### NC – T Nebel Appropriation

#### Interpretation—the aff may not defend a subset of appropriation.

#### Appropriation is a generic indefinite singular. Cohen 01

Ariel Cohen (Ben-Gurion University of the Negev), “On the Generic Use of Indefinite Singulars,” Journal of Semantics 18:3, 2001 <https://core.ac.uk/download/pdf/188590876.pdf>

\*IS generic = Indefinite Singulars

French, then, expresses the two types of reading differently. In English, on¶ the other hand, generic BPs are ambiguous between inductivist and normative¶ readings. But even in English there is one type of generic that can express only¶ one of these readings, and this is the IS generic. While BPs are ambiguous¶ between the inductivist and the rules and regulations readings, ISs are not. In¶ the supermarket scenario discussed above, only (44.b) is true:¶ (44) a. A banana sells for $.49/lb.¶ b. A banana sells for $1.00/lb.¶ The normative force of the generic IS has been noted before. Burton-Roberts¶ (1977) considers the following minimal pair:¶ (45) a. Gentlemen open doors for ladies.¶ b. A gentleman opens doors for ladies.¶ He notes that (45.b), but not (45.a), expresses what he calls “moral necessity.”7¶ Burton-Roberts observes that if Emile does not as a rule open doors for ladies, his mother could utter [(45.b)] and thereby successfully imply that Emile was not, or was¶ not being, a gentleman. Notice that, if she were to utter. . . [(45.a)] she¶ might achieve the same effect (that of getting Emile to open doors for¶ ladies) but would do so by different means. . . For [(45.a)] merely makes a¶ generalisation about gentlemen (p. 188).¶ Sentence (45.b), then, unlike (45.a), does not have a reading where it makes¶ a generalization about gentlemen; it is, rather, a statement about some social¶ norm. It is true just in case this norm is in effect, i.e. it is a member of a set of¶ socially accepted rules and regulations.¶ An IS that, in the null context, cannot be read generically, may receive a¶ generic reading in a context that makes it clear that a rule or a regulation is¶ referred to. For example, Greenberg (1998) notes that, out of the blue, (46.a)¶ and (46.b) do not have a generic reading:¶ (46) a. A Norwegian student whose name ends with ‘s’ or ‘j’ wears green¶ thick socks.¶ b. A tall, left-handed, brown haired neurologist in Hadassa hospital¶ earns more than $50,000 a year.¶ However, Greenberg points out that in the context of (47.a) and (47.b),¶ respectively, the generic readings of the IS subject are quite natural:¶ (47) a. You know, there are very interesting traditions in Norway, concerning the connection between name, profession, and clothing. For¶ example, a Norwegian student. . .¶ b. The new Hadassa manager has some very funny paying criteria. For¶ example, a left-handed. . .¶ Even IS sentences that were claimed above to lack a generic reading, such¶ as (3.b) and (4.b), may, in the appropriate context, receive such a reading:¶ (48) a. Sire, please don’t send her to the axe. Remember, a king is generous!¶ b. How dare you build me such a room? Don’t you know a room is¶ square?

#### Their plan violates. Rules readings are always generalized – specific instances are not consistent. Cohen 01

Ariel Cohen (Ben-Gurion University of the Negev), “On the Generic Use of Indefinite Singulars,” Journal of Semantics 18:3, 2001 https://core.ac.uk/download/pdf/188590876.pdf

In general, as, again, already noted by Aristotle, rules and definitions are not relativized to particular individuals; it is rarely the case that a specific individual¶ forms part of the description of a general rule.¶ Even DPs of the form a certain X or a particular X, which usually receive¶ a wide scope interpretation, cannot, in general, receive such an interpretation in the context of a rule or a definition. This holds of definitions in general, not¶ only of definitions with an IS subject. The following examples from the Cobuild¶ dictionary illustrate this point:¶ (74) a. A fanatic is a person who is very enthusiastic about a particular¶ activity, sport, or way of life.¶ b. Something that is record-breaking is better than the previous¶ record for a particular performance or achievement.¶ c. When a computer outputs something it sorts and produces information as the result of a particular program or operation.¶ d. If something sheers in a particular direction, it suddenly changes¶ direction, for example to avoid hitting something.

