## 1

#### Interpretation – the aff may not defend that the appropriation of outer space by a certain set of private entities is unjust.

#### Entities is a generic bare plural

**Nebel 20** [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Indefinite Singular Generics in Debate” Victory Briefs, 19 August 2020. no url AG

I agree that if “a democracy” in the resolution just meant “one or more democracy,” then a country-specific affirmative could be topical. But, as I will explain in this topic analysis, that isn’t what “a democracy” means in the resolution. To see why, we first need to back up a bit and review (or learn) the idea of generic generalizations.

The most common way of expressing a generic in English is through a *bare plural*. **A bare plural is a plural noun phrase, like “dogs” and “cats,” that lacks an overt determiner**. (A determiner is **a word that tells us which or how many**: determiners include quantifier words like “all,” “some,” and “most,” demonstratives like “this” and “those,” posses- sives like “mine” and “its,” and so on.) LD resolutions often contain bare plurals, and **that is the most common clue to their genericity**.

We have already seen some examples of generics that are not bare plurals: “A whale is a mammal,” “A beaver builds dams,” and “The woolly mammoth is extinct.” The first two examples use indefinite singulars—singular nouns preceded by the indefinite article “a”—and the third is a definite singular since it is preceded by the definite article “the.” Generics can also be expressed with bare singulars (“Syrup is viscous”) and even verbs (as we’ll see later on). The resolution’s “a democracy” is an indefinite singular, and so it very well might be—and, as we’ll soon see, is—generic.

But it is also important to keep in mind that, just as not all generics are bare plurals, not all bare plurals are generic. “Dogs are barking” is true as long as some dogs are barking. Bare plurals can be used in particular ways to express existential statements. The key question for any given debate resolution that contains a bare plural is whether that occurrence of the bare plural is generic or existential.

The same is true of indefinite singulars. As debaters will be quick to point out, some uses of the indefinite singular really do mean “some” or “one or more”: “A cat is on the mat” is clearly not a generic generalization about cats; it’s true as long as some cat is on the mat. The question is whether the indefinite singular “a democracy” is existential or generic in the resolution.

Now, my own view is that, if we understand the difference between existential and generic statements, and if we approach the question impartially, without any invest- ment in one side of the debate, we can almost always just tell which reading is correct just by thinking about it. **It is clear that “In a democracy, voting ought to be compul- sory” doesn’t mean “There is one or more democracy in which voting ought to be com- pulsory.”** I don’t think a fancy argument should be required to show this any more than a fancy argument should be required to show that “A duck doesn’t lay eggs” is a generic—a false one because ducks do lay eggs, even though some ducks (namely males) don’t. And if a debater contests this by insisting that “a democracy” is existen- tial, the judge should be willing to resolve competing claims by, well, judging—that is, by using her judgment. Contesting a claim by insisting on its negation or demanding justification doesn’t put any obligation on the judge to be neutral about it. (Otherwise the negative could make every debate irresolvable by just insisting on the negation of every statement in the affirmative speeches.) Even if the insistence is backed by some sort of argument, we can reasonably reject an argument if we know its conclusion to be false, even if we are not in a position to know exactly where the argument goes wrong. Particularly in matters of logic and language, speakers have more direct knowledge of particular cases (e.g., that some specific inference is invalid or some specific sentence is infelicitious) than of the underlying explanations.

But that is just my view, and not every judge agrees with me, so it will be helpful to consider some arguments for the conclusion that we already know to be true: that, even if the United States is a democracy and ought to have compulsory voting, that doesn’t suffice to show that, in a democracy, voting ought to be compulsory—in other words, that “a democracy” in the resolution is generic, not existential.

Second, **existential uses of the indefinite, such as “A cat is on the mat,” are upward- entailing.3 This means that if you replace the noun with a more general one, such as “An animal is on the mat,” the sentence will still be true. So let’s do that with “a democracy.” Does the resolution entail “In a society, voting ought to be compulsory”? Intuitively no**t, because you could think that voting ought to be compulsory in democracies but not in other sorts of societies. This suggests that “**a democracy” in the resolution is not existential**.

#### It applies to this topic – a] entities is an existential bare plural bc it has no determiner b] The sentence “The appropriation of outer space by private entities is unjust” does not imply “the appropriation of outer space by private and public entities is unjust”

#### Violation – they spec Ukraine private entities

#### Standards

#### 1] Limits – they can spec infinite different entities like spaceX, etc.. - that’s supercharged by the ability to spec combinations of types of entities. This takes out functional limits – it’s impossible for me to research every possible combination of entities, governments, and appropriation.

