Negative: EU Fishing Reform

By “Coach Vance” Trefethen

***Resolved: The United States Federal Government should substantially reform its policy towards one or more countries in Europe***

This case creates a joint US/EU task force to fix problems with fishing in the EU. AFF is upset about inadequate protections against environmental damage under EU law. One of the major concerns is "bycatch." This is, for example, when a boat is fishing for tuna and the net traps a bunch of sea turtles along with the tuna. The turtles are the "bycatch," and they die and get thrown away. Other concerns include illegal fishing, bottom trawling (scooping everything off the sea floor at once), and overfishing.

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Negative: EU Fishing Reform

TOPICALITY

1. Nothing reformed - Just endorsing Status Quo policy

The US and the European Union enacted the Affirmative's policy over 11 years ago

Fisker Forum - Danish news service 2011. 13 Sept 2011 "European Union and United States agree to strengthen cooperation to combat illegal fishing" (accessed 13 Dec 2022) https://fiskerforum.com/european-union-and-united-states-agree-to-strengthen-cooperation-to-combat-illegal-fishing/

The EU and the United States have already put in place a number of legal measures to combat IUU fishing, such as the EU’s IUU Regulation and the U.S. High Seas Driftnet Fishing Moratorium Protection Act. Both participate actively in international fishery management organizations and promote international instruments to address IUU fishing. Today’s agreement commits the EU and the U.S. to work together to adopt the most effective tools to combat illegal fishing. It commits them to continue to strengthen monitoring and enforcement of management measures in their role as parties to regional fishery management organizations and to various international treaties, and commits them to using tools that prevent IUU operators from benefiting economically from their illegal activities. The new agreement includes a system to exchange information on IUU activities; promotes management measures at regional fishery management organizations that strengthen the control, monitoring and enforcement of vessels operation within certain areas; encourages other countries to ratify and implement the United Nations Food and Agriculture Organization’s Committee on Fisheries’ Port State Measures Agreement; and promotes the sustainable use of fisheries resources while preserving marine biodiversity.

Violation: If nothing changes, the resolution isn't upheld

The Affirmative cannot win the round by endorsing what the Status Quo is already doing. If there's no substantial reform then the Affirmative isn't upholding the resolution.

Impact: No Affirmative team

No one in this round is affirming substantial reform to existing policies, so there is effectively no Affirmative team in this debate. No matter who wins, you should write "Negative" on the ballot.

INHERENCY

1. "Bycatch" plan already underway

The US government started a 2-year program in August 2021 to solve EU "bycatch"

Janet Coit and Dr. Richard Spinrad 2021 (Coit - Assistant Administrator for Fisheries National Marine Fisheries Service National Oceanic and Atmospheric Administration. Spinrad - Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator) Aug 2021 "Improving International Fisheries Management 2021 Report to Congress" <https://media.fisheries.noaa.gov/2021-08/2021ReporttoCongressonImprovingInternationalFisheriesManagement.pdf> (brackets added) (accessed 29 Nov 2022)

None of the eight EU member States longlining in the ICCAT Convention Area has adopted binding management measures to mitigate bycatch of sea turtles under their domestic regulations, nor has the EU adopted a regulatory requirement under its Common Fisheries Policy. Therefore NMFS [National Marine Fisheries Service] is identifying the EU as well as the individual member States that had active longline fishing in the ICCAT Convention Area for failure to adopt regulations to end or reduce sea turtle bycatch.
3. Next Steps
NMFS will work with identified nations and entities over the next two years as part of the Moratorium Protection Act’s consultation process. Following identification in this report, a future positive certification will be contingent upon adoption of regulations or measures, comparable in effectiveness to those of the United States, to end or reduce bycatch of sea turtles in longline fisheries. NMFS will explore cooperation with and assistance to identified nations and entities, including potential technical assistance or cooperative research, to the greatest extent possible consistent with existing authority and the availability of funds.

