## 1NC

### 1NC – OFF

**US wins space race now due to private competition – it's key to space dominance and militarization is good – the plan nukes the US’s silver bullet against Chinese aggression**

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As Jeff Bezos, the wealthiest man on the planet, readies to launch himself into space aboard one of his own rockets, the world is watching the birth of a new dawn in space. Previously, America relied on its government agency, NASA, to propel it to the cosmos during the last space race with the Soviet Union. Today, America’s greatest hopes are with its private sector.

Jeff Bezos is not engaging in such risky behavior simply because he’s an adrenaline junky. No, he’s launching himself into orbit because his Blue Origins is in a titanic struggle with Elon Musk’s SpaceX — and Bezos’s firm is losing.

Whatever happens, **the American people will benefit from the competition that is shaping up between America’s space entrepreneurs. This has always been how innovation occurs: through** the dynamic, often **cutthroat competition between actors in the private sector.** While money is their ultimate prize, fame and fortune are also alluring temptations to make men like Musk and Bezos risk much of their wealth to change the world.

**The private space race** among these entrepreneurs **is part of a far more important marathon between** Red **China and the U**nited **S**tates**. Whichever nation wins the new space race will determine the future of the earth below.**

Consider this: Since winning its initial contracts to launch sensitive U.S. military satellites into orbit, **SpaceX has lowered the cost of military satellite launches** on taxpayers by “over a million dollars less” than what bigger defense contractors can do. Elon **Musk** is convinced that he **can bring these costs down even more**, thanks to his reusable Falcon 9 rocket.

The competition between the private space start-ups is fierce — just as the competition between Edison and Westinghouse was — but the upshot is ultimately greater innovation and lower costs for you and me. In fact, Elon Musk insists that if NASA gives SpaceX the contract for building the Human Landing System for the Artemis mission, NASA would return astronauts to the lunar surface by 2024 — four years before NASA believes it will do so. (Incidentally, 2024 is also when China anticipates having a functional base on the moon’s southern pole.)

Whereas China has an all-of-society approach to its space race with the United States, Washington has yet to fully galvanize the country in the way that John F. Kennedy rallied America to wage — and win — the space race in the Cold War. **America’s private sector**, therefore, **is the silver bullet against China’s quest for** total **space dominance. If left unrestricted by** meddlesome **Washington** bureaucrats, **these companies will ensure** that **the U**nited **S**tates **retains its overall competitive advantage over China** — and all other challengers, for that matter.

Indeed, the next four years could prove decisive in who will be victorious.

Enter the newly minted NASA director, Bill Nelson, whose station at the agency has effectively poured cold water on the private sector’s ambitious space plans. “Space is not going to be the Wild West for billionaires or anyone else looking to blast off,” Nelson admonished an inquiring reporter.

Why not?

America’s actions during its western expansion created a dynamic and advanced nation that was well-positioned to dominate the world for the next century. Should we not attempt to emulate this in order to remain dominant in the next century?

More important, this is precisely how **China treats space: as a new Wild West** . . . but one in **which Beijing’s forces will dominate**. China takes a leap-without-looking approach to space development — everything that can be done to further its grand ambition of becoming the world’s most dominant power by 2049 will be done. Meanwhile, the Biden administration wants to prevent America’s greatest strength, the free market, from helping to beat its foremost geopolitical competitor.

Nelson’s comments are fundamentally at odds with America’s spirit and animating principles. Whatever one’s opinion about Bezos or Musk, the fact is that their private space companies are inspiring greater innovation today in the space sector after years of its being left in the sclerotic hands of the U.S. government.

Sensing that the federal government’s dominance of U.S. space policy is waning, the Biden administration would rather cede the strategic high ground of space to China than let wildcatting innovators do the hard work. Today, the Federal Aviation Authority (FAA) and NASA are contriving new ways for strangling the budding private space sector, just as it is taking flight.

Risk aversion is not how one innovates. Risk is what led Americans to the moon just 66 years after the Wright brothers flew their first airplane. A willingness for risk doesn’t exist today in the federal government — which is why the feds shouldn’t be running space policy.

The U.S. government should be partnering with the new space start-ups, not shunning them. The FAA should be automatically approving SpaceX launches, not stymying them. The federal government will not win space any more than it could win the West or build the locomotive. It takes strong-willed, brilliant individuals of a rare caliber to do that. All government can do is to give the resources and support to private-sector innovators and let them make history for us.

The next decade will decide who wins space. Let it be America — and let America’s dynamic start-ups win that race, not China’s state capitalism.

**And, space dominance key to global peace – nuclear and conventional deterrence is collapsing, which will provoke civilization-ending revisionist aggression from Russia and China**

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The **U**nited **S**tates needs a new national security policy. For the first time in more than 60 years, we face the real possibility of a **large-scale conventional war**, and we are **woefully unprepared**. Eastern and Central Europe is now **so weakly defended** as to **virtually invite invasion**. The **U**nited **S**tates is not about to go to nuclear war to defend any foreign country. So **deterrence is dead**, and, with the German army cut from 12 divisions to three, the British gone from the continent, and American forces down to a 30,000-troop **tankless remnant**, the only serious and committed ground force that stands between Russia and the Rhine is the Polish army. **It’s not enough**. Meanwhile, in **Asia**, the powerful growth of the Chinese economy promises that nation eventual overwhelming numerical force superiority in the region. How can we **restore the balance**, creating a **sufficiently powerful** conventional force to **deter aggression**? It won’t be by matching potential adversaries tank for tank, division for division, replacement for replacement. Rather, the **U**nited **S**tates must seek to **totally outgun** them by obtaining a **radical technological advantage**. This can be done by achieving **space supremacy**. To grasp the importance of space power, some historical perspective is required. Wars are fought for control of territory. Yet for thousands of years, victory on land has frequently been determined by dominance at sea. In the 20th century, victory on both land and sea almost invariably went to the power that controlled the air. In the **21st century**, victory on land, sea or in the air will go to the power that controls **space**. The **critical military importance** of space has been **obscured** by the fact that in the period since the **U**nited **S**tates has had space assets, all of our wars have been fought against **minor powers** that we could have defeated without them. Desert Storm has been called the first space war, because the allied forces made extensive use of GPS navigation satellites. However, if they had no such technology at their disposal, the end result would have been just the same. This has given some the impression that space forces are just a frill to real military power — a useful and convenient frill perhaps, but a frill nevertheless. But consider how history might have changed had the Axis of World War II possessed reconnaissance satellites — merely one of many of today’s space-based assets — without the Allies having a matching capability. In that case, the Battle of the Atlantic would have gone to the U-boats, as they would have had infallible intelligence on the location of every convoy. Cut off from oil and other supplies, Britain would have fallen. On the Eastern front, every Soviet tank concentration would have been spotted in advance and wiped out by German air power, as would any surviving British ships or tanks in the Mediterranean and North Africa. In the Pacific, the battle of Midway would have gone very much the other way, as the Japanese would not have wasted their first deadly airstrike on the unsinkable island, but sunk the American carriers instead. With these gone, the remaining cruisers and destroyers in Adm. Frank Jack Fletcher’s fleet would have lacked air cover, and every one of them would have been hunted down and sunk by unopposed and omniscient Japanese air power. With the same certain fate awaiting any American ships that dared venture forth from the West Coast, Hawaii, Australia and New Zealand would then have fallen, and eventually China and India as well. With a monopoly of just one element of space power, the Axis would have won the war. But modern space power involves far more than just **recon**naissance satellites. The use of space-based **GPS** can endow munitions with 100 times greater accuracy, while space-based **communications** provide an unmatched capability of **c**ommand and **c**ontrol of forces. Knock out the enemy’s reconnaissance satellites and he is effectively blind. Knock out his comsats and he is deaf. Knock out his navsats and he loses his aim. In any serious future conventional conflict, even between opponents as mismatched as Japan was against the United States — or Poland (with 1,000 tanks) is currently against Russia (with 12,000) — it is space power that will **prove decisive**. Not only Europe, but **the defense of the entire free world hangs upon this** matter. For the past 70 years, U.S. Navy carrier task forces have controlled the world’s oceans, first making and then keeping the Pax Americana, which has done so much to secure and advance the human condition over the postwar period. But should there ever be another major conflict, an adversary possessing the ability to locate and target those carriers from space would be able to **wipe them out** with the **push of a button**. For this reason, it is **imperative** that the **U**nited **S**tates possess space capabilities that are **so robust** as to not only assure our own ability to operate in and through space, but also be able to **comprehensively deny it** to others. *Space superiority* means having better space assets than an opponent. Space supremacy means being able to assert a **complete monopoly** of such capabilities. The latter is what we must have. If the United States can gain space supremacy, then the capability of any American ally can be multiplied by orders of magnitude, and with the support of the similarly multiplied striking power of our own land- and sea-based air and missile forces be made **so formidable** as to render any conventional attack **unthinkable**. On the other hand, should we **fail** to do so, we will remain **so vulnerable** as to increasingly **invite aggression** by ever-more-**emboldened** revanchist powers. For this reason, both **Russia** and **China** have been developing and actively testing antisatellite (ASAT) systems. Up till now, the systems they have been testing have been ground launched, designed to orbit a few times and then collide with and destroy targets below one thousand kilometers altitude. This is sufficient to take out our reconnaissance satellites but not our GPS and communications satellites, which fly at twenty thousand and thirty-six thousand kilometers respectively. However, the means to reach these are straightforward, and, given their critical importance to us, there is every reason to believe that such development is well underway.11 The Obama administration sought to **dissuade** adversaries from developing ASATs by **setting a good example** and **not working on them ourselves**. This approach has **failed**. As a consequence, many defense policy makers are now advocating that we move aggressively to develop ASATs of our own. While more hardheaded than the previous policy, such an approach remains entirely inadequate to the situation. The United States armed forces are far more dependent upon space assets than any potential opponent. Were both sides in a conflict able to destroy the space assets of the other, we would be the overwhelming loser by the exchange.

