# 1AC – I-Law

## 1AR

## 1AC

### 1AC - FWK

#### Moral Relativism is true -

#### 1 - It’s impossible to determine an objective viewpoint of experience. Reality can be vastly different to different agents, i.e. I don’t know if the blue that I see is the blue that you see because we all interpret the world in different ways.

#### 2 - Each individual’s experience influences the way they interpret the truth i.e. a person brought up in a alt-right household is more likely to vote for Trump, so even if we could have an objective view of truth that would be tainted by the subjective experiences of individuals.

#### Since nobody can stand at an objective viewpoint the only way to find where our obligations come from is by combining each perspective to create the omniperspective, which best accounts for all subjectivity and doesn’t rely on arbitrary abstractions. Thus, the standard is Consistency with international law.

#### Prefer independently:

#### 1 - Static Actor Specificity - Governments are necessarily legal constructs, because every other feature of it changes. The policymakers and individual agents have a plurality of views that is constantly in flux, but the only static characteristic of a government is simply that it is a legal construct, so adherence to larger legal constructs are the only system that makes sense.

#### 2 - Side Constraint theory - I-law is always a side constraint on any state action because it contextualizes what it means to be a state - states always exist in the international realm and are states only through recognition; I-law outlines the qualifications for nationhood and develops mechanisms for nations to interact with each other. So, without I-law the actor becomes nonexistent.

#### 3 - State Accountability - Only our FW can hold states accountable and restrict their actions within certain defined norms. Key to checking back state abuse and is constitutive to the rez which restricts state actions.

#### 4 – Regress - I-law prevents infinite regress of asking why and how a moral action or evaluation is attributable to the agent, as a) agents consent to the contracts so the regress terminates in internal motivation or b) defines the duties and boundaries of state policy which already contextualizes how certain actions are attributable to governments.

#### 5 - Morals innately imply contractarian theories.

**Gauthier 87** David (prof of philosophy at University of Pittsburg) Morals by Agreement, Chapter 1: Overview of a Theory, pages 1-11; 1987 TR---- BrACKETED FOR GENDERED LANGUAGE

Morals by agreement begin from an initial presumption against morality, as a constraint on each person's pursuit of his own interest. A person is conceived as an independent centre of activity, endeavouring to direct his capacities and resources to the fulfilment of his interests. ~~He~~ [People] considers what ~~he~~ [they] can do, but initially draws no distinction between what[they] ~~he~~ may and may not do. How then does he come to acknowledge the distinction? How does a person come to recognize a moral dimension to choice, if morality is not initially present? Morals by agreement offer a contractarian rationale for distinguishing what one may and may not do. Moral principles are introduced as the objects of fully voluntary ex ante agreement among rational persons. Such agreement is hypothetical, in supposing a pre-moral context for the adoption of moral rules and practices. But the parties to agreement are real, determinate individuals, distinguished by their capacities, situations, and concerns. In so far as they would agree to constraints on their choices, restraining their pursuit of their own interests, they acknowledge a distinction between what they may and may not do. As rational persons understanding the structure of their interaction, they recognize a place for mutual constraint, and so for a moral dimension in their affairs. That there is a contractarian rationale for morality must of course be shown.That is the task of our theory. Here our immediate concern is to relate the idea of such a rationale to the introduction 5 of fundamental moral distinctions. This is not a magical process. Morality does not emerge as the rabbit from the empty hat. Rather, as we shall argue, it emerges quite simply from the application of the maximizing conception of rationality to certain structures of interaction: Agreed mutual constraint is the rational response to these structures. Reason overrides the presumption against morality

#### 6 - Hijacks any framework since it your framework is really key to morality it would be included in international law or any other contract since we derive these contracts from deliberation which is able to solve for inherent epistemic weakness.

#### Additionally -

#### 1 - Presumption and Permissibility affirm -

#### A - Statements are true before false since if I told you my name, you’d believe me.

#### B - If anything is permissible, then so is the aff since there is nothing prohibiting us.

#### 2 - Consequences Fail -

#### A - Yes act/omission distinction – there are infinite events occurring over which you have no control, so you can never be moral

#### B - Every action has infinite stemming consequences so we can’t predict.

#### C - Induction is circular because it assumes nature will hold uniform

#### D - aggregation impossible – impossible to measure pain and pleasure

#### E - Every action is infinitely divisible, only intents unify

### 1AC - Contention

#### Private entities fall under national activities in space – OST prohibits appropriation.

**Brehm 15**, Andrew. (Andrew R. Brehm is a litigator who focuses his practice on a broad range of legal issues for clients in the transportation and recreation industries. Mr. Brehm litigates a variety of disputes including those involving catastrophic injury, disfigurement and wrongful death, commercial contracts, and construction defects. Mr. Brehm also represents clients on labor employment related issues in class action and FLSA collective action cases. Mr. Brehm’s complex litigation work frequently involves litigation that addresses independent contractor issues and other labor and employment issues impacting the transportation industry. PROFILE Mr. Brehm is actively involved in the various local and regional bar associations. Prior to joining Scopelitis. Garvin, Light, Hanson & Feary, Mr. Brehm spent two years as a judicial clerk for The Honorable Rebecca F. Dallet and the Honorable Christopher R. Foley of the Milwaukee County Circuit Court. While in law school, Mr. Brehm’s note on private property rights in outer space was selected for publication by the Wisconsin International Law Journal. Mr. Brehm served as managing editor for the law journal.) "Private Property in Outer Space: Establishing a Foundation for Future Exploration." University of Wisconsin Law School Digital Repository, 2015, repository.law.wisc.edu/s/uwlaw/media/77012.//JQ

