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### Advantage One – Relations

#### Advantage One is Latin American Relations

#### Cuba is central to our overall relations with Latin America, goodwill globally, and our image. The embargo makes anti-americanism popular

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Anti-Americanism has become the political chant de jour for leaders seeking long-term as well as short-term gains in Latin American elections. In Venezuela, the anti-American rhetoric spewed by Hugo Chavez masks his otherwise autocratic tendencies, while countries like Bolivia and Ecuador tilt further away from Washington, both rhetorically and substantively. The former expelled the U.S. Ambassador in October 2008, and the latter has refused to renew Washington's lease on an airbase traditionally used for counter-narcotics missions. The systemic neglect for eight years during the Bush Administration meant that political capital was never seriously spent dealing with issues affecting the region. Because of this, President Bush was unable to get much headway with his proposal to reform immigration, and his free trade agreement with Colombia encountered significant opposition in Congress. Recent examples of U.S. unilateralism, disregard for international law and norms, and a growing financial crisis, have all been seized by a new generation of populist Latin American leaders who stoke anti-American sentiment.

The region, however, is absolutely critical to our national interest and security. Over thirty percent of our oil comes from Latin America - more than the U.S. imports from the Middle East. Additionally, over half of the foreign-born population in the United States is Latin American, meaning that a significant portion of American society is intrinsically tied to the region. n1 These immigrants, as well as their sons and daughters, have already begun to take their place amongst America's social, cultural, and political elite.

Just south of America's borders, a deepening polarization is spreading throughout the entire region. In the last few years ideological allies in Bolivia, Ecuador, and Venezuela have written and approved new constitutions that have consolidated the power of the executive, while extending - or in Venezuela's case eliminating - presidential term limits. In Venezuela the polarization has been drawn along economic lines, whereby Chavez's base of support continues to be poor Venezuelans. In Bolivia the polarization has been drawn along racial lines: the preamble to the new Bolivian constitution, approved in January 2009, makes reference to the "disastrous colonial times," a moment in history that Bolivians of Andean-descent particularly lament. Those regions in Bolivia with the most people of European or mixed descent have consistently voted for increased provincial autonomy and against the constitutional changes proposed by President Morales. Perhaps due to its sweeping changes, the new Constitution was rejected by four of Bolivia's nine provinces. n2 Like Bolivia, Latin America is still searching for its identity.

[\*191] Traditionally the U.S. has projected its influence by using varying combinations of hard and soft power. It has been a long time since the United States last sponsored or supported military action in Latin America, and although highly context-dependent, it is very likely that Latin American citizens and their governments would view any overt display of American hard power in the region negatively. n3 One can only imagine the fodder an American military excursion into Latin America would provide for a leader like Hugo Chavez of Venezuela, or Evo Morales of Bolivia. Soft power, on the other hand, can win over people and governments without resorting to coercion, but is limited by other factors.

The key to soft power is not simply a strong military, though having one helps, but rather an enduring sense of legitimacy that can then be projected across the globe to advance particular policies. The key to this legitimacy is a good image and a reputation as a responsible actor on the global and regional stage. A good reputation and image can go a long way toward generating goodwill, which ultimately will help the U.S. when it tries to sell unpopular ideas and reforms in the region. n4

In order to effectively employ soft power in Latin America, the U.S. must repair its image by going on a diplomatic offensive and reminding, not just Latin America's leaders, but also the Latin American people, of the important relationship between the U.S. and Latin America. Many of the problems facing Latin America today cannot be addressed in the absence of U.S. leadership and cooperation. Working with other nations to address these challenges is the best way to shore up legitimacy, earn respect, and repair America's image. Although this proposal focuses heavily on Cuba, every country in Latin America is a potential friend. Washington will have to not only strengthen its existing relationships in the region, but also win over new allies, who look to us for "ideas and solutions, not lectures." n5

When analyzing ecosystems, environmental scientists seek out "keystone species." These are organisms that, despite their small size, function as lynchpins for, or barometers of, the entire system's stability. Cuba, despite its size and isolation, is a keystone nation in Latin America, having disproportionately dominated Washington's policy toward the region for decades. n6 As a result of its continuing tensions with Havana, America's reputation [\*192] in the region has suffered, as has its ability to deal with other countries. n7 For fifty years, Latin American governments that hoped to endear themselves to the U.S. had to pass the Cuba "litmus test." But now the tables have turned, and the Obama Administration, if it wants to repair America's image in the region, will have to pass a Cuba litmus test of its own. n8 In short, America must once again be admired if we are going to expect other countries to follow our example. To that end, warming relations with Cuba would have a reverberating effect throughout Latin America, and would go a long way toward creating goodwill.