**Space dominance solves hegemony – deterrence strategies, even rudimentary ones, are perceived as weakness and causes aggression**

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While space superiority and space dominance share a militarized view of space, there are fundamental differences in their stated end goals. Those who favor space superiority view space as a global commons, accessible to all in peacetime. They take a more defensive and reactive view of space and the actors who seek access to this domain. The space superiority model understands that U.S. dependence on space is vital for the basic functioning of American civilization (banking transactions, cell phone signals, GPS functions, television broadcasts, as well as essential military surveillance and support functions all across satellites in space). Yet, this model also accepts that current budgetary constraints mean that the United States is unlikely to invest significantly more into unwieldy and expensive space systems.

A strategy of space superiority accepts the risk arising from reliance on space systems, while deterring attacks on space assets. As actors such as China or Russia become increasingly dependent on space systems themselves, space superiority advocates believe that U.S. willingness to retaliate in kind against any attack on its own space assets is sufficient.7 This is in keeping with the classic deterrence model of Mutual Assured Destruction (MAD).

Unfortunately, however, U.S. dependence on space assets for its very survival is so much greater than any other state that such a threat is unrealistic. The reason that states like China or Russia are developing counter-space capabilities is because the cost to them is extremely low, whereas the benefit for them (in the event of war with the United States) is high. For the cost of a ground-based laser or an anti-satellite (ASAT) missile launcher, China could knock out the ability of all U.S. forces in the Pacific to coordinate and adequately defend themselves from a Chinese offensive.

What could the United States do to the Chinese in return? The best option for U.S. retaliation in space would be to launch some blinding attacks on the handful of China's space assets. However, this ultimately would not deter China from escalating any future conflict since China's investment in space is so low compared to that of the United States. In addition, since Chinese forces are designed to operate in an environment without those assets, such retaliation grounded on deterrence-based models becomes highly problematic and ineffective.

Rather than serving as a stabilizing force in space, then, the defensive and reactive space superiority model would be an inducement for conflict in the strategic high ground of space. Or, rather, the direction of attack would be unidirectional: from U.S. adversaries toward essential U.S. space systems. Thus, while space confers unequivocal advantages to the U.S. forces that depend on space assets for their vital functions, it also provides adversaries with an unprecedented weakness for them to exploit.

The fact is that United States, China, or Russia's dependence on space is asymmetrical. Over the long run, a deterrent-based, space superiority model would eventually allow other states not only to gain and maintain access to space, but also effectively to gain strategic parity with the United States in space. Make no mistake, **the more that states are able to access space, no matter how nascent or rudimentary** their space programs may be, the **more they will refine their capabilities** and be able to develop space programs for their own strategic ends. While most defense analysts believe that deterrence during the Cold War led to bipolar stability, a deterrence-based model in space would create instability. If a near-peer competitor like China or Russia believed that it had acquired the capacity to achieve parity with the United States, what would stop that state from trying to gain strategic advantage over America in space?

A Hegemonic Model

The best solution to avoid this situation is a hegemonic model. The only way that the United States can ensure its continued strategic advantage in space is to embrace fully the space dominance model by weaponizing space. While space superiority advocates will denounce this policy as both cost-ineffective and destabilizing, a hegemonic approach to space is far more in keeping with U.S. traditions and values. Indeed, as John Lewis Gaddis asserts, the American response to foreign threat is traditionally to take “the offensive, by becoming more conspicuous, by confronting, neutralizing, and if possible overwhelming the sources of danger rather than fleeing from them. Expansion, we have assumed, is the path to security.”8

What of the claim that a deterrence-based space superiority model creates stability? The primary claim of deterrence efficacy is that during the Cold War, the more or less equal nuclear balance ensured that neither side had an incentive to launch a disarming first strike. This view was the basis of the mutual assured destruction theory. Since there was no conceivable advantage to either side from these weapons, both sides were forced into a more constructive diplomatic relationship. In all of the time that deterrence was employed, American policymakers assured the public that MAD was better than the alternatives—compellence,9 Rollback,10 and hegemony—because it restrained Soviet aggression.

American policymakers assumed that the Soviet strategists in the Kremlin viewed nuclear arms in the same apocalyptic terms that they did. As such, U.S. policymakers were not only content to allow American nuclear dominance to erode, but also to degrade actively those capabilities through strategic arms agreements. In the meantime, until 1986, mainstream Soviet strategists and policymakers were convinced that they could prevail in a nuclear war. They were just biding their time.11

In this light then, deterrence was not built around the concept of enlightened self-interest, but more likely the result of U.S. policymakers’ inability to see through the fog of the Cold War. The Soviets were by definition a revolutionary power. Even after they had renounced the concept of spreading global communist revolution, however, the urge to transform fundamentally the world order to reflect their own image remained a high strategic priority for the USSR. The United States failed to discern this situation until the Reagan Administration.

President Ronald Reagan, rather than accept the Cold War deterrence paradigm, planned to bring American technical and strategic dominance to bear in space in order to help defeat the Soviet Union. Reagan also recognized that the demilitarized sanctuary view of space was irrelevant, and he **eschewed arms control agreements** that sought to counteract the inherent American advantages in space. President Reagan not only embraced a militarized view of space, but in 1983, he also called for the weaponization of space with his Strategic Defense Initiative (SDI).

By the 1980s, the United States was becoming increasingly dependent on space for military purposes (primarily in the area of satellites). These space systems formed the backbone of the modern military force that Reagan was assembling to counter the Soviet Union. What is more, Reagan's preferred strategy of Rollback meant that the United States would no longer sacrifice its own strategic advantages on the altar of diplomacy. After all, Reagan did not accept the Soviets as an equal and legitimate global power. He detested communism and viewed its proponents in the USSR as the great villains on the world stage. Furthermore, Reagan was staunchly opposed to nuclear weapons. Therefore, he sought to remove the notion of deterrence through MAD and replace it with the concept of hegemony through “Mutual Assured Survival.”

These views coalesced into the Reagan Administration's commitment to placing missile defense systems in orbit. It also called for developing new technologies (i.e., directed-energy weapons) to be used in space. The United States would not only remove the threat of the Soviet nuclear arsenal by creating a working missile defense system in space, but it would also move beyond the Soviet threat by permanently dominating the high ground of space. This position was the basis of SDI.12 In fact, the Reagan Administration's shift in focus was a key factor in the collapse of the Soviet Union as the Soviet leadership then embarked on a tit-for-tat arms buildup that their economy simply could not sustain. 13

Even if deterrence did facilitate a significant reduction in hostility—thereby creating the bipolar stability—no such hope for stability exists in space today. As argued earlier, U.S. reliance on space assets for its most basic functions is far greater than that of other countries. Furthermore, there is no way that the United States can—or should—abandon its use of space as a strategic domain. Thus, a hegemonic model for **space dominance is the only hope to create the stability** that most planners seek, while at the same time defending the American position in space.

Space dominance as a model for stability is nothing new. Indeed, Hegemonic Stability Theory (HST) asserts that the most stable global systems are those in which one actor dominates the system. In such a system, power is aggregated so greatly into a single, dominant actor that such a hegemonic power acts as a stabilizing force. Due to its relative strength, the hegemonic power can set the agenda and the rules that govern the system. The relative weakness of the other actors in the system is well understood, which then prompts these weak actors to abandon any hope of challenging the hegemonic power's rule. Eventually, they end up accommodating the hegemonic power. The lack of challenge creates peaceful stability.14 The fact that one actor is setting the rules means that the system is simple to operate in, as well.