Though the non-armament clauses of the Outer Space Treaty reflect the treaty's primary purpose, the treaty also significantly affects the issue of private property rights in outer space. Article II of the treaty prohibits national appropriation in outer space, stating, "outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means."'24 The Outer Space Treaty also opens the door for non-governmental space exploration in Article VI by stating, "States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities."25 The last significant portion of the Outer Space Treaty is Article VIII, which confers jurisdictional control over the space objects and people engaged in outer space expeditions to the state party of the treaty on whose registry the object or person appears.26

#### Current legal landscape prohibits private entity appropriation.

**Brehm 15**, Andrew. (Andrew R. Brehm is a litigator who focuses his practice on a broad range of legal issues for clients in the transportation and recreation industries. Mr. Brehm litigates a variety of disputes including those involving catastrophic injury, disfigurement and wrongful death, commercial contracts, and construction defects. Mr. Brehm also represents clients on labor employment related issues in class action and FLSA collective action cases. Mr. Brehm’s complex litigation work frequently involves litigation that addresses independent contractor issues and other labor and employment issues impacting the transportation industry. PROFILE Mr. Brehm is actively involved in the various local and regional bar associations. Prior to joining Scopelitis. Garvin, Light, Hanson & Feary, Mr. Brehm spent two years as a judicial clerk for The Honorable Rebecca F. Dallet and the Honorable Christopher R. Foley of the Milwaukee County Circuit Court. While in law school, Mr. Brehm’s note on private property rights in outer space was selected for publication by the Wisconsin International Law Journal. Mr. Brehm served as managing editor for the law journal.) "Private Property in Outer Space: Establishing a Foundation for Future Exploration." University of Wisconsin Law School Digital Repository, 2015, repository.law.wisc.edu/s/uwlaw/media/77012.//JQ

Ultimately, under the current legal framework, private actors cannot establish private property rights in outer space. This conclusion is supported by the US government's refusal to recognize private property claims in celestial bodies and valid concerns about violating the Outer Space Treaty if such claims were to be recognized, as well as the Outer Space Treaty's limited grant of jurisdictional control over space objects.47 As such, without a change in the current space law framework, property rights in outer space are unobtainable for private entities that have their sights set on space exploration and celestial resource extraction. Nonetheless, all is not lost for Deep Space Industries, Planetary Resources, and other ambitious private space exploration and extraction companies. Domestic legislation, international agreement, or a combination of the two are potential vehicles that could overcome the current barriers to private property rights in outer space.

#### Private entity appropriation gets circumvented by states.

**Wrench 19**, John. (John Wrench is an attorney at the Institute for Justice. John grew up outside of Ithaca, New York, and received his law degree from the Case Western Reserve University School of Law in 2019. During law school, he served as editor in chief of the Case Western Reserve Journal of International Law and was a member of the Federalist Society. John interned in his law school’s First Amendment Litigation Clinic and was a judicial extern to the Honorable Paul E. Davison in the Southern District of New York. John graduated from Pace University in 2015 with a Bachelor of Arts in Philosophy and Religious Studies.) "Non-Appropriation, No Problem: The Outer Space Treaty Is Ready for Asteroid Mining." Case Western Reserve University School of Law Scholarly Commons | Case Western Reserve University School of Law Research, 2019, scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2546&context=jil.//JQ

A further consequence of an interpretation allowing private-actor exemption from the OST is that such “rights” would be effectively unenforceable.52 In 2003, a brave U.S. citizen shouldered the quixotic mission to test that idea, asserting that after NASA landed on his asteroid it, naturally, owed him parking and storage fees of 20 cents per year.53 Greg Nemitz claimed to have acquired those property rights when he registered the asteroid, named “Eros,” with the Archimedes Institute—a website allowing visitors to register space objects.54 The district court rejected Nemitz’s claim that NASA’s use of Eros amounted to a takings under the Fifth Amendment.55 Noting that a takings claim requires “a constitutionally protected property interest,” which Nemitz had not established by registering Eros, the court held that he had failed to state a legally cognizable theory for relief.56 On appeal to the Ninth Circuit, Nemitz instead argued that his “inalienable rights” as a “natural Man” justified ownership.57 In one paragraph, the Ninth Circuit tersely rejected that argument, affirming the district court’s ruling.58 At the very least, the United States rejects the idea that its own citizens may enforce ownership of bodies in outer space without national recognition of those rights.