#### Relations with Latin America are at an important crossroads – we will either drift apart or begin cooperating.

Shifter 12 President of Inter-American Dialogue [Michael Shifter, “Remaking the Relationship: The United States and Latin America,” April, IAD Policy Report, http://www.thedialogue.org/PublicationFiles/IAD2012PolicyReportFINAL.pdf]

Simply addressing an unfinished agenda is not enough. Both the United States and Latin America need to do more to exploit the enormous untapped opportunities of their relationship in economics, trade, and energy. They need to work together to deal with global and regional problems. And they need to project common values, including peace, democracy, human rights, expansion of equal opportunity, and social mobility. They need to breathe new life and vigor into hemispheric relations.

If the United States and Latin America do not make the effort now, the chance may slip away. The most likely scenario then would be marked by a continued drift in their relationship, further deterioration of hemisphere-wide institutions, a reduced ability and willingness to deal with a range of common problems, and a spate of missed opportunities for more robust growth and greater social equity. The United States and Latin America would go their separate ways, manage their affairs independently of one another, and forego the opportunities that could be harvested by a more productive relationship.

There are risks of simply maintaining the status quo. Urgent problems will inevitably arise that require trust and effective collaboration to resolve. And there is a chance that tensions between the United States and Latin America could become much worse, adversely affecting everyone’s interests and wellbeing. It is time to seize the moment and overhaul hemispheric relations.

#### We must have solid relations. They are needed to combat the risk of militarization through nuclear proliferation and combat inevitable climate change. Only engagement makes that cooperation possible.

Zedillo et al 08 Commission Co-Chair for the Brookings Institute Report on the Partnership for the Americas and former President of Mexico [Ernesto Zedillo, Thomas R. Pickering, etc, Rethinking U.S.–Latin American Relations A Hemispheric Partnership for a Turbulent World. Report of the Partnership for the Americas Commission, The Brookings Institution, November 2008, <http://www.brookings.edu/~/media/Research/Files/Reports/2008/11/24%20latin%20america%20partnership/1124_latin_america_partnership.PDF>]

The Need for a Hemispheric Partnership

Historically, the United States and Latin America have rarely developed a genuine and sustained partnership to address regional—let alone global—challenges. Mutual distrust is partly to blame. Also, the LAC countries were often not ready to make stable commitments. The United States had other preoccupations and did not make hemispheric partnership a priority. Problems and solutions were seen from Washington as country-specific and were managed mostly on a country-bycountry basis through bilateral channels. Meanwhile, multilateral forums—such as the Organization of American States and the summits of hemispheric leaders—ran out of steam, became mired in confrontation, or remained underresourced.

If a hemispheric partnership remains elusive, the costs to the United States and its neighbors will be high, in terms of both growing risks and missed opportunities. Without a partnership, the risk that criminal networks pose to the region’s people and institutions will continue to grow. Peaceful nuclear technology may be adopted more widely, but without proper safeguards, the risks of nuclear proliferation will increase. Adaptation to climate change will take place through isolated, improvised measures by individual countries, rather than through more effective efforts based on mutual learning and coordination. Illegal immigration to the United States will continue unabated and unregulated, adding to an ever-larger underclass that lives and works at the margins of the law. Finally, the countries around the hemisphere, including the United States, will lose valuable opportunities to tap new markets, make new investments, and access valuable resources.

It is important to note at the outset that the term “partnership” as used in this report does not mean equal responsibility for all. The asymmetries between the United States and its neighbors are large and will remain so for the foreseeable future. Partnership here means a type of international cooperation whereby a group of countries identifies common interests, objectives, and solutions, and then each partner country undertakes responsibilities according to its own economic and political capacities to generate shared benefits.

Today, four changes in the region have made a hemispheric partnership both possible and necessary. First, the key challenges faced by the United States and the hemisphere’s other countries— such as securing sustainable energy supplies, combating and adapting to climate change, and combating organized crime and drug trafficking—have become so complex and deeply transnational that they cannot be managed or overcome by any single country. Washington needs partners in the LAC region with a shared sense of responsibility and a common stake in the future.

