## 1NC Setcol

**Settler colonialism is the permeating structure of the nation-state which requires the elimination of indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.**

**Tuck and Yang 12**

**(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)**

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). **The horizons of the settler colonial nation-state** are total and **require** a mode of **total appropriation of Indigenous life and land**, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, **relying** solely **on postcolonial literatures or** theories of **coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts**. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound **epistemic, ontological, cosmological violence**. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that **settler colonialism is a structure and not an event**. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. **Indigenous peoples must be erased, must be made into ghosts** (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires7. **Decolonization as metaphor allows people to equivocate** these **contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation.** In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). **Settler colonialism and its decolonization implicates and unsettles everyone.**

### !!L- Extinction

#### Extinction impacts are fabricated by the settler death drive. Settlers have a psychological investment in imagining the end of the world to create a sense of white vulnerability at the expense of enacting decolonization. You should presume the aff to be false

Dalley 16

(Hamish Dalley received his Ph.D. from the Australian National University in 2013, and is now an Assistant Professor of English at Daemen College, Amherst, New York, where he is responsible for teaching in World and Postcolonial Literatures., (2016): The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1238160, JKS)

Settlers love to contemplate the possibility of their own extinction; to read many contemporary literary representations of settler colonialism is to find settlers strangely satisfied in dreaming of ends that never come. This tendency is widely prevalent in English-language representations of settler colonialism produced since the 1980s: the possibility of an ending – the likelihood that the settler race will one day die out – is a common theme in literary and pop culture considerations of colonialism’s future. Yet it has barely been remarked how surprising it is that this theme is so present. For settlers, of all people, to obsessively ruminate on their own finitude is counterintuitive, for few modern social for- mations have been more resistant to change than settler colonialism. With a few excep- tions (French Algeria being the largest), the settler societies established in the last 300 years in the Americas, Australasia, and Southern Africa have all retained the basic features that define them as settler states – namely, the structural privileging of settlers at the expense of indigenous peoples, and the normalization of whiteness as the marker of pol- itical agency and rights – and they have done so notwithstanding the sustained resistance¶ that has been mounted whenever such an order has been built. Settlers think all the time that they might one day end, even though (perhaps because) that ending seems unlikely ever to happen. The significance of this paradox for settler-colonial literature is the subject of this article.¶ Considering the problem of futurity offers a useful foil to traditional analyses of settler- colonial narrative, which typically examine settlers’ attitudes towards history in order to highlight a constitutive anxiety about the past – about origins. Settler colonialism, the argument goes, has a problem with historical narration that arises from a contradiction in its founding mythology. In Stephen Turner’s formulation, the settler subject is by definition one who comes from elsewhere but who strives to make this place home. The settlement narrative must explain how this gap – which is at once geographical, historical, and existential – has been bridged, and the settler transformed from outsider into indigene. Yet the transformation must remain constitutively incomplete, because the desire to be at home necessarily invokes the spectre of the native, whose existence (which cannot be disavowed completely because it is needed to define the settler’s difference, superior- ity, and hence claim to the land) inscribes the settler’s foreignness, thus reinstating the gap between settler and colony that the narrative was meant to efface.1 Settler-colonial narrative is thus shaped around its need to erase and evoke the native, to make the indigene both invisible and present in a contradictory pattern that prevents settlers from ever moving on from the moment of colonization.2 As evidence of this constitutive contradiction, critics have identified in settler-colonial discourse symptoms of psychic distress such as disavowal, inversion, and repression.3 Indeed, the frozen temporality of settler-colonial narrative, fixated on the moment of the frontier, recalls nothing so much as Freud’s description of the ‘repetition compulsion’ attending trauma.4 As Lorenzo Veracini puts it, because:¶ ‘settler society’ can thus be seen as a fantasy where a perception of a constant struggle is juxtaposed against an ideal of ‘peace’ that can never be reached, settler projects embrace and reject violence at the same time. The settler colonial situation is thus a circumstance where the tension between contradictory impulses produces long-lasting psychic conflicts and a number of associated psychopathologies.5¶ Current scholarship has thus focused primarily on settler-colonial narrative’s view of the past, asking how such a contradictory and troubled relationship to history might affect present-day ideological formations. Critics have rarely considered what such narratological tensions might produce when the settler gaze is turned to the future. Few social formations are more stubbornly resistant to change than settlement, suggesting that a future beyond settler colonialism might be simply unthinkable. Veracini, indeed, suggests that settler-colonial narrative can never contemplate an ending: that settler decolonization is inconceivable because settlers lack the metaphorical tools to imagine their own demise.6 This article outlines why I partly disagree with that view. I argue that the narratological paradox that defines settler-colonial narrative does make the future a problematic object of contemplation. But that does not make settler decolonization unthinkable per se; as I will show, settlers do often try to imagine their demise – but they do so in a way that reasserts the paradoxes of their founding ideology, with the result that the radical potentiality of decolonization is undone even as it is invoked.¶ I argue that, notwithstanding Veracini’s analysis, there is a metaphor via which the end of settler colonialism unspools – the quasi-biological concept of extinction, which, when deployed as a narrative trope, offers settlers a chance to consider and disavow their demise, just as they consider and then disavow the violence of their origins. This article traces the importance of the trope of extinction for contemporary settler-colonial litera- ture, with a focus on South Africa, Canada, and Australia. It explores variations in how the death of settler colonialism is conceptualized, drawing a distinction between his- torio-civilizational narratives of the rise and fall of empires, and a species-oriented notion of extinction that draws force from public anxiety about climate change – an invocation that adds another level of ambivalence by drawing on ‘rational’ fears for the future (because climate change may well render the planet uninhabitable to humans) in order to narrativize a form of social death that, strictly speaking, belongs to a different order of knowledge altogether. As such, my analysis is intended to draw the attention of settler- colonial studies toward futurity and the ambivalence of settler paranoia, while highlighting a potential point of cross-fertilization between settler-colonial and eco-critical approaches to contemporary literature.