The same logic that buttresses the HST international relations theory arguably undergirds the military strategy of space dominance. If this claim is so, then American hegemony in space is essential for the continued survival of the United States. Whereas there are legitimate arguments to be made regarding the reliance on deterrence-based models for creating stability during the Cold War, the fact is that the world is more multipolar today than it was 25 years ago. Despite what writer Fareed Zakaria has dubbed “the rise of the rest,”15 the United States still retains greater relative power. Therefore, it is **inevitable** and logical that the United States should expand its hegemonic position in space, in order to secure its place there.

Whereas deterrence-based models, such as space superiority, may have worked in a less chaotic international system, no such stability can be achieved today. Many of America's competitors are revanchist states intent on redefining the world order. They are not interested in preserving the American position in space. Also, they are not cowed by a U.S. deterrence strategy in space. Rather, they view such a policy as a **concession that the United States is becoming weaker.**

Space dominance would create greater stability than space superiority. Missile defense systems, tungsten rods, and even directed-energy weapons potentially would all be placed in key orbits around the Earth. This, on top of the existing U.S. space infrastructure, would prove to the world that the United States is committed to preserving its position in space. In a world of rogue states, space-based weapons likely would prevent surprise nuclear attacks. Failing that, the fact that the United States possessed strategic, offensive weapons in orbit—that could be brought down against any hostile actor—undoubtedly, would make even the most intractable foe hesitant.

It is arguable that overwhelming U.S. space power would trickle down from the strategic high ground to lower strategic domains. Rather than wasting time demonstrating resolve by “temporarily blinding Chinese satellites,”16 for example, the overwhelming American presence in space presumably would dissuade potential attackers.

**US hegemony prevents great-power conflicts that escalates to nuclear war**

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Each of these geopolitical challenges is different, and each reflects the distinctive interests, ambitions, and history of the country undertaking it. Yet there is growing cooperation between the countries that are challenging the regional pillars of the U.S.-led order. Russia and China have collaborated on issues such as energy, sales and development of military technology, opposition to additional U.S. military deployments on the Korean peninsula, and military exercises from the South China Sea to the Baltic. In Syria, Iran provided the shock troops that helped keep Russia’s ally, Bashar al-Assad, in power, as Moscow provided the air power and the diplomatic cover. “Our cooperation can isolate America,” supreme leader Ali Khamenei told Putin in 2017. 34 More broadly, what links these challenges together is their opposition to the constellation of power, norms, and relationships that the U.S.-led order entails, and in their propensity to use violence, coercion, and intimidation as means of making that opposition effective. Taken collectively, these challenges constitute a geopolitical sea change from the post– Cold War era.

The revival of great-power competition entails **higher international tensions** than the world has known for decades, and the revival of **arms races, security dilemmas**, and other artifacts of a more dangerous past. It entails sharper **conflicts over the international rules of the road** on issues ranging from freedom of navigation to the illegitimacy of altering borders by force, and intensifying competitions over states that reside at the intersection of rival powers’ areas of interest. It requires confronting the prospect that rival powers could overturn the favorable regional balances that have underpinned the U.S.-led order for decades, and that they might construct rival spheres of influence from which America and the liberal ideas it has long promoted would be excluded. Finally, it necessitates recognizing that great-power rivalry could lead to **great-power war**, a prospect that seemed to have followed the Soviet empire onto the ash heap of history.

Both Beijing and Moscow are, after all, optimizing their forces and exercising aggressively in preparation for potential conflicts with the United States and its allies; Russian doctrine explicitly emphasizes the limited use of nuclear weapons to achieve escalation dominance in a war with Washington.35 In Syria, U.S. and Russian forces even came into deadly contact in early 2018. American airpower decimated a contingent of government-sponsored Russian mercenaries that was attacking a base at which U.S. troops were present, an incident demonstrating the increasing boldness of Russian operations and the corresponding potential for escalation.36 The world has not yet returned to the epic clashes for global dominance that characterized the twentieth century, but it has returned to the historical norm of great-power struggle, with all the associated dangers.

Those dangers may be even greater than most observers appreciate, because if today’s great-power competitions are still most intense at the regional level, who is to say where these competitions will end? By all appearances, **Russia does not simply want to be a “regional power**” (as Obama cuttingly described it) that dominates South Ossetia and Crimea.37 It aspires to the deep European and extra-regional impact that previous incarnations of the Russian state enjoyed. Why else would Putin boast about how far his troops can drive into Eastern Europe? Why else would Moscow be deploying military power into the Middle East? Why else would it be continuing to cultivate intelligence and military relationships in regions as remote as Latin America?

Likewise, China is today focused primarily on securing its own geopolitical neighborhood, but its ambitions for tomorrow are clearly much bolder. Beijing probably does not envision itself fully overthrowing the international order, simply because it has profi ted far too much from the U.S.-anchored global economy. Yet China has nonetheless positioned itself for a global challenge to U.S. influence. Chinese military forces are deploying ever farther from China’s immediate periphery; Beijing has projected power into the Arctic and established bases and logistical points in the Indian Ocean and Horn of Africa. Popular Chinese movies depict Beijing replacing Washington as the dominant actor in sub-Saharan Africa—a fi ctional representation of a real-life effort long under way. The Belt and Road Initiative bespeaks an aspiration to link China to countries throughout Central Asia, the Middle East, and Europe; BRI, AIIB, and RCEP look like the beginning of an alternative institutional architecture to rival Washington’s. In 2017, Xi Jinping told the Nineteenth National Congress of the Chinese Communist Party that Beijing could now “**take center stage in the world”** and act as an alternative to U.S. leadership.38

These ambitions may or may not be realistic. But they demonstrate just how signifi cantly the world’s leading authoritarian powers desire to shift the global environment over time. **The revisionism we are seeing today may therefore be only the beginning**. As China’s power continues to grow, or if it is successful in dominating the Western Pacifi c, it will surely move on to grander endeavors. If Russia reconsolidates control over the former Soviet space, it may seek to bring parts of the former Warsaw Pact to heel. Historically, this has been a recurring pattern of great-power behavior—**interests expand with power**, the appetite grows with the eating, risk-taking increases as early gambles are seen to pay off.39 This pattern is precisely why the revival of great-power competition is so concerning—because **geopolitical revisionism** by unsatisfied major powers has so often **presaged intensifying international conflict, confrontation, and** even **war**. The great-power behavior occurring today represents the warning light flashing on the dashboard. It tells us there may be still-greater traumas to come.

### 1NC – OFF

#### Interps--- teams must disclose their aff 30 minutes before the round Violation—they disclosed <x> minutes before

#### Predictability subsets clash debates--- makes it impossible to know the neg strat and creates a reliance on shifty aff tactics 2- Education--- back and forth discussion is key to education--- we can’t do that when we don’t know what we’re talking about 3- Fairness--- We were here to disclose--- its reciprocal

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#### Interpretation – The affirmative can only garner offense from “the appropriation of outer space by private entities being unjust”. To clarify, they can’t garner offense off of methods to solve private entities appropriating outer space such as treaties or actor action.

#### Violation – They have extra offense from adopting a binding international agreement, and establishing outer space as a global common subject to regulatory deliming and liability

#### Standards:

#### 1] Limits – Only our interp accurately sets the upper limit to the topic. The CI will let the aff garner offense from any possible way to reduce property rights/private appropriation, which can range from treaties like OST, PTD, Common Heritage or state/actor action, which there are hundreds of. 0% chance the neg can prep for all possible offense relating to space possible and forces random LARP generics, turns edu by spreading us thin

#### 2] Neg-flex – Forces the negative to allows fall back onto generics that can never have the potential to engage with affirmative on a content level. Aff gets 2 months to pigeonhole and prep out every neg arg

#### 3] Education – 2-month time limit on the topic means every round is valuable. Specific education about the direct question the resolution asks is the only take away we get from this event. Precision in what they aff can read forces concise topic research in a limited area that allows us to deeply explore every area of the topic.

#### Paradigms -

#### Extra T is drop the debater – We indict your ability to read and garner offense from the affirmative in the first place.