#### 2] TVA solves – just read your aff as an advantage to a whole rez aff – we don’t stop them from reading new FWs, mechanisms or advantages. PICs aren’t aff offense – a] it’s ridiculous to say that neg potential abuse justifies the aff being non-T b] There’s only a small number of pics on this topic c] PICs incentivize them to write better affs that can generate solvency deficits to PICs

#### Fairness and education are voters – debate’s a game that needs rules to evaluate it and education gives us portable skills for life like research and thinking.

#### Drop the debater – it deters future abuse and sets a positive norm.

#### Use competing interps – reasonability invites arbitrary judge intervention since we don’t know your bs meter

#### No RVIs – illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance

## 2

#### Ukraine should:

#### establish a national space policy declaring disputes over international space law and policy should be resolved via compulsory and binding arbitration through the Permanent Court of Arbitration (PCA).

#### Submit the aff’s plan for binding arbitration through the PCA pursuant to the Optional Rules for the Arbitration of Disputes Relating to Outer Space Activities.

#### not shirk full compliance with the tribunal’s rulings on matters relating to outer space activities.

#### That establishes compulsory jurisdiction over the plan via the PCA, using the new Optional Space Rules—this is especially beneficial when relating to private agents.

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The Optional Rules state that the secretary general of the PCA has the authority to “govern” PCA arbitrations.19 Jurisdiction is established by Article 1, paragraph 1: Where **parties have agreed that disputes between them** … whether contractual or not, shall be referred to arbitration under [these rules]…. The characterization of the dispute as relating to outer space is not necessary for jurisdiction where parties have agreed to settle a specific dispute under these rules.20 This is a broad statement of jurisdiction—as it should be—for a voluntary resolution process. The advisory group considered a subject matter jurisdiction test, but because the advisory group wanted to serve the greater intent to use arbitration as a dispute resolution mechanism, they did not included any test or limitation.21 The **rules allow the parties to determine whether to apply the rules**, whether to modify the rules, and do not require the dispute to be characterized as relating to outer space. Jurisdiction is further expanded in Article 3, paragraph 1: The party or parties initiating recourse to arbitration … shall communicate to … the International Bureau a notice of arbitration. And Article 3, paragraph 3(d): The notice of arbitration shall include … identification of any rule, decision, agreement, contract, convention, treaty, constituent instrument of an organization or agency, or relationship out of, or in relation to which, the dispute arises.22 This **language is more expansive than the UNCITRAL** rules.23 The Optional Rules, by these provisions, recognize and **account for** the **various constituents—from states to private actors**—**and the various sources of law that affect space activities**.24

#### Solves and establishes effective PCA arbitration for space—they’ll agree with the plan, which solves the aff, but allow the effectiveness of PCA arbitration to be established for outer space.

Goh 7 – Associate Prof of Law-Nat’l U of Singapore Dr. Gérardine Meishan Goh, Adjunct Associate Professor, Faculty of Law- National University of Singapore, *Dispute Settlement in International Space Law: A Multi-Door Courthouse for Outer Space*, Martinus Nijhoff Publishers, 2007, book accessible at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/11860/Thesis.pdf?sequence=10> recut 12-15-2022 amrita