¶ That ‘extinction’ should be a key word in the settler-colonial lexicon is no surprise. In Patrick Wolfe’s phrase,7 settler colonialism is predicated on a ‘logic of elimination’ that tends towards the extermination – by one means or another – of indigenous peoples.8 This logic is apparent in archetypal settler narratives like James Fenimore Cooper’s The Last of the Mohicans (1826), a historical novel whose very title blends the melancholia and triumph that demarcate settlers’ affective responses to the supposed inevitability of indigenous extinction. Concepts like ‘stadial development’ – by which societies progress through stages, progressively eliminating earlier social forms – and ‘fatal impact’ – which names the biological inevitability of strong peoples supplanting weak – all contribute to the notion that settler colonialism is a kind of ‘ecological process’ that necessitates the extinction of inferior races. What is surprising, though, is how often the trope of extinction also appears with reference to settlers themselves; it makes sense for settlers to narrate how their presence entails others’ destruction, but it is less clear why their attempts to imagine futures should presume extinction to be their own logical end as well.¶ The idea appears repeatedly in English-language literary treatments of settler colonial- ism. Consider, for instance, the following rumination on the future of South African settler society, from Olive Schreiner’s 1883 Story of an African Farm:¶ It was one of them, one of those wild old Bushmen, that painted those pictures there. He did not know why he painted but he wanted to make something, so he made these. [...] Now the Boers have shot them all, so that we never see a yellow face peeping out among the stones. [...] And the wild bucks have gone, and those days, and we are here. But we will be gone soon, and only the stones will lie on, looking at everything like they look now.10¶ In this example, the narrating settler character, Waldo, recognizes prior indigenous inha- bitation but his knowledge comes freighted with an expected sense of biological super- iority, made apparent by his description of the ‘Bushman’s’ ‘yellow face’, and lack of mental self-awareness. What is not clear is why Waldo’s contemplation of colonial geno- cide should turn immediately to the assumption that a similar fate awaits his people as well. A similar presumption of racial vulnerability permeates other late nineteenth- century novels from the imperial metropole, such as Dracula and War of the Worlds,¶ which are plotted around the prospect of invasions that would see the extinction of British imperialism, and, in the process, the human species.¶ Such anxieties draw energy from a pattern of settler defensiveness that can be observed across numerous settler-colonial contexts. Marilyn Lake’s and Henry Reynold’s account of the emergence of transnational ‘whiteness’ highlights the paradoxical fact that while white male settlers have been arguably the most privileged class in history, they have routinely perceived themselves to be ‘under siege’, threatened with destruction to the extent that their very identity of ‘whiteness was born in the apprehension of immi- nent loss’.11 The fear of looming annihilation serves a powerful ideological function in settler communities, working to foster racial solidarity, suppress dissent, and legitimate violence against indigenous populations who, by any objective measure, are far more at risk of extermination than the settlers who fear them. Ann Curthoys and Dirk Moses have traced this pattern in Australia and Israel-Palestine, respectively.12 This scholarship suggests that narratives of settler extinction are acts of ideological mystification, obscuring the brutal inequalities of the frontier behind a mask of white vulnerability – an argument with which I sympathize. However, this article shows how there is more to settler-colonial extinction narratives than bad faith. I argue that we need a more nuanced understanding of how they encode a specifically settler-colonial framework for imagining the future, one that has implications for how we understand contemporary literatures from settler societies, and which allows us to see extinction as a genuine, if flawed, attempt to envisage social change.¶ In the remainder of this paper I consider extinction’s function as a metaphor of decolonization. I use this phrase to invoke, without completely endorsing, Tuck and Yang’s argu- ment that to treat decolonization figuratively, as I argue extinction narratives do, is necessarily to preclude radical change, creating opportunities for settler ‘moves to innocence’ that re-legitimate racial inequality.13 The counterview to this pessimistic perspec- tive is offered by Veracini, who suggests that progressive change to settler-colonial relationships will only happen if narratives can be found that make decolonization think- able.14 This article enters the debate between these two perspectives by asking what it means for settler writers to imagine the future via the trope of extinction. Does extinction offer a meaningful way to think about ending settler colonialism, or does it re-activate settler-colonial patterns of thought that allow exclusionary social structures to persist?¶ I explore this question with reference to examples of contemporary literary treatments of extinction from select English-speaking settler-colonial contexts: South Africa, Australia, and Canada.15 The next section of this article traces key elements of extinction narrative in a range of settler-colonial texts, while the section that follows offers a detailed reading of one of the best examples of a sustained literary exploration of human finitude, Margaret Atwood’s Maddaddam trilogy (2003–2013). I advance four specific arguments. First, extinc- tion narratives take at least two forms depending on whether the ‘end’ of settler society is framed primarily in historical-civilizational terms or in a stronger, biological sense; the key question is whether the ‘thing’ that is going extinct is a society or a species. Second, biologically oriented extinction narratives rely on a more or less conscious slippage between ‘the settler’ and ‘the human’. Third, this slippage is ideologically ambivalent: on the one hand, it contains a radical charge that invokes environmentalist discourse and climate-change anxiety to imagine social forms that re-write settler-colonial dynamics; on the other, it replicates a core aspect of imperialist ideology by normalizing whiteness as¶ equivalent to humanity. Fourth, these ideological effects are mediated by gender, insofar as extinction narratives invoke issues of biological reproduction, community protection, and violence that function to differentiate and reify masculine and feminine roles in the putative de-colonial future. Overall, my central claim is that extinction is a core trope through which settler futurity emerges, one with crucial narrative and ideological effects that shape much of the contemporary literature emerging from white colonial settings.

