

36TH AMENDMENT (RC.9)

Foreign Relations & International Diplomacy; Sovereign Continuity & Accrued Wisdom

SECTION 1

International Peacekeeping & Foreign Intervention; Humanitarian Aid & Conflict Resolution

CLAUSE 1. To promote peace at all scales, respect expectations of sovereignty, encourage humanitarian outcomes, and lead by example, international diplomacy and negotiation shall always take precedence over conflict, violence and coercion.¹³⁶

CLAUSE 2. Foreign intervention, when of the utmost necessity,¹³⁷ shall first appeal to civilian communities¹³⁸ by providing the assistance necessary for sustenance and education,¹³⁹ before resorting to the application of economic sanctions that directly or indirectly harm the general public, the manipulation of internal political processes, the support of armed resistance, or the use of military force.¹⁴⁰

CLAUSE 3. The use of unilateral or narrow multilateral military force is permissible only in circumstances of substantial imminent threats to national security.¹⁴¹

CLAUSE 4. The use of a broad multilateral military force is permissible only as needed to preempt substantial threats to national, international, or humanitarian security.¹⁴²

¹³⁶ There are many reasons why diplomacy and negotiation should always take precedence over violence and coercion. First, diplomacy and negotiation are less likely to lead to escalation than violence and coercion. Second, diplomacy and negotiation allow for a greater understanding of the other side's perspective, which can help create a more durable peace. Third, diplomacy and negotiation respect the sovereignty of all states, while violence and coercion often do not. Finally, leading by example through diplomatic channels can encourage other states to follow suit in their own foreign affairs.

¹³⁷ In an increasingly interconnected and interdependent world with myriad weapons of mass destruction and the widely accessible opportunity to cause devastation via cyber warfare, it is more important than ever to pursue peace first and avoid rapid and unpredictable escalations.

¹³⁸ It is both more effective and just to appeal to the people of a nation directly, through providing humanitarian assistance and supporting education and other basic needs, than it is to use military force or economic sanctions that tend to harm civilians more than they do government leaders or combatants. The Marshall Plan was an extremely successful example of this approach, which provided massive economic assistance to Western European countries in order to help them rebuild their economies. This not only helped those countries recover from the war, but also strengthened them politically and economically, making them much less likely to fall under the influence of emerging authoritarian regimes.

¹³⁹ This is intentionally specific to ensure that the assistance provided reaches real civilian communities. When providing direct monetary foreign aid, it can be difficult to ensure that the money is actually spent on necessary goods and services, and not siphoned off by corrupt government officials or wasted on unnecessary luxuries. Furthermore, too much foreign aid can create dependency, leading a nation to become reliant on outside assistance instead of developing its own economy. This also ensure foreign aid can isn't used as a political tool to try and influence the internal politics of the recipient nation.

¹⁴⁰ This type of prioritized approach will help ensure that any foreigners who do need to intervene in a situation are doing so in a way that is ultimately beneficial to those affected – both domestic and abroad.

¹⁴¹ Responses to threats should be directly related to the level and scope of that threat. Unilateral military force is reserved for extremes – high threat levels with a narrow scope of national security.

¹⁴² Multilateral military force, on the other hand, can be used for lower threat levels with a broader scope that includes preempting humanitarian crises and threats to international security. The requirement for buy-in from a broad coalition ensures that military force is used with responsible restraint in this wider range of scenarios with a lower threat threshold. These criterion also provides the international stage with more visibility and certainty which reduces the risk of miscalculation, and consequently, promotes international stability.

SECTION 2

Sovereign Continuity & Former Presidents; Unanimous Override & The Wisdom Council

CLAUSE 1. To provide the President with alternative channels to flexibly manage security threats and uncertainty, balance such flexibility with internal checks that balance a strong unitary executive branch, and provide sovereign continuity in foreign relations, The Wisdom Council shall be composed of all living former Presidents who have not been removed from office, unless that former President chooses to temporarily exempt themselves in order to retain the right to run for the same or other office in the future.

CLAUSE 2. The Wisdom Council shall receive regular briefings on international security and diplomacy from the President, the President's Cabinet, and the Joint Chiefs.

CLAUSE 3. The Wisdom Council shall be the sole holders of the power, by unanimous agreement, to deem or pre-deem¹⁴³ that a threat is substantial and imminent for purposes of Section 1, Clause 3, or that a substantial threat to national, international or humanitarian security exists for purposes of Section 1, Clause 4, however if a member of the Wisdom Council is incapacitated or unreachable, they shall be excluded as a requirement for purposes of unanimity.¹⁴⁴

CLAUSE 4. The President shall only have the power to withdraw the United States from international treaties upon the advice and consent of a supermajority of The Wisdom Council.¹⁴⁵

SECTION 3

International Complexity & Simultaneous Policy; Positive Sums & Dilemma Resolution

¹⁴³ Pre-deeming would be accomplished by defining more specific and temporary parameters.

¹⁴⁴ Former Presidents who have relinquished the right to run for office again are not beholden to politicized incentive structures, such as protecting their popularity or campaign interests. Consequently, they can offer more impartial advice based solely on what they believe to be in the best interest of the country. In combination with their incomparable wealth of experience and institutional knowledge, they can provide sage advice on issues with the dangerous potential for disastrous consequences.

¹⁴⁵ Foreign policy should be relatively consistent in order to maintain credibility with other nations. If commitments can be rescinded with each new administration, this generates a lack of integrity which renders international agreements weightless. The Wisdom Council would ensure our foreign policy has greater continuity, our commitments have integrity, and, consequently, that the international order has greater stability.

CLAUSE 1. To overcome dilemmas¹⁴⁶ of international scale and complexity, and encourage positive-sum outcomes, Congress and the States shall have the power to condition legislation upon reciprocated legislation by a subset of the international community.¹⁴⁷

CLAUSE 2. Conditional legislation as enacted under Clause 1 of this Section shall only be revocable upon the consent of a supermajority of The Wisdom Council, in accordance with Clause 4 of Section 2.

¹⁴⁶ Game theoretic dilemmas that implicate simultaneous policy issues like the first-mover problem and prisoners' dilemma can be ameliorated by establishing "side bets." A side bet is a type of agreement between two parties where each agrees to take a certain action if the other party also takes that same action. In essence, it is a way to commit both parties to taking a certain course of action, with the understanding that both will benefit if they do so. For example, in order to encourage other nations to reduce their greenhouse gas emissions, Congress could pass legislation that establishes a side bet: if any nation reduces its emissions by a certain percentage, then the United States will also reduce its emissions by an equivalent percentage. This type of arrangement would give each nation an incentive to take action, knowing that it would be benefitting from the promised action of the United States (guaranteed by internally binding legislation). This would center the United States as the clear leader on the international stage that consistently drives international policy by being the "first-mover" that continuously resolves the "first-mover problem" – both benefiting itself and the broader international community.

¹⁴⁷ This power would enable Congress and the States to work together to establish common goals and objectives, and then identify and encourage those nations that are best positioned to help achieve these objectives.