#### Private entities are classified as national activities.

**Brehm 15**, Andrew. (Andrew R. Brehm is a litigator who focuses his practice on a broad range of legal issues for clients in the transportation and recreation industries. Mr. Brehm litigates a variety of disputes including those involving catastrophic injury, disfigurement and wrongful death, commercial contracts, and construction defects. Mr. Brehm also represents clients on labor employment related issues in class action and FLSA collective action cases. Mr. Brehm’s complex litigation work frequently involves litigation that addresses independent contractor issues and other labor and employment issues impacting the transportation industry. PROFILE Mr. Brehm is actively involved in the various local and regional bar associations. Prior to joining Scopelitis. Garvin, Light, Hanson & Feary, Mr. Brehm spent two years as a judicial clerk for The Honorable Rebecca F. Dallet and the Honorable Christopher R. Foley of the Milwaukee County Circuit Court. While in law school, Mr. Brehm’s note on private property rights in outer space was selected for publication by the Wisconsin International Law Journal. Mr. Brehm served as managing editor for the law journal.) "Private Property in Outer Space: Establishing a Foundation for Future Exploration." University of Wisconsin Law School Digital Repository, 2015, repository.law.wisc.edu/s/uwlaw/media/77012.//JQ

Despite the flurry of domestic legislation proposals as a means of creating private property rights in outer space, many space law experts dispute the idea that domestic legislation alone would be sufficient to establish such private property rights. Space law commentators Berin Szoka and James Duston claim that the proposed domestic legislation would violate the Outer Space Treaty.58 Article VI of the treaty holds that states parties to the treaty bear the responsibility of assuring that the national activities of governmental and non-governmental entities are "carried out in conformity with the provisions set forth in the present Treaty."59 In this regard, the United States could not confer the type of property rights laid out in the Asteroids Act and the Space Settlement Prize Act without violating the Outer Space Treaty. In essence, these commentators claim that "[t]he 'loophole' simply doesn't exist."6

#### Severing the OST causes US-China great power competition.

**Brehm 15**, Andrew. (Andrew R. Brehm is a litigator who focuses his practice on a broad range of legal issues for clients in the transportation and recreation industries. Mr. Brehm litigates a variety of disputes including those involving catastrophic injury, disfigurement and wrongful death, commercial contracts, and construction defects. Mr. Brehm also represents clients on labor employment related issues in class action and FLSA collective action cases. Mr. Brehm’s complex litigation work frequently involves litigation that addresses independent contractor issues and other labor and employment issues impacting the transportation industry. PROFILE Mr. Brehm is actively involved in the various local and regional bar associations. Prior to joining Scopelitis. Garvin, Light, Hanson & Feary, Mr. Brehm spent two years as a judicial clerk for The Honorable Rebecca F. Dallet and the Honorable Christopher R. Foley of the Milwaukee County Circuit Court. While in law school, Mr. Brehm’s note on private property rights in outer space was selected for publication by the Wisconsin International Law Journal. Mr. Brehm served as managing editor for the law journal.) "Private Property in Outer Space: Establishing a Foundation for Future Exploration." University of Wisconsin Law School Digital Repository, 2015, repository.law.wisc.edu/s/uwlaw/media/77012.//JQ

Of course, the United States could withdraw from the Outer Space Treaty and unilaterally recognize private property ownership in outer space. However, this action would result in a number of potentially problematic consequences. First, the United States would face international political consequences if it were to unilaterally adopt domestic legislation that establishes private property rights in outer space. Such an action is certainly possible but, as space law attorney Michael Listner points out, "to take that stand against the rest of the world, would take a lot of political will and the government would take a hit. It's sort of a nonstarter."' Additionally, there is a serious concern about the precedent that would be created if the United States were to withdraw from the Outer Space Treaty and recognize property rights through domestic legislation. For example, Szoka and Dustin pose questions about what would prevent China, for example, from adopting domestic legislation that goes even further: "[w]hat if the first time a Chinese probe lands on the moon, the moon could be claimed [under Chinese Domestic Law] by the 'Great Wall Company,' owned by the People's Liberation Army?"62 This would place the United States in a position that it would have to argue that its law should be followed while the Chinese law is invalid and should not be permitted. Such an outcome would result in the sort of territorial competition the Outer Space Treaty was intended to prevent and would directly contradict the treaty's preamble, which states that "cooperation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples."63

#### Precedent of success in key sectors like space reinforces China rise - causes nuclear war and destabilizing expansion.

Bradley A. Thayer & Lianchao Han 19. \* Professor of Political Science at the University of Texas San Antonio. \*\*vice president of Citizen Power Initiatives for China and a visiting fellow at the Hudson Institute. Founder of the Independent Federation of Chinese Students and Scholars. "The ‘Xi Doctrine’: Proclaiming and Rationalizing China’s Aggression". National Interest. 6-12-2019. <https://nationalinterest.org/feature/%E2%80%98xi-doctrine%E2%80%99-proclaiming-and-rationalizing-china%E2%80%99s-aggression-62402>

