# **Soft Left AFF**

## **Setcol Framing**

**The role of the ballot is to endorse the debater who best centers Indigenous perspectives in IR theory**

**Corntassel & Woons 2018** [Jeff Corntassel, Associate Professor and Director of Indigenous Governance at the University of Victoria, Canada, and Marc Woons, Doctoral Fellow with the Fonds Wetenschappelijk Onderzoek – Vlaanderen (Research Foundation – Flanders) and the Research in Political Philosophy Leuven (RIPPLE) Institute at the University of Leuven in Belgium, “Indigenous Perspectives on International Relations Theory,” January 23, 2018, <https://www.e-ir.info/2018/01/23/indigenous-perspectives-on-international-relations-theory/>] /Triumph Debate

Being Indigenous is about honouring and renewing complex relationships between humans and also with the natural world. The United Nations offers a multifaceted working definition of what it means to be a member of one of the thousands of Indigenous nations living around the world. It includes factors like self-identification, historical continuity and a place-based existence that links to a particular territory. The definition also speaks to distinct governance systems, languages, historical experiences, cultures and ways of knowing. Importantly, it additionally describes communities that seek to maintain their territories and assert themselves as distinct peoples – despite their existence within a state (usually against their wishes). States, on the other hand are constructed around different principles of territorial sovereignty and legally recognised governmental systems and have historically sought to control, coerce, and even eliminate Indigenous peoples from the landscape. The existing, dominant framework of inter-state relations roots itself in state sovereignty. From an Indigenous perspective this has been established through violence, broken treaties and other unjust assertions of power over Indigenous peoples and their lands. This undermines, downplays, excludes and ultimately provokes Indigenous worldviews and counter-arguments that seek to push the state-centric model beyond its narrow confines. By exploring Indigenous perspectives and complex relationships we can more clearly see the problems that come from the many assumptions at the heart of International Relations and its family of theories. The basics of Indigenous perspectives The current dominant global political and legal order, invented in Europe, is state-centric and has since spread everywhere to create the discrete borders that mark the geopolitical world map most use today. Putting an end to decades of brutal violence and endemic conflict throughout Europe, the 1648 Peace of Westphalia cemented the totalising and enduring notion of state sovereignty. Europe’s response to anarchy, conflict and disorder among nations (or peoples) was thus the creation of a system of inter-state relations bolstered by states mutually recognising one another’s sovereign authority. Indigenous understandings of international relations differ from inter-state approaches, particularly when it comes to the ways that Indigenous peoples renew and act on their sacred commitments and interdependencies with the natural world. Assertions of Indigenous resurgence, which entails reclaiming and regenerating relationships with lands, cultures and communities, promote positive, alternative visions of the international that challenge the dominant inter-state model. The concept of state sovereignty fuelled modern state-building strategies and, almost without exception, led to the destruction of Indigenous nations. Each state tries to build a vision of a common people sharing a culture, values, history, language, currency (and so on) through education, military conquest and other state-driven initiatives. This is often called a national identity, and is associated with ideas like patriotism and nationalism. Indigenous encounters with European empires saw them time and again face a stark choice (if the choice was even put to them at all): assimilate to the new settler colonial order being imposed over them and their lands or face dislocation – even genocide. As George Manuel and Michael Posluns (1974, 60) point out, the colonial system is always a way of gaining control over another people for the sake of what the colonial power has determined to be ‘the common good.’ People can only become convinced of the common good when their own capacity to imagine ways in which they can govern themselves has been destroyed. Speaking to Indigenous battles over state-building efforts that alienate Indigenous peoples from their lands and resources, Manuela Picq (2015) suggests that Indigenous perspectives offer three specific challenges to the state-centric perspective. First, they challenge the state’s ultimate authority by asserting their authority over their nations, lands/waters, and the natural world. Second, they expose the colonial foundations of the state-centric system by highlighting Indigenous views that both challenge and sit outside the dominant system. In other words, states as we know them owe their existence to processes of colonisation and settlement rooted in cultural imperialism, violence, destruction, genocide and ultimately the eradication of Indigenous identities and relationships to the land if not the eradication of the peoples themselves. Third, Indigenous peoples’ worldviews and practices challenge us to imagine what it might be like to share power within and think beyond state borders and the prevailing global state system. The principle of self-determination has provided stateless Indigenous nations with ways to attempt to (re)assert and (re)claim their authority. Self- determination provides an avenue for Indigenous peoples to create political entities that can be recognised by the international community. The process is based on the idea that people should be free to form their own governments and control their own affairs – something central to the ethics and legality underpinning the United Nations. Indigenous claims of this nature have gained significant traction over the past century, especially post-1945 when decolonisation became a key international process. The sources of self- determining authority are admittedly a source of contention. For Indigenous nations it emanates from complex relationships with their homelands, waters, sacred living histories, animal nations, plant nations, ceremonies, languages and the natural world. The sources of self-determining authority for states are much different, originating from colonial policies. For instance, the Doctrine of Discovery, dating back to the fifteenth century, espouses that land occupied by non-Christians could be legally ‘discovered’ and claimed as territory owned by the Crown. Other invented political and legal constructs have also become embedded within state legal histories and practices, shaping international practices that deny alternative Indigenous conceptions of relations between nations. One example of the tension between state sovereignty and Indigenous self- determination can be seen in the story of Cayuga chief Deskaheh’s European visit, first to the United Kingdom in 1921 and then to the League of Nations in 1923. In his capacity as the Speaker of the Six Nations of the Haudenosaunee, he felt compelled to make the long trans-Atlantic journey as conflicts between the Haudenosaunee and Canadian peoples had reached an impasse. He felt it unjust that his people were being imprisoned for protesting the Canadian state’s imposition of its self-declared sovereignty over their lands, claiming it to be tantamount to an invasion and stating that ‘we are determined to live the free people that we were born’ (League of Nations 1923, 3). The lands were, and still are, subject to treaties expressing an alternative vision of shared authority over shared lands and mutual respect between peoples as equal nations cooperatively governing the same territory – an idea that is largely antithetical to the Westphalian vision of exclusive territorial authority by one people. However, Chief Deskaheh’s appeals fell on deaf ears in both London and Geneva as the states concerned refused to interfere in the domestic affairs of one of their peers, namely Canada (Corntassel 2008). He eventually left Europe empty-handed, dying soon after in 1925 in New York state, exiled from his homeland that had by then been all but overrun by the Canadian settler state. Some progress has been made since Chief Deskaheh’s time and now appears in prominent places. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) urges states to recognise that ‘Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development’ (United Nations General Assembly 2007: 3). There is also momentum within the United Nations to support what many consider the heart of self-determination – namely, an Indigenous veto over all matters affecting them, their communities and their territories. On the surface, the Declaration seems to secure for Indigenous nations powers previously extended only to states. As White Face (2013) points out, conspiring states refused to adopt it until it included limiting language that eventually made its way into Article 46, which states that ‘nothing in this declaration may be interpreted … or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states’ (United Nations General Assembly 2007: 14). Article 46 can be seen as perpetuating the above-mentioned Doctrine of Discovery or at least its impacts despite its formal repudiation in 2012. Unfortunately, the legal fictions of the Doctrine of Discovery via Article 46 of the UNDRIP as well as other inter-state legal instruments continue to impact Indigenous nations in profound and destructive ways that undermine their self-determining authority (Miller et al. 2010; Special Rapporteur 2010). Indigenous self-determination should not be confused with the self- determination efforts of non-state nations like Québec, Catalonia, Palestine or Kurdistan. Hoping to achieve the successes of East Timor or South Sudan, these national movements desire a state of their own so that they can be included as fully-fledged members within the inter-state system as it currently exists. Indigenous self-determination movements, on the other hand, mount a more robust and fundamental challenge to the system itself. Even if most Indigenous nations do not seek its wholesale elimination, they strive for ways of being included on their own terms that tend to reject the Westphalian idea of state sovereignty. Given that there are approximately 5,000 Indigenous nations throughout the world, there are many ways of asserting self- determining authority. Many Indigenous alternatives even reject the very idea that there should be a robust set of overarching principles that govern relations between peoples, arguing that we should be tolerant of a plurality of approaches to promoting peace among peoples and with the environments that sustain us. Indigenous perspectives and the Buffalo Treaty There is an emerging scholarship on Indigenous international relations that challenges state-centric expressions of sovereignty and self-determination. As Anishinaabe scholar Hayden King (2015, 181) states, ‘in our political worldviews the state and sovereignty melt away’. Indigenous nations have expressed solidarity with one another through the establishment of new confederacies, treaties and agreements that promote peace, friendship and new strategic alliances. Indigenous international relations are enduring and sacred, and making treaties with foreign countries has not prevented Indigenous nations from continuing their own diplomatic relations with one another. For example, the Treaty of Peace, Respect, and Responsibility between the Heiltsuk Nation and the Haida Nation (Crist 2014) was the first peace treaty between these two nations since the 1850s and was premised on the assumption that ‘there are greater troubles facing our lands and waters and depletion of resources generated from forces outside of our nations’. The Treaty was enacted between the two Indigenous nations through a potlatch ceremony and sought to challenge a common threat posed by the state- sanctioned commercial herring fishery in Heiltsuk waters. In 2014, another historic treaty was initiated between Indigenous nations living along the medicine line (the United States-Canada border). Iiniiwa, which is the Blackfoot name for bison, have a deep, longstanding relationship with the land, people and cultural practices of prairie ecosystems. When discussing the role of the bison on their homelands, Blackfoot scholar Leroy Little Bear (2014) pointed out that [a]cting as a natural bio-engineer in prairie landscapes, they shaped plant communities, transported and recycled nutrients, created habitat variability that benefited grassland birds, insects and small mammals, and provided abundant food resources for grizzly bears, wolves and humans. Unfortunately, the widespread slaughter of bison in the nineteenth century led to the deterioration of the prairie ecosystems and with this the health and wellbeing of Blackfeet people. The decimation of the bison also impacted the cultural practices of the region’s Indigenous peoples, which has prompted the need for community-led action to restore the iiniiwa to Indigenous homelands. On 23 September 2014, eight Indigenous nations (the Blackfeet Nation, Blood Tribe, Siksika Nation, Piikani Nation, the Assiniboine and Gros Ventre Tribes of Fort Belknap Indian Reservation, the Assiniboine and Sioux Tribes of Fort Peck Indian Reservation, the Salish and Kootenai Tribes of the Confederated Salish and Kootenai Indian Reservation, and the Tsuu T’ina Nation) gathered in Blackfeet territory near Browning, Montana to sign the historic Buffalo Treaty. It involved Indigenous nations on both sides of the medicine line and called for the return of iiniiwa to the prairie ecosystems. Given that it was the first cross-border Indigenous treaty signed in over 150 years, the Buffalo Treaty was also a way of renewing and regenerating old alliances. It outlined several community-led goals, including engaging tribes and First Nations in continuing dialogue on iiniiwa conservation; uniting the political power of the tribes and First Nations of the Northern Great Plains; advancing an international call for the restoration of the iiniiwa; engaging youth in the treaty process and strengthening and renewing ancient cultural and spiritual relationships with iiniiwa and grasslands in the Northern Great Plains. As an example of Indigenous international relations, the above-mentioned treaty provisions demonstrate the sacred nature of treaty-making as a way for Indigenous nations ‘to extend their relationships of connection to all of the different peoples of the world’ (Williams 1997, 50). In addition to having Indigenous nations as signatories, the Buffalo Treaty also outlines a vision for the involvement of federal, state and provincial governments, as well as farmers, ranchers and conservation groups in the restoration of iiniiwa to Indigenous homelands. As individual Indigenous nations, these communities would have a limited ability to promote iiniiwa restoration. However, with a unified vision, they collectively exerted their self-determining authority to facilitate the return of iiniiwa to some 6.3 million acres of their homelands. The Buffalo Treaty is also a living document that requires periodic renewal and re-interpretation. Two years after the Treaty was signed, the number of signatories had gone from eight to 21. In September 2016, signatories held a pipe ceremony in Banff National Park to honour the planned reintroduction of sixteen iiniiwa to the area. In addition to restoring the buffalo population, signatories called on the Government of Alberta in Canada to change the name of Tunnel Mountain in Banff to Sacred Buffalo Guardian Mountain. The vision for the regeneration and perpetuation of iiniiwa also entails changing the landscape to reflect the places where the iiniiwa live. New forms of Indigenous treaty-making reflect the complex diplomacies and spiritual re-awakenings that constitute Indigenous inter-national relations. Conclusion A power imbalance, and differences in worldviews, between states and Indigenous nations remains in our international system. Developments and critiques within the discipline of IR, and how it is theorised, highlight the struggle of Indigenous peoples to maintain their place-based existence so that their lands, cultures, communities and relationships will flourish for generations to come. Indigenous understandings of international relations come in many forms, whether through reinvigorating treaties with the natural world, (re)establishing alliances between Indigenous peoples or Indigenous advocacy in diplomatic activities within global forums. These efforts challenge the dominant state-centric system to include their different ways of understanding and structuring relations not just between peoples, but with the natural world and the planet. More specifically, they challenge the Westphalian notion of ultimate state sovereignty and seek ways of restoring self- determining authority regarding their relationships to their homelands and nations.