#### That outweighs—only our evidence speaks to how indefinite singulars are interpreted in the context of normative statements like the resolution. This means throw out aff counter-interpretations that are purely descriptive

#### Vote neg:

#### 1] Precision –any deviation justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 2] Limits—specifying a type of appropriation offers huge explosion in the topic since space is, quite literally, infinite.

#### Drop the debater to preserve fairness and education – use competing interps –reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation

#### Hypothetical neg abuse doesn’t justify aff abuse, and theory checks cheaty CPs

#### No RVIs—it’s their burden to be topical.

### NC Shell – Space Debris – T Appropriation

#### Interpretation: Appropriation is permanently taking property for exclusive use. Gorove 69:

Stephen Gorove, Interpreting Article II of the Outer Space Treaty, 37 Fordham L. Rev. 349 (1969). Available at: https://ir.lawnet.fordham.edu/flr/vol37/iss3/2

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.

#### Violation: satellites aren’t appropriation. These companies do not take the EXCLUSIVE use of anything in space. These satellites can be launched by that doesn’t mean that’s appropriation.

#### Vote neg – two impacts:

#### Limits. Expanding the topic to anything that involves merely launching something into the atmosphere expands the topic into numerous new tech areas which undermines core neg prep.

#### Topic literature. Our definition has intent to define and exclude in the context of the OST, which is the core of all topic research and the only predictable source.

#### Drop the debater to preserve fairness and education – use competing interps – reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation. No RVIs – they don’t get to win for following the rules.

### NC Shell – China + Spillover

#### CP Text: States ought to ban appropriation of outer space by private entities via military tracking satellites except for the United States.

#### Space regulation scares investors away and spills over to other space activities. Freeland 05:

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V. THE NEED FOR CELESTIAL PROPERTY RIGHTS? ¶ The fundamental principle of "non-appropriation" upon which the international law of outer space is based stems from the desire of the international community to ensure that outer space remains an area beyond the jurisdiction of any state(s). Similar ideals emerge from UNCLOS (in relation to the High Seas) as well as the Antarctic Treaty, 42 although in the case of the latter treaty, it was finalised after a number of claims of sovereignty had already been made by various States and therefore was structured to "postpone" rather than prejudice or renounce those previously asserted claims.43 In the case of outer space, its exploitation and use is expressed in Article I of the Outer Space Treaty to be "the province of all mankind," a term whose meaning is not entirely clear but has been interpreted by most commentators as evincing the desire to ensure that any State is free to engage in space activities without reference to any sovereign claims of other States. This freedom is reinforced by other parts of the same Article and is repeated in the Moon Agreement (which also applies to "other celestial bodies within the solar system, other than the earth")." Even though both the scope for space activities and the number of private participants have expanded significantly since these treaties were finalised, it has still been suggested that the nonappropriation principle constitutes "an absolute barrier in the realization of every kind of space activity., 4 ' The amount of capital expenditure required to research, scope, trial, and implement a new space activity is significant. To bring this activity to the point where it can represent a viable "stand alone" commercial venture takes many years and almost limitless funding. From the perspective of a private enterprise contemplating such an activity, it would quite obviously be an important element in its decision to devote resources to this activity that it is able to secure the highest degree of legal rights in order to protect its investment. Security of patent and other intellectual property rights, for example, are vital prerequisites for private enterprise research activity on the ISS, and these rights are specifically addressed by the ISS Agreement between the partners to the project and were applicable to the experiments undertaken by Mark Shuttleworth when he was onboard the ISS.46

#### Chinese investments are catching up and the US needs private companies to maintain space dominance – Chinese space heg risks extinction. Autry and Kwast 19:

Greg Autry, Steve Kwast {Greg Autry is a clinical professor of space leadership, policy, and business at Arizona State University’s Thunderbird School of Global Management. He served on the 2016 NASA transition team and as the White House liaison at NASA in 2017. He is the chair of the Safety Working Group for the U.S. Federal Aviation Administration’s Commercial Space Transportation Advisory Committee. Steve Kwast is a Lieutenant General and commander of Recruiting, Training, Educating and Development for the Air Force. He is an astronautical engineer and Harvard Fellow in Public Policy., }, 19 - ("America Is Losing the Second Space Race to China," Foreign Policy, 8-22-2019, https://foreignpolicy.com/2019/08/22/america-is-losing-the-second-space-race-to-china/)//marlborough-wr/