### L – Commons/Gov Better than Corporations

#### The notion of the “commons” has historically been weaponized to build a state-sanctioned trust in white humanity – extending that trust to the stars does not make it less white supremacist and doing it in the name of “pragmatism” does not make it less colonialist.

Goldstein, 18

[Alyosha, Prof. American Studies @ UNewMexico, PhD @ NYU: “By Force of Expectation: Colonization, Public Lands, and the Property Relation,” published by UCLA Law Review on 3-1-2018. https://www.uclalawreview.org/by-force-of-expectation/]//AD

Over the course of the long nineteenth century, land policy was increasingly deployed as a means of encouraging western settlement, while also being symptomatic of the tensions among federal administration, private speculators, and extra-legal settler encroachment.13 As is often noted in scholarship on the public domain—but infrequently emphasized in discussions of the United States more generally—almost one-third of all land in the United States is administered by the federal government. This land is disproportionately concentrated in the western states, with federal acreage totaling nearly 80 percent of Nevada, 63 percent of Utah, and 53 percent of Oregon.14 Considered a revenue source for federal war debt during the early national era, public land policy operated initially to survey, secure, and dispose collateral in the service of national solvency in accordance with the Land Ordinance of 1785.15 Enormous giveaways and preferential lease arrangements for railroad corporations and extractive industries accompanied the aftermath of the Civil War. The Taylor Grazing Act of 1934 inaugurated a new era in federal management of public lands by instituting grazing fees for use of the public domain and effectively ending homesteading.16 In 1976, the Federal Land Policy and Management Act mandated multiple-use standards—including environmental protections aligned with the 1969 National Environmental Policy Act—that continue to govern Bureau of Land Management oversight.17 It was in the context of increased federal management and conservationist legislation that ranchers such as the Bundys increasingly cast themselves as victims of government overreach, as the true embodiment of the American people oppressed by governmental tyranny. Moreover, as has been the case in other settler uprisings in the west, the Bundys displayed no interest whatsoever in the actual and still-present Native peoples whose land they occupied as anything other than a historical metaphor for contemporary white injury. As Ryan Bundy remarked during the 2016 occupation of the Malheur National Wildlife Refuge in Oregon, the militia “recognize that the Native Americans had the claim to the land . . . but they lost that claim. . . . There are things to learn from cultures of the past, but the current culture is the most important.”18 In fact, a variety of claims to land are made in the name of “the public” and “the people” as a collective interest in opposition to the federal government, the extractive industries, or the supposedly special interests of Native American tribes.19 Here, generalized claims to representing “the public” and “the people” obscure the particular and often antagonistic positions that galvanize such claims, as well as casting tribes as a single interest group that fraudulently make claims in the name of sovereignty and treaty rights. The spectrum of debate on public lands today tends to naturalize the white nationalism espoused by the Bundys—even when ostensibly criticizing the occupations as extremist or without merit—by recourse to conceptions of the national public and natural resources as national commons.20 The notion of the commons itself is a logic of apparent universal access and public good that is used to justify indigenous dispossession, depicting the particular and historical belonging of Native peoples as an overly self-interested obstacle to the greater good of the commons.At the same time, recourse to an exceptionalist discourse that casts public lands as “the common birthright of all Americans” has become a frequent rejoinder to either plans for the large-scale transfer of federal lands to states and private industry. For instance, Utah Congressman Jason Chaffetz’s proposed Disposal of Excess Federal Lands Act in January 2017 was abruptly withdrawn after criticism from groups such as Backcountry Hunters and Anglers proclaimed: “It seems the politicians on Capitol Hill have forgotten to whom the land actually belongs. You, me and every other citizen of this country.”21 The substance of the bill echoed both Utah’s 2012 Transfer of Public Lands Act (which demanded that the U.S. Congress convey federal public lands to the state) and the 2016 Republican Party campaign platform (which likewise called for the devolution of public lands to states), even as it remained out of step with public statements by Donald Trump and Montana representative Ryan Zinke, then Trump’s likely nominee on his way to becoming the Secretary of the Interior, who sought to maintain federal control while increasing deregulation to allow for expanded access for private industry.22 Yet both proponents of the populist “to whom the land actually belongs” and legislators espouse a defensive nationalism and incontrovertible possession contingent upon the presumed comprehensive dispossession of indigenous peoples.The pattern of settler trespass and land claims over and against indigenous peoples in excess of imperial or state sanction led to the British colonial government’s Proclamation of 1763. Although the