**The role of the judge is to facilitate the decolonizing of educational spaces**

**Smith 2016** [Tiffany Smith, “Make Space for Indigeneity: Decolonizing Education,” SELU Review Journal – Volume 1, Issue 2, 2016, selu.usask.ca, <https://selu.usask.ca/documents/research-and-publications/srrj/SRRJ-1-2-Smith.pdf>] /Triumph Debate

At the center of change is the mind and spirit. In order for decolonization to happen educational leaders and educators must adopt an agentic mindset when viewing Indigenous students (Berryman, et al., 2015). This process requires flexibility in thinking and challenges the thinker to accept multiples ways of knowing and strive to understand from another’s perspective. Battiste (2013) identifed the need for collaborative conscientization which requires the unlearning of notions of meritocracy and superiority. Little Bear (2000) stated, “no matter how dominant a worldview is, there are always other ways of interpreting the world” (p. 77). This notion that allows educators who are non-Indigenous the flexibility to decolonize through education. Kanu (2006) noted that we must decolonize the space of education, but in order for us to do this we must decolonize the mind. Non- Indigenous educators and educational leaders must work to acknowledge that there are other ways of knowing that exist, and value such ways. They must break free of the notion that knowledge is solely linear, and examine that knowledge may be connected to more. For instance the idea of inanimate and animate does not align with Indigenous ways of knowing. This notion is particularly apparent within Aboriginal language structures (Little Bear, 2000). Although the Western perspective believes this to be true such is not true with Indigenous knowledge systems. Challenging current ethnocentric beliefs and attempting to see the story from an Indigenous perspective may allow for holistic learning to take place. Holistic learning is not rooted in traditional linear models of education, but strives for a paradigm that honors Indigenous systems of knowledge. The challenge for leaders is to question worldview and allow for the possibility of differing worldviews to exist. Decolonization cannot happen when educators or educational leaders think about Indigenous students from a deficits perspective. Agentic thinking is critical and must be at the forefront of the minds and spirits of educators (Brendtro, Brokenleg, & Bockern, 2005). There is a need to move beyond deficit thinking within school systems and begin to look at the strengths and build from them. Brendtro et al. (2005) discussed the importance of positive psychology and developing strengths and the need to provide opportunities to do so. Often in education teachers look at students through deficits or what they lack, rather than what they are doing well and building upon such strengths. Bishop, Berryman, Cavanagh, and Teddy (2007) emphasized the importance of anti-deficit thinking and the need for agentic positioning within the education systems. Deficit thinking is happening in Saskatchewan; the Teacher Voices section of the document Seeking their Voices(2014) stated in regards to a school that “teacher voices maintained a strong deficit tone and were focused on the problems of dysfunctional students and families who they held responsible for continuing student failure” (p. 106). Within the document it also noted that deficit thinking does not work with Indigenous students, in contrast it has the opposite effect. Rather, in working towards anti-deficit thinking, Brendtro et al. (2005) presented a positive psychology approach which focuses on building and working to complete individuals’ circles by ensuring developmental needs of belonging, mastery, independence, and generosity are met. In order to decolonize education teachers must have high expectation for Indigenous students (Riley & Ungerleider, 2012). Teachers who have low expectation for Indigenous students further perpetuate the ethnocentric education system and create negative self-fulfilling prophecies. “[T]he self-fulfilling prophecy is, in the beginning, a false definition of the situation evoking a new behavior which makes the originally false conception come true” (Merton, 1948, p. 95). Research has shown that stereotyping Indigenous youth is an issue; Riley and Ungerleider’s (2012) study discussed a self-fulfilling prophecy in which Indigenous students were expected to perform lower due to having challenging external circumstances, and some of the teachers noted being surprised when Indigenous students performed well. In order to decolonize education, educators must shift this thinking so that Indigenous students have equitable chances for success as their non-Indigenous counterparts. Indigenous students must be free from stereotypical colonial thought processes, so that they can be encouraged and challenged to fulfill their capabilities rather than expected to fail. Decolonizing education so that it is appropriate for Indigenous students requires viewing the student in relation to their Indigenous paradigms. Regarding a student in relation to ethnocentric beliefs does not produce an equitable perspective and often times contradicts spiritual beliefs and traditions (Brendtro et al., 2005). Brendtro, Brokenleg, and Van Bockern (2005) suggested a diferent approach which exists within a holistic model. The Circle of Courage model which values belonging, mastery, independence and generosity, allows for educators to view the child as a whole being in relation to all. If students are not whole at school as an educator we must work to provide opportunities that will balance and harmonize. Battiste (2000) stated “the purpose of Indigenous education is to help the individual become a complete man or women. The goal is completeness” (p. 184). Thus education should aim to benefit the entire child and in doing so will allow them to flourish, not only economically but more importantly holistically. Achieving so is for the betterment of the tribe or in this case society. Racism exists within schools today and Indigenous students are faced with negative stereotyping. Aa space that accepts and does not actively try to dispel ignorance resists decolonization. St. Denis (2007) proposed anti-racist education. She stated that many Aboriginal people and youth are impacted daily by racism to the extent that some Aboriginal people who can, would rather choose to hide as non- Aboriginal in order to escape the implication of racism. St. Denis and Schick (2003), who both teach anti-racist education courses to teacher candidates, found much resistance to anti-racist education because it makes the non-Indigenous people uncomfortable in that they may have to face some of their own denied racism. It is not enough in education to teach about accepting other cultures. If necessary, people must be made uncomfortable in order to see how they have normalized racist thinking. Schick and St. Denis (2005) stated “that addressing racism means more than examining the experiences of those who experience racism” (p. 299). In order to decolonize education we must also look at the effect that racism has on the perpetrators, so that we can work to change the perpetrators of racism and allow them to see another way. If we do not acknowledge that the normative education favors a European paradigm then we cannot change it (St. Denis & Schick, 2003).

**Decolonizing requires reciprocity and a centering of Indigenous knowledges**

**Smith 2016** [Tiffany Smith, “Make Space for Indigeneity: Decolonizing Education,” SELU Review Journal – Volume 1, Issue 2, 2016, selu.usask.ca, <https://selu.usask.ca/documents/research-and-publications/srrj/SRRJ-1-2-Smith.pdf>] /Triumph Debate

Listening Forward Rather than use ethnocentric paternalistic ideas as a catalyst for change, which has been seen in Canada’s history to be detrimental rather than helpful, educators should look to Indigenous peoples and tribal knowledges as a catalyst for decolonizing the current system (Kovach, 2009). Decolonizing education using tribal knowledges and Indigenous ways is essential because if Indigenous ways are not used as a way forward further colonization will result. Indigenous knowledges have been marginalized and there is a need within education to make space for Indigenous knowledges (Kovach, 2009; Smith 2003),. Kovach (2009) defined tribal knowledge as “pragmatic and ceremonial, physical and meta-physical. Indigenous cultures have sophisticated and complex cultural practices to access that comes from both the ordinary and extraordinary” (p. 56). In order for education to access this knowledge it must seek out the elders and Indigenous community as a way toward a decolonized system that honors such tribal knowledges, for example, including ceremony in education. Despite attempts by the government to use education as a tool to rob Indigenous people of tribal knowledges they continue to exist; however the schools should be a place that offers restitution in that they seek to repair damage which has been done through residential schools and colonization. Using tribal knowledges at the center of decolonizing education is imperative to resist further colonization (Kovach, 2009). Listening to the voices of Indigenous people is critical in the process of decolonizing education. Indigenous voice must drive the work forward; in order for Indigenous people to free themselves from the colonizers their voice must be at the root of change (Bishop et al., 2009). Antone (2000) discussed that when traditional knowledge and values are honored in the education system it gives the opportunity for Aboriginal voice to be lifted and that students then begin to see themselves in a positive way. Antone noted that in her past experience schools where this did not happen, students were silenced. Ethnocentric views or notions that the colonial authorities are the ones who must help the “savage” creates unhealthy power relationships based on paternalism. The New Zealand education system kept student voice at the center of the transformation of their current education system. New Zealand Ministry of Education’s The Kōtahitanga project, which sought to improve Indigenous education of Maori students, talked to Maori student about their education (Bishop, et al., 2009). In listening to and seeking out Indigenous voice they discovered that relationships and interactions between teachers and students were critical to student improvement (Bishop, et al., 2009). The first phase was to examine, the second phase sought to take on an entire school wide approach to change, the third developed culturally responsive practices, and the final phase was replicating and sustaining. At the center of change was listening to Indigenous voice. The Ministry of Education in Saskatchewan has taken a similar approach as the New Zealand education system with the Following their Voices project (Berryman et al., 2014). The answers are within Indigenous communities and Indigenous people have the capacity to know what they require for success. The Saskatchewan Ministry of Education (2015) stated, “Following Their Voices is an initiative that is designed to improve First Nations, Métis and Inuit student outcomes by engaging and supporting students through changes in student-teacher relationships and interactions, teacher instructional practices and the learning environment” (Strengthen relationships section, para. 1). The initial phase of the project Seeking Their Voices mirrors phase 1 of the The Kōtahitanga project in that the core of the data is qualitative and is from the perspectives of Indigenous people and also included what non-indigenous educator beliefs were in regard to Indigenous students. The project uses the voice of Indigenous students to drive the change. Building relationships that are rooted in reciprocity is essential for creating decolonized systems of education. There is a need to eliminate power relationships with Indigenous people that assume the educators or educational leaders are the experts of the children and that they know what is best rather than the parents (Bishop, et al., 2009). Maori people have a holistic way of introduction similar to First Nations people; they introduce themselves in relation to all, like family and place and it reminds people that we are connected (Kovach, 2009). Bishop (2005) stated in regards to Maori introduction: we are from the same pregnancies (hapu), and are of the same subtribe (hapu). We are of the same family (whanau), the family into which we were born (whanau). We were nurtured by the same land (whenua), by the same placenta (whenua). (p. 205-206) The school should try to establish itself as part of the extended family, and develop relationships that are mutual and honor each other. Indigenous peoples are relational and in order for Indigenous students to engage in education that honors Indigenous knowledge they must engage in learning that comes from parents, community, and elders (Battiste & Henderson, 2009). In order for educators to engage students in such learning they must develop relationships based on reciprocity that view all sources of learning as valuable to the development of the child. Whole school reform is needed so that the entire culture of a school changes, and teacher professional learning should be aimed at transforming the school so that it becomes a place where Indigenous students have success and a sense of belonging (Whalan & Wood, 2012). When you use a whole school approach it challenges the entire staff to take responsibility for all students. It takes a team approach which works toward the common goal of bettering education for Indigenous students. Within a whole school approach there is accountability and increased sustainability. It aligns with an Indigenous approach to child rearing whereby it is the responsibility of the entire community, including the Mushum and Kokum, to educate the child (Berryman, Carr-Stewart, Kovach, & Steeves, 2015).