The current U.S. space defense strategy is inadequate and on a path to failure. President Donald Trump’s vision for a Space Force is big enough. As he said on [June 18](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-meeting-national-space-council-signing-space-policy-directive-3/), “It is not enough to merely have an American presence in space. We must have American dominance in space.” But the Air Force is not matching this vision. Instead, the leadership is currently focused on incremental improvements to existing equipment and organizational structures. Dominating the vast and dynamic environment of space will require revolutionary capabilities and resources far deeper than traditional Department of Defense thinking can fund, manage, or even conceive of. Success depends on a much more active partnership with the commercial space industry— and its disruptive capabilities. U.S. military space planners are preparing to repeat a conflict they imagined back in the 1980s, which never actually occurred, against a vanished Soviet empire. Meanwhile, China is executing a winning strategy in the world of today. It is burning hard toward domination of the future space markets that will define the next century. They are planning infrastructure in space that will control 21st-century telecommunications, energy, transportation, and manufacturing. In doing so, they will acquire trillion-dollar revenues as well as the deep capabilities that come from continuous operational experience in space. This will deliver space dominance and global hegemony to China’s authoritarian rulers. Despite the fact that many in the policy and intelligence communities understand exactly what China is doing and have been trying to alert leadership, Air Force leadership has convinced the White House to fund only a slightly better satellite command with the same leadership, while sticking a new label onto their outmoded thinking. A U.S. Space Force or Corps with a satellite command will never fulfill Trump’s call to dominate space. Air Force leadership is demonstrating the same hubris that Gen. George Custer used in convincing Congress, over President Ulysses S. Grant’s better experience intuition, that he could overtake the Black Hills with repeating rifles and artillery. That strategy of technological overconfidence inflamed conflict rather than subduing it, and the 7th Cavalry were wiped out at the Battle of the Little Bighorn. The West was actually won by the settlers, ranchers, miners, and railroad barons who were able to convert the wealth of the territory itself into the means of holding it. They laid the groundwork that made the 20th century the American Century and delivered freedom to millions of people in Europe and Asia. Of course, they also trampled the indigenous people of the American West in their wake—but empty space comes with no such bloody cost. The very emptiness and wealth of this new, if not quite final, frontier, however, means that competition for resources and strategic locations in cislunar space (between the Earth and moon) will be intense over the next two decades. The outcome of this competition will determine the fate of humanity in the next century. China’s impending dominance will neutralize U.S. geopolitical power by allowing Beijing to control global information flows from the high ground of space. Imagine a school in Bolivia or a farmer in Kenya choosing between paying for a U.S. satellite internet or image provider or receiving those services for free as a “gift of the Chinese people.” It will be of little concern to global consumers that the news they receive is slanted or that searches for “free speech” link to articles about corruption in Western democracies. Nor will they care if concentration camps in Tibet and the Uighur areas of western China are obscured, or if U.S. military action is presented as tyranny and Chinese expansion is described as peacekeeping or liberation. China’s aggressive investment in space solar power will allow it to provide cheap, clean power to the world, displacing U.S. energy firms while placing a second yoke around the developing world. Significantly, such orbital power stations have dual use potential and, if properly designed, could serve as powerful offensive weapons platforms. China’s first step in this process is to conquer the growing small space launch market. Beijing is providing nominally commercial firms with government-manufactured, mobile intercontinental ballistic missiles they can use to dump launch services on the market below cost. These start-ups are already [undercutting](https://foreignpolicy.com/2019/04/02/beijing-is-taking-the-final-frontier-space-china/) U.S. pricing by 80 percent. Based on its previous success in using dumping to take out U.S. developed industries such as solar power modules and drones, China will quickly move upstream to attack the leading U.S. launch providers and secure a global commercial monopoly. Owning the launch market will give them an unsurmountable advantage against U.S. competitors in satellite internet, imaging, and power. The United States can still build a strategy to win. At this moment, it holds the competitive advantage in every critical space technology and has the finest set of commercial space firms in the world. It has pockets of innovative military thinkers within groups like the [Defense Innovation Unit](https://www.diu.mil/news-events), under Mike Griffin, the Pentagon’s top research and development official. If the United States simply protects the intellectual property its creative minds unleash and defend its truly free markets from strategic mercantilist attack, it will not lose this new space race. The United States has done this before. It beat Germany to the nuclear bomb, it beat the Soviet Union to the nuclear triad, and it won the first space race. None of those victories was achieved by embracing the existing bureaucracy. Each of them depended on the president of the day following the only proven path to victory in a technological domain: establish a small team with a positively disruptive mindset and empower that team to investigate a wide range of new concepts, work with emerging technologies, and test innovative strategies. Today that means giving a dedicated Space Force the freedom to easily partner with commercial firms and leverage the private capital in building sustainable infrastructure that actually reduces the likelihood of conflict while securing a better economic future for the nation and the world.