For example, drug trafficking and its associated criminal networks have now spread so widely across the hemisphere that they can no longer be regarded as a “U.S. problem,” a “Colombian problem,” or a “Mexican problem.” The threat posed by these networks can only be countered through coordinated efforts across producing, consuming, and transshipment countries, all of which have a shared interest in controlling the flow of arms, money, vehicles, and drugs. The process of combating and adapting to climate change also exemplifies the need for a hemispheric partnership. All carbon-emitting societies contribute to the problem to different degrees, and all will experience its consequences. The solutions—ranging from developing alternative fuels to adapting to ecological shocks—all require sustained cooperation among the hemisphere’s countries.

The second change is that the LAC countries are diversifying their international economic relations. Their range of trading and investment partners is expanding, with China in particular playing a prominent role in the region. Chinese imports from the LAC countries increased twentyfold between 1990 and 2005, while Chinese exports to the region grew even faster, from $620 million in 1990 to $37 billion in 2005. Latin America is also attracting significant foreign investment from nontraditional sources. Between just 2003 and 2005, the stock of Chinese foreign direct investment in the LAC region increased by 40 percent. China has become a key buyer of commodities, driving up prices and reversing the long-term decline in the region’s terms of trade. Meanwhile, the Caribbean countries have recently signed an Economic Partnership Agreement with the European Union, immediately opening all European markets and gradually opening Caribbean ones. With more valuable exports and less expensive manufactured imports, living standards in the LAC region have improved significantly.

At the same time, many LAC countries have moved beyond their traditional reliance on resources from the International Monetary Fund, the World Bank, and the Inter-American Development Bank. Chile, Mexico, Peru, and Brazil now enjoy investment-grade status from credit-rating agencies and in recent years have been able to raise capital readily in international markets. The same is true of several other countries, including Colombia, El Salvador, Panama, and Uruguay, which until the recent financial crisis enjoyed ready access to private international capital. Regionally owned institutions, such as the Andean Development Corporation and the Central American Bank for Economic Integration, have also reduced the region’s dependence on traditional sources of capital.

Some Latin American countries are investing abroad on an unprecedented scale. In 2006, for example, Brazil invested more abroad ($28 billion) than it received in foreign direct investment ($19 billion). In Chile, private pension funds and the government have become active international investors. Surpluses have allowed Venezuela to inject billions of dollars into other countries, particularly through subsidized oil exports. Many Latin American multinationals—such as Brazil’s Vale, Gerdau, and Odebrecht; and Mexico’s CEMEX, America Movil, and Grupo FEMSA—have become global corporate giants. The current crisis may no doubt affect the relative magnitude of these investments, but economic relationships in the hemisphere will continue to diversify as the world economy recovers.

The third change is that the LAC countries are diversifying their political and diplomatic relations. The most notable example is Brazil, which has opened thirty-two new embassies in the past five years. Together with Venezuela, Brazil is playing a more active political role in the region through the Union of South American Nations, which is already active at the presidential level and is expected to become a key forum for the discussion of defense issues. Mexico and Brazil are also playing prominent roles in international forums and organizations, including the finance ministers’ Group of Twenty and the trade ministers’ Group of Twenty. Brazil has announced its intention to join the Organization of the Petroleum-Exporting Countries and the Paris Club. Chile and Brazil are expected to become members of the Organization for Economic Cooperation and Development (OECD) in the not-too-distant future. Mexico, Peru, and Chile are active members of the Asia-Pacific Economic Cooperation forum. In sum, this diversification of political and economic relations reflects many LAC countries’ new confidence in their capacity to chart their own course in the world.

Their enhanced confidence and autonomy will make many LAC countries much less responsive to U.S. policies that are perceived as patronizing, intrusive, or prescriptive, and they will be more responsive to policies that engage them as partners on issues of mutual concern. Also, the LAC countries’ diversification of economic and political relations means that Washington will have to compete with governments both outside and within the region for regional influence. In particular, Brasília and Caracas are both vying for leadership in South America; and though they may have different visions for regional integration and different ways to approach other governments, they agree that Washington should play a more limited role in their part of the world.

The fourth change is that, today, the LAC countries are better positioned to act as reliable partners. Despite remaining governance challenges, the vast majority of these countries are stable democracies for which competitive elections and peaceful transitions of power are the norm, not the exception. Throughout these countries, civil society groups now participate extensively in the policymaking process, and there is much less tolerance of violence as a means of political expression.

Economic progress has also made the LAC countries more reliable partners. Leaders, including some on the left, are committed to fiscal responsibility. Most central banks are now independent bodies focused on inflation control. Exchange rates largely reflect market forces. As a result, many LAC countries can now look beyond their borders and commit to sustained partnerships and responsibilities on regional and global issues.