## **Setcol**

#### **Settler colonial logic is used to justify expansion and land claims**

**Smiles 2020** [Deondre Smiles, Assistant professor of Geography at University of Victoria in British Columbia, Canada, “The Settler Logics of (Outer) Space,” October 26, 2020, Society and Space, <https://www.societyandspace.org/articles/the-settler-logics-of-outer-space>] /Triumph Debate

A brief exploration of what settler colonialism is, and its engagement with ‘space’ here on Earth is necessary to start. Settler colonialism is commonly understood to be a form of colonialism that is based upon the permanent presence of colonists upon land. This is a distinction from forms of colonialism based upon resource extraction (Wolfe, 2006; Veracini, 2013). What this means is that the settler colony is intimately tied with the space within which it exists—it cannot exist or sustain itself without settler control over land and space. This permanent presence upon land by ‘settlers’ is usually at the expense of the Indigenous, or original people, in a given space or territory. To reiterate: control over space is paramount. As Wolfe states, “Land is life—or at least, land is necessary for life. Thus, contests for land can be—indeed, often are—contests for life” (2006: 387). Without land, the settler state ‘dies’; conversely, deprivation of land from the indigenous population means that in settler logic, indigeneity dies (Povinelli, 2002; Wolfe, 2006.) The ultimate aims of settler colonialism is therefore the occupation and remaking of space. As Wolfe (2006) describes, the settler state seeks to make use of land and resources in order to continue on; whether that is through homesteading/residence, farming and agriculture, mining, or any number of activities that settler colonial logic deems necessary to its own survival. These activities are tied to a racist and hubristic logic that only settler society itself possesses the ability to make proper use of land and space (Wolfe, 2006). This is mated with a viewpoint of landscapes prior to European arrival as terra nullius, or empty land that was owned by no one, via European/Western conceptions of land ownership and tenure (Wolfe, 1994). Because of this overarching goal of space, there is an inherent anxiety in settler colonies about space, and how it can be occupied and subsequently rewritten to remove Indigenous presence. In Anglo settler colonies, this often takes place within a lens of conservation. Scholars such as Banivanua Mar (2010), Lannoy (2012), Wright (2014) and Tristan Ahtone (2019) have written extensively on the ways that settler reinscription of space can be extremely damaging to Indigenous people from a lens of ‘conservation’. However, dispossession of Indigenous space in favor of settler uses can also be tied to some of the most destructive forces of our time. For example, Aboriginal land in the Australian Outback was viewed as ‘empty’ land that was turned into weapons ranges where the British military tested nuclear weapons in the 1950s, which directly led to negative health effects upon Aboriginal communities downwind from the testing sites (Vincent, 2010). Indigenous nations in the United States have struggled with environmental damage related to military-industrial exploitation as well.

#### **Peaceful space colonization doesn’t exist – this takes out CPs**

**Smiles 2020** [Deondre Smiles, Assistant professor of Geography at University of Victoria in British Columbia, Canada, “The Settler Logics of (Outer) Space,” October 26, 2020, Society and Space, <https://www.societyandspace.org/articles/the-settler-logics-of-outer-space>] /Triumph Debate

But we cannot forget the concept of terra nullius and how our exploration of the stars has real effects on Indigenous landscapes here on Earth. We also cannot forget about forms of space exploration that may not be explicitly tied to military means. Doing so deprives us of another lens through which to view the tensions between settler and Indigenous views of space and to which end is useful. Indeed, even reinscribing of Indigenous space towards ‘peaceful’ settler space exploration have very real consequences for Indigenous sovereignty and Indigenous spaces. Perhaps the most prominent example of the fractures between settler space exploration and Indigenous peoples is the on-going controversy surrounding the construction of the Thirty Meter Telescope on Mauna Kea, on the island of Hawaii. While an extremely detailed description of the processes of construction on the TMT and the opposition presented to it by Native Hawai’ians and their allies is beyond the scope of this essay, and in fact is already expertly done by a number of scholars[ii], the controversy surrounding TMT is a prime example of the logics presented towards ‘space’ in both Earth-bound and beyond-Earth contexts by the settler colonial state as well as the violence that these logics place upon Indigenous spaces, such as Mauna Kea, which in particular already plays host to a number of telescopes and observatories (Witze, 2020). In particular, astronomers such as Chanda Prescod-Weinstein, Lucianne Walkowicz, and others have taken decisive action to push back against the idea that settler scientific advancement via space exploration should take precedence over Indigenous sovereignty in Earth-space. Prescod-Weinstein and Walkowicz, alongside Sarah Tuttle, Brian Nord and Hilding Neilson (2020) make clear that settler scientific pursuits such as building the TMT are simply new footnotes in a long history of colonial disrespect of Indigenous people and Indigenous spaces in the name of science, and that astronomy is not innocent of this disrespect. In fact, Native Hawai’ian scholars such as Iokepa Casumbal-Salazar strike at the heart of the professed neutrality of sciences like astronomy: One scientist told me that astronomy is a “benign science” because it is based on observation, and that it is universally beneficial because it offers “basic human knowledge” that everyone should know “like human anatomy.” Such a statement underscores the cultural bias within conventional notions of what constitutes the “human” and “knowledge.” In the absence of a critical self-reflection on this inherent ethnocentrism, the tacit claim to universal truth reproduces the cultural supremacy of Western science as self-evident. Here, the needs of astronomers for tall peaks in remote locations supplant the needs of Indigenous communities on whose ancestral territories these observatories are built (2017: 8). As Casumbal-Salazar and other scholars who have written about the TMT and the violence that has been done to Native Hawai’ians (such as police actions designed to dislodge blockades that prevented construction) as well as the potential violence to come such as the construction of the telescope have skillfully said, when it comes to the infringement upon Indigenous space by settler scientific endeavors tied to space exploration, there is no neutrality to be had—dispossession and violence are dispossession and violence, no matter the potential ‘good for humanity’ that might come about through these things. Such contestations over outer space and ethical engagement with previously unknown spaces will continue to happen. Outer space is not the first ‘final frontier’ (apologies to Gene Roddenberry) that has been discussed in settler logics and academic spaces. In terms of settler colonialism, scholars have written about how Antarctica was initially thought of as the ‘perfect’ settler colony—land that could be had without the messy business of pushing Indigenous people off of it (see Howkins 2010). Of course, we know now that engagement with Antarctica should be constrained by ecological concern—who is to say that these concerns will be heeded in ‘unpopulated’ space? What can be done to push back against these settler logics?