#### The plan is a space shock that causes Asian arms races

Dean Cheng 9, Senior Research Fellow in the Asia Studies Center at the Heritage Foundation, Former Senior Analyst at the China Studies Division of the Center for Naval Analyses, Former Senior Analyst with Science Applications International Corporation, “Reflections On Sino-US Space Cooperation”, Space and Defense, Volume 2, Number 3, Winter 2009, https://www.usafa.edu/app/uploads/Space\_and\_Defense\_2\_3.pdf

Broader International Implications

Beyond the bilateral difficulties of cooperating with the PRC, it is also important to consider potential ramifications of Sino-US cooperation in space on the Asian political landscape. In particular, cooperation between Washington and Beijing on space issues may well arouse concerns in Tokyo and Delhi. Both of these nations have their own space programs, and while they are arguably not engaged in a “space race” with China (or each other), they are certainly keeping a close eye on developments regarding China. Of particular importance is Japan. The United States relationship with Japan is arguably its most important in East Asia. US interest in Japan should be self evident. Japan hosts 47,000 US troops and is the linchpin for forward US presence in that hemisphere. Japan is the second largest contributor to all major international organizations that buttress US foreign policy…. Japan is the bulwark for US deterrence and engagement of China and North Korea—the reason why those countries cannot assume that the United States will eventually withdraw from the region.35 For Japan, whose “peace constitution” forbids it from using war as an instrument of state policy, the United States is an essential guarantor of its security. Any move by the US that might undermine this view raises not only the prospect of weakening US-Japanese ties, but also potentially affecting Japan’s security policies. In this regard, then, it is essential not to engage in activities that would undercut perceptions of American reliability. Such moves, it should be noted, are not limited to those in the security realm. For example, the Nixon administration undertook several initiatives in the late 1960s and early 1970s that rocked Tokyo-Washington relations, and are still remembered as the “Nixon shocks.” While some of these were in the realm of security (including Nixon’s opening to China and the promulgation of the Nixon Doctrine), the others were in the trade area. These included a ten percent surcharge on all imports entering the US and suspended the convertibility of the dollar (i.e., removed the US from the gold standard).36 Part of the “shock” was the fundamental nature of these shifts. Even more damaging, however, was the failure of the Nixon Administration to consult their Japanese counterparts, catching them wholly off-guard. It took several years for the effects of these shocks to wear off. If the United States is intent upon expanding space relations with the PRC, then it would behoove it to consult Japan, in order to minimize the prospect of a “space shock.” Failing to do so may well incur a Japanese reaction. The decision on the part of Japan to build an explicitly intelligence-focused satellite was in response to the North Korean missile test of 1999, suggesting that Tokyo is fully capable of undertaking space-oriented responses when it is concerned.37 That, in turn, would potentially arouse the ire of China. The tragic history of Sino-Japanese relations continues to cast a baleful influence upon current interactions between the two states. If there is not a “space race” currently underway between Beijing and Tokyo, it would be most unfortunate if American actions were to precipitate one.