Using the occasion of the Shangri-La Dialogue in Singapore this month, Chinese Minister of National Defense and State Councilor Gen. Wei Fenghe, delivered a sharp message to the United States, which may be termed the “Xi Doctrine” on China’s use of force, after Chinese premier Xi Jinping. Wei declaring both China’s resolve to aggress to advance its interests and a rationalization for the use of force. Wei’s de facto threat of war should not be lost in his nuances, deliberate ambiguity, or in translation. His remarks were so bellicose that the world has noticed, as was certainly intended by the leadership of the Chinese Communist Party (CCP). Empirical evidence of China’s aggression is increasingly common, from its attempt to dominate the South China Sea, the neo-imperialist effort to gain control of states through the Belt and Road Initiative, to its technological imperialism to control 5G and artificial intelligence technologies. What is rather less frequent are statements from high-level Chinese officials proclaiming the country’s intent to be aggressive and offering an attempted legitimizing principle justifying that aggression. While much of the content of Wei’s remarks were in keeping with the gossamer pronouncements on China’s peaceful intentions, as well as a paean to Xi Jinping’s leadership, they still conveyed that China is ready and willing to resort to war if the United States stands in its way of global expansion; and they made clear that China must go to war, or even a nuclear war, to occupy Taiwan. Specifically, there are four elements that comprise the Xi Doctrine and are indications of China’s signaling its willingness to use force. The first component is a new and alarming proclamation of the undisguised threats to use force or wage an unlimited war. China is becoming bolder as its military power grows. This is evidenced in Wei’s muscular remarks on the People’s Republic of China’s approach against Taiwan, his explicit statement that China does not renounce the use of force against Taiwan, and his effort to deter the United States and its allies from intervention should an attack occur. Wei forcefully stated: “If anyone dares to separate Taiwan from China, the Chinese military has no choice but must go to war, and must fight for the reunification of the motherland at all costs.” “At all cost” means that China will not hesitate to use nuclear weapons or launching another Pearl Harbor to take over Taiwan. This is a clear warning of an invasion. Second, the Xi Doctrine legitimizes territorial expansion. Through his remarks, Wei sought to convince the rest of the world that China’s seizure of most of the South China Sea is an accomplished fact that cannot be overturned. He made bogus accusations, which included blaming the United States for “raking in profits by stirring up troubles” in the region. He insisted that only ASEAN and China must resolve the issue. He claimed that China’s militarization on South China Sea islands and reefs were an act of self-defense. Should this be allowed to stand, then the Xi Doctrine will set a perilous precedent of successful territorial expansion, which will further entice China and jeopardize the peace of the region. Third, the doctrine targets the United States as a cause of the world’s major problems and envisions a powerful China evicting the United States from the region. Wei obliquely identified the United States as the cause wars, conflicts, and unrest, and sought to convey that the United States will abandon the states of the South China Sea (SCS) when it is confronted by Chinese power, a typical divide and conquer strategy used by the CCP regime. The Xi Doctrine’s fourth element is the mendacity regarding China’s historical use of force and current actions. While the distortions of history were numerous, there were three major lies that should be alarming for the states of the region and the global community. First, Wei said that China had never invaded another country, which is a claim so transparently false it can only be a measure of the contempt he held for the audience. China has a long history of aggression, including against the Tibetans and Vietnamese, and perhaps soon against the Taiwanese. Second, Wei argued that hegemony does not conform to China’s values when, in fact, China proudly was Asia’s hegemon for most of the last two thousand years. Lastly, he claimed that the situation in the SCS is moving toward stability—from China’s perspective this stability is caused by its successful seizure of territory. In fact, the SCS is far less stable as a result of China’s actions. Efforts to counter this grab are denounced by Wei as destabilizing, which is a bit like a thief accusing you of a crime for wanting your property returned. Wei’s belligerent rhetoric is an indication that the CCP regime faces deep external and internal crises. Externally, the Trump administration has shocked the CCP with the three major steps it has taken. First, it has shifted the focus of the U.S. national-security strategy and now identifies China explicitly as its primary rival—abandoning the far more muted policies of previous administrations. Second, Trump has acted on this peer competitive threat by advancing tangible measures, such as arms sales to allies and the ban of Huawei. Third, the administration has made credible commitments to assure partners and allies to counter China’s aggression and bullying. These have unbalanced the CCP regime, and its natural reaction is to bully its way out. Additionally, the CCP regime has perceived that the world today has begun to consider the negative implications of China’s rise, and the United States is determined to prevent what heretofore had been considered China’s unstoppable rise. From the perspective of CCP, conflict is increasingly seen as inevitable and perhaps even imminent. Wei’s bellicosity should be seen in this light, and the PLA is tasked with fighting and winning the war. Internally, Xi’s anti-corruption campaign that selectively targets his political rivalries, and his abandoning the established rules such as term limited of presidency, have introduced deep cleavages into the unity of the regime unity. China’s economic slowdown, made worse by the U.S. trade war, is a fundamental challenge to the regime’s legitimacy. Xi’s repression and suppression of the Chinese people, particularly human-rights defenders, Christians, Kazakhs, Uighurs, and other minorities, have miscarried. Drawing from the pages of unfortunate history, in a classic social-imperialist move, the regime wants to direct these internal tensions outward. At the same time, the nationalistic fervor advanced by the CCP’s propaganda and by the rapid military modernization have made many young militant officers in the PLA overconfident. This is infrequently noticed in the West. They can hardly wait to fight an ultimate war to defeat the arch-enemy. This plainly dangerous mentality echoes the Japanese military’s beliefs before Pearl Harbor. The bellicosity evinced in Wei’s speech is serious and is not bluster intended to deter. The United States cannot meet China’s threat with half-measures, which are likely to further encourage China’s aggressive behavior. The United States must respond to China’s belligerence with greater strength, adamantine determination, and more vigorous diplomatic and military measures. With the Xi Doctrine, China has proclaimed and rationalized its aggression. A Trump Doctrine forged in response has to reveal to all global audiences, most importantly the CCP leadership, the recklessness of the Xi Doctrine and the supreme folly of aggression.