#### **Imperialist and settler colonial notions of time and linearity are used to justify space projects**

**Sammler & Lynch 2021** [Katherine G. Sammler, Assistant Professor at California State University Maritime Academy, and Casey R. Lynch, Professor at the University of Nevada – Reno, “Apparatuses of observation and occupation: Settler colonialism and space science in Hawai'I,” September 2, 2021, <https://journals.sagepub.com/doi/full/10.1177/02637758211042374> & <https://doi.org/10.1177/02637758211042374>] /Triumph Debate

As an empire of time rather than space … many significant American national theorists sought to escape the political paradoxes of space by conquering time. (Allen, 2008: 13) Allen examines how U.S. empire depends upon three notions of time: a romanticized historical time recounting myths of the nation’s founding, the geological time of natural history, and the mechanized time of the clock and apparatuses of measurement. The organization and control over these three temporalities constitutes a colonial totality (Matson and Nunn, 2017) that works to settle time as much as space in the projection of settler futures. The projection of settler futures depends on the ordering of time, constituted by ideologies of progress, of a mythologized past and present oriented toward the future. Scientific “progress” is positioned as a universal value key to constructing the future, while questioning the actions of Western science is positioned as irrational or reactionary. Concerning the TMT controversy, Casumbal-Salazar writes: Relegated to the ‘dark ages’ of tradition, Native peoples appear as the agonistic menace of the modern scientific state. Delegitimized as irrational within the gendered hierarchies of Western science and philosophy … Hawaiians become suspect and subject to institutional anti-Native racism yet fetishized as an archeological remnant within multicultural society. (2017: 2) In dominant discourses, Indigenous time is linked to the past, with the present constituted on assimilation and the future on complete erasure (Rifkin, 2017). The existence of contemporary Indigenous peoples poses a challenge to ongoing settler colonial hegemony. Goodyear-Ka‘ōpua explains how “settler state officials cast the kiaʻi [land protectors, caretakers] as impediments on the road to ‘progress’ (aka settler futurity) … (mis)representing us as fixed in place, pinned in a remote time” (2017: 191–192). Enlightenment notions of universality erase difference and thus Indigenous claims to prior rights or sovereignty. While these conceptions of time have long been critiqued, they continue to shape the central logics of contemporary Western science, including space science. Linear conceptions of time are necessarily produced out of complex practices that organize and control relative and variable spatio-temporal formations. Rifkin posits a multiplicity of temporalities, writing: temporalities need to be understood as having material existence and efficacy in ways that are not reducible to a single, ostensibly neutral vision of time as universal succession. The concept of frames of reference provides a way of breaking up this presumed timeline by challenging the possibility of definitively determining simultaneity … Within Einsteinian relativity, simultaneity depends on one’s perspective based on one’s frame of reference. (2017: 20) Einstein’s theory of relativity demonstrates how time is relative, variable, and dependent on acceleration, which is a function of location within a gravitational field. It is a relationship between space, masses, and matter. As Valentine explains: gravity is a consequence of the relational warping of spacetime by matter … That is, gravitational effects are literally universal but emerge locally through relativistic and constantly shifting specific relations among the mass of cosmic bodies and spacetime, producing variable observations from differently situated observers of one another (2017: 189–190). The practices of Western astronomy are dependent on variable and relative relations among space and time. Whether it is earth-bound astronomers punching the clock on Martian time (Mirmalek, 2020) or the stretching of temporal experience in a gravity well, the location of bodies matters as it produces ‘differently situated observers,’ who experience time differently based on their frames of reference. Yet, time is held as a stable frame of reference from which the colonial scientist constitutes the metric for a purportedly universal observer situated in a neutral position of observation. Even Western science’s own understanding of time refuses to conform to Enlightenment notions of universality, demonstrating a contradiction between this ontology and the broader political and social ideologies with which it is entangled. While notions of linear, progressive time are used to justify settler colonial projects, the relative and contingent relationships among space, time, and matter complicate claims to universality. Time, like space, is subject to practices of organization and control that produce subject–object relations key to the Western colonial project. For instance, geologic time, or what Allen refers to as “vertical time,” is the spatial-temporal imaginary of geologic strata. He describes that, while “history often depicted time advancing horizontally across space, the geological revolution made it possible to imagine time extending perpendicularly into the territory beneath the nation” (Allen, 2008: 165). The deep time of geology historicizes Western civilization as the top layer, the apex of natural history, and thus stands to justify colonialism and its civilizational projects. The exploration of cosmological time in the space sciences extends the colonial project further into the far expanses of the future and the totality of the universe.

#### **The space project is inextricable from settler colonialism – there will never be space exploration that isn’t anti indigenous**

**Sammler & Lynch 2021** [Katherine G. Sammler, Assistant Professor at California State University Maritime Academy, and Casey R. Lynch, Professor at the University of Nevada – Reno, “Apparatuses of observation and occupation: Settler colonialism and space science in Hawai'I,” September 2, 2021, <https://journals.sagepub.com/doi/full/10.1177/02637758211042374> & <https://doi.org/10.1177/02637758211042374>] /Triumph Debate