2. "Overfishing" policies have already been fixed

Countries worldwide, including Europe, have taken effective steps to solve "overfishing"

Proceedings of the National Academy of Sciences 2020. (written by Dr Ray Hilborn, PhD; professor at the School of Aquatic and Fishery Sciences, Univ of Washington, Seattle; and 22 other marine scientists) Effective fisheries management instrumental in improving fish stock status (accessed 12 Dec 2022) https://www.pnas.org/doi/epdf/10.1073/pnas.1909726116

We found a clear relationship between fishing pressure and changes in stock abundance, as well as between management intensity and fishing pressure. We have also estimated that excess fishing pressure now accounts for about 3% to 5% loss of potential yield from the stocks constituting half of world marine catch. In a number of countries, the decline in fishing pressure can be directly tied to changes in legislation and subsequent management. The1996 revisions of the Magnuson-Stevens Act in the United States required the development of rebuilding plans and catch limits, resulting in a sharp reduction in fishing pressure on overfished stocks. The Common Fisheries Policy in Atlantic Europe was similarly reformed in 2002. In eastern Canada and the eastern United States, there was a major reduction in fishing pressure in the 1990s after the collapse of groundfish stocks, notably, Newfoundland cod; however, in both places, many stocks have failed to rebuild and remain at low abundance. In Japan, caps on total allowable catches (TACs) were introduced for several species in1997, and thereafter the fishing pressure for TAC-managed stocks decreased more rapidly than for other stocks (23). New Zealand enacted harvest strategy standards in 2008, and Chile instituted a major legal reform in 2013. As a consequence, the concern about overfishing has resulted in legal and enforcement responses in many countries with strong management institutions.

3. EU efforts against illegal fishing

The EU has passed regulations to make illegal fishing… even more illegal

US National Oceanic & Atmospheric Administration 2021. "European Union IUU Fishing Frequent Questions" 17 Aug 2021 (accessed 13 Dec 2022) https://www.fisheries.noaa.gov/national/seafood-commerce-trade/european-union-iuu-fishing-frequent-questions

The European Commission (EC) adopted Regulation 1005/2008 to prevent, deter and eliminate Illegal, Unreported, and Unregulated (IUU) fishing on September 29, 2008 with an effective date of January 1, 2010. One of the core elements of the EC IUU fishing Regulation is the requirement that all wild caught seafood imports have a Legal Harvest, a document ensuring that all maritime fisheries products which are to be traded with the EU are obtained in compliance with existing conservation and management measures.

Even more "illegal fishing" reforms are underway in the EU. They're moving in the right direction

World Wildlife Fund European Policy Office 2019. IUU Fishing Guidance Paper for Fish Forward II, March 2019 (accessed 13 Dec 2022) https://www.fishforward.eu/wp-content/uploads/2021/03/WWF\_2019\_guidance-paper\_illegal\_unreported\_and\_unregulated\_fishing.pdf

In spring 2018, the Commission launched a process to revise the EU Fisheries Control System. While this mainly relates to the monitoring, control and surveillance of fisheries in the EU, the revision also covers important changes for the IUU Regulation and traceability measures. Regarding IUU fishing, the Commission has proposed to digitise the catch certificates and to establish an EU-wide database for managing them. In terms of traceability, the Commission has proposed improvements to traceability via establishing a unique fishing trip identification number for fisheries in the EU and more stringent measures for product tracking. These items are significant steps in the right direction.