#### Transition is devastating and an impact magnifier – shift back to unipolarity is key.

Keck 14 Zachary Keck is Managing Editor of The Diplomat, The Diplomat, January 24, 2014, “America’s Relative Decline: Should We Panic?”, http://thediplomat.com/2014/01/americas-relative-decline-should-we-panic/

Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its relative decline compared with China and other emerging nations. To begin with, hegemonic transition periods have historically been the most destabilizing eras in history. This is not only because of the malign intentions of the rising and established power(s). Even if all the parties have benign, peaceful intentions, the rise of new global powers necessitates revisions to the “rules of the road.” This is nearly impossible to do in any organized fashion given the anarchic nature of the international system, where there is no central authority that can govern interactions between states. We are already starting to see the potential dangers of hegemonic transition periods in the Asia-Pacific (and arguably the Middle East). As China grows more economically and militarily powerful, it has unsurprisingly sought to expand its influence in East Asia. This necessarily has to come at the expense of other powers, which so far has primarily meant the U.S., Japan, Vietnam and the Philippines. Naturally, these powers have sought to resist Chinese encroachments on their territory and influence, and the situation grows more tense with each passing day. Should China eventually emerge as a global power, or should nations in other regions enjoy a similar rise as Kenny suggests, this situation will play itself out elsewhere in the years and decades ahead. All of this highlights some of the advantages of a unipolar system. Namely, although the U.S. has asserted military force quite frequently in the post-Cold War era, it has only fought weak powers and thus its wars have been fairly limited in terms of the number of casualties involved. At the same time, America’s preponderance of power has prevented a great power war, and even restrained major regional powers from coming to blows. For instance, the past 25 years haven’t seen any conflicts on par with the Israeli-Arab or Iran-Iraq wars of the Cold War. As the unipolar era comes to a close, the possibility of great power conflict and especially major regional wars rises dramatically. The world will also have to contend with conventionally inferior powers like Japan acquiring nuclear weapons to protect their interests against their newly empowered rivals. But even if the transitions caused by China’s and potentially other nations’ rises are managed successfully, there are still likely to be significant negative effects on international relations. In today’s “globalized” world, it is commonly asserted that many of the defining challenges of our era can only be solved through multilateral cooperation. Examples of this include climate change, health pandemics, organized crime and terrorism, global financial crises, and the proliferation of weapons of mass destruction, among many others. A unipolar system, for all its limitations, is uniquely suited for organizing effective global action on these transnational issues. This is because there is a clear global leader who can take the initiative and, to some degree, compel others to fall in line. In addition, the unipole’s preponderance of power lessens the intensity of competition among the global players involved. Thus, while there are no shortages of complaints about the limitations of global governance today, there is no question that global governance has been many times more effective in the last 25 years than it was during the Cold War.

### 1AC – AFC

#### Interpretation: The negative must concede the affirmative framework if it has an adv. section that allows for negative ground and if it’s I-Law.

#### Violation: It’s preemptive

#### Standards:

#### 1 - Planks solve their offense – prevents any auto affirm frameworks and allows for clash on the advantage through the impact calc section, disclosure allows for research on our specific phil which creates phil education.

#### 2 - Time skew - Winning the negative framework moots 6 minutes of 1AC offense and forces a 1AR restart against a 7 min 1NC – that outweighs on quantifiability and reversibility – I can’t get back time lost and it’s the only way to measure abuse.

#### 3 - Prep skew- We can’t predict every single negative framework before round but they know the resolution coming into round which makes pre-tournament prep impossible. Especially true since there are millions of K’s and NC’s that could negate - Prep skew outweighs -

#### A - Sequencing- It’s a perquisite engaging in-round since you need prep to debate

#### B - Engagement- It ruins the quality and depth of discussions that make debate rounds educational.

#### No RVI on 1ac theory that has a pre-emptive violation - they would have 7 minutes to answer a minute-long shell and the debate would end right there.