One scientist told me that astronomy is a ‘benign science’ because it is based on observation, and that it is universally beneficial because it offers ‘basic human knowledge’ that everyone should know ‘like human anatomy.’ (Casumbal-Salazar, 2017: 8) This paper has shown how focusing on the apparatuses – the infrastructures, sites, bodies, and relations – through which observation is conducted demonstrates the active material practices necessary for any scientific endeavor. Observation is never passive, but enrolls the apparatus to create a distance that iteratively constitutes relations of objectivity and subjectivity. Observation as an ostensibly passive activity of knowledge production is key to astronomy’s claim to universality. Yet, observation enacts a key spatio-temporal relationship – an agential separability between subject and object of observation, be it the observation of a human body or a far-off galaxy. The observing subject is of course located somewhere, but the specificity of this site and its socio-material entanglements is erased through the enactment of a view-from-nowhere in the production of “universal” knowledge (Hobart, 2019). Casumbal-Salazar illustrates how claims of universality, “function to rationalize settlement and mask the historical theft and continued power relations that comprise settler colonialism” (2014: 180–181). Lempert similarly argues that “assumptions around the inculpability of ‘passive’ engagement … although presented as morally virtuous, ultimately serves the broader interests of empire” (2019: n.p.). Understanding HI-SEAS and TMT as apparatuses highlights how the enactment of agential separability to claim objectivity involves active reorderings of space, time, and matter that rely upon existing colonial relations and reproduce their logics. Colonial occupation around the globe, including the Pacific Islands, constitutes the basic conditions for scientific practices of observation beginning in the 18th and 19th centuries. Yet, the contingencies of the colonial context constantly threaten to undermine this “view-from-nowhere” logic. The persistent presence of Kanaka Maoli, their sovereign right to land, and continued demands to a future, act as an ongoing check on any claims to universality or settler futurity. Goodyear-Ka‘ōpua, for instance, explains how “settler state officials cast the kiaʻi as impediments on the road to ‘progress’ (aka settler futurity)” (2017: 191). This is not to pose a singular Native Hawai’ian perspective as somehow in opposition to Western science, but to recognize how colonialism relies on the assimilation of difference in the projection of “universal” settler futures. It is precisely the assimilation of difference – though in a different form – that is HI-SEAS’ objective. Offworld colonization will require disciplined subjects. This project is based on the continued desire for a “clean slate” from which the elusive ideals of the Enlightenment might be achieved. As Valentine writes regarding visions of offworld colonies: they also hold out a libertarian hope that conscious effort and free enterprise in places where—as I have frequently heard said— “there are no natives” will fix things so that humans can do a more equitable job of colonialism this time around …  The problems of terrestrial history, human difference, and equality, that is, could be finally settled and fixed elsewhere in the cosmos. (2017: 187) In other words, “it’s as if the only thing wrong with colonialism was that people were already living there” (Shorter, 2019a). Mars and/or Moon are envisioned as the next site of human colonization without any recognition of the disastrous history, and ongoing calamity, of settler colonialism on Earth. The lack of reflexivity is not accidental; colonial relations are built into and reproduced through the apparatuses that might make such projects possible. Tracing the production of apparatuses raises questions of what kind of worlds are being produced, and for whose benefit. Ethics thus entails questions of responsibility for the kinds of apparatuses enacted and the ways they produce difference. Reflecting on the SSOS literature, this paper has shown how questioning the ethics of space science requires an examination of the apparatuses assembled, the nature of those apparatuses, and the ways they iteratively reshape the world and what comes to matter. Shorter argues that “[t]hose leading the U.S. quest for galactic exploration utilize unethical methods that they base in colonial and anthropocentric theories for the purposes of resource extraction” (2019b: n.p.). Colonial relations of domination are (re)produced through the assembling of apparatuses in particular places and the coordinated efforts of putting them to work in the service of colonial expansion to offplanet spaces. SSOS literature needs to be explicitly anti-colonial, as coloniality is foundational to the practices of contemporary space science and imaginaries of space “exploration.” There cannot be an ethical engagement with the lands of other planets when the sciences are rooted in exploitative colonial relations on Earth. Such projects will always be colonies.

#### **Public-private partnerships and other methods of space appropriation directly mirror methods of colonization**

**Haskins 2018** [Caroline Haskins, Senior Reporter on Surveillance & AI/Machine Learning for Business Insider, “The Racist Language Of Space Exploration,” August 14, 2018, The Outline, <https://theoutline.com/post/5809/the-racist-language-of-space-exploration>] /Triumph Debate

“You could argue that the effort to colonize space is likely to involve new forms of inequality: shifts in tax revenues and administrative priorities devoted to that,” said Michael Ralph, a professor of anthropology at NYU. “As opposed to [supporting] other social institutions that benefit people like health care, education, infrastructure.” Earning money in space is an exciting prospect for a far-right, pro-business, anti-regulation politician like Cruz, and he explicitly associated it with European countries having colonized the Americas. Starting in the late 1400s, Great Britain, Spain, and Portugal funded missions to the Americas in order to gather natural resources that would power up their economies. By stealing the land that made this resource extraction possible, colonizers used genocide, enslavement, biological weaponry, and warfare and that resulted in the deaths of tens of millions of indigenous people living in the “New World.” The concept of race, and therefore racism, was invented as a way of justifying their violence and legitimizing a hierarchy of race-divided labor. Based off of what we know right now, the Moon and Mars are devoid of life, so this colonizing language is not actually putting other beings at risk. But, there is the risk that the same racist mythology used to justify violence and inequality on earth — such as the use of frontier, “cowboy” mythology to condone and promote the murder and displacement of indigenous people in the American West — will be used to justify missions to space. In a future where humans potentially do live on non-earth planets, that same racist mythology would carry through to who is allowed to exist on, and benefit from, extraterrestrial spaces. On Earth, and in the United States specifically, the ideal of a merit-based society has been used to justify race-blind hiring policies that fail to account for, say, the implicit bias against black or Asian-sounding names, or the legacy of segregation, which continues to make children of color more vulnerable to attending underfunded schools. Narratives of “law and order” have also been used to justify racial profiling and harsher prison sentences for people of color than for white people who commit the same crimes. Not nearly enough work has been done here on Earth to ensure that these structural inequalities wouldn’t carry through. “Those narratives do carry specific implications about how people living on other worlds might be structured,” Lucianne Walkowicz, the current Chair of Astrobiology at the Library of Congress, told The Outline. Walkowicz organized the Decolonizing Mars Conference that took place on June 27 as well as a public follow-up event planned for September, to discuss how colonial language is shaping our potential future in space. “Space is not just built for nothing, it’s built for people.” When we think about humanity’s potential to exist on other planets, it’s important to consider who won’t have access to space, in part due to a total lack of concern over these issues by people who are able to access it. Amazon CEO Jeff Bezos intends to make space a place for the rich to use for adventure leisure, and SpaceX/Tesla founder Elon Musk has proposed that a Martian “colony” can save a selection of humanity from the collapse of civilization in some World War III scenario. Granted, right now, these are just words from billionaires who want to excite the public about their business ventures. But they suggest that if the economically and socially vulnerable are priced out of a life-saving journey from Earth, it is a justifiable loss. “All of these things that are said off the cuff [by billionaires] have some implications that are concrete and count some people in, and some people out,” Walkowicz said. Part of that concern is fueled by the fact that Cruz and Pence have presented the path to settling space as one that will be privately funded, but lead by the U.S. government. In the Destination Mars subcommittee meeting, Cruz said, “At the end of the day, the commercial sector is going to be able to invest billions more in dollars in getting this job [of getting to Mars] done.” In his Thursday remarks regarding the Space Force, Pence also implied that celestial territories would be treated as private property (even though owning private property in space is explicitly illegal per the Outer Space Treaty, which the U.S. and dozens of other nations signed in 1967). “While other nations increasingly possess the capability to operate in space, not all of them share our commitment to freedom, to private property, and the rule of law,” Pence said. “So as we continue to carry American leadership in space, so also will we carry America’s commitment to freedom into this new frontier.” This approach to public-private partnerships directly mirrors colonist practices. For instance, the British East India Company violently colonized parts of India on behalf of the company, but over time, ownership of the stolen land shifted to Great Britain. While these risks feel a part of a far away future, in the present, idealizing colonization as a positive, replicable aspect of American history speaks to an unsettling indifference from leaders about the violent history of colonization. And by referencing historical events that victimized people of color, leaders paint a vision of the future in which people of color continue to be excluded, Walkowicz said that the social and economic legacy of colonization is ignored. By using narratives of adventurism and heroics, white Americans were able to convince other white Americans that they were not only entitled to steal and conquest land and persons, but that it was their destiny. Ralph said to The Outline that this mythology remains central to the way Americans conceptualize their history and culture. “Colonization is portrayed as a heroic conquest,” Ralph said. “These practices are framed as central to American identity, essential to governance, politics, and all major social institution. But not depicted as a colonizing that is one caused by violence, displacement, dispossession.” Even when people aren’t explicitly referring to settlements in space as “colonies,” they still use the rhetoric of colonizing the New World and the American frontier, which erases the stories of and violence against the people of color who lived and ranched in the region. But how did this language start being used in the first place? Presidents have also used frontierism and colonialism to get white citizens behind their agenda. When President John F. Kennedy announced his intention to bring Americans to the Moon in 1962, he paraphrased one of the earliest colonists on the North American continent. “William Bradford, speaking in 1630 of the founding of the Plymouth Bay Colony, said that all great and honorable actions are accompanied with great difficulties, and both must be enterprised and overcome with answerable courage,” Kennedy said. Bradford was the governor of the Plymouth Bay Colony at the time of the Pequot War. In an overnight attack, British colonizers massacred four hundred soldiers, non-soldiers, and children. Bradford later described the act of genocide as a Christian victory. “...victory seemed a sweet sacrifice, and they gave the prays therof to God,” Bradford wrote, “who had wrought so wonderfully for them, thus to inclose their enemies in their hands, and give them so speedy a victory over so proud and insulting an enemy.” Although Kennedy did not characterize his vision for the Moon as creating a “colony” specifically, the association he wanted to create is clear: The Moon is the next version of the New World, the next frontier for American conquest. In his speech, Kennedy continues that men like Bradford teach us that “man, in his quest for knowledge and progress, is determined and cannot be deterred.” However, if “man” is a stand-in for “white colonizers,” “knowledge and progress” unabashedly brushes over the lives of indigenous persons and people of color that were lost in their quest to “explore.” It’s a profusely sanitized version of reality. “It’s fascinating that a term like ‘colonizing’ can be seen in neutral terms when it can’t exist without violence and dispossession,” Ralph said. It can’t exist without violence to establish a political hierarchy. Every colonial project is about managing populations, subjugating people, extracting resources.” But Kennedy was not the first person to use of colonizing language in the context of space. John Wilkins, one of the first people who ever theorized about humanity’s future in space, wrote “A Discourse Concerning a New World and Another Planet” back in 1638, where he argued that the Moon will be a place for human habitation in the future. Although it was a piece of science fiction theorization at the time, Wilkins justified his argument by saying that God created the Earth and stars for people to use in his honor. Colonizers are adventurers, Wilkins argues, whose ideals are worth replicating on other planets. “The invention of some other means for our convenience to the Moon cannot seem more incredible to us, than this did at first to them, to be discouraged in our hopes of the like success,” Wilkins wrote, admitting that any mission to the moon would be far in the future. “We have not now any [Sir Francis] Drake, or Columbus, to undertake this voyage, or any Daedalus to invent a convenience through the air.” Sir Francis Drake was a slave-trader, and of course, Christopher Columbus is responsible for the genocide of almost 3 million people on the island of Hispaniola (now the Dominican Republic and Haiti).

