascual, and the bureau is well-equipped to lead broad U.S.G.¶ cooperation in areas such as shale gas, transparency, trade,¶ supply emergency coordination, demand management, and infrastructure¶ integration should the Government of Mexico wish¶ to work with the United States.

#### The plan’s demonstration of commitment is key to overall relations

Brown and Meacham ’12 – Senate Foreign Relations Committee Senior Staff Members

(Neil and Carl, “OIL, MEXICO, AND THE¶ TRANSBOUNDARY AGREEMENT¶ A MINORITY STAFF REPORT¶ PREPARED FOR THE USE OF THE¶ COMMITTEE ON FOREIGN RELATIONS¶ UNITED STATES SENATE”, 12-21-2012)

Finally, passage of the TBA would boost U.S.-Mexico relations on¶ energy issues, which have traditionally lagged. Mexican officials¶ roundly expressed support for the TBA and expectation for U.S.¶ ratification in conversation with the authors. The political impact¶ of not approving and implementing the TBA would set back U.S.-¶ Mexican relations on energy specifically and more broadly. Each of¶ our countries has hot button domestic political issues that take¶ courage for political leaders to address. In Mexico, oil is one such¶ issue, and members of both the PAN and PRI put their political¶ weight behind ratification in Mexico. The U.S. not fulfilling its side¶ of the agreement would, therefore, be seen as a violation of trust¶ and could erode confidence. In the extreme, although unlikely, if¶ Mexico proceeds with domestic energy reforms, U.S. companies¶ could be shut out of certain opportunities until the TBA is ratified.¶ However, bilateral benefits of approving the agreement do not require¶ immediate passage; U.S. commitment can be demonstrated¶ by the Obama administration formally submitting the TBA for¶ Congressional approval and commencement of Congressional hearings.