#### 1AC Theory is DTD—its key to making sure they’re held accountable since they chose to violate it.

#### Competing interps on 1AC Theory - 7 minutes is enough time to robustly justify their counter interp.

### 1AC – Contention

#### Advocacy: The appropriation of outer space by private entities is unjust.

#### 1 – OST - The OST prohibits appropriation.

**Tingkang 12**, Andrew. (Andrew Tingkang is an associate attorney on both Thomas McCurdy’s and Gordon Klug’s teams. His practice focuses on construction defect litigation, fire loss, motor vehicle accidents, wrongful death, job site injury, and product liability. Andrew has over five years of experience working in defense litigation, including helping launch a small litigation/business law firm where he worked with two partners as the sole associate. Andrew graduated with an undergrad degree from the University of Washington with majors in political science and philosophy and a minor in earth and space science. Following this he attended the Seattle University School of Law where he authored These Aren’t the Asteroids You Are Looking For: Classifying Asteroids in Space as Chattels, Not Land, Seattle University Law Review Vol. 35, No. 2 (2012).) "These Aren’t the Asteroids You Are Looking For: Classifying Asteroids in Space as Chattels, Not Land." Seattle University School of Law Digital Commons | Seattle University School of Law Research, 2012, digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2070&context=sulr.//JQ

The Outer Space Treaty was modeled upon another international treaty, the Antarctic Treaty.80 The Antarctic Treaty was signed in 1959.81 It first prohibits “any measures of a military nature,”82 while also prohi- biting any claim of territorial sovereignty to Antarctica.83 The preamble states that the purpose of the treaty is to further “the interests of science and the progress of all mankind.”84 Like the Antarctic Treaty, the Outer Space Treaty is a “nonarmament” treaty meant to prevent self-seeking exploitation and military action.85 The preamble recognizes the “common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes.”86 It states that “exploration and use of outer space should be carried on for the benefit of all peoples”87 and promotes “broad international co-operation in the scientific as well as the legal as- pects of the exploration and use of outer space.”88

The most important provision of the Outer Space Treaty in regards to ownership and property in outer space is the first paragraph of Article I, which states that “exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries . . . and shall be the province of all man- kind.”89 This is reinforced by language from Article II, which states that “[o]uter space . . . is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”90 This language is meant to enforce a peaceful vision for outer space.91 A more controversial, though plausible, interpretation is that this language blocks appropriation of any celestial bodies for any means.92

#### OST cred solves space war.

William R. Kramer 17, Hawaii Research Center for Futures Studies @ University of Hawaii, '17, In dreams begin responsibilities – environmental impact assessment and outer space development, ENVIRONMENTAL PRACTICE, VOL. 19, NO. 3, 128–138

Benefits of extraterrestrial environmental impact assessment Most publications regarding outer space resources maintain that those resources are nearly limitless, and many business models for exploitation do not imagine that resources on Mars, for example, will ever be exhausted (Lewis, 1996; Zubrin, 1996; Renstrom, 2016). Ever is a long time. While the statement may be figuratively true for some mineral ores that may last through an individual company’s project timeline, it is not necessarily true for long-term planning. There will likely be competition for the rarest (most valuable) minerals. Without some form of planning and regulation, they may be extracted in an inefficient and environmentally damaging manner and be quickly depleted (as exemplified by hydraulic mining for gold on Earth, which wasted much of the resource and resulted in extensive environmental damage) (Merchant, 1998).

How might resources be put to their highest and best use unless regulated? Both the Moon and Mars have water ice which will be crucial for human survival, but water also has lucrative industrial uses; it is potentially the raw material for manufacturing both rocket fuel and oxygen. Conflicts over resource allocation may be better addressed during an assessment process that seeks to balance highest and best use with discovery and first use. Who gains access to specific areas for mining becomes more problematic in that the Outer Space Treaty does not allow “ownership” of extraterrestrial territory; there is no guarantee that companies such as those listed previously will gain access to the most productive sites. The China National Space Administration is planning to place a crew on the Moon by 2024, so competition for the best sites will be intense (Kramer, 2015b; China Digital Times, 2012).

Space industries generally are not considering that their proposed actions may preclude alternative uses such as scientific research and human settlement. There will be a stream of not yet imagined uses that could be adversely affected or foreclosed. Many of the same conflicts between land use and human habitation experienced on Earth may emerge on extraterrestrial sites. On the Moon, for example, there are preferable sites for collecting solar energy. These “peaks of eternal light” are areas nearly always or constantly exposed to sunlight at the poles. They are very limited in both distribution and size (Elvis, Milligan, and Krolikowski, 2016). If a mining operation were to determine such areas suitable for their operations, or if mining created a constant plume of dust that would diminish the effectiveness of solar panels, how might such a situation be resolved?

Should potentially dangerous industries such as fuel manufacturing or storage be located near living areas? Would hydraulic fluid pipelines be closely monitored for leaks that may affect subsurface ice deposits mined for drinking water? How might vibrations from detonations affect unrelated structures or scientific instrumentation, such as telescopes? And how might a search for life, whether extinct or still living, be affected by human presence and our trail of bacteria and organic wastes? Humans’ biological pollution of Mars, for example, may greatly affect the results of any search for extraterrestrial life there (Kramer, 2009; McKay, 2009). Peter Doran of the Planetary Protection Subcommittee of the NASA Advisory Council offered, “The big issue with all missions to Mars is we don’t want to create a situation where we are impacting future life-detection science. Picture humans … walking around shedding microbes everywhere we go. Space suits as we know them do not take care of this problem (Mack, 2016).”