## **Solvency**

#### **Bringing indigenous perspectives into IR creates a more inclusive set of policies**

**Busby 2019** [Josh Busby, Associate Professor in the LBJ School of Public Affairs at the University of Texas-Austin, “Bringing Indigenous Experiences Into International Relations,” September 12, 2019, <https://www.duckofminerva.com/2019/09/bringing-indigenous-experiences-into-international-relations.html>] /Triumph Debate

Even if one was convinced that IR scholars ought to do more to bring indigenous experiences into the field, one might not have a sense as to where such research should start. The answer, I think, is that it can begin wherever one’s research interests already lie. Indigenous experiences are just as varied as those of other groups and can complement or contrast with existing theories related to the concepts and debates that are central to IR. On the question of when and why actors balance against other threatening actors, for example, Tecumseh assessed the growing U.S. to be an existential threat in the early 1800s, and he sought Native allies to resist this threat. Why did he succeed in courting some groups and fail with others? How did Tecumseh’s band of Shawnee and other Native nations assess the capabilities and intentions of the U.S.? One might similarly seek a better understanding of the role of cultural symbols in alliance formation given the role that religion often played in the formation (or fragmentation) of Native coalitions, as in Tecumseh’s usage of his brother’s religious authority to garner support and, elsewhere, in Apache commitments to join Spanish missions if the Spaniards would help to defend them against Comanches. Importantly, indigenous experiences are not relegated to the past, which means that research on this topic need not begin in the archives. Indeed, the various research methods available to IR scholars may be worth using depending on the question one is asking, but regardless of whether the issue is ultimately more historical or contemporary, bringing indigenous experiences into IR means bringing indigenous people into one’s research through, for example, interviews with current tribe members or through more specifically indigenous methods. Whatever methods one chooses to use, research focused on relatively recent events might examine, among other phenomena, the sort of non-violent activism led by Native communities in recent years, including ongoing protests and litigation directed against the Keystone XL Pipeline and the Mauna Kea Thirty Meter Telescope. Such ongoing contestation centered on rival claims to sovereignty should, for IR scholars, underscore that the U.S. state’s relationship to federally recognized tribes is a government-to-government relationship—a relationship that is a useful way to introduce and perhaps to complicate the way our field talks about sovereignty. In terms of teaching, bringing indigenous experiences into IR means bringing to bear the little extant work from IR as well as work from other subfields and disciplines. Just as, for example, gender need not be confined a single class session, indigenous experiences can offer useful points of discussion throughout an Introduction to International Relations class. An early course session focused on core concepts in IR might make use of scholarship on Native sovereignty as suggested above, whereas later sessions on international history or international law could draw on scholarship related to U.S. territorial expansion and treaty negotiations. Topics and readings such as these could work equally well in upper-level undergraduate or graduate courses such as U.S. Foreign Policy or International Security. From state formation to civil-military relations and from environmental politics to genocide studies, there is much work from outside of IR that could fruitfully inform our teaching just as much as our scholarship. Thankfully, indigenous experiences have not been completely ignored in IR or in other subfields, which means that those who want to make these experiences more visible in IR do have some models available. Within IR, one can find some exemplary articles or books by scholars whose broader research interests lie elsewhere, and one can find the occasional scholar whose research agenda very much revolves around indigenous peoples as international political actors. In other subfields of Political Science, as I have already argued, there is much more scholarship on which to build. Simply engaging with and building on extant, culturally sensitive work would be a good place to start for IR scholars interested in changing the discipline. Bringing indigenous experiences into the classroom, contributing to the institutions that support for this sort of work, and collaborating with Native scholars and tribes would be an even better place to go beyond that.