In sum, the countries of the LAC region have made significant strides in economic and social development and will continue to prosper even if U.S. leaders remain disengaged. Washington must decide whether it wants to actively reengage and benefit from the region’s dynamism and resources or be sidelined as other economic and political actors fill the void left by its absence.

#### Proliferation risks nuclear conflict—inexperienced nations will be more likely to use them

Horowitz 09­­ Professor of Political Science at University of Pennsylvania [Michael Horowitz, “The Spread of Nuclear Weapons and International Conflict: Does Experience Matter?” *Journal of Conflict Resolution*, Volume 53 Number 2, April 2009 pg. 234-257]

Learning as states gain experience with nuclear weapons is complicated. While to some extent nuclear acquisition might provide information about resolve or capabilities, it also generates uncertainty about the way an actual conflict would go – given the new risk of nuclear escalation – and uncertainty about relative capabilities. Rapid proliferation may especially heighten uncertainty given the potential for reasonable states to disagree at times about the quality of the capabilities each possesses. 3

What follows is an attempt to describe the implications of inexperience and incomplete information on the behavior of nuclear states and their potential opponents over time. Since it is impossible to detail all possible lines of argumentation and possible responses, the following discussion is necessarily incomplete. This is a first step. The acquisition of nuclear weapons increases the confidence of adopters in their ability to impose costs in the case of a conflict and the expectations of likely costs if war occurs by potential opponents. The key questions are whether nuclear states learn over time about how to leverage nuclear weapons and the implications of that learning, along with whether or not actions by nuclear states, over time, convey information that leads to changes in the expectations of their behavior – shifts in uncertainty – on the part of potential adversaries.

Learning to Leverage?

When a new state acquires nuclear weapons, how does it influence the way the state behaves and how might that change over time? Though nuclear acquisition might be orthogonal to a particular dispute, it might be related to a particular security challenge, might signal revisionist aims with regard to an enduring dispute, or might signal the desire to reinforce the status quo.

This section focuses on how acquiring nuclear weapons influences both the new nuclear state and potential adversaries. In theory, system-wide perceptions of nuclear danger could allow new nuclear states to partially skip the early Cold War learning process concerning the risks of nuclear war and enter a proliferated world more cognizant of nuclear brinksmanship and bargaining than their predecessors. However, each new nuclear state has to resolve its own particular civil-military issues surrounding operational control and plan its national strategy in light of its new capabilities. Empirical research by Sagan, Feaver, and Blair suggests that viewing the behavior of other states does not create the necessary tacit knowledge; there is no substitute for experience when it comes to handling a nuclear arsenal, even if experience itself cannot totally prevent accidents (Blair 1993; Feaver 1992; Sagan 1993). Sagan contends that civil-military instability in many likely new proliferators and pressures generated by the requirements to handle the responsibility of dealing with nuclear weapons will **skew decision-making towards more offensive strategies** (Sagan 1995). The questions surrounding Pakistan’s nuclear command and control suggest there is no magic bullet when it comes to new nuclear powers making control and delegation decisions (Bowen and Wolvén 1999).

Sagan and others focus on inexperience on the part of new nuclear states as a key behavioral driver. Inexperienced operators, and the bureaucratic desire to “justify” the costs spent developing nuclear weapons, combined with organizational biases that may favor escalation to avoid decapitation, the “use it or lose it” mindset, may cause new nuclear states to **adopt riskier launch postures**, like launch on warning, or at least be perceived that way by other states (Blair 1993; Feaver 1992; Sagan 1995). 4

Acquiring nuclear weapons could alter state preferences and make them more likely to escalate disputes once they start, given their new capabilities.5 But their general lack of experience at leveraging their nuclear arsenal and effectively communicating nuclear threats could mean new nuclear states will be more likely to select adversaries poorly and find themselves in disputes with resolved adversaries that will reciprocate militarized challenges.

The “nuclear experience” logic also suggests that more experienced nuclear states should gain knowledge over time from nuclearized interactions that helps leaders effectively identify the situations in which their nuclear arsenal is likely to make a difference. Experienced nuclear states learn to select into cases where their comparative advantage, nuclear weapons, is more likely to be effective, increasing the probability that an adversary will not reciprocate.