#### Japan will develop offensive strike---nuclear war

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American proponents of Japan obtaining a conventional missile strike capability interviewed for this research argued that the United States could use a more capable ally in the region to address the threat posed by heightened Chinese naval activity. While that prospect might be a tempting short-term fix to offset the U.S. Department of Defense budget cuts over the last decade, the long-term interests of the United States in maintaining regional stability should also be considered. In addition to the negative reactions of Beijing and Seoul, a Japanese offensive strike capability could decrease regional confidence in the credibility of U.S. power in Asia. As noted above, some experts argue that if Japan strengthens its offensive capability, such a move might be interpreted by neighbors reliant on the U.S. nuclear umbrella as a sign that Tokyo is losing confidence in the United States’ credibility.71 This could start a chain reaction that causes more U.S. allies to hedge with China or to develop their own strike capabilities, further increasing instability in Asia. *China*. China would likely be the most vocal in its disapproval of a Japanese conventional missile strike capability, potentially offering not just harsh words but also harsh actions that could further decrease regional stability in an already tense security environment. China expressed dissent when Japan considered a preemptive strike option against the North Korean threat in 2006, arguing that the move was “extremely irresponsible” and would severely interfere with international diplomatic efforts, aggravating tensions in Northeast Asia.72 Over ten years later, the regional environment is even more tense as a result of North Korea’s acquisition of nuclear weapons and China’s island reclamation efforts in the East and South China Seas. Support from Washington for Tokyo’s armament would likely fuel Beijing’s narrative that an aggressive and hegemonic United States is fixated on containing China and would be used to justify China’s own increased militarization. It would likely also end any chance of dialogue between Washington and Beijing on facilitating peaceful resolutions to regional territorial disputes. Brad Roberts points out that adopting strike capability would assist Japan in cases where its interests do not align with those of the United States, as in potential gray-zone conflicts. 73 However, the ensuing heightened mistrust between the alliance partners and China may work to increase the likelihood of a gray-zone conflict—such as the 2010 collision of Japanese and Chinese boats in disputed territory—possibly escalating into war. In addition, if Japan had a conventional missile strike capability that could be used to “preempt” a perceived imminent attack from China, Beijing would in turn be more likely to consider preemption of Japanese strike abilities, causing a premature escalation of the crisis that would undoubtedly draw in the United States. *South Korea*. Despite significant progress on U.S.-ROK-Japan trilateral security cooperation in recent years, Japan-ROK military relations remain increasingly tense, a situation that could easily spiral out of control if Japan adopted an offensive capability.74 When Japan, sparked by North Korea’s provocations in 2006, publicly debated the legality of a “preemptive strike” option, South Korean officials bluntly expressed their negative opinion of Japan’s intentions. A spokesperson for the Blue House secretariat, for example, remarked, “We have been alerted by this display of Japan’s inclination to aggression,” and that Japan was using the crisis “as an excuse to beef up their military.”75 South Koreans demonstrated a similar sentiment after Tokyo’s 2014 CSD proposal, with a 2015 poll showing that the majority of the public (56.9%) perceived Japan as “militaristic,” up 3.8 percentage points from the previous year.76 If Tokyo were to push forward with the discussion of adopting a conventional missile strike capability, South Korean public opinion would likely become even more unfavorable toward Japan. At a time when enhanced trilateral cooperation is important to deter the evolving threats in the region, Japan advancing legislation to allow for conventional missile strike capabilities would likely derail those efforts, especially if labeled “preemptive.” Such a move could even push Seoul to hedge with Beijing, as the ROK is increasingly reluctant to join any initiative perceived to be aimed at containing China.77 With China as South Korea’s largest trading partner and the United States as its greatest security ally, the ROK is not eager to choose between the two sides. *Southeast Asia*. Countries in Southeast Asia are watching the Trump administration closely to see where Washington will draw the line on China’s military rise and growing regional assertiveness, and many are already hedging accordingly. For example, countries such as Vietnam and the Philippines are increasing their own conventional arsenal and naval capabilities as a result of Washington’s “slow erosion of credibility” in the region during the Obama administration.78 Defense of Japan 2018 seems to have confidence in the Trump administration’s commitment to maintaining a powerful presence in Asia.79 However, as discussed earlier, if Japan were to pursue an offensive defense strategy, the Southeast Asian countries could see this as a sign of Tokyo’s loss of faith in the United States’ willingness to uphold its defense commitments. China’s seizure of the Scarborough Shoal from the Philippines in 2012 has already eroded these countries’ confidence in the U.S. security guarantee to some extent.80 Declining credibility and corresponding hedging—through either growing armament or alignment with China—could not only further increase tensions and heighten the risk of a gray-zone escalation but also lead to greater Chinese military assertiveness and dominance in the region. *Summary* Despite the seemingly unbalanced nature of the U.S.-Japan alliance, the argument for “balancing” the alliance with Japan’s development of an independent conventional missile strike capability does not take into account important repercussions that could undermine both regional stability and U.S. credibility. In addition, updated Japanese defense guidelines, such as CSD, already give Japan a “greater role” in global security. Unless future U.S. administrations drastically reduce the U.S. military presence in Asia, the benefit of a more equal alliance would not outweigh the potential costs of Japan’s adoption of a conventional missile strike capability. CONCLUSION The arguments supporting Japan’s acquisition of a conventional missile strike capability do not hold weight in the current regional, economic, and alliance environments. The development of such a capability is not a practical solution for Japan to abate the threat from the DPRK, and the move could be perceived by China and South Korea as facilitating a U.S. strategy of containment. Traditional restrictions on the Japanese defense budget would not practically allow the buildup of the military capabilities required for a conventional missile strike force, a restriction that cannot be changed without support from a military-wary public. At first glance, a “normal” Japan that is capable of contributing to U.S. deterrence efforts might seem appealing from an alliance perspective, especially after the 2010 U.S. defense budget cuts, and an increasingly threatening regional security environment. Yet, though the U.S.-Japan alliance may be unbalanced in terms of capabilities, the United States has broader interests in regional stability that will be better promoted if Japan maintains a purely defensive force. A strike-capable Japan might not only escalate an already tense regional standoff with China but also elicit a harsh response from other countries against Tokyo and Washington. It could also erode the credibility of the U.S. nuclear umbrella, potentially leading to increased militarization throughout Asia. If the environment surrounding any of these three arguments changes—for example, if the United States’ actions discredit its reliability to protect Japan under the alliance, if Japanese public support allows an increase in the JSDF’s budget, or if the United States can no longer maintain a credible military deterrence in Asia—Japan would have a strong argument to move forward with conventional missile strike capabilities. In that case, both parties should exercise prudence in their public communications of planned alliance cooperation on the matter and about how or why the alliance would choose to employ such abilities. Hawkish suggestions of the potential to increase U.S. dominance in the region should be avoided.81 China is rightfully wary of any reference to conventional prompt global strike. Such rhetoric coming from Japan or the United States combined with the decision to move forward on conventional missile strike capabilities could be considered a threatening signal by Beijing.82 Without calculated prudence in regional dialogues, even the discussion of Tokyo acquiring conventional missile strike capabilities could ultimately worsen the regional security environment rather than improve it.