HARMS / SIGNIFICANCE

1. "Bottom Trawling" isn't a problem

Dutch Study: Bottom Trawling is good for fish species – makes the eco-system more productive

Canadian Broadcasting Corporation 2013. (Jamie Baker, journalist) 5 Sept 2013 Bottom trawling may be good for fish, study suggests (accessed 12 Dec 2022) <http://www.cbc.ca/news/canada/newfoundland-labrador/bottom-trawling-may-be-good-for-fish-study-suggests-1.1356917>

A new study conducted by Dutch scientists in the North Sea suggests there may actually be some unexpected benefits from bottom trawling.[**END QUOTE]** The report, entitled "When does fishing lead to more fish? Community consequences of bottom trawl fisheries in demersal food webs," was commissioned by the Wageningen Institute for Marine Resources and Ecosystem Studies (IMARES) in the Netherlands. The findings were published Wednesday by the London-based Royal Society.
Plaice and sole studied
[**THEY GO ON LATER IN THE CONTEXT QUOTE:]** The study focused on flatfish such as plaice and sole, and how those species — and their food — reacted to standard beam trawling. Some of the results were surprising. "What we found is that the indirect effects or side-effects of trawling — namely, the sort of selective removal of certain types of bottom life — sort of makes the system more productive in terms of food for the fish that fishermen target," said Tobias Van Kooten, one of three authors of the report, along with Daniel van Denderen and Adriaan Rijnsdorp.

 Dutch study: Bottom trawling increases food availability and promotes growth of the target fish species

Canadian Broadcasting Corporation 2013. (Jamie Baker, journalist) 5 Sept 2013 Bottom trawling may be good for fish, study suggests (accessed 12 Dec 2022) <http://www.cbc.ca/news/canada/newfoundland-labrador/bottom-trawling-may-be-good-for-fish-study-suggests-1.1356917>

The focus of the research was to model the effects of bottom trawling on fish species and food sources that are either resistant or susceptible to bottom trawling. The authors found there are indications bottom trawling may actually "increase the availability of food and promote growth, and even yield of target fish species." Van Kooten said the scientists used a food web model to come to their conclusions. "(We took) a number of assumptions about how scientists think that the interaction between fisheries and fish works, and put them together in a food web model that allows you to evaluate the consequences of those assumptions," Van Kooten explained. "The results you get from the total (food web) can be very different from the individual pieces."

U.S. studies flawed: Bottom fishing is perfectly acceptable and sustainable in some seabed habitats

Dr. Michel Kaiser 1999. (PhD biology;  professor in the School of Ocean Sciences, Bangor University, Britain) Hefley Bill tainted by under-current of biased scientific reporting. Fishing News International, September 1999 (accessed 12 Dec 2022) <http://www.fishingnj.org/artkaiser2.htm> (brackets added; “are” was misspelled in the original)

Scientists in North America have undertaken many similar studies to those in Europe, although the findings have tended to be more pessimistic as in the Australian case. This may be due largely to the fact that most studies undertaken in the US have made comparisons between fished areas and protected marine parks. The results arc [are] based on sound science but they portray the worst case scenario. As a result, lobby groups have picked up this data with little or  no reference to the science done elsewhere in the world, some of which indicates that towed bottom fishing is perfectly acceptable and environmentally sustainable in certain seabed habitats.

The entire seabed isn’t being destroyed by trawling – that’s nonsense. Trawling only happens in very limited areas

Dr. Michel Kaiser 1999. (PhD biology;  professor in the School of Ocean Sciences, Bangor University, Britain) Hefley Bill tainted by under-current of biased scientific reporting. Fishing News International, September 1999 <http://www.fishingnj.org/artkaiser2.htm> (accessed 12 Dec 2022) (missing periods in original)

What point 4 implies is that fishing gears effectively mow the entire seabed at least twice every year, leaving not a single piece of seabed untouched by trawling. When this is applied to the statement in point 5 that trawling reduces biodiversity, you are left with the impression that the seabed must be a veritable desert This is utter nonsense and is the gross misuse of fishing effort statistics never intended for this purpose. Fishermen exploit very specific seabed areas which yield good catches and are free of snags Knowledge about these areas is passed between generations of fishermen This results in a concentration of fishing effort into limited areas of the seabed which, we know, leaves many other areas which are fished infrequently – if ever.