Coming from a slightly different perspective, uncertainty about the consequences of proliferation on the balance of power and the behavior of new nuclear states on the part of their potential adversaries could also shape behavior in similar ways (Schelling 1966; Blainey 1988). While a stable and credible nuclear arsenal communicates clear information about the likely costs of conflict, **in the short-term** nuclear proliferation is likely to increase **uncertainty** about the trajectory of a war, **the balance of power**, and the preferences of the adopter.

#### Ignore climate change critics – we have to do something and prepare to manage the risk. The science is indisputable.

Pittock 10 led the Climate Impact Group in CSIRO until his retirement in 1999. He contributed to or was the lead author of all four major reports of the Intergovernmental Panel on Climate Change. He was awarded a Public Service Medal in 1999 and is CSIRO Honorary Fellow. [Barrie, Climate Change: The Science, Impacts, and Solutions, 2010, pg. 240]

Is the science credible?

As noted in Chapters 4 and 5, there are many uncertainties in relation to climate change. Nevertheless, the overwhelming body of evidence from relevant scientists is that there is a high probability that human-induced global warming, with associated changes in other climatic conditions, is happening. Moreover, the evidence is that warming will continue, at an accelerating pace, through the twenty-first century and beyond, unless urgent measures are taken to slow and eventually reverse the increase in greenhouse gases in the atmosphere.

These conclusions are hotly contested by a relatively small number of contrarians, discussed in Chapter 4, who for various reasons accuse so-called "˜establishment scientists' of bias and poor science. Genuine sceptics exist and are welcomed, as they keep scientists on their toes and ensure that what is accepted is well based and relevant to the real world. However, contrarians often present misleading arguments, and frequently seize upon any discussion of uncertainty as an excuse for dismissing the whole topic, rather than arguing for a balanced policy of risk management. Too often contrarians repeat old arguments that have already been thoroughly discredited.

#### Unchecked Climate Change risks mass extinction.

Tickell 08 Climate Researcher [Oliver, , The Gaurdian, “On a planet 4C hotter, all we can prepare for is extinction”, <http://www.guardian.co.uk/commentisfree/2008/aug/11/climatechange>]

We need to get prepared for four degrees of global warming, Bob Watson told the Guardian last week. At first sight this looks like wise counsel from the climate science adviser to Defra. But the idea that we could adapt to a 4C rise is absurd and dangerous. Global warming on this scale would be a catastrophe that would mean, in the immortal words that Chief Seattle probably never spoke, "the end of living and the beginning of survival" for humankind. Or perhaps the beginning of our extinction. The collapse of the polar ice caps would become inevitable, bringing long-term sea level rises of 70-80 metres. All the world's coastal plains would be lost, complete with ports, cities, transport and industrial infrastructure, and much of the world's most productive farmland. The world's geography would be transformed much as it was at the end of the last ice age, when sea levels rose by about 120 metres to create the Channel, the North Sea and Cardigan Bay out of dry land. Weather would become extreme and unpredictable, with more frequent and severe droughts, floods and hurricanes. The Earth's carrying capacity would be hugely reduced. Billions would undoubtedly die. Watson's call was supported by the government's former chief scientific adviser, Sir David King, who warned that "if we get to a four-degree rise it is quite possible that we would begin to see a runaway increase". This is a remarkable understatement. The climate system is already experiencing significant feedbacks, notably the summer melting of the Arctic sea ice. The more the ice melts, the more sunshine is absorbed by the sea, and the more the Arctic warms. And as the Arctic warms, the release of billions of tonnes of methane – a greenhouse gas 70 times stronger than carbon dioxide over 20 years – captured under melting permafrost is already under way. To see how far this process could go, look 55.5m years to the Palaeocene-Eocene Thermal Maximum, when a global temperature increase of 6C coincided with the release of about 5,000 gigatonnes of carbon into the atmosphere, both as CO2 and as methane from bogs and seabed sediments. Lush subtropical forests grew in polar regions, and sea levels rose to 100m higher than today. It appears that an initial warming pulse triggered other warming processes. Many scientists warn that this historical event may be analogous to the present: the warming caused by human emissions could propel us towards a similar hothouse Earth.

### Advantage Two – Human Rights

#### Advantage Two is Human Rights

#### The embargo is destroying human rights in Cuba – denies people access to basic needs, services, and universally agreed upon rights.