### Case

1. Can’t solve – plan can’t stop cyberattacks – they only ban military satellties by private entities not public entiries

#### No miscalc or escalation

James Pavur 19, Professor of Computer Science Department of Computer Science at Oxford University and Ivan Martinovic, DPhil Researcher Cybersecurity Centre for Doctoral Training at Oxford University, “The Cyber-ASAT: On the Impact of Cyber Weapons in Outer Space”, 2019 11th International Conference on Cyber Conflict: Silent Battle T. Minárik, S. Alatalu, S. Biondi, M. Signoretti, I. Tolga, G. Visky (Eds.), <https://ccdcoe.org/uploads/2019/06/Art_12_The-Cyber-ASAT.pdf>

A. Limited Accessibility Space is difficult. Over 60 years have passed since the first Sputnik launch and only nine countries (ten including the EU) have orbital launch capabilities. Moreover, a launch programme alone does not guarantee the resources and precision required to operate a meaningful ASAT capability. Given this, one possible reason why space wars have not broken out is simply because only the US has ever had the ability to fight one [21, p. 402], [22, pp. 419–420]. Although launch technology may become cheaper and easier, it is unclear to what extent these advances will be distributed among presently non-spacefaring nations. Limited access to orbit necessarily reduces the scenarios which could plausibly escalate to ASAT usage. Only major conflicts between the handful of states with ‘space club’ membership could be considered possible flashpoints. Even then, the fragility of an attacker’s own space assets creates de-escalatory pressures due to the deterrent effect of retaliation. Since the earliest days of the space race, dominant powers have recognized this dynamic and demonstrated an inclination towards de-escalatory space strategies [23]. B. Attributable Norms There also exists a long-standing normative framework favouring the peaceful use of space. The effectiveness of this regime, centred around the Outer Space Treaty (OST), is highly contentious and many have pointed out its serious legal and political shortcomings [24]–[26]. Nevertheless, this status quo framework has somehow supported over six decades of relative peace in orbit. Over these six decades, norms have become deeply ingrained into the way states describe and perceive space weaponization. This de facto codification was dramatically demonstrated in 2005 when the US found itself on the short end of a 160-1 UN vote after opposing a non-binding resolution on space weaponization. Although states have occasionally pushed the boundaries of these norms, this has typically occurred through incremental legal re-interpretation rather than outright opposition [27]. Even the most notable incidents, such as the 2007-2008 US and Chinese ASAT demonstrations, were couched in rhetoric from both the norm violators and defenders, depicting space as a peaceful global commons [27, p. 56]. Altogether, this suggests that states perceive real costs to breaking this normative tradition and may even moderate their behaviours accordingly. One further factor supporting this norms regime is the high degree of attributability surrounding ASAT weapons. For kinetic ASAT technology, plausible deniability and stealth are essentially impossible. The literally explosive act of launching a rocket cannot evade detection and, if used offensively, retaliation. This imposes high diplomatic costs on ASAT usage and testing, particularly during peacetime. C. Environmental Interdependence A third stabilizing force relates to the orbital debris consequences of ASATs. China’s 2007 ASAT demonstration was the largest debris-generating event in history, as the targeted satellite dissipated into thousands of dangerous debris particles [28, p. 4]. Since debris particles are indiscriminate and unpredictable, they often threaten the attacker’s own space assets [22, p. 420]. This is compounded by Kessler syndrome, a phenomenon whereby orbital debris ‘breeds’ as large pieces of debris collide and disintegrate. As space debris remains in orbit for hundreds of years, the cascade effect of an ASAT attack can constrain the attacker’s long-term use of space [29, pp. 295– 296]. Any state with kinetic ASAT capabilities will likely also operate satellites of its own, and they are necessarily exposed to this collateral damage threat. Space debris thus acts as a strong strategic deterrent to ASAT usage.