The Enforcement of the Rule of Law in Outer Space International law may be flawed and deficient in some aspects, but it is more often observed than violated. This is certainly the case as well with international space law. Further, it is submitted that a permanent, compulsory dispute settlement mechanism will make a substantial contribution to the development of the corpus juris gentium. As such it will improve international space law and enhance the role of dispute settlement in space activities.156 In resolving disputes within the legal framework, the dispute settlement mechanism will interpret the law through its application. Each dispute settled is a step in the evolution of international space law.157 Probably the most important reason for the establishment of a sectorialized dispute settlement mechanism for space disputes that is permanent and compulsory is for the enforcement of the rule of law in outer space. This mechanism would provide a viable alternative to any extra-legal and illegal methods of redress or conflict resolution. This mechanism would perform three tasks in this regard: 1. Establish international space law as a special sector of international law through the declaration of the law; 2. Increase the political attractiveness of accepting international legal norms in space activities with a built-in system for reform and review; and 3. Maintain outer space for exclusively peaceful purposes by ensuring that conflicts are settled peacefully rather than through the use or threat of the use of force. This section will deal with these three factors in sequence. One of the most important reasons for establishing a permanent, compulsory dispute settlement mechanism is that it allows for the development of international space law as a specialized branch of international law. This dispute settlement mechanism will allow for the declaration of the law through its application. As more disputes arising from space activities are settled through legal means, this allows the corpus of international space law to be gradually built up. The declaration of the law is essential for its progressive evolution, in particular in young fields such as international space law. The formulation of the law in this regard allows for its growth and enforcement in practical matters. The second factor is that a compulsory, permanent dispute settlement mechanism will increase the political appeal of accepting international legal rules governing space activities. The existence of a dispute settlement mechanism implies a solid framework within which the law can be reviewed and reformulated as necessary. This allows the law to progressively develop together with changes in social and technological innovations. With a built-in system for such review and changes, actors will likely be more disposed to accept international space law as the governing framework for space activities. This furthers the cause of the enforcement of the rule of law in outer space activities. The most urgent and important reason for the adoption of a permanent, compulsory dispute settlement mechanism to ensure the enforcement of the rule of law is that it maintains outer space for exclusively peaceful purposes. Such a dispute settlement mechanism ensures that disputes are settled peacefully within the legal framework, rather than through the use or threat of use of force. This is a crucial argument as to the reason for the establishment of such a mechanism. The international legal order is essential to the maintenance of international peace and security. Explicitly or implicitly, international law establishes and enforces the general jus cogens principles that all disputes should be settled peacefully.158 This crystallizes each actor’s interest in the maintenance of international order, and international peace and security. Dispute settlement within the international legal framework also more expressly establishes norms, procedures and institutions that facilitate conflict avoidance and dispute settlement. In the latter case especially, international law provides relevant regulations and legal norms that influence actors’ perceptions of legitimacy. This guides their efforts in reaching settlement of any potential dispute. Further, to the extent that relevant legal obligations are clear, actors are less likely to pursue a course of action that might give rise to disputes. Should any such disputes nonetheless arise, parties will be able to settle them more straightforwardly based on clear relevant laws. Even if parties elect to settle disputes through non-legal, non-binding forms of dispute settlement, such as negotiation, they typically bargain in the shadow of the law. The rule of law in the international order also provides a framework by which actors can commit themselves to the principle of peaceful settlement of disputes. It also allows them to institute detailed dispute settlement methodologies. This allows the enforcement of the rule of law through the compromise on reaching a legal settlement. The maintenance of international peace and security in outer space is at a particularly crucial juncture. The legal regime that governs military, commercial and scientific activities in outer space presently lacks coherence. It is increasingly insufficient to deal with the challenges raised by the disparate actors involved in space activities. Without a concentrated endeavor to establish a workable dispute settlement mechanism and a comprehensive legal order for outer space, there is a real possibility that the lacuna will be filled with military competition instead. This will doubtless have immense destabilizing consequences for international peace and security. To avoid a military confrontation or an actual conflict in outer space, actors on the international plane must be subject to the rule of law. In this regard, the establishment of a dispute settlement mechanism would be in the interests of the global military, commercial, political and scientific constituencies. The dispute settlement mechanism will ensure that the future of space activities will be presided over by the long-term interests of law rather than the short-term interests of the balance of power. The predominant concern would be to manage space activities while highlighting the crucial role of international space law in the preservation of outer space for exclusively peaceful purposes. The dispute settlement mechanism showcases the benefits of multilateral cooperation within a legal regime as the best path towards the protection of various interests