Coll 07 Professor of Law and President, International Human Rights Law Institute, DePaul College of Law [Alberto R. Coll, Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo, UCLA Journal of International Law and Foreign Affairs, Fall, 2007, 12 UCLA J. Int'l L. & For. Aff. 199]

The Cuban embargo is not a limited set of economic sanctions affecting a few carefully targeted areas of Cuba's government and society. Instead, it is a comprehensive program that prohibits virtually all American trade, investment, travel, cultural and human contact with Cuba outside of a few narrow exceptions. Moreover, throughout the embargo's 47-year history, different U.S. administrations have worked aggressively to expand the embargo's extraterritorial reach in order to pressure as many countries as possible to reduce their contacts with Cuba. The embargo's extensive extraterritorial reach and power as well as its disproportionate nature are magnified by Cuba's weakness as a small Caribbean island of 11 million people, its peculiar geographical location only 90 miles from the United States, and the U.S.'s own international economic and financial preeminence. As currently structured, the embargo has comprehensive, widespread, and indiscriminate effects on the economic, social, and family conditions of the Cuban people that cause it to violate widely recognized human rights norms as well as the basic obligation of states to ensure that sanctions imposed for the sake of promoting human rights do not have the opposite effect of harming the human rights of innocent people. n259

Apologists for the embargo point out that the embargo has only a limited impact on the Cuban economy because Cuba is free to trade with virtually every other country in the world. n260 This argument overlooks two key [\*236] issues. First, the U.S. government has not contented itself with denying the benefits of trade and investment to Cuba. Instead, throughout most of the embargo's history, U.S. administrations have exerted enormous pressures on foreign governments and companies to discourage all economic contact with Cuba. A typical example occurred in the early 1990s when Cuba, then in the midst of a severe economic depression caused by the collapse of its ally, the Soviet Union, attempted to modernize its antiquated 40-year old telephone network. Grupos Domo, a Mexican-based conglomerate with substantial economic ties to the United States, began negotiations with Cuba over what would have been a multi-billion dollar deal but eventually withdrew from negotiations as a result of enormous pressure by the U.S. government. n261 Ultimately, Cuba found a group of willing international investor partners, most of whom insisted on anonymity in order to avoid possible American retaliation. Thus, the reach of the U.S. embargo extends significantly beyond U.S.-Cuba trade relations, and negatively impacts Cuba's relations with other countries as well.

Second, since Congress passed the Cuban Democracy Act in 1992 and the subsequent Helms-Burton Act of 1996, the embargo has sharply increased its extraterritorial reach. Thousands of foreign companies that could trade with Cuba before 1992 are no longer allowed to do so by virtue of being subsidiaries of U.S. corporations. Although the European Union and other U.S. allies responded to the Helms-Burton Act by enacting "blocking statutes" and "claw-back" provisions n262, Helms-Burton has nonetheless had a [\*237] chilling effect on trade and investment with Cuba. n263 Thus, the embargo's economic impact must be measured not only in terms of the way it has isolated Cuba from U.S. markets but also by its effect on the willingness of many private international entities to do business with Cuba.

Because the embargo has such far-reaching effects on foreign trade and investment with Cuba, its effects on human rights are similarly far-reaching, encompassing such areas as public health, nutrition, education, culture, and even fundamental family rights. In general, economic sanctions affect education in the sanctioned country by decreasing access to supplies, which ultimately leads to the deterioration of infrastructure. n264 The Cuban government estimates that the embargo has cost Cuba an estimated average of $ 2.19 billion a year since 1959, a figure that may be quite conservative in light of several factors. n265 First, the embargo is unusually comprehensive and affects every area of Cuba's economic life. Second, it deprives Cuba of the benefits from economies of scale and geographical advantages associated with the U.S. market. Third, the dollar's role as the international currency of choice, the preeminent role of U.S. banks in international trade especially in the western hemisphere, and the embargo's extraterritorial reach combine to [\*238] increase substantially the costs to Cuba of trading with many other countries.

The most recent United Nations report on human rights in Cuba referred to the U.S. embargo as one of the "factors hindering the realization of human rights in Cuba," and noted that:

The restrictions imposed by the embargo help to deprive Cuba of vital access to medicines, new scientific and medical technology, food, chemical water treatment and electricity. The disastrous effects of the embargo in terms of the economic, social and cultural rights of the Cuban people have been denounced by the United Nations Food and Agriculture Organization, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization ... . n266

Thus, though the embargo is now promoted as a means of improving human rights, the embargo has had the opposite effect of harming human rights.