#### Competing interps over reasonability – Reasonability is always arbitrary and innvites judge intervention

#### No RVIs on Extra T –

#### 1] Extra T is a gateway issue – Affirmative is always proactive while the neg is reactive. we always have to hyper tailor T args to the affirmative while the aff can just prep out the few

#### 2] Illogical – You don’t get to win for following the rules

#### 3] Deterrence – deters debaters from calling out untopical affs, otherwise unfair affs always win

#### outweighs 1AR theory, it’s a forced reaction to untopical affs

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#### States should –

#### -- replace the informal agreements under the Missile Technology Control Regime (MTCR) with an International Convention on Preventing the Transfer of Ballistic Missiles and Technology to Terrorist Subjects by the U.N. auspices

#### -- apply strict collective sanctions on States that violate international law and provisions of the MTCR

#### -- relieve the current MTCR of the transfer of civilian ballistic missiles and their components to democracies

#### Civilian launch vehicles k2 survival

Halunko et al 20 Halunko, Valentyn, Yurii Buhlak, and Oleg Pauk (2020) International Legal Regulation of the Missile Technology Control Regime in the Aspect of Private Space Company Activities. Advanced Space Law, Volume 5, 34-47. https://doi.org/10.29202/asl/2020/5/4 Valentyn Halunko1 Doctor of Law, Professor, Editor-in-Chief of Academic Journal “Advanced Space Law”, President of Company “Scienсe and Space” (Kyiv, Ukraine) E-mail: scinspace@gmail.com https://orcid.org/0000-0003-1619-5028 Yurii Buhlak2 Ph.D. in Law, a Doctoral Student, Donetsk Law Institute of the Ministry of Internal Affairs of Ukraine (Kryvyi Rih, Ukraine) E-mail: buglack@gmail.com https://orcid.org/0000-0002-0428-0121 Oleg Pauk3 Ph.D. student, Institute of Technical Mechanics of the National Academy of Sciences of Ukraine (Dnipro, Ukraine) E-mail: [paykoleg@gmail.com](mailto:paykoleg@gmail.com) <https://web.archive.org/web/20201210094556id_/http://asljournal.org/journals/2020-5/ASL_vol_5_HalunkoBuhlakPauk.pdf> //avery

In the article, the theoretical provisions and practical implementation of MTCR will be analyzed. This problem is central, since the survival of mankind in the face of natural disasters, the emergence of new dangerous viruses and man-made disasters depends directly on the quality and quantity of civilian launch vehicles available to mankind. There are some publications in law books and other literature. However, they transfer a crucial idea that the development and construction of new ballistic missiles and technologies should be deterred. In the current context, this is an ineffective means of achieving international public interest. Totalitarian States receive such technologies, while democracies governed by the rule of law, which strictly adhere to the guidelines of international law, cannot carry out exploration and use of outer space. Moreover, democracies governed by the rule of law that possess ballistic missile technology and means of ballistic missile production cannot engage foreign partners in mutually beneficial cooperation. Therefore, the current MTCR should be relieved for the transfer of civilian ballistic missiles and their components to democracies governed by the rule of law and private business companies that are under the banner of such States. At the same time, sanctions should be not just increased, but strict collective sanctions should be applied to States that violate international law in general, and provisions of the MTCR, in particular (A/RES/68/262, 2014) Moreover, the “informal” international agreement under the analysis should be replaced by an International Convention on Preventing the Transfer of Ballistic Missiles and Technology to Terrorist Subjects by the U.N. auspices. Therefore, further restraints on the proliferation of launch vehicles and their components and prevention of private space companies, entities to democracies governed by the rule of law, from producing them will cause overall damage to the international community, and we will prove it in the article. The article is based on the following content. First, the State of affairs in the MTCR legal regulation is revealed as well as contradictions in this area is under focus, taking into account the activities of private space companies. Next, the specificities of MTCR compliance is analysed. The study proves that, although according to its principles, the MTCR does not intend to impede the peaceful use of advanced missile technology, in practice, due to the guidelines of this regime, democratic States that carefully follow export control guidelines are forced to hinder the development of their missile technologies and do not prevent totalitarian States from increasing their arsenal of ballistic missiles. In this respect, the level of international security against the spreading of ballistic missiles beyond the MTCR is under focus. The MTCR accession procedure for the new Member States is studied, and the significant bureaucratic nature of this procedure is concluded. The legal nature of sanctions for MTCR violations has been disclosed. The most substantial shortcomings and areas for improving the MTCR have been identified, given the need for active development of private space companies.

#### Prevents extinction

Halunko et al 20 Halunko, Valentyn, Yurii Buhlak, and Oleg Pauk (2020) International Legal Regulation of the Missile Technology Control Regime in the Aspect of Private Space Company Activities. Advanced Space Law, Volume 5, 34-47. https://doi.org/10.29202/asl/2020/5/4 Valentyn Halunko1 Doctor of Law, Professor, Editor-in-Chief of Academic Journal “Advanced Space Law”, President of Company “Scienсe and Space” (Kyiv, Ukraine) E-mail: scinspace@gmail.com https://orcid.org/0000-0003-1619-5028 Yurii Buhlak2 Ph.D. in Law, a Doctoral Student, Donetsk Law Institute of the Ministry of Internal Affairs of Ukraine (Kryvyi Rih, Ukraine) E-mail: buglack@gmail.com https://orcid.org/0000-0002-0428-0121 Oleg Pauk3 Ph.D. student, Institute of Technical Mechanics of the National Academy of Sciences of Ukraine (Dnipro, Ukraine) E-mail: [paykoleg@gmail.com](mailto:paykoleg@gmail.com) <https://web.archive.org/web/20201210094556id_/http://asljournal.org/journals/2020-5/ASL_vol_5_HalunkoBuhlakPauk.pdf> //avery

It is important to emphasize that, prior to the adoption of high-level international legislation on the peaceful design, development, production, operation, export and launch of launch vehicles with civilian satellites and stations, all States, whether or not they are MTCR members, must strictly adhere to their guidelines. In relation to States that violate this regime, all Member States should be consolidated to impose strict political and economic sanctions. There is no other way. In addition, we argue that, first, the procedure for joining MTCR by democracies governed by the rule of law should be simplified. Because the more civilized space powers are in society, the higher the development of overall social progress of the world economy through the use of space resources. Second, the procedure for democracies governed by the rule of law, applicants to the MTCR to use ready-made launch vehicles to launch their civilian satellites, should be simplified. Export should be with the exclusive right of use, without the right of ownership and regulations. It should be without the transfer of technical documentation and technology. Moreover, MTCR manufacturers’ staff should provide maintenance of such missile systems. This will enable us to engage both public and private investments by individuals and legal entities of States currently uninvolved in the exploration and use of outer space. This will increase the MTCR status as an international institution. Furthermore, it will be a factor in counteracting the proliferation of ballistic launch vehicles in the uncontrolled civilized world community. Conclusion Therefore, the MTCR has long played a positive role in preventing the transfer of ballistic missiles and related technologies to terrorist organizations and totalitarian State regimes. However, it is not effective under the current MTCR. On the one hand, it does not deter States from successfully developing ballistic missiles and weapons of mass destruction. On the other hand, it hinders the development of space technologies by non-space club States. This is despite the fact that, under the present conditions, liquid and solid civilian engines are the only vehicles that provide access to Earth orbit and the long space of cargo and humans. It is proved that humanity is in such a state that only civilian ballistic missiles make the Earth Man into the Cosmic Man. In other words, the proliferation of rocket technology among private companies of democracies governed by the rule of law not only increases the quality of life and work of people on Earth, but also increases the probability of human survival in the face of global natural and man-made disasters. Our further research will focus on the development of the theory and practical recommendations on a high-level international legal mechanism (at the U.N. level) to prevent ballistic missiles from entering terrorists. Nevertheless, simultaneously private companies, residents in democracies governed by the rule of law, should be provided with the conditions to build many new launch vehicles.