proclamation ultimately served as a justification for the U.S. War of Independence because of its supposedly unjust limitation on territorial expansion by the colonies, it also provided a model for the subsequent U.S. federal government’s authority over constituent states and settlers.23 During the early national period when the federal government administered public lands primarily as a source of revenue, legal and military action sought to curb and control widespread settler trespass and unlawful habitation. In the wake of the Louisiana Purchase, Congress authorized the army to forcibly eject squatters. The 1807 Unlawful Intrusions Act increased criminal sanctions and penalties for settling or occupying public lands without legal claim, but ultimately did little to limit the expectations and incursions of settlers west of the Mississippi River. These expectations and settler claims were first given legal endorsement following the War of 1812 when Congress conferred partial preemption rights to squatters in Louisiana and the Illinois and Missouri Territories. The right of preemption—the preferential right granted to squatters to purchase the lands they occupied prior to public sale at a minimum price per acre—essentially authorized settler illegality and theft as a means of further consolidating colonization. Legislative debates over the regulation of settler trespass intensified throughout the 1820s, eventually resulting in a series of expansive preemption acts between 1830 and 1841.24 In 1862, Congress passed the first of the Homestead Acts, which gave federal land to settlers for farming as a means to encourage westward migration over and against the sovereign territorial claims of indigenous peoples. It similarly encouraged the western settlement of European immigrants as a palliative means of economic mobility intended to defuse full blown class war among the settler population in the east.25 At the same time, the lackluster and minimally implemented Southern Homestead Act of 1866—intended to support landownership by formerly enslaved African Americans—makes clear the unevenly racialized and white nationalist terms of settlement.26 II. The White Republic of Cliven Bundy The historical imaginary expressed in the Bundy occupations is predicated on claiming to defend the true legacy of the American Revolution, the principles of the U.S. Constitution, and the heritage of conquest in the U.S. West. The “Sagebrush Rebellion” of the 1970s restaged the possessive expectations of settlers and western ranchers manifest in reaction to Progressive-era conservationist legislation during the 1890s, including the Forest Reserve Act of 1891 and the Forest Service Organic Administration Act of 1897, which allowed the federal agency to designate areas to be reserved and protected from development. Statements by the Bundys on the illegitimacy of federal authority deliberately align them with this reactionary moment, as well as with historical lineage of white supremacist Posse Comitatus during the 1970s and 1980s, the militia and “county supremacist” movements of the 1990s, and the more recent “sovereign citizen” movement. Distinct in many ways, each of these movements nonetheless claimed to defend private property against federal tyranny.27 For the Bundys and other Western ranchers, these three themes—the American Revolution, the U.S. Constitution, and the so-called frontier—converge most saliently on the issue of land held in the public domain.28 Ignoring not only the ongoing and genocidal history of indigenous displacement, but also the historical consolidation of cattle baron monopolies through their brutal reign of terror and class war against impoverished homesteaders, the Bundy narrative highlights claims of rancher oppression and dispossession. Similar claims were reignited in opposition to the environmental movement in the 1960s and 1970s and legislation such as the National Environmental Policy Act of 1969, which encouraged federal agencies such as the Bureau of Land Management and the National Forest Service to manage natural resources for purposes other than grazing, mining, and logging.29 The county supremacy, wise use, and white nationalist movements share the idea that the U.S. Constitution does not allow federal ownership of public lands within the borders of a state.30 They argue that federal lands should have been relinquished to the states upon their admission to the Union under the so-called “equal footing doctrine.” Originating with the state land cessions negotiated on behalf of the Articles of Confederation as a means of securing the political unification of the states, and further articulated in the expansionist terms of the 1787 Northwest Ordinance, the equal footing doctrine requires that new states be admitted to the Union as political equals of the existing states. Although all of the continental western states had clauses in their admissions acts disclaiming any right to unappropriated public lands within their borders, these groups contend that such clauses are unconstitutional under the equal footing doctrine, and therefore invalid.31 As empirically spurious as such assertions are, they link claims to public land, such as those made by the Bundys, to state’s rights agendas and the terms of continental colonization negotiated among settlers, states, and the federal government. In April 2014, Cliven Bundy’s confrontation with the Bureau of Land Management in the aptly named Bunkerville, Nevada—an unincorporated town founded by Mormons in 1877 and 82 miles northeast of Las Vegas—gained widespread news coverage. Since 1989, Bundy