in space. This ensures that no single power dominates the space industry, and threatens the freedom of access to space by other actors. The dispute settlement mechanism will ensure that any power-play will be restrained by recourse to legal rules. Any interests in outer space would then be pursued solely in the context of an evolved, expressed legal framework on the basis of mutual benefit and reciprocity. The dearth of a proper dispute settlement mechanism in international space law could lead to two potentially disastrous scenarios. The first is military dominance by a space-faring power, and the second is a fragmented unilateral interpretation of the law by various parties. The first scenario envisages the unilateral imposition of one party’s perspectives through power politics and military dominance. This was the model of the initial two decades of space exploration, where the two superpowers of the United States and the former Soviet Union, the only space-faring States at the time, held sway over the development of international space law through their actions. Without a proper dispute settlement mechanism to articulate the framework of international space law, there is a clear and present danger of a powerful party taking advantage of the immensely unbalanced distribution of power and influence in the space field. This party could then enforce its own hegemonic order that promotes only its own interests and defends only its own actions. This will inevitably lead to a monopoly on the use and exploration of outer space, and the denial of access to space to other parties. It is clear that such a scenario will not take any heed of international treaties and international law. In fact, any existing restraint imposed by the law would likely be swept away as an undesirable restriction on that party’s assertion of power and sovereignty in outer space.159 The second scenario envisages the continuation of the status quo ante, without the development of any mechanism for the settlement of disputes. The existing practice of laboring under disparate elucidations of ostensibly mutual but imprecisely specified principles is the norm. Parties pay lip-service to whatever current regulations there are, and seek to modify the legal framework incrementally whenever possible. International space law would be shaped by unilateral interpretations of general principles and self-determining policies. Any normcreation would proceed in an ad hoc, piecemeal fashion. Neither one of the scenarios is sustainable for the further progressive evolution of international space law. They encompass two miasmas for the development of international law: the threat of the use of force, as well as the fragmentation of the international legal system. It is submitted that a more detailed normative system may provide the solution needed. An established dispute settlement mechanism would ensure that commercial, political, security and scientific interests in outer space are protected. This mechanism would accentuate pan-party cooperation, with widespread involvement by all stakeholders in decision-making and norm-creation regarding space activities. The establishment of a sectorialized dispute settlement mechanism that is compulsory and permanent would enforce the rule of law also in other beneficial ways. It would reduce the resort to unjustified countermeasures on the part of allegedly injured parties. The establishment of such a dispute settlement mechanism would, by the fairest means possible, restrict the facult´e of parties to resort to illegal countermeasures. Also, an effective dispute settlement mechanism would reduce friction between stakeholders, and bring about a more balanced and equitable allocation of benefits and settlement of disputes. This would work to prevent against any unjustified countermeasures and counterreprisals and the intensification of unilateral measures that would serve only to ignite further friction between the parties. The result on the whole would be based on the rule of law and would thus likely be more just than those attained by resort to unilateral coercion. The upshot is that such a dispute settlement mechanism is that it reduces the need for actors to rely exclusively upon their own ability to resort to effective unilateral reaction, which in space activities is likely to prove costly and uncertain to produce the desired results. Parties would have the opportunity to better defend themselves before an effective dispute settlement mechanism rather than being coerced to accept the unilateral determinations of a potentially more powerful opponent. Considering the high degree of economic risk and technical interdependence of parties in space activities, this would be a great motivating factor for actors to accept the enforcement of the rule of law in outer space activities through the establishment of such a dispute settlement mechanism.160 Thus, a generally established dispute settlement mechanism in space law matters would not only benefit the international community by reducing tension between the various actors, but is also a requisite condition for augmenting the dependability and efficacy of this new field of international law. Improved confidence in the system of international regulation of space activities would moreover boost the readiness of actors to extend space law regulation to specific fields not yet included. There is now a substantial body of positive international space law comprising substantive law regarding the rights and obligations of actors in space activities. However, there needs to be a framework of procedural rules for the implementation and enforcement of these rules of substantive law in cases of dispute. This procedural framework for dispute settlement is still missing in international space law today. This lacuna gives great reason for concern today as to the actual usefulness of space law. Presently, the practical application of space activities confronts the international legal framework with a great risk of potential disputes. These arise both in the application of international space law principles, as well as in the disparate fields of applied space activities. The commercialization of outer space, the potential benefits to be derived there from, and the proliferation of activities in outer space has increased the urgency for the establishment of a proper dispute settlement mechanism. This urgent need if ignored would lead only to the detriment of the efficacy, relevance and evolution of the framework of international space law.