#### Space colonization is key to ensure human survival – pursuing it as soon as possible is crucial--- reworking legal frames kills current advancement

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Should humankind exist in the future? Should the future existence of humankind be as good as possible in as many ways as possible? If your answer to these two questions is Yes, then there is a topic that you should care about a lot: Space colonization. Why, you might wonder, does space colonization matter, possibly more than anything else, as the title of this article claims? Because the future of humankind directly and completely dependent on whether and how we manage to colonize space. Space colonization is a double-edged sword. On one hand, the creation of permanent and self-sustainable human habitats beyond Earth is unavoidable if humankind is to exist in the long-term future. On the other hand, however, space colonization could bring about a catastrophically bad future if we colonize space in a bad way. That future that might be worse than one in which humankind does not exist. Space or bust: Why we must reach for the stars Why should we pursue space colonization in the first place? Don’t we have more pressing problems today, on Earth? Yes, we do have many problems on Earth today, and we should try to solve them. But space colonization is just that: A strategy for dealing with certain problems. An the problems that space colonization would be dealing with are, arguably, among the greatest problems of them all: Existential risks; risks that might lead to the extinction of humankind [1]. Currently, all of our proverbial existential eggs are in the same basket. If a natural existential risk strikes (for example, a large asteroid colliding with Earth) or if a man-made existential risk results in a catastrophic outcome (for example, runaway global warming [2, 3]), all of humankind is at risk because humankind is currently limited to planet Earth. If, however, there are self-sustainable human habitats beyond Earth, then the probability of an irreversibly catastrophic outcome for all of humankind is drastically reduced. Investing in space colonization today could therefore have immense future benefits. Using resources today in order to make space colonization possible in the medium-term future is not a waste, but a very profitable investment. If humankind stays limited to Earth and if we go extinct as a consequence of doing so, then we will all the billions of life years and billions of humans who might have come to exist — and who would have experienced happiness and contributed to humankind’s continued epistemic and moral progress. Taking space colonization more seriously today does not, of course, mean that we should only pursue space colonization and ignore everything else that is bad in the world. We should continue dealing with current global problems and, at the same time, invest greater resources into space colonization. At this point in our history and our technological development, even modest amounts of resources directed at space colonization would go a long way, such as public funding of basic research. Additionally, it is very likely that technological advances in the domain of space colonization would improve our lives in other ways as well thanks to technology transfer [4] — investing in space colonization today would probably be a win-win situation. So the situation seems clear: We must pursue space colonization and try to spread beyond Earth as fast as possible. Unfortunately, there is a catch: Yes, we must colonize space if humankind is to survive, but space colonization itself is very risky. So much so that bad outcomes of space colonization might be even worse for humankind than “merely” going extinct.

### 1NC – Adv 1

#### [1] Nonunique--- space is already a global commons they have no inherency ev

#### [2] Space debris exists now--- they can’t solve because they don’t clean it up and its always increasing--- no brightline

#### [3] Johnson is from 9 years ago--- debris has exponentially increased no impact

#### [4] Straight turn--- their Dovey evidence says that thousands of satellites have already been launched--- bringing them down explodes space debris

### 1NC – Adv 2

#### [1] Their model assumes an only privatized space and doesn’t account for space governments and State-industry agreements--- it won’t be only musk’s vision

#### [2] No link story--- its only about how billionaires view mars which doesn’t assume regulations like the moon treaty

#### [3] All the spencer ev is about space ex so we’ll PIC: States ought to adopt a binding international agreement that bans the appropriation of outer space by private entities by establishing outer space as a global commons subject to regulatory delimiting and global liability for Space X but not every other private entity, instead establishing limitations on exploitation of resources

#### [4] Werhold is a critique of the status quo not expansion--- its inevitable unless they win they establish a global communist regime

### Solvency

#### [1] Their aff is based on a coersive model – their models are imperailist and innherently contradictory to an idea of global democratic governance models

Vollmer 20 [Sarah Louise Vollmer (St. Mary's University School of Law), “The Right Stuff in Geospace: Using Mutual Coercion to Avoid an Inevitable Prison for Humanity,” 51 ST. MARY'S L.J. 777 (2020). <https://commons.stmarytx.edu/thestmaryslawjournal/vol51/iss3/6?utm\_source=commons.stmarytx.edu%2Fthestmaryslawjournal%2Fvol51%2Fiss3%2F6&utm\_medium=PDF&utm\_campaign=PDFCoverPages> ]CT

The regimes governing Antarctica, the High Seas, the Atmosphere, and the radio-frequency spectrum evidence that mutually coercive delimitation can honor the common heritage of mankind, without encroaching on the peaceful enjoyment and benefits attributable to these areas. ¶ a. Antarctica ¶ In the 1950s, there was concern that Antarctica would succumb to Cold War hysteria, becoming a target for international discord and nuclear arms testing.141 In a move to reestablish global scientific exchange, the international scientific community hosted the International Geophysical Year project, and after identifying the potential of Antarctica, sought to protect it from any ruinous power posturing.142 This necessity for regulating permissible activity resulted in the formation of the ATS.143 Subsequent technological advancement revealed mineral deposits, triggering commercial interest in exploiting its natural resources. The threat catalyzed the promulgation of the Madrid Protocol.144 Again, these delimitations did not sever humanity’s utility in Antarctica. Rather, mankind conceded to the prohibition of deleterious usage in the interest of preserving its scientific utility.145¶ b. The High Seas¶ Similar to Antarctica, the High Seas faced threats in the 1960s when nation-states began unilaterally and arbitrarily, extending resource recovery activities further into the depths of international waters.146 In the interest of equity, particularly the interests of landlocked nations, UNCLOS delimited sovereign access to the seas, allowing usage only within the established exclusive economic zones (EEZs).147 An annex to UNCLOS provided a procedural framework in which resource recovery enterprises could operate in international common areas beyond the EEZs, precluding the unilateral capture of global resources by one nation.148 Once more, a mutually coercive framework removed certain freedoms in the interest of mankind without unjustly limiting equitable access to resources. ¶ c. The Atmosphere¶ Divergent from the problems of the ice and sea, atmospheric regulation resolved an issue more analogous to geospace debris proliferation. Atmospheric utility is quite simple: breathable air and protection from deadly cosmic radiation. When satellite imagery revealed the sizable hole in the ozone layer, the Montreal Protocol to the Vienna Convention placed an outright ban on ozone-depleting chemicals in everyday consumables.149 This prohibition directly addressed the source of the negative externality, forcing humanity to internalize the externality through alternate investment in refrigerants. Recent evidence of the reduction of ozone loss validates the mutually coercive delimitation within the Montreal Protocol.150¶ d. Regulating the Telecommunication Spectrum¶ The business model and financial strategy of telecommunications entities influence satellite deployment planning. Typically, orbital placement aims to “maximize [a] potential user base,” and if that base happens to encompass, for instance, the continental United States, market competition drastically narrows the availability of slots for satellite positioning.151 Realizing that satellite acquisition becomes moot without conscientious “use of telemetry and control . . . required for spaceflight,”152 the Space Radiocommunication Conference convened to revise the Radio Regulations in 1963,153 granting the ITU authority to allocate radio frequencies among spacefaring entities.154 Originally, the ITU:¶ [A]llocated orbits and frequencies solely through a first-in-time system. This led to concern that developed countries would secure all of the available slots before developing countries had the technological capacity to use them. Although some orbits and frequencies are still allocated on a first-in-time basis, each state is now guaranteed a certain number of future orbits and frequencies, regardless of its current technological capacity.155¶ The FCC regulates the segment of the electromagnetic spectrum allocated to the United States.156 Arguably, the ITU and agencies like the FCC engage in de facto appropriation of the more highly sought-after orbits.157 Yet to an extent, the ITU’s delimiting of the radio-frequency spectrum remedied the negative externalities of non-appropriation in geospace, such as the overcrowding of active satellites and the resultant interference. Where the ITU’s scheme does not remedy the byproduct of geospace resource use, it succeeds in ensuring communication capabilities remain free from inequitable use.158¶ e. The OST’s Ineffective Delimitations¶ The recurrent theme among the aforementioned regulatory schemes is the preservation of utility within the commons concerned.159 The frameworks each provide a means to enjoy shared resources while removing the potential for destruction. The OST’s nonproliferation provisions properly regulate the usage of the space commons to further the enjoyment of space’s true utility: scientific discovery and telecommunications. Likewise, the Liability Convention reinforces the necessity to maintain heightened situational awareness to guarantee the mutual, uninterrupted enjoyment of activity in space.160 But nation-states exploit the loop-holes within these documents to avoid internalizing some of their externalities. Specifically, the Liability Convention only assigns liability for damage caused to space objects when fault can actually be determined.161 Though it would be simple to assign fault to a collision caused by an intact and inoperative satellite, it is virtually impossible to identify the owner of smaller pieces of debris. Further, while the ITU reserves slots for nations not represented in space,162 it does nothing to stop those capable of reaching geospace from littering the commons and destroying the utility of reserved slots.163 Holistically, none of the delimitations in the Corpus Juris Spatialis negate the cause of the growing belt of debris in geospace.¶ As a sui generis resource, the mere occupation of LEO or GSO equates to the reduction of the overall utility of geospace. When an entity launches a rocket into space, the accompanying payload causes either (1) temporary reduction of the aggregate utility of geospace or (2) permanent reduction of the aggregate utility of geospace.164¶ The first delimitation prong will recommend bifurcating the applicability of the Corpus Juris Spatialis, with separate regimes for outer space and geospace. While the commercialization of outer space is not overly injurious to the international commons or interests of developing nations, the overcrowding of affluent spacefaring entities vying for orbital acquisition puts immense pressure on the finite resources within geospace. Therefore, demarcating the upper limit of geospace will allow entities to continue exploring the universe without imposing the restrictions placed on those seeking geospace positioning.165 This modification will allow continued use of both regions, but coerce more sustainable usage of geospace with the assistance of the secondary prong below. ¶ 2. Global Liability ¶ Operating under the theory that humanity holds an implied property right in the global commons but limited under the non-appropriation clause to protect those interests through traditional property mechanisms, the logical alternative is to impose liability on actions violative of the global interest.166 Further, assuming humanity collectively benefits from utilization of this commons, then humanity likewise must internalize the cost of the negative externalities imposed.167 This means that spacefarers, as members of the global collective, hold both the right and obligation to protect that right for others.168 Therefore, anyone utilizing or benefitting from the utilization of the geospace commons has an equitable duty to ensure its sustainability. Under traditional tort theories, when one has a duty, breach of that duty causally linked to a measurable injury is actionable. In terms of the duty to humanity when utilizing geospace, the culmination of Kessler Syndrome represents the measurable injury.¶ Kessler informed the scientific community in 1970 of the probable cataclysmic chain-reaction and destructive conclusion of unabated geospace debris pollution.169 This theory, reiterated consistently since its dissemination, materialized in 2009.170 Fundamentally, every spacefaring entity and approving launching state knows of this monumental threat to the utility of geospace. Yet to date, mitigation guidelines remain non-binding, and four-figure satellite constellations continue to receive approval.171 To incorporate a time-honored risk calculation method, the Hand Formula is instructive and evidences a trend toward unapologetic endangerment to the utility of geospace in isolation of the associated tort regime.¶ Let us assume the burden to mitigate space debris is $18.5 million172 but the probable magnitude of not mitigating the accumulation of space debris equates to reverting our technological capabilities back to the 1800s. Considering the accumulation of debris from the accidental or intentional breakup of geospace satellites, the probability of Kessler Syndrome fully concluding in the absence of a comprehensive mitigation protocol is one hundred percent.173 While difficult to quantify, the value of our scientific progress attributable to the advent of space travel far outstrips the burden to mitigate space debris. Should Kessler Syndrome become our reality, the measurable injury is the cost of reestablishing global communications without the usage of satellite relays. To add insult to injury, the invaluable utility of geospace will cease to exist.¶ A viable alternative would institute a regime of shared global liability which makes consideration of capital investors as well as nonparticipating beneficiaries in the interest of equity. That is, should the inevitable prison for humanity become a reality, the entire global community will be liable to pay an equitable share of the overall cost of recovery efforts.174 The Liability Convention should undergo a similar trifurcation, adding this new scheme to the current strict and absolute liability mechanisms.175 As such, shared global liability will consider the responsibility of nation-states and private entities in isolation.176 This will coerce cooperation among all agencies, nations, and private entities because the equitable share of responsibility will drive collective resolution. ¶ V. CONCLUSION¶ In light of the emerging global sentiments regarding environmental conservation and sustainability, instituting a regime that clearly defines a legal consequence in the event of environmental ruin boasts greater coercive force than non-binding resolutions. 9 This international agreement aligns with the universal value that the international community places on the utility of geospace.177 In essence, it protects geospace by forcing the signatory to face the reality of their negative externalities. It is unlikely that a nation-state exists that does not value space exploration and the benefits attributable.¶ In April of 2019, in the spirit of the Sustainable Development Goals (SDGs), COPUOS adopted an agenda that focused on the long-term sustainability of the space commons, space traffic management, equitable uses of GSO, and the mitigation of space debris.178 Mindful of space’s critical role in attaining many of the SDGs, the Committee put forth guidelines to facilitate capacity building without prejudice to any one nation-states’ economic capabilities. To be sure, the Guidelines for the Long-Term Sustainability of Outer Space Activities are an important step forward, but many delegates reiterated the importance of developing binding instruments, particularly in light of developments in “space resource exploitation, large constellations, and space debris remediation.”179 ¶ Looking forward, research continues to advance the availability of debris mitigation mechanisms, such as the European Space Agency’s newly-commissioned ClearSpace-1 satellite.180 Mission objectives increasingly include end-of-life procedures to place satellites in appropriate orbits to decrease clutter in areas where active satellites operate.181 In the context of private entities, Planetary Resources—originally positioned to become a principle player in the space mining industry—merged with Consensys Space and quickly launched TruSat, a crowd-sourced situational awareness forum that compiles the reports of private citizens to track objects in geospace.182 These developments instill confidence in the international community’s sentiments toward ameliorating this ever-approaching catastrophe. It is with great hope that this trend continues, and COPUOS promulgates binding regulations to ensure the sustainability of geospace for the common heritage of mankind. “But we can never do nothing. That which we have done for thousands of years is also action. It also produces evils.”183