had accumulated more than $1.2 million in unpaid grazing fees for use of public lands. When in 2014, as a response to Bundy’s refusal to pay these fees, the BLM began confiscating Bundy’s cattle, he issued a call to militia across the country to come to his ranch and take up arms against the federal government.32 Although the Bundy family only purchased their ranch land in 1948 and did not begin grazing cattle until 1954, Bundy insisted on his ancestral and preemption-derived rights: “My forefathers . . . have been up and down the Virgin Valley here since 1877. All these rights I claim have been created through pre-emptive rights and beneficial use of the forage and the water and the access and range improvements.”33 At no point has Bundy substantively addressed the Moapa Band of Paiutes, whose homeland was appropriated as the public domain to which he claimed to have rights by virtue of ancestry, preemption, and American citizenship. Nor did Bundy’s advocates make the comparison between the federal government’s treatment of the Nevada rancher and its considerably more severe, violent, and illegal actions toward the nearby Western Shoshone and the Dann sisters.34 Although Bundy had little to say regarding the Southern Paiute he did have thoughts to share on the place of African Americans in the United States. “I want to tell you one . . . thing I know about the Negro,” he said. Referring to a public-housing project in North Las Vegas, he decried “government subsidy” as leading to immoral abortion and crime. He concluded with a nostalgic gloss on slavery by remarking that he’d “often wondered, are they better off as slaves, picking cotton and having a family life and doing things, or are they better off under government subsidy?”35 Indeed, he contended that African Americans taking government assistance were less free than slaves. Las Vegas as a site of escalating racialized struggle over housing and displacement was of little concern for Bundy. Likewise, his criticism of federal land policy omitted any mention of how the 1998 Southern Nevada Land Management Act opened up federal lands for rapid development, and paved the way for the real estate boom in the Las Vegas Valley. During the 1990s, Nevada had the fastest growing population in the country and was subsequently among the state’s most impacted by the 2008 foreclosure crisis.36 Especially relevant for the frame of expectation as property, Cliven Bundy’s racial imaginary and racialization of the state articulate familiar reactionary tropes in response to the gains of the civil rights movement and grudging expansion of the semi-welfare state during the 1960s. These have historically accompanied the assertion of states’ rights and the burgeoning white hostility to federal authority—manifest in struggles such as those against taxation and school integration—and advanced the further devolution and downsizing of government. Likewise, the reactionary 1970s “taxpayer revolt” and successive antiwelfare campaigns disputed what they characterized as the inordinate tax burden placed on them by the state.37 More recently the link between states’ rights claims and efforts to dismantle civil rights legislation such as the Voting Rights Act has been evident in such conservative jurisprudence as the U.S. Supreme Court’s 2013 decision in Shelby County v. Holder.38 Acknowledging the ways in such hostility to federal authority is articulated in terms of declarations of patriotism and claims to represent fundamental constitutionally based American values suggests the importance of understanding how antiwelfare discourse evokes American exceptionalist conceptions of the nation. Underwritten by Lockean notions of property and proper possession, as well as the “doctrine of discovery,” the settler construct of the independent and rugged individualist pioneer that has long served as foundational to the mythology of white nationalism remains predicated upon not only indigenous dispossession and its disavowal, but on the attributions of dependency and devaluation to racialized others more broadly. This is where the white republic of Cliven Bundy is an aspiration to a racially specific national belonging that evokes its own vision of common inheritance and birthright. Bundy’s white republic is at once exclusive, possessory, and an expansive claim to be and to defend America that denies its own dependence on lands and labor taken by attributing reprehensible dependency to those who have been dispossessed and racialized as socially expendable. III. A Certain Public The case of Gold Butte is useful to briefly consider in this regard. Gold Butte is land formation with numerous petroglyphs, historical artifacts, and sacred sites that is part of the traditional territory of the Moapa Band of Paiutes to the south of Bunkerville and on which Bundy had been grazing his cattle.39 In the wake of Mormon-led colonization efforts in the region that began during the mid-nineteenth century and through which settlers seized the most arable Southern Paiute land, the federal government established the Moapa River Indian Reservation in 1873. Initially 2.5 million acres—including much of present-day Moapa, Logandale, Overton, Virgin Valley, and the Gold Butte area—the reservation was reduced to a mere 1,000 acres two years later to make way for mining industry interests. A claim filed with the Indian Claims Commission by the Moapa Paiute in 1951 provided limited compensation for lands taken and legislation in 1980 returned 70,000 acres to the tribe.40 Legislation introduced in 2014 that would have further reinstated land to the