#### Norms create coalitions that deter space war.

Nayef R. F. Al-Rodhan, Senior Member, St Antony’s College, Oxford University, UK and Senior Scholar in Geostrategy, and Director of the Geopolitics of Globalisation and Transnational Security Programme, Geneva Centre for Security Policy, Geneva, Switzerlan, ’12, “Meta-Geopolitics of Outer Space An Analysis of Space Power, Security and Governance” ISBN 978-1-349-33967-9, p. 111

The Obama Administration takes these issues very seriously. The National Space Policy and the National Security Space Strategy both outline a US action plan to prevent and deter aggression against the United States and its space-based vital systems, in the ‘contested’ space environment of today. While the continuation of monitoring efforts such as Space Situational Awareness (SSA) systems or Space Debris Mitigation (SDM) practices remain an important component of this approach, the US administration calls for more collaboration in further development of such systems, as well as responsible behaviour and enhanced sharing of information regarding situation awareness in space. According to William J. Lynn, ‘[f]urther expanding the amount and kind of data we share will, over time, help foster the sustainable space environment that our own strategic advantage depends on’.48 Another important deterrent measure presented in the US strategy is the creation of coalitions in space, so an attack on one of the members will be perceived as an aggression against them all.49 In addition to its deterrent function, such alliances will allow cost-savings and increase operational capabilities. Making US space-based systems more resilient and its military power less reliant on them are further objectives of the new administration.50 However, the former would have a limited impact, as satellite vulnerability can only be mitigated but in no way eliminated.51

Moreover, the President has expressed his commitment to reinforce US leadership in order to foster international dialogue in space security matters.52 The unilateral responses pushed by former President Space Power and Applied Meta-Geopolitics 111 G. W. Bush to address space security issues proved counterproductive to US national interests.53 A good example is given by the Union of Concerned Scientists: ‘[w]ithout constraints on ASAT weapons, for example, threats to satellites will continue to proliferate and mature, requiring the United States to expend more effort securing satellites and leading to less predictability and stability in crises’.54 Space security is essential to assure and enhance US capabilities in space but it seems to be difficult to achieve through militarization and unilateral defensive measures. Instead, as is rightly pointed out by Schulte, ‘[r]ules can help the United States minimize the chance of collisions in space, reduce unintentional radio frequency interference, maximize the use of crowded orbits, and discourage destabilizing behavior such as intentional interference with space systems in times of crisis. Rules encourage good conduct but also provide a way to hold accountable those who would engage in malign acts.’55

#### Space war goes nuclear.

Joan Johnson-Freese, Professor and chair of space science and technology @ Naval War College, 17, *Space Warfare in the 21st Century*, Routledge, ISBN 978131552917, p 18-20.

Space warfare runs two untenable risks: the creation of destructive debris and escalation to terrestrial, even nuclear, warfare. Kinetic warfare in space creates debris traveling at a speed of more than 17,000 miles per hour, which then in itself becomes a destructive weapon if it hits another object—even potentially triggering the so-called Kessler Syndrome,86 exaggerated for dramatic effect in the movie Gravity. Ironically, both China and the United States learned the negative lessons of debris creation the hard way. In 1985, the United States tested a miniature homing vehicle (MHV) ASAT launched from an F-15 aircraft. The MHV intercepted and destroyed a defunct US satellite at an altitude of approximately 250 miles. It took almost 17 years for the debris resulting from that test to be fully eliminated by conflagration re-entering the Earth’s atmosphere or being consumed by frictional forces, though no fragment had any adverse consequences to another satellite—in particular, no collisions. China irresponsibly tested a direct-ascent ASAT in 2007, destroying one if its defunct satellites. That test was at an altitude almost twice that of the 1985 US test. The debris created by the impact added 25 percent to the debris total in low Earth orbit87 and will dissipate through the low Earth orbit, heavily populated with satellites, for decades, perhaps centuries, to come. Perhaps most ironically, because of superior US debris-tracking capabilities, the United States—even though not required to do so—has on more than one occasion warned China that it needed to maneuver one of its satellites to avoid a collision with debris China itself had likely created.88 In 2013, a piece of Chinese space junk from the 2007 ASAT test collided with a Russian laser ranging nanosatellite called BLITS, creating still more debris.89 The broader point is that all nations have a compelling common interest in avoiding the massive increase in space debris that would be created by a substantial ASAT conflict.

Gen. Hyten has said that not creating debris is “the one limiting factor” to space war. “Whatever you do,” he warns, “don’t create debris.”90 While that might appear an obvious “limiting factor,” preparing to fight its way through a debris cloud had been a Pentagon consideration in the past. Now, however, sustaining the space environment has been incorporated into Pentagon space goals. Beyond debris creation, MacDonald points out that as China becomes more militarily capable in space and there is more symmetry between the countries, other risks are created – specifically, escalation.