#### The embargo itself is a human rights violation.

Hernandez-Truyol 09 Mabie, Levin & Mabie Professor of Law, University of Florida, Levin College of Law [Berta E. Hernandez-Truyol, Embargo or Blockade - The Legal and Moral Dimensions of the U.S. Economic Sanctions on Cuba, 4 Intercultural Hum. Rts. L. Rev. 53 (2009)]

V Conclusion: The Human (Rights) and Moral Dimension

This essay has presented the history of economic sanctions against Cuba, analyzed the questionable legality of the sanctions, and detailed the effects of the sanctions. In conclusion, I want to problematize further the legality of the sanctions under international law. To be sure, the U.S. commitment to the WTO limits its ability to refuse to trade absent a legitimate, allowed concern. To use the national security claim vis-a-vis Cuba simply does not pass the laugh test; although the recent talks with Venezuela and the Russian fleet might cause a reconsideration of that position. Moreover, save for the regulations, which in any case are limited in light of the entirety of the Toricelli and Helms Burton laws, the WTO is a "later in time" statement of the law which should then govern.

The other aspect of legality involves the human rights idea. Here, the real impact on real people of the embargo borders on unconscionable. As the essay has described, the actions have taken a human toll; they affect health, hunger, education, nutrition quite directly. They also affect the right to travel and the right to family life of Cubans in the U.S. who can no longer visit their relatives with regularity nor spend time with them in either times of joy or times of need - although this has been changed dramatically by President Obama' s policy shift.

Economic sanctions are valuable tools for protecting human rights. The U.S. has used sanctions to discourage human rights violations. Examples include the U.S. ban of South African gold Krugerrands in 1985 to protest apartheid148, the blockage of Nicaraguan imports to deter terrorist acts of the Sandinista regime,149 the prohibition of foreign aid to Burma to oppose the government's use of forced labor,'50 and the 1989 denial of MFN status against China to protest the killing of pro-democracy protestors in Tiananmen Square to name a few.' 51

The U.S. is not alone in this approach. In fact, human rights violations have resulted in states jointly taking economic sanctions through the UN Security Council. Examples include NATO states' 1986 sanctions against Libya as a result of Moammar Ghadafi's support for the terrorist killing of 279 passengers aboard a U.S. airline bombed over Lockerbie and 1990 Iraq sanctions for its invasion of Kuwait.

The Cuba sanctions, however, reflect another aspect of economic sanctions: their deleterious and harmful effects on civil society, the innocent citizenry of the targeted country. By depriving citizens of the benefits of trade, of travel, of family life; by creating circumstances in which people's health, nutrition, standard of living and overall welfare are negatively affected, sanctions have effected serious denials of human rights - a moral if not legal failure.

#### Survival of the species is only possible by respecting Human Rights

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The development of the atomic bomb not only presented to the world for the first time the prospect of total annihilation, but also, paradoxically, led to a renewed emphasis on the "nuclear family," complete with its personal bomb shelter. The conclusion of World War II (with the dropping of the only two atomic bombs ever used in war) led to the recognition that world wars were now suicidal to the entire species and to the formation of the United Nations with the primary goal of preventing such wars. n2 Prevention, of course, must be based on the recognition that all humans are fundamentally the same, rather than on an emphasis on our differences. In the aftermath of the Cuban missile crisis, the closest the world has ever come to nuclear war, President John F. Kennedy, in an address to the former Soviet Union, underscored the necessity for recognizing similarities for our survival:

[L]et us not be blind to our differences, but let us also direct attention to our common interests and the means by which those differences can be resolved . . . . For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal. n3

That we are all fundamentally the same, all human, all with the same dignity and rights, is at the core of the most important document to come out of World War II, the Universal Declaration of Human Rights, and the two treaties that followed it (together known as the "International Bill of Rights"). n4 The recognition of universal human rights, based on human dignity and equality as well as the principle of nondiscrimination, is fundamental to the development of a species consciousness. As Daniel Lev of Human Rights Watch/Asia said in 1993, shortly before the Vienna Human Rights Conference:

Whatever else may separate them, human beings belong to a single biological species, the simplest and most fundamental commonality before which the significance of human differences quickly fades. . . . We are all capable, in exactly the same ways, of feeling pain, hunger, [\*153] and a hundred kinds of deprivation. Consequently, people nowhere routinely concede that those with enough power to do so ought to be able to kill, torture, imprison, and generally abuse others. . . . The idea of universal human rights shares the recognition of one common humanity, and provides a minimum solution to deal with its miseries. n5