#### Strong arbitration framework solves war.

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According to latest polls, a majority of Americans see North Korea as the greatest immediate threat to the U.S. with as many as 73 percent concerned about Kim Jung Un’s use of nuclear weapons. The world lives in fear that one more provocation in the form of a North Korean missile or nuclear test could lead to major war on the Korean Peninsula. It is true that tensions have lessened recently with North and South Korea holding talks and, on March 8, President Trump accepting an invitation to meet with North Korean leader Kim Jung-Un “by May.” But past efforts to engage the North have often left participants unsatisfied and disappointed. If these talks fail or lead to frustration, the temptation to resort to military force could ratchet up quickly. And if such direct engagement efforts fall short of expectations, international arbitration might provide – as it has in the past – an alternative to conflict. As scholars who study international law and Asian politics, our question is: Could arbitration help resolve the present crisis with North Korea? We have been here before In 1904, war between Russia and the United Kingdom appeared imminent after the Russian Baltic fleet fired on and severely damaged six English fishing boats, killing two fisherman and wounding six others, on Dogger Bank, just a few miles off the coast of England. The British press demanded that the “wretched Baltic fleet” be destroyed, and the Royal Navy eagerly maneuvered to do just that. War was avoided at the last minute when the foreign ministers of both countries agreed to arbitration presided over by commissioners from Britain, Russia, the United States, France and Austria. The result was a four-month interval that allowed time for tempers to cool as well as a complete inquiry and an analysis of the incident. Ultimately Russia paid damages for the incident on Dogger Bank, and the U.K. and Russian governments were both able to step away from war while saving face with their public. A positive track record The United States, too, has been party to disputes settled by arbitration. The most prominent of these are the “Alabama claims” in which the U.S. – after the Civil War – demanded reparations from the U.K. for having supplied and armed Confederate ships such as the CSS Alabama, despite being ostensibly neutral. These “Confederate raiders” had caused millions in damages to American shipping. Such was the tension between the two countries that some American politicians suggested that the U.S. annex Canada, which was then under British rule. Instead, diplomacy prevailed and the U.S. and the U.K. finally agreed in 1871 to an arbitration panel – composed of Switzerland, Italy, Brazil, U.S. and the U.K. – that awarded US$15 million to Washington and, critically, also set the stage for a lasting peace between the two countries. After this arbitration, politicians, including Ulysses S. Grant, thought the world could be entering an “epoch when a court recognized by all nations will settle international differences” so as to avoid major military conflict. Indeed, such a court was created in 1899 at the Convention on Pacific Settlement of International Disputes and still exists with the Permanent Court of Arbitration in The Hague, which has been actively involved in settling current disputes in India, Malta, Italy, Timor, Australia and South Africa. Given this positive historical track record, could arbitration help avoid war on the Korean Peninsula today? Why it could work This is not far-fetched. It is impossible to underestimate the enmity between Russia and the U.K. in 1904 or England and the U.S. in the mid-19th century, but arbitration still took place. All three of these countries were also extremely nationalistic in an age of great power expansion. Their concept of individual sovereignty was not unlike that which kept the U.S. in the 20th century from signing on to international conventions such as the U.N. Law of the Sea [LOST] and the International Criminal Court. What it took to get to arbitration, in the case of Dogger Bank, was a third party like France concerned about being dragged into a larger conflict – think China today – and individual government officials who were willing to honestly seek peace. So, assuming that there would be willingness on the American and Korean sides to this, how might it work? How it could work One advantage of such a commission is that it could make relatively objective, logical and practical decisions that politicians could never agree to if they wanted to keep their popular base and their defense establishments happy. For example, it is likely that President Donald Trump could not, at present, agree to let North Korea keep nuclear weapons. At the same time, despite what Kim Jong Un has told the South Koreans, his generals would probably not be happy with a unilateral promise to cease testing in the Pacific. Supporting an international arbitration mechanism would certainly offer China a tempting opportunity to restore its international legal image following its rejection of the 2016 U.N. ruling against it and its claims in the South China Sea. So who would sit on this arbitration panel? We believe it would make sense to decide this on the basis of the U.N. Security Council’s permanent members and the leading countries in the region: China, Russia, France, the U.K. and Japan. The next question is, what would such an arbitration court decide? A possible outcome There are many possible scenarios, but we believe the following would be realistic, fair and effective. Many countries – from France, the U.K and the U.S. to India, Israel and Pakistan – have nuclear weapons. Their primary motive is not aggression but self-preservation. It seems reasonable that this is North Korea’s main motivation too. All nations today are also acutely aware of what happened in Libya to Gaddafi and in Iraq when Saddam did not have weapons to defend against invasion. North Korea, therefore, could make a case to keep its present stock of nuclear weapons. Although South Koreans have reported a willingness on Pyongyang’s part to give them up, this remains one of the most contentious elements of any resolution. North Korea would freeze its intercontinental ballistic missile program (those missiles with minimum range of 3,400 miles or 5,500 km) and promise not to further test nuclear weapons or to fire their missiles toward or over any other nations. China would promise to come to the aid of North Korea if invaded – after all, it has come to its aid before, in 1950, during the Korean War.. But, critically, the Chinese would also promise that if North Korea acted unilaterally or distributed its nuclear weapons to third parties, then China would back the elimination of the present regime. This last promise would be heralded as a serious shift in China’s strategy and would send an unambiguous message to the North Koreans while simultaneously signaling China’s constructive engagement in favor of stability on the Korean Peninsula. The point is that North Korea does not want China as an enemy. China, for its part, is loathe to see a nuclear-armed North Korea. For a number of years, China has felt that it has lost a good deal of influence and control over its North Korean ally. This sort of declaration from China would help restore China’s influence while simultaneously reining in the Kim regime. Protecting the US President Trump’s desire to put America first seeks to avoid getting bogged down in unnecessary foreign entanglements such as a significant war on the Korean Peninsula. At the same time, the president has an obligation to protect and defend the United States from a potential nuclear threat. Although the arbitration route could be vulnerable to domestic political critiques of “outsourcing sovereignty” it might, nonetheless, offer a way out of the current menu of unpalatable options. It is certainly far better than a disastrous war.