tribe failed in committee, but provoked criticism from various settler factions. Real estate developers in the area complained that this would be a “negative economic legacy to the state of Nevada in perpetuity,” and a spokesperson for the organization Partners in Conservation expressed concerns about lack access for non-tribal members and “families that have traditional, historic, and cultural ties to that area . . . . We have lost a lot in the past years with all the various restrictions on federal lands.”41 In addition to such acquisitive hostilities, the Moapa and the Las Vegas Paiute have also fought against the toxic consequences of military test sites and extractive energy projects throughout the region, such as the Yucca Mountain Repository for nuclear waste and the Reid Gardner coal plant.42 Facing resistance to regaining stolen lands, the Moapa worked with the environmentalist group Friends of Gold Butte and Sierra Club, and successfully lobbied outgoing President Obama to establish the Gold Butte National Monument. Former tribal council member Vernon Lee observed: “We want to protect the lands, we want to protect the animals and we want our sacred sites protected . . . . Right now, the best thing we can think of is to go on the side of this creation of a monument.”43 This protection required the Moapa to strategically partner with environmentalists so as to advocate on behalf of the public interest and lobby for a national monument to be established under the Antiquities Act for a nation other than itself and antiquities that would symbolically be conserved as an inheritance for the people of the United States generally. This general public is always already a particular settler public—itself composed of specific antagonisms and divisions—that strives to secure national certainty and capacity through indigenous dispossession.It is instructive to compare Lee’s statement with Nevada Senator Harry Reid, who championed the initiative to set aside Gold Butte as a national monument. Reid declared: “Threats to our public lands are threats to our economy, our environment, and our culture. When we preserve our lands, we preserve America.”44 The force of colonial dispossession and disavowal as settler common sense obscures the gap between the strategic pragmatism of “right now, the best thing we can think of” espoused by Lee—a pragmatism I take to be ultimately in the service of tribal sovereignty—and the national purpose invoked by Reid, that “we preserve America.” Where Lee speaks to the limited options for asserting Moapa relations to place and Moapa authority in relation to lands taken under colonization, Reid’s remarks suggest the ways in which the past and futurity of the United States are at stake in preserving a uniquely American heritage and landscape. To ignore the racial and colonial constitution of the property relation threatens not only to perpetuate, but also to intensify the ways in which property itself as a historical and material relation is predicated upon racial and colonial dispossession. Nor, is it possible to simply substitute a supposedly colorblind ethic—such as ending de jure racist property exclusions or redlining in real estate markets—that renders the property relation more equitable. Colonization and the differential devaluation of racialized peoples remain constitutive. This is not to say that property is exclusively a manifestation of these historical relations of power, but it is to suggest that it remains in significant ways enmeshed with and disposed by these relations. In prevailing conceptions of possession and property, as Eva Mackey points out, “jurisprudence has legally entrenched and attempted to materialize the fantasy of certainty and stability for settlers”—precisely the certainty and stability upon which expectation depends.45 Taking seriously the notion that property is a social relation requires looking at the specificity of that relation as it is continuously remade in the broader social circumstances in which it is situated and social struggles of which it is part. This perpetual need for its remaking and reiteration, in effect, conveys in part how the property relation as a colonial relation remains uncertain, unstable, and open to contestation. The genealogy of white supremacy in the United States is made in shifting material relations of colonial and racial dispossession. Both white supremacy and what Mark Rifkin calls “settler common sense” are used to mediate inequalities among white people over and against indigenous peoples, people of color, and migrants.46 The Bundy claims provide an example of these ideologies, which assert a particular conception of collective belonging and nationalist imaginary. This is a settler nation that gains a semblance of coherence over and against indigenous and racialized others. To challenge this claim by asserting a more inclusive national public and the celebration of national commons may provide a seemingly effective counter-discourse, but it does so only by further inscribing settler prerogative and naturalizing colonial and racialized dispossession. Putatively antigovernment white supremacy in the United States conjoins colonial and racial dispossession in its attacks on the U.S. state. Rather than simply being anti-statist, such maneuvers are attempts to capture and redeploy state power in particular ways, while at the same time categorically denying the historical co-constitution of colonial and racial dispossession and how this remains crucial in the current conjuncture. These are the ideational and material sources of expectation as property.