## **Advocacy**

#### **All signatories of the Outer Space Treaty (OST) of 1967 should end private appropriation of outer space by ruling that it violates the non-appropriations clause of the OST**

**Gorove 1969** [Stephen Gorove, jurist & Professor Emeritus at University of Missisipi, “Interpreting Article II of the Outer Space Treaty”, 37 Fordham L. Rev. 349, 1969, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1966&context=flr>] /Triumph Debate

I. SUBJECT MATTER OF APPROPRIATION With respect to the problem of subject matter, the prohibition of national appropriation relates clearly to "outer space, including the moon and other celestial bodies."2 The Treaty is silent on the question of what is outer space, what it encompasses or what its boundaries are in relation to airspace. The only statement contained in the Treaty is that the moon and other celestial bodies are included in outer space. For this reason, the prohibition regarding national appropriation would unquestionably extend to the moon and other celestial bodies. Whether or not the prohibition would extend to outer space in its totality or only to part of it, or would relate to the moon or a celestial body as a whole or only to a part of it, are further significant questions. By common sense interpretation the prohibition could not very well relate to outer space as a whole since no one could at present appropriate outer space as a whole but only a part of it. Insofar as the moon and other celestial bodies are concerned, the prohibition could extend to the whole entity if national appropriation of the whole is indeed possible. But even in relation to the moon and other celestial bodies, it would appear by reasonable interpretation that the prohibition would also cover acquisition of a part of the moon or other celestial body. Any contrary interpretation would seem to make the prohibition of national appropriation largely illusory. In relation to national acquisition of a part of outer space, further questions may be raised. For example, does the prohibition extend to the collection of dust particles or other special elements during flight in outer space? Does the prohibition extend to the appropriation of cosmic rays, gases or the sun's energy, or to the collecting of mineral samples or precious metals on the moon or other celestial bodies? Should the answer depend on the type of resource involved, or on its availability in unlimited (cosmic rays, meteorites, gases) or limited (minerals, metals) quantities or perhaps on its location? In attempting to give answers to these questions, it may be pointed out, first of all, that, in the absence of some special circumstance, little would be gained by insisting on the nonappropriation of resources such as cosmic rays or gases, which are available in inexhaustible quantities. At the same time, the Treaty as it stands seems to make little allowance for national acquisition of exhaustible spatial resources. With respect to location, it could be argued that if any parts of outer space, including the moon and other celestial bodies, were found on the earth, they would not be subject to the prohibition of national appropriation since they would become part and parcel of the earth. Under a strict interpretation it may also be argued that the prohibition extends to the resource irrespective of its location. However, it might be preferable to distinguish between elements of outer space which have reached the earth as a result of natural causes and those which have done so through human intervention. In the first instance national appropriation would not be prohibited, whereas in the second example the prohibition would apply. Thus, a meteorite falling on the earth could be appropriated whereas a precious stone or metal brought to the earth from outer space could not be a subject of national appropriation. Regarding the jurisdictional boundaries of outer space, particularly the dividing line between airspace and outer space, we seem to know a little more now than we knew at the time of the first Colloquium on the Law of Outer Space back in 1958. At that time it did not appear with certainty that nation states would not object to the orbiting of foreign space instrumentalities over and above their territories. Today after more than a decade of spatial experiments, it can be said that an international custom seems to have sprung up which regards the area where space instrumentalities move in durable orbit as outer space. From this we also take for granted that anything above and beyond this area is also regarded as outer space. However, the more precise boundary line between airspace and outer space is still left undetermined. II. NATIONAL APPROPRIATION Turning to the second question which involves the meaning of "national" appropriation, it has been suggested that only the United Nations acting on behalf of the world community as a whole, should be entitled to appropriate.3 While further developments in space law, by international custom or treaty, may eventually prohibit spatial appropriations by an individual or a chartered company or the European communities, the Treaty in its present form appears to contain no prohibition regarding individual appropriation or acquisition by a private association or an international organization, even if other than the United Nations. Thus, at present, an individual acting on his own behalf or on behalf of another individual or a private association or an international organization could lawfully appropriate any part of outer space, including the moon and other celestial bodies. Whether or not an ad hoc international organization could be created for the exclusive purpose of enabling it to appropriate outer space is a delicate question. The answer may have to depend on the good faith of the parties. A further question in relation to "national" appropriation is whether or not political subdivisions of a state, such as the states of a federal state, cities or municipalities may appropriate? Under a strict interpretation, the answers to these questions would likely be in the negative even though an occasional court decision in other areas of the law may support an affirmative position.4 IlL. THE CONCEPT OF APPROPRIATION With respect to the concept of appropriation the basic question is what constitutes "appropriation," as used in the Treaty, especially in contradistinction to casual or temporary use. The term "appropriation" is used most frequently to denote the taking of property for one's own or exclusive use with a sense of permanence. Under such interpretation the establishment of a permanent settlement or the carrying out of commercial activities by nationals of a country on a celestial body may constitute national appropriation if the activities take place under the supreme authority (sovereignty) of the state. Short of this, if the state wields no exclusive authority or jurisdiction in relation to the area in question, the answer would seem to be in the negative, unless, the nationals also use their individual appropriations as cover-ups for their state's activities.5 In this connection, it should be emphasized that the word "appropriation" indicates a taking which involves something more than just a casual use. Thus a temporary occupation of a landing site or other area, just like the temporary or nonexclusive use of property, would not constitute appropriation. By the same token, any use involving consumption or taking with intention of keeping for one's own exclusive use would amount to appropriation. The question may also be asked whether or not the purpose of appropriation, that is whether it takes place in the name of science, for enrichment, or for any other purpose would have a bearing on the question of its lawfulness. Normally, the purpose of appropriation should have little bearing on the prohibition except that to constitute appropriation, the acquisition must be carried out for the purpose of one's own or exclusive use. However, since the Treaty proclaims freedom of scientific investigation in outer space, 6 there seems to be some support for the argument that if the appropriation takes place in the name of science or in the course of a scientific investigation in outer space, including the moon and other celestial bodies, such use would not be prohibited under the Treaty. Nonetheless, if the proclaimed principle is taken literally, the same argument could not be used with equal force in a case where the scientific investigation was carried out on the earth. It is doubtful whether the Treaty intended such effect, but if it did not, it is unfortunate that it fails to make it clear.7 IV. SOVEREIGN AUTHORITY In relation to the question whether or not there is any room for the exercise of some form or degree of superior authority, jurisdiction, use or occupation in outer space, the answer would seem to be in the affirmative, since the Treaty prohibits the exercise of such authority, use or occupation only if it amounts to national appropriation. Under such interpretation, the temporary use of a spatial resource without the latter's transformation or deterioration may be permissible, whereas the consumption or destruction of a resource may not. Furthermore, insofar as the exercise of authority is concerned, the state on whose registry an object launched into space is carried must retain jurisdiction and control over such object, and over its personnel, while in outer space or on a celestial body.' The Treaty also makes it clear that the states will be internationally responsible for national activities in outer space, including the moon and other celestial bodies, irrespective of whether such activities are carried on by governmental or nongovernmental entities. In fact, the activities of nongovernmental entities require authorization and continuing supervision by the state concerned.9 The fact that some measure of at least temporary exclusive jurisdiction may be exercised over a particular area on the moon or other celestial bodies, such as a space station and its adjacent grounds, is also apparent from Article XII which makes access by representatives of a foreign state contingent on reciprocity. It is not the purpose of the foregoing brief analysis to attempt to resolve the complex problems which may arise in connection with the interpretation of Article II of the Outer Space Treaty. The purpose is rather to draw attention to the existence of these problems which will have to be resolved if man's exploration of the cosmos is to be guarded by law and order.