2. "Bycatch" isn't a problem

AFF is confusing "Bycatch" with "discards." Bycatch are still sold and eaten, not thrown away

Prof. Daniel Pauly 2021. (*marine biologist, fisheries scientist, and professor at the University of British Columbia*) 13 Apr 2021 " What Netflix’s Seaspiracy gets wrong about fishing, explained by a marine biologist" (accessed 12 Dec 2022) https://www.vox.com/2021/4/13/22380637/seaspiracy-netflix-fact-check-fishing-ocean-plastic-veganism-vegetarianism

Discards currently make up about 10 percent of the world’s catch, which is obscene when billions of people are food insecure. But this is also much lower than the 48 percent claimed in the film. That 48 percent, instead, is the bycatch rate, most of which consist of fish that were taken to market, although fishermen did not intend to catch them.

3. "Fishing net pollution" isn't a problem

Fishing nets and other plastics in the ocean aren't a problem

Dr Patrick Moore 2018 (PhD in forest biology) Aug 2018 "Twelve Invisible Eco-Catastrophes and Threats of Doom That are Actually Fake" (accessed 13 Dec 2022) https://wattsupwiththat.com/2018/08/03/twelve-invisible-eco-catastrophes-and-threats-of-doom-that-are-actually-fake/

This is also fake news and gives rise to calls for bans on plastic and other drastic measures. Silly people are banning plastic straws as if they were a dire threat to the environment. The fact is a piece of plastic floating in the ocean is no more toxic than a piece of wood. Wood has been entering the sea in vast quantities for millions of years. And in the same way that floating woody debris provides habitat for barnacles, seaweeds, crabs, and many other species of marine life, so does floating plastic. That’s why seabirds and fish eat the bits of plastic, to get the food that is growing on them. While it is true that some individual birds and animals are harmed by plastic debris, discarded fishnets in particular, this is far outweighed by the additional food supply it provides.

No, fishing is not the biggest cause of pollution in the oceans. That would be consumers on land throwing stuff away

Prof. Daniel Pauly 2021. (*marine biologist, fisheries scientist, and professor at the University of British Columbia*) 13 Apr 2021 " What Netflix’s Seaspiracy gets wrong about fishing, explained by a marine biologist" (accessed 12 Dec 2022) https://www.vox.com/2021/4/13/22380637/seaspiracy-netflix-fact-check-fishing-ocean-plastic-veganism-vegetarianism

Yet another misleading claim in the film is that ocean plastic pollution consists mainly of lost or discarded fishing gear. This may have been true in the 1980s, particularly in the North Pacific, where the first studies of marine debris were conducted. Nowadays, [about 80 percent](https://www.sciencedirect.com/science/article/abs/pii/S0048969716310154) of plastic in the oceans comes from what we throw away on land: soda bottles, food packaging, tires, and so forth, while [20 percent](https://ourworldindata.org/plastic-pollution) comes from marine sources.

SOLVENCY

1. Fiating their own solvency #1: No EU agreement

AFF cannot fiat that the EU agrees to join their task force

The Affirmative only has power to change U.S. federal government policy. The federal government can set up a task force and extend an offer to the EU to join it, but they cannot tell you that the EU joins it with an Affirmative ballot. They cannot make the EU join as part of their plan. What the Affirmative must prove in this round with a piece of evidence is that "IF" the US government created a task force, the EU "would" join it if invited. They've never done that, and as a result their plan can't solve.

2. Fiating their own solvency #2: Task force is not a solution

AFF cannot fiat that the task force votes to make all the problems go away

They have to specify what actual policy reforms the task force would make so that we can debate whether they would work or not. They cannot merely say "we create a task force and they solve everything." Every problem in the world could magically be solved that way if only life was like that. Allowing an Affirmative to win a ballot with a magic policy like that is abusive to Negative teams because there's nothing for us to debate against. We can't debate against magic solutions, we can only research and debate against real world policies.