#### [2] Their ev is not the aff

Dardot 18 [Pierre Dardot, “What democracy for the global commons?,” The Commons and a New Global Governance, ed. Samuel Cogolati and Jan Wouters (2018). <https://d1wqtxts1xzle7.cloudfront.net/58613276/What_Democracy_-_Dardot_Leuwen_2018.pdf?1552469271=&response-content-disposition=inline%3B+filename%3DWhat_democracy_for_the_global_commons.pdf&Expires=1642726034&Signature=YJi8AG6~Y---mP0qsop4i3t~Z5bVLtQYwuDtUdXm6sdKaYwCJFFzQOL-OiY9nIH~JZsophnChwMlUMSGOCDVh7NhHmUonD28k9fU9PrfN2nYTNV2x8XnvoK2KtelSRvRyWN78eA7uC1isTAf1pO5~abPS9XQnORhjp9nPXjpIuBqLrrJhIUCKNjEorJ0u1h63DxkORBKVZfFh-TawG~PS~WdamGNqfljxjaP1G5bG-hUh1aNw0CuXhnqdd8yeH0-uT7iXVNu8cDl2zOtobIiAmD0SBKxjUXP8SYLkvNO0BETnpIzetK7gW8yksHtYjt-WasarhkMQpHeNwvJOY8QeA__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA>] CT

The first requires, above all, a political imagination, and the second assumes that we extend the observation of collective practices and experimentations already underway.¶ 4.2.1 The dual federation of the commons¶ In order to introduce the first point, we must return to our discussion of the commons. Early on in this chapter, we established that the commons are institutional matters to the extent that they determine the rules of common use. In this sense, the commons emerge from what we might legally refer to as the ‘public’, not only in the orthodox economics sense of the collective nature of ‘public goods’, but also in terms of the public in opposition to the private. It is important to note that this public sui generis is non-state public. What exactly does this mean? The state’s public aims to ensure universal access to services but it does so by allowing state administration to monopolize the management of these services, thereby excluding users reduced to mere consumer status. The non-state public of the commons guarantees universal access via user participation in this management. Note that non-state does not mean anti-state, but rather, autonomous from the state. But what are we to make of the state itself? Under what conditions can it itself become a common? And how can we conceptualize its articulation to what belongs to the infra- and supra-state levels? Moreover, how can the different types of commons be organized among themselves? ¶ The magnitude of these questions led us to imagine a political system, that of non-centred federalism, which was inspired by Proudhon (1863). Indeed, he designed a dual federation of social and economic organizations, representing the municipalities as well as the production units and working companies, both of which should be governed by the principle of democracy. In a similar way, we can distinguish, on the one hand, the social-economic commons (common of river, common of forest, seed bank, production unit and so on) independently constituted of territoriality and administrative borders and, on the other hand, political commons formed through the process of increasingly integrating territories (municipalities, regions, states, international groupings of states). Yet, in all of this we are neither statists nor anarchists. We are even reluctant to consider a single global government or a single world state, which would imply a centralized form of authority that is incompatible with the democracy required by the institution of the commons.