## Framework:

#### Counter-Interpretation: The 1AC is an object of research. The role of the neg should be to disprove the various meanings of that object. Plan focus restricts the debate to a ten second statement and leaves the rest of the aff unquestioned. They should be responsible for the way their knowledge is constructed and used because that produces the best model for activism and ethics in the context of the topic which is a unique education net benefit to our interpretation

#### -They get to weigh their aff’s research and the reasons why that research is desirable, which resolves any fairness concerns

#### -All of our links implicate the effects of the plan, which is sufficient for plan focus

## Alt

### 1NC- Indigenous Internationalism

#### This debate is not private space good/bad, but instead a question of Native sovereignty and the power to invoke the plan. The 1AC eclipses the authority of Native nations, so in response we affirm the long tradition of Indigenous internationalism across colonial borders.

Estes 19

(Nick Estes is a citizen of the Lower Brule Sioux Tribe. He is an Assistant Professor in the American Studies Department at the University of New Mexico. In 2014, he co-founded The Red Nation, an Indigenous resistance organization. For 2017-2018, Estes was the American Democracy Fellow at the Charles Warren Center for Studies in American History at Harvard University. Chapter 6: Internationalism, Our History Is the Future: STANDING ROCK VERSUS THE DAKOTA ACCESS PIPELINE, AND THE LONG TRADITION OF INDIGENOUS RESISTANCE, 2019, hardback, JKS)