3. No jurisdiction over IUU fishing

Most IUU fishing can't be solved because it's on the high seas outside the jurisdiction of any nation

Teresa Fajardo 2022 (Department of Public International Law and International Relations, Faculty of Law, University of Granada, Spain) "To criminalise or not to criminalise IUU fishing: The EU's choice" MARINE POLICY Oct 2022 (accessed 13 Dec 2022) https://www.sciencedirect.com/science/article/pii/S0308597X22002597

However, despite the varying national criminal conceptions of fisheries crime,[11](https://www.sciencedirect.com/science/article/pii/S0308597X22002597%22%20%5Cl%20%22fn11) most domestic legal systems define it as a crime that takes place in their territory and under their jurisdiction. As the Vidal Armadores case illustrates, states do not consider IUU fishing as a fishing crime due to the lack of criminal jurisdiction on the high seas and the impossibility of applying the principle of dual [criminality](https://www.sciencedirect.com/topics/earth-and-planetary-sciences/criminality) inherent in state [criminal law](https://www.sciencedirect.com/topics/social-sciences/criminal-law) in a space beyond the jurisdiction of states. Therefore, the most serious cases of IUU fishing escape these requirements of national criminal systems.

4. EU can't do much more

The EU can't do much more than they're doing now because "Illegal / Unregulated / Unreported fishing" is so hard to define

Teresa Fajardo 2022 (Department of Public International Law and International Relations, Faculty of Law, University of Granada, Spain) "To criminalise or not to criminalise IUU fishing: The EU's choice" MARINE POLICY Oct 2022 (accessed 13 Dec 2022) https://www.sciencedirect.com/science/article/pii/S0308597X22002597

Defining IUU fishing (making it a criminal offence or just an administrative infringement and proposing appropriate sanctions to eliminate it) is not an easy task. Indeed, this definitional exercise is driven by the need to understand why IUU fishing has not yet been classified as an environmental or autonomous crime in the various international instruments adopted by the United Nations and [FAO](https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/food-and-agriculture-organization) and, more recently, in the EU’s proposal amending the Environmental Crime Directive.

5. Already tried and failed (to stop IUU fishing in Europe)

The EU tried harsher penalties for IUU fishing, then did a study and found it had no effect

Teresa Fajardo 2022 (Department of Public International Law and International Relations, Faculty of Law, University of Granada, Spain) "To criminalise or not to criminalise IUU fishing: The EU's choice" MARINE POLICY Oct 2022 (accessed 13 Dec 2022) https://www.sciencedirect.com/science/article/pii/S0308597X22002597

The proposal for an Environmental Crime Recast Directive has been presented following a parallel process of scrupulous evaluation of the achieved results by the European Commission and the Member States. In both cases, the final assessment points to a lack of “effect on the ground” in bringing about a better protection of the environment through criminal law ([[34]](https://www.sciencedirect.com/science/article/pii/S0308597X22002597%22%20%5Cl%20%22bib34), Council of Ministers 2019). Although the measures adopted by the EU Member States should have led to an improvement in the state of environmental protection, the evaluation carried out by the European Commission shows that the number of cases and convictions has not grown in proportion to the number of offences ([[24]](https://www.sciencedirect.com/science/article/pii/S0308597X22002597%22%20%5Cl%20%22bib24), European Commission 2021).

DISADVANTAGES

1. Hypocrisy

Link: NOAA admits EU's fishing regulations are an example the US should be following to reform our laws

National Oceanic & Atmospheric Administration 2016. Seafood Import Monitoring Program, Posted by the **National Oceanic and Atmospheric Administration** on Dec 9, 2016 (accessed 13 Dec 2022) https://www.regulations.gov/document/NOAA-NMFS-2015-0122-0111

The United States recognizes and appreciates the European Union's leadership and innovation in establishing its program and fully supports its continued application. While fundamental structural differences exist between the European Union's program and both the domestic and import components of the United States' seafood traceability program, the types of information and actual data elements with respect to harvest and landing information are highly comparable. Furthermore, NMFS looked to the European Union's example in addressing operational challenges for small-boat fleets and structured the small boat provision in the Program to closely resemble that approach. Further consideration will be given to the European Union's Catch Documentation Program in the development of the Commerce Trusted Trader Program.