#### MAD checks space escalation – nuclear response and debris

Bowen 18 [Bleddyn Bowen, Lecturer in International Relations at the University of Leicester. The Art of Space Deterrence. February 20, 2018. https://www.europeanleadershipnetwork.org/commentary/the-art-of-space-deterrence/]

Fourth, the ubiquity of space infrastructure and the fragility of the space environment may create a degree of existential deterrence. As space is so useful to modern economies and military forces, a large-scale disruption of space infrastructure may be so intuitively escalatory to decision-makers that there may be a natural caution against a wholesale assault on a state’s entire space capabilities because the consequences of doing so approach the mentalities of total war, or nuclear responses if a society begins tearing itself apart because of the collapse of optimised energy grids and just-in-time supply chains. In addition, the problem of space debris and the political-legal hurdles to conducting debris clean-up operations mean that even a handful of explosive events in space can render a region of Earth orbit unusable for everyone. This could caution a country like China from excessive kinetic intercept missions because its own military and economy is increasingly reliant on outer space, but perhaps not a country like North Korea which does not rely on space. The usefulness, sensitivity, and fragility of space may have some existential deterrent effect. China’s catastrophic anti-satellite weapons test in 2007 is a valuable lesson for all on the potentially devastating effect of kinetic warfare in orbit.

4. Plan flaw — they say they ban “via military tracking satellites” – this is unclear whether they are banning the military satellites or they are enforcing the plan via military satellites. This is a loophole countries will exploit.

#### Russia cheats – gives an asymmetric advantage – constitutional and political constraints prevent US reciprocation

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While Russia is making strong technical strides toward having weapons capable of damaging or destroying U.S. satellites, it is using its foreign policy to try to hobble potential U.S. space weapons. For example, Russia (along with China) has advocated for a treaty preventing the placement of weapons in outer space and the threat or use of force against space-based assets. Russia is fully aware that there are no known technologies or capabilities to verify compliance with such a treaty. The purpose in pursuing such arms control agreements is to hobble U.S. weapons and technology development, because of the domestic political opposition such rhetoric might generate and because the United States will comply with any arms control agreement that it signs. The Russians do not have the same constitutional and political constraints in place as the United States to restrain its development of ASATs. Moreover, the Russians are accustomed to violating arms control agreements that it they have signed. Writes defense analyst Mark Schneider: “There is no reason to expect Russia to break a habit of ignoring its arms control and treaty obligations. By doing this, it has gained military advantages for decades.”119

#### China cheats by creating domestic laws that contradict agreements

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But there one huge caveat to that statement, which is international law is fine as long as it moves their ball forward on what they hope to achieve. If it doesn't, suddenly, domestic law takes priority, and domestic law coming out of the National People's Congress can be cooked up pretty quickly. And so, they decide which law, which approach they want to use in the South China Sea or East China Sea, whichever one moves the ball most effectively.

And so, one would have to worry about — now this may be a bridge too far but — a Chinese domestic space law. In fact, one may exist. I have no idea if it does or doesn't. But it would counteract any agreements that are either in place or that could be made.