The Treaty Council, however, was not the first or only version of what historian Daniel Cobb calls a “global Indigenous identity.” Rather, it belonged to and drew from a long tradition of Indigenous internationalism.5 Prior to European contact, Indigenous nations had often entered into relations with each other for alliance, kinship, war, peace, or trade. As shown in previous chapters, agreements were made not solely between human nations, but also among nonhuman nations as well, such as the buffalo and the land. Such treaties were, and continue to be, the basis of diplomacy and the evidence of a prior and continuing status of Indigenous nationhood. Sovereign nations do not enter into international relations or treaties with domestic or “internal” populations. On the contrary, the very basis of sovereignty is the power to negotiate relationships between those who are seen as different— between other sovereigns and nations. But concepts of “sovereignty” and “nation” possess different meanings for Indigenous peoples than for their European-derived counterparts. And they are not entirely consistent, either, with the aspirations for a nation-state that came to define decolonization movements in the Third World. While doing important defensive work, on face value these Western and Third World concepts only partially reflect traditions of Indigenous resistance. Far beyond the project of seeking equality within the colonial state, the tradition of radical Indigenous internationalism imagined a world altogether free of colonial hierarchies of race, class, and nation. This vision allowed revolutionary Indigenous organizations such as the Treaty Council to make relatives, so to speak, with those they saw as different, imagining themselves as part of Third World struggles and ideologies, and entirely renouncing the imperialism and exceptionalism of the First World (while still living in it). They were in the First World but not of it—much like American Indians are in, but not entirely of, the United States. Indigenous peoples across North America and the world have fought, died, and struggled to reclaim, restore, and redefine these powerful ideas. Their goal has been to take their proper place in the family of nations. Radical Indigenous internationalism, however, predates AIM and the Treaty Council. Contemporary pan-Indigenous movements were a result of more than a decade of Red Power organizing that began in the early 1960s, nearly a decade before the creation of AIM. Earlier, in the 1950s, Flathead scholar and writer D’Arcy McNickle and the National Congress of American Indians had explored a similar intellectual and political terrain of internationalism. And before that, the Society of American Indians advocated for a seat at the table during the 1919 Paris peace talks and representation at the League of Nations. Each distinct instance posed a similar question: If Indigenous peoples are nations, why are they not afforded the right to self-determination? Two strands of thinking about self-determination for the colonial world prevailed following the First World War. In the first, US President Woodrow Wilson argued for self-determination with a limited set of rights that would not radically upset the colonial order. Such liberal internationalism, however, glaringly omitted Indigenous peoples, as they understood themselves as nations that existed prior to the formation of settler states. Rarely were Wilson’s principles applied to North America or the United States; nor were they ever intended to extend to Indigenous peoples. A second, more radical vision put forward by Communist revolutionary V. I. Lenin argued for the right of colonized nations to secede and declare independence from their colonial masters. This view was echoed by the Third World decolonization movement, as part of a global Socialist and Communist revolution, and it has frequently been applied in the Asian, African, and South American contexts. But this view remained almost entirely absent in North America, except among radical Indigenous, Black, Asian, Caribbean, and Chicanx national liberation movements. The Treaty Council advocated Indigenous nationhood as part of this global anti-colonial movement and in line with Third World liberation movements. After decades of experiencing land loss, enduring bare survival, attempting to work with federal programs, filing court cases, defeating termination legislation, and facing mass relocation, an assertion of Oceti Sakowin sovereignty went from ambition to prescription. Few avenues remained other than the pursuit of international treaty rights. Treaties made with the United States were proof of nationhood. But what legal institution would uphold this position if the United States refused to? If the goal was to reverse the unjust occupation of an entire continent, the advancement of Indigenous rights through the very legal and political systems that justified that occupation in the first place had proven limited in some instances, and hopeless in others. To survive, AIM and the Treaty Council therefore had to look elsewhere to make their case—beyond the confines of the most powerful political construct in world history, the nation-state. Prior to and during colonization, Indigenous nations had self-organized into deliberate confederacies, alliances, and governments. The Nation of the Seven Council Fires (the Oceti Sakowin), for instance, is a confederacy of seven different nations of Lakota-, Dakota-, and Nakota-speaking peoples in the Northern Plains and Western Great Lakes. They are hardly unique; in North America alone there are the Creek Confederacy in the Southeast, the Haudenosaunee Confederacy of Six Nations in the Northeast, the Council of Three Fires (made up of Ojibwes, Odawas, and Potawatomis) in the Great Lakes region, the United Indian Nations in the Ohio River valley (under the Shawnee leadership of Tecumseh), the All Indian Pueblo Council of the Southwest, and the Iron Confederacy of the Northern Plains. Many other political confederacies also flourished prior to, alongside, and in spite of settler states in North America. And their legacies are hardly relegated to the primordial past. Modern Oceti Sakowin internationalism, for instance, traces its origins to the early twentieth century, an era generally viewed as a low point for Indigenous activism and resistance. In North America alone, an estimated precolonial population of tens of millions of Indigenous peoples had been reduced to about 300,000, and for Flathead historian D’Arcy McNickle, writing in 1949, two processes contributed greatly to this decimation: the institution of private property and the destruction of Indigenous governance that once held land in common. Indigenous nations at the time also possessed little in the way of either collective property or political power, as Indigenous territory had been drastically diminished, and the reservation system had overthrown or almost entirely dissolved customary governments. If Indigenous peoples once constituted the tree of the Americas, whose roots deeply entwined in the land, the cultivation of “growth from the severed stump,” McNickle argued, was the pivotal challenge of the twentieth century.7 Physical extermination and the repression of Indigenous political power verified the United States’ genocidal intent, but these had not accomplished their purpose. And despite otherwise stating pluralistic claims to inclusion, McNickle concluded that the United States simply “can not tolerate a nation within a nation.” If Natives were to be assimilated, they would be assimilated as individuals and not as nations. In the popular imaginary, Natives disappeared into the wilderness of history, were never truly nations, and had been overpowered by a superior civilization. If they were nations, they were eclipsed and replaced by the real nation—the United States. Such erasure notwithstanding, vibrant Indigenous political traditions persisted. But to the untrained eye, nothing was awry. From the severed stump began to regrow the tree of life—the tree of resistance that would blossom into revolt decades later.

## Case:

### Global Commons

#### NU – space is already a global commons

#### Plan fails –

#### Global commons still allow for private appropriation

#### China inevitably undermines solvency

#### Too many private actors ensure conflict

#### Turn – limitations on commons access such as private entity restrictions lead to backlash

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.