Link: Hypocrisy. AFF has the US government telling Europe they need to improve their fishing laws

As if the US were a role model and Europe is a misbehaving child that we need to discipline or correct. But if their laws are better than ours, an Affirmative ballot makes hypocrites out of all of us for telling them to correct their behavior when it's better than ours. That's sure to have negative consequences, as we see in the next…

Link: Hypocrisy harms US foreign policy

Prof. Daryl Glaser 2006 (prof. of political studies, Witwatersrand Univ., South Africa) REVIEW OF INTERNATIONAL STUDIES, April 2006 "Does hypocrisy matter? The case of US foreign policy" (accessed 13 Dec 2022) https://www.jstor.org/stable/40072137

This article examines the question from the standpoint of a non-pacifist liberal universalism and concludes (on consequentialist grounds) that the hypocritical character of US foreign policy cannot constitute sufficient grounds for rejecting all US interventions. Nevertheless, the hypocrisy of the US remains noteworthy and deserving of criticism even in such cases because of the wider damage hypocritical behaviour can do. Moreover, US foreign policy hypocrisy sometimes sets in motion reactions that confound the benign purposes of particular interventions and so undermine the case for them.

Link: Hypocritical US interventions stimulate backlash and hatred against us

Doug Bandow 2019 (JD from Stanford Univ.; former special assistant to Pres. Reagan; Senior Fellow at Cato Institute) 2 June 2019 " Understanding the Failure of U.S. Foreign Policy: The Albright Doctrine" (accessed 13 Dec 2022) https://www.cato.org/commentary/understanding-failure-us-foreign-policy-albright-doctrine#related-content

The willingness to so callously sacrifice so many helps explain why “they” often hate us, usually meaning the U.S. government. This is also because “they” believe average Americans hate them. Understandably, it too often turns out, given the impact of the full range of American interventions—imposing economic sanctions, bombing, invading, and occupying other nations, unleashing drone campaigns, underwriting tyrannical regimes, supporting governments which occupy and oppress other peoples, displaying ostentatious hypocrisy and bias, and more.

Impact: World peace & prosperity at risk without US influence. US hegemony is key to global peace & prosperity

Capt. M. V. Prato 2009 (United States Marine Corps, Command and Staff College, Marine Corps Combat Development Command, Marine Corps University) “The Need for American Hegemony” <https://apps.dtic.mil/sti/citations/ADA508040> (accessed 3 June 2021)

The world witnessed a vast shift in the polarity of geopolitics after the Cold War. The United States became the world’s greatest hegemon with an unequalled ability to globally project cultural, political, economic, and military power in a manner not seen since the days of the Roman Empire. **[END QUOTE]** Coined the “unipolar moment” by syndicated columnist Charles Krauthammer, the disparity of power between the U.S. and all other nations allows the U.S. to influence the world for the mutual benefit of all responsible states. Unfortunately, the United States is increasingly forced to act unilaterally as a result of both foreign and domestic resentment to U.S. dominance and the rise of liberal internationalism. [**He goes on to conclude later in the same context QUOTE**:] The United States must exercise benevolent global hegemony, unilaterally if necessary, to ensure its security and maintain global peace and prosperity.

Voting Impact: The only escape from this Disadvantage is to concede on topicality

If the AFF wants to argue that their tiny little plan is so insignificant that no one will notice US hypocrisy and it won't have any bad impact on our foreign policy, they can do that, but it comes at a cost. They'll have to then concede that their plan is tiny and not the significant reform they were supposed to be affirming. In other words, if they beat this disadvantage, they lose on topicality and it's still a Negative ballot.