Membership in the human species is central to the meaning and enforcement of human rights, and respect for basic human rights is essential for the survival of the human species. The development of the concept of "crimes against humanity" was a milestone for universalizing human rights in that it recognized that there were certain actions, such as slavery and genocide, that implicated the welfare of the entire species and therefore merited universal condemnation. n6 Nuclear weapons were immediately seen as a technology that required international control, as extreme genetic manipulations like cloning and inheritable genetic alterations have come to be seen today. In fact, cloning and inheritable genetic alterations can be seen as crimes against humanity of a unique sort: they are techniques that can alter the essence of humanity itself (and thus threaten to change the foundation of human rights) by taking human evolution into our own hands and directing it toward the development of a new species, sometimes termed the "posthuman." n7 It may be that species-altering techniques, like cloning and inheritable genetic modifications, could provide benefits to the human species in extraordinary circumstances. For example, asexual genetic replication could potentially save humans from extinction if all humans were rendered sterile by some catastrophic event. But no such necessity currently exists or is on the horizon.

### Contention Two

#### Thus the Plan -

#### The United States federal government should end the economic embargo on Cuba.

#### The plan solves. Ending the embargo would expand credibility, US soft power, and improve US-Cuban relations.

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Conclusion

The two countries’ histories have long been intertwined, particularly after the Monroe Doctrine of 1823 gave rise to the American belief that it would become the hemisphere’s protector. Until the immediate aftermath of Fidel Castro’s revolution, Cuba provided a testing ground for the promotion of American ideals, social beliefs, and foreign policies.

In the context of Raúl shifting course in Cuba, the Obama administration has the opportunity to highlight the benefits of both the use of soft power and a foreign policy of engagement. As evidence mounts that the United States is ready to engage countries that enact domestic reforms, its legitimacy and influence will grow. Perhaps future political leaders, in Iran or North Korea for example, will be more willing to make concessions knowing that the United States will return in kind.

The United States should not wait for extensive democratization before further engaging Cuba, however. One legacy of the Cold War is that Communism has succeeded only where it grew out of its own, often nationalistic, revolutions. As it has with China and Vietnam, the United States should look closely at the high payoffs stemming from engagement. By improving relations, America can enhance its own influence on the island’s political structure and human rights policies.

At home, with the trade deficit and national debt rising, the economic costs of the embargo are amplified. Recent studies estimate that the US economy foregoes up to $4.84 billion a year and the Cuban economy up to $685 million a year.50 While US-Cuban economic interests align, political considerations inside America have shifted, as “commerce seems to be trumping anti-Communism and Florida ideologues.”51 Clearly, public opinion also favors a new Cuba policy, with 65 percent of Americans now ready for a shift in the country’s approach to its neighboring island.52

At this particular moment in the history of US-Cuban relations, there is tremendous promise for a breakthrough in relations. In a post-Cold War world, Cuba no longer presents a security threat to the united States, but instead provides it with economic potential. American leaders cannot forget the fact that an economic embargo, combined with diplomatic isolation, has failed to bring democracy to Cuba for over 50 years.

American policymakers should see Cuba as an opportunity to reap the political, economic, and strategic rewards of shifting its own policies toward engagement. By ending the economic embargo and normalizing diplomatic relations with the island, President Obama would indicate that he is truly willing to extend his hand once America’s traditional adversaries unclench their fists.

#### The plan would provide immediate and substantial benefits.

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From an image stand point repealing the sanctions and removing the embargo is symbolic. It shows Cuba and the world that although the United States is pro democracy, it does not wish to impose its values on other nations. The Cuba Democracy Act was an attempt to force democratic changes in Cuba.10 By repealing the act the United States, illustrates that it respects the sovereignty of nations. Considering that this Act did allow for the application of U.S. law in a foreign country11, repealing it not only sends the message about U.S. views on sovereignty but also shows that the administration is taking steps to ensure that sovereignty is actually respected.

Repealing the Helms-Burton Law will certainly stimulate foreign investment in Cuba as well. Many foreign countries were leery of investing in Cuba out of fear of being sued or losing property under the provisions established by the Helms-Burton Act.12 This return of foreign investment will further secure Cuba's place in the global marketplace. It also will help to silence skeptics who will question U.S. intentions. Since the sanctions against Cuba were unilateral U.S. actions, an unsolicited change in course will undoubtedly spark speculation. Allowing all countries to invest in Cuba again underscores the United States' position of desiring for all countries to participate in the global market place. It is difficult to imagine that the benefits of lifting the embargo will not be immediate and substantial in regards to the United States reputation in the world. Looking at the long-term benefits of removing the sanctions, the two benefits that stand out the most are trade and fuel.