**[3] Turn – limitations on commons access such as private entity restrictions lead to backlash and public entities thump**

**Stang 13**

Gerald Stang (associate fellow at the EUISS) , 2013, "Global Commons: between cooperation and competition" European Institute for security studies, https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief\_17.pdf, // HW AW

Rapid economic development and increasing international trade are leading to a more crowded international stage and raising new challenges in the ‘global commons’ – those domains that are not under the control or jurisdiction of any state but are **open for use by countries, companies and individuals from around the world**. Their management involves increasingly complex processes to accommodate and integrate the interests and responsibilities of states, international organisations and a host of non-state actors. Shared rules regarding the usage of - and access to - the global commons encourage their peaceful and cooperative use. Over the last seven decades, the US has led in the creation of a liberal international order which has attempted to define these rules in such a way as to make it easier and more beneficial to join the order and follow the rules than it does to operate outside of (or undermine) it. With the rise of nonWestern, less liberal powers - particularly **China - questions must be asked regarding the durability of the existing processes for managing the global commons,** along with the potential for developing effective new processes that can address new threats and challenges. The EU is uniquely positioned to play an important role in giving value to existing multilateral frameworks and in developing new ones for international cooperation in these domains. But with a multitude of competing interests among stakeholders, much work remains to be done. What exactly are the global commons? Security analysts generally identify **four domains as global commons: high seas, airspace, outer space** and, now, cyberspace. From a security perspective, the primary concern is safeguarding ‘access’ to these domains for commercial and military reasons. It is important to highlight that this language differs from the discourse on commons developed by environmental analysts: their arguments focus on damage to the ‘condition’ of the commons from overuse by actors who do not have to pay direct costs. They worry about the depletion of shared resources such as ocean fish stocks, or the damage to shared domains such as Antarctica or the atmosphere. A third strand of analysis looks not at the need for ‘access’ to or preservation of the ‘condition’ of the commons, but at the capacity of the commons to provide ‘global public goods’. As there is no accepted definition of a global public good (a functioning trading system, peace, clean water, electricity, the internet, and many other things are often included), it may be wiser to focus on the four global commons relevant to security analysts mentioned above. While there are major differences between the ‘access’ views of security analysts and the ‘condition’ views of environmentalists, both are concerned about how the Global commons: Between cooperation and competition by Gerald Stang Photo by NASA / Rex Features (1568628a) European Union Institute for Security Studies April 2013 2 rules for use of the commons are set and enforced. In today’s interconnected world, **any limitations on access to the commons would be highly disruptive**. Militaries rely on access to the commons to pursue security goals in domains outside their sovereign control. Economic actors rely on the commons to trade and conduct business. **Changes to the condition of the commons can therefore disrupt commerce and security, not to mention the status of the global environment.** Each of the four commons discussed below possesses unique attributes and poses unique challenges for international cooperation and governance. Sea As the primary avenue for international commerce since ancient times, norms for access to and passage on the seas have developed and evolved over many years. Only in recent decades, however, have there been agreed regulatory frameworks and institutions to manage them. The UN Convention on the Law of the Sea (UNCLOS), first initiated in 1956 though not legally in force until 1994, is the primary international treaty regarding the sea, laying out rules for territorial boundaries (22km from shore), resource management and the rights of states within their exclusive economic zones (370km from shore). The International Tribunal for the Law of the Sea (ITLOS), created by UNCLOS, has the power to resolve disputes by States Parties. Except for the US, most countries and all global powers - including the EU-27 - have signed and ratified UNCLOS. The UN International Migratory Organization (IMO), created in 1948, regulates international shipping and rulings on safety, environmental and technical cooperation issues (the EU has observer status). As the world’s only global sea power, the United States has historically seen itself as the protector of free movement on the seas. With 11 carrier groups (Russia has one, rarely used) and hundreds of naval bases and allied ports throughout the globe, the US has a naval footprint that dwarfs all its allies and competitors. While countries such as Iran and China may be uncomfortable with US capacity to deny others access to the sea, US support for the creation and respect of transparent international regulations for use of the sea (which they adhere to themselves despite not having ratified UNCLOS), has allowed for the stable management of access to the seas. Except for the disruptive (but still rare) threat of piracy, access to the seas is generally a smooth and well-regulated process. The massive and relatively effective, if ad hoc, global response to the localised piracy problem off the coast of Somalia (for which the EU launched Atalanta, its own anti-piracy mission under the CSDP) highlighted the world’s impressive capacity to handle disruptions of this type. Territorial disputes exist in places like the South China Sea, but relate to historical boundary disagreements rather than conflict over rules of sea access. Normally, no state has an interest in disrupting sea trade. Even in times of crisis, while individual states may wish to deny their opponents access to certain regions, they are unlikely to harm their own interests by disrupting traffic on the world’s oceans. Environmental ‘condition’ issues in the sea commons are disconnected from ‘access’ issues. No single international treaty or body addresses pollution, overfishing or the various challenges in the melting Arctic. A confusing patchwork of sea basin cooperation groupings, regional fisheries management organisations and pollution monitoring agreements is in place. The integrated marine policy of the EU recognizes the need to improve governance of the seas while avoiding treaty congestion. While no unifying treaty or body to manage maritime issues is likely to appear, years of patient discussion in a variety of venues (of the type that the EU excels at) may lead to greater coherence and cooperation in managing environmental threats. Air International air travel requires the use of national airspace for continuous transit and involves detailed agreements that define transit rights. The UN International Civil Aviation Organisation, established in 1947, is the leading institution for regulating air travel. All EU countries are members, while the EU has observer status. As with piracy at sea, any potential disruption of access to the air commons is likely to come from non-state actors. While terrorist events can disrupt air traffic, however, intergovernmental cooperation between national police and security agencies is well established. Any systemic threat to the air commons appears so unlikely that some security analysts do not even include air as a one of the commons. Also like the sea commons, issues of management of environmental ‘condition’ are disconnected from ‘access’ issues. The accumulation of greenhouse gases is a form of pollution of the atmosphere, but the alarm stems from their effects on the biosphere rather than from the risk that the atmosphere may become unbreathable or inaccessible. The EU is a global leader on climate change, with the world’s most comprehensive emissions trading scheme and intense efforts to regulate and limit emissions. The Union has set the tone at the international level but has been unable to win agreement for an internal carbon tax or stronger emissions targets from external partners. European Union Institute for Security Studies April 2013 3 Space More than a thousand orbiting satellites facilitate communications in both the military and the civilian spheres, regulated by a mix of UN guidelines, bilater- al Cold War agreements and industry standards. The UN International Telecommunications Union (ITU) allocates radio spectrum and satellite orbits and develops international technical standards. Established in 1869, the ITU has almost universal membership among existing states, including all EU countries - though not the EU itself. The 1967 Outer Space Treaty, signed by all spacefaring nations, provides the minimal framework for activities in space, banning weapons of mass destruction and preventing states from claims to celestial bodies. The Treaty does not establish infrastructure for coordination, and consultation among party states is ad hoc. Following China’s destruction of one of its own satellites in 2007, there has been increasing concern about protection of satellites from attack. During the later stages of the Cold War, the US and the USSR tacitly agreed to a moratorium on testing anti-satellite weapons (ASAT) - but there are no binding rules in place. The satellite’s destruction also created a debris cloud which could have damaged other satellites or spacecraft. Unlike the sea and air domains, the problem of debris management in space indicates an overlap between ‘access’ and ‘condition’ issues. While access to space has previously been limited to a small number of states, **the increasing role of new actors (including from the private sector) suggests that the creation of comprehensive and binding regulations for the space commons may become more difficult.** The EU has pushed to become a key actor in space matters, working with the European Space Agency (ESA) - an intergovernmental body - on Galileo, Europe’s civilian satellite navigation system. In an effort to get ahead of the curve and manage uncertainty, the European Council approved a voluntary Code of Conduct for Outer Space Activities in late 2008 (revised in 2010) to address both space operations and space debris. It has only limited operational requirements but develops important cooperation, consultation, and notification mechanisms. To make it more palatable to the US and other states, it is not binding and has no enforcement mechanism. As with many efforts in multilateral regulation of the global commons, the US has been hesitant to agree to the Code for fear of diminishing its own freedom of manoeuvre. It may be an important step, however, in setting the groundwork for future space cooperation if the EU can follow up on the Code’s development with diplomatic action by bringing other space-faring countries on board. Cyberspace Cyberspace differs from the other commons because it is not a physical domain and because of the preponderant role of the private sector in both the infrastructure and the management of the domain. All of the physical nodes of the internet also exist within states and are subject to national law, rather than existing physically outside of national control as for the other commons. The American and security-related roots of the internet are reflected in how technical internet standards are managed. The Internet Corporation for Assigned Names and Numbers (ICANN), a private non-profit entity under contract with the US government, has ensured the coordination of internet addresses and registries since 1998. While ICANN operations have been stable - and their inclusive governance style has won imitators for handling technical issues - many countries prefer a formal international body to manage technical internet issues. The ITU has been suggested as a neutral management body, but this idea has been resisted by most Western states. Interestingly, non-Western states are pushing for international management of the internet within a framework that provides individual countries with rights and roles, rather than leaving it to the nonprofit sector to decide how the internet works. All EU-27 countries are members of the ITU and, following a European Parliament deliberation, voted as a bloc against the measures granting more power to the ITU, concerned over states wishing to regulate, control, and limit internet use. The UN Internet Governance Forum (IGF) has become the leading multi-stakeholder platform for states and other actors to debate internet governance. Regardless of the ICANN/ITU issue, states can filter and censor within their territories, and for the time being, efforts to protect against cyber attacks remain within the national sphere. Cyberspace allows for the spread of information, creating pressures for transparency in both democratic and non-democratic states. Discussions on the management of cyberspace, therefore, have become connected with those on the power of states to control information. Finally, although there is no environmental constitu- ency for cyberspace, there are constituencies of users and providers - private and public - who play a similar role in pushing for the protection of certain conditions in cyberspace. Unlike for sea and air domains, therefore, there is overlap between ‘access’ and ‘condition’ discussants. With worries about Cold War-style espionage and cyber conflict between states, cyber security problems European Union Institute for Security Studies April 2013 4 QN-AK-13-017-2A-N | ISSN 2315-1110 are expected to grow worse and are unlikely to be addressed through multilateral fora. Problems with hackers of various types make problems of attribution, response and coordination of policing very difficult. Cyber conflict involving states will ebb and flow along with the quality of the relationship between those states and competing states will continue to test each other’s cyber defences.

#### [4] Cap inev – alt is worse for social inequality and environmental practices

Mead, 12 --Professor of Foreign Affairs and Humanities at Bard College (7/28/2012, Walter Russell, “The Energy Revolution 4: Hot Planet?” <http://blogs.the-american-interest.com/wrm/2012/07/28/the-energy-revolution-4-hot-planet/>, JMP)

Capitalism is not, Monbiot is forced to admit, a fragile system that will easily be replaced. Bolstered by huge supplies of oil, it is here to stay. Industrial civilization is, as far as he can now see, unstoppable. Gaia, that treacherous slut, has made so much oil and gas that her faithful acolytes today cannot protect her from the consequences of her own folly. Welcome to the New Green Doom: an overabundance of oil and gas is going to release so much greenhouse gas that the world is going to fry. The exploitation of the oil sands in Alberta, warn leading environmentalists, is a tipping point. William McKibben put it this way in an interview with Wired magazine in the fall of 2011: I think if we go whole-hog in the tar sands, we’re out of luck. Especially since that would doubtless mean we’re going whole-hog at all the other unconventional energy sources we can think of: Deepwater drilling, fracking every rock on the face of the Earth, and so forth. Here’s why the tar sands are important: It’s a decision point about whether, now that we’re running out of the easy stuff, we’re going to go after the hard stuff. The Saudi Arabian liquor store is running out of bottles. Do we sober up, or do we find another liquor store, full of really crappy booze, to break into? A year later, despite the success of environmentalists like McKibben at persuading the Obama administration to block a pipeline intended to ship this oil to refineries in the US, it’s clear (as it was crystal clear all along to anyone with eyes to see) that the world has every intention of making use of the “crappy liquor.” Again, for people who base their claim to world leadership on their superior understanding of the dynamics of complex systems, greens prove over and over again that they are surprisingly naive and crude in their ability to model and to shape the behavior of the political and economic systems they seek to control. If their understanding of the future of the earth’s climate is anything like as wish-driven, fact-averse and intellectually crude as their approach to international affairs, democratic politics and the energy market, the greens are in trouble indeed. And as I’ve written in the past, the contrast between green claims to understand climate and to be able to manage the largest and most complex set of policy changes ever undertaken, and the evident incompetence of greens at managing small (Solyndra) and large (Kyoto, EU cap and trade, global climate treaty) political projects today has more to do with climate skepticism than greens have yet understood. Many people aren’t rejecting science; they are rejecting green claims of policy competence. In doing so, they are entirely justified by the record. Nevertheless, the future of the environment is not nearly as dim as greens think. Despairing environmentalists like McKibben and Monbiot are as wrong about what the new era of abundance means as green energy analysts were about how much oil the planet had. The problem is the original sin of much environmental thought: Malthusianism. If greens weren’t so addicted to Malthusian horror narratives they would be able to see that the new era of abundance is going to make this a cleaner planet faster than if the new gas and oil had never been found. Let’s be honest. It has long been clear to students of history, and has more recently begun to dawn on many environmentalists, that all that happy-clappy carbon treaty stuff was a pipe dream and that nothing like that is going to happen. A humanity that hasn’t been able to ban the bomb despite the clear and present dangers that nuclear weapons pose isn’t going to ban or even seriously restrict the internal combustion engine and the generator. The political efforts of the green movement to limit greenhouse gasses have had very little effect so far, and it is highly unlikely that they will have more success in the future. The green movement has been more of a group hug than a curve bending exercise, and that is unlikely to change. If the climate curve bends, it will bend the way the population curve did: as the result of lots of small human decisions driven by short term interest calculations rather than as the result of a grand global plan. The shale boom hasn’t turned green success into green failure. It’s prevented green failure from turning into something much worse. Monbiot understands this better than McKibben; there was never any real doubt that we’d keep going to the liquor store. If we hadn’t found ways to use all this oil and gas, we wouldn’t have embraced the economics of less. True, as oil and gas prices rose, there would be more room for wind and solar power, but the real winner of an oil and gas shortage is… coal. To use McKibben’s metaphor, there is a much dirtier liquor store just down the road from the shale emporium, and it’s one we’ve been patronizing for centuries. The US and China have oodles of coal, and rather than walk to work from our cold and dark houses all winter, we’d use it. Furthermore, when and if the oil runs out, the technology exists to get liquid fuel out of coal. It isn’t cheap and it isn’t clean, but it works. The newly bright oil and gas future means that we aren’t entering a new Age of Coal. For this, every green on the planet should give thanks. The second reason why greens should give thanks for shale is that environmentalism is a luxury good. People must survive and they will survive by any means necessary. But they would much rather thrive than merely survive, and if they can arrange matters better, they will. A poor society near the edge of survival will dump the industrial waste in the river without a second thought. It will burn coal and choke in the resulting smog if it has nothing else to burn. Politics in an age of survival is ugly and practical. It has to be. The best leader is the one who can cut out all the fluff and the folderol and keep you alive through the winter. During the Battle of Leningrad, people burned priceless antiques to stay alive for just one more night. An age of energy shortages and high prices translates into an age of radical food and economic insecurity for billions of people. Those billions of hungry, frightened, angry people won’t fold their hands and meditate on the ineffable wonders of Gaia and her mystic web of life as they pass peacefully away. Nor will they vote George Monbiot and Bill McKibben into power. They will butcher every panda in the zoo before they see their children starve, they will torch every forest on earth before they freeze to death, and the cheaper and the meaner their lives are, the less energy or thought they will spare to the perishing world around them.But, thanks to shale and other unconventional energy sources, that isn’t where we are headed. We are heading into a world in which energy is abundant and horizons are open even as humanity’s grasp of science and technology grows more secure. A world where more and more basic human needs are met is a world that has time to think about other goals and the money to spend on them. As China gets richer, the Chinese want cleaner air, cleaner water, purer food — and they are ready and able to pay for them. A Brazil whose economic future is secure can afford to treasure and conserve its rain forests. A Central America where the people are doing all right is more willing and able to preserve its biodiversity. And a world in which people know where their next meal is coming from is a world that can and will take thought for things like the sustainability of the fisheries and the protection of the coral reefs. A world that is more relaxed about the security of its energy sources is going to be able to do more about improving the quality of those sources and about managing the impact of its energy consumption on the global commons. A rich, energy secure world is going to spend more money developing solar power and wind power and other sustainable sources than a poor, hardscrabble one. When human beings think their basic problems are solved, they start looking for more elegant solutions. Once Americans had an industrial and modern economy, we started wanting to clean up the rivers and the air. Once people aren’t worried about getting enough calories every day to survive, they start wanting healthier food more elegantly prepared. A world of abundant shale oil and gas is a world that will start imposing more environmental regulations on shale and gas producers. A prosperous world will set money aside for research and development for new technologies that conserve energy or find it in cleaner surroundings. A prosperous world facing climate change will be able to ameliorate the consequences and take thought for the future in ways that a world overwhelmed by energy insecurity and gripped in a permanent economic crisis of scarcity simply can’t and won’t do. Greens should also be glad that the new energy is where it is. For Monbiot and for many others, Gaia’s decision to put so much oil into the United States and Canada seems like her biggest indiscretion of all. Certainly, a United States of America that has, in the Biblical phrase, renewed its youth like an eagle with a large infusion of fresh petro-wealth is going to be even less eager than formerly to sign onto various pie-in-the-sky green carbon treaties. But think how much worse things would be if the new reserves lay in dictatorial kleptocracies. How willing and able would various Central Asia states have been to regulate extraction and limit the damage? How would Nigeria have handled vast new reserves whose extraction required substantially more invasive methods?