That is, the United States could threaten to attack not just Chinese space assets, but also ground-based assets, including ASAT command-and-control centers and other military capabilities. But such actions, which would involve attacking Chinese soil and likely causing substantial direct casualties, would politically weigh much heavier than the U.S. loss of space hardware, and thus might climb the escalatory ladder to a more damaging war that both sides would probably want to avoid.91

MacDonald isn’t alone in concerns about escalation. Secure World Foundation analyst Victoria Samson has also voiced apprehension regarding US rhetoric that does not distinguish between actions against unclassified and classified US satellites, stating that “things can escalate pretty quickly should we come into a time of hostility.”92

Theresa Hitchens explained the most frightening, but not implausible, risk of space war escalation in a 2012 Time magazine interview. Say you have a crisis between two nuclear-armed, space-faring countries, Nation A and Nation B, which have a long-standing border dispute. Nation A, with its satellite capability, sees that Nation B is mobilizing troops and opening up military depots in a region where things are very tense already, on the tipping point. Nation A thinks: “That’s it, they’re going to attack.” So it might decide to pre-emptively strike the communications satellite used by Nation B to slow down its ability to move toward the border and give itself time to fortify. Say this happens and Nation B has no use of satellites for 12 hours, the time it takes it to get another satellite into position. What does Nation B do? It’s blind, it’s deaf, it’s thinking all this time that it’s about to be overwhelmed by an invasion or even nuked. This is possibly a real crisis escalation situation; something similar has been played out in U.S. Air Force war games, a scenario-planning exercise practiced by the U.S. military. The first game involving anti-satellite weapons stopped in five minutes because it went nuclear – bam. Nation B nuked Nation A. This is not a far-out, “The sky’s falling in!” concern, it is something that has been played out over and over again in the gaming of these things, and I have real fears about it.93 While escalation to a nuclear exchange may seem unthinkable, in war games conducted by the military, nuclear weapons are treated as just another warfighting weapon.

Morgan also voiced concerns about escalation generally and nuclear escalation specifically in the 2010 RAND report, stating: The adversary would also likely be deterred from damaging U.S. satellite early-warning system (SEWS) assets to avoid risking inadvertent escalation to the nuclear threshold, but that firebreak would almost certainly collapse with the conclusion that such escalation is inevitable and that it is in the adversary’s interest to launch a preemptive nuclear strike.94

#### Even limited war causes extinction – newest models and scientific consensus.

Michael J. Mills 14, NCAR Earth System Laboratory, Owen B. Toon, Laboratory for Atmospheric and Space Physics and Department of Atmospheric and Oceanic Sciences, Julia Lee-Taylor, NCAR Earth System Laboratory, and Alan Robock, Department of Environmental Sciences, Rutgers, “Multidecadal global cooling and unprecedented ozone loss following a regional nuclear conflict,” Earth’s Future, 2, 161–176

In the 1980s, studies of the aftermath of a global nuclear conflict between the United States and the Soviet Union predicted that airborne particles, such as fine soil and smoke resulting from explosions and fires, could circle the globe, producing “twilight at noon,” and cooling the surface for years, in **what became** **known as “nuclear winter**” [Crutzen and Birks, 1982; Turco et al., 1983; Pittock et al., 1985]. Further studies looked at perturbations to atmospheric chemistry, predicting that odd nitrogen produced by the largest nuclear weapons could loft to the stratosphere, resulting in **significant ozone loss,** and an “ultraviolet spring” to follow [National Research Council, 1985; Stephens and Birks, 1985]. Leaders in the United States and the Soviet Union became aware of the global environmental damage of nuclear war and subsequently negotiated treaties that have significantly reduced their nuclear stockpiles from their peak near 65,000 in 1986 to less than 20,000, a decline that continues with further negotiations in recent years [Robock et al., 2007a; Toon et al., 2007, 2008]. Nevertheless, significant numbers of weapons remain, and the number of nuclear-armed states continues to increase. Since 2007, studies have revisited the issue of global nuclear conflicts with modern global climate models**,** confirming the severity **of the climatic impacts that had been predicted with simple climate models or with short simulations of low-resolution atmospheric general circulation models in the 1980s** [Robock et al., 2007a], and raising new concerns about severe global climatic impacts of regional nuclear conflicts [Robock et al., 2007b; Toon et al., 2007; Mills et al., 2008; Stenke et al., 2013]. **Even the smallest of nuclear weapons**, such as the ∼15 kt weapon used on Hiroshima, exploding in modern megacities would produce firestorms that would build for hours, consuming buildings, vegetation, roads, fuel depots, and other infrastructure, releasing energy many times that of the weapon’s yield [Toon et al., 2007]. Toon et al. [2007] estimated the potential damage and smoke production from a variety of nuclear exchange scenarios, and found that smoke would initially rise to the upper troposphere due to pyroconvection. Robock et al. [2007b] examined the climatic impact of the smoke produced by a regional conflict in the subtropics in which two countries each used 50 Hiroshima-size (15 kt) nuclear weapons, creating such urban firestorms. Using the global climate model GISS ModelE (Goddard Institute for Space Studies, New York), they calculated that nearly all the 5 Tg of smoke produced would rise to the stratosphere, where it would spread globally, reducing the global average temperature by 1.25∘C for 3–4 years and by more than 0.5∘C for a decade. **This effect was longer lasting than** that **found in previous “nuclear winter” studies**, because older models could not represent the rise of smoke into the stratosphere. Mills et al. [2008] then used a chemistry-climate model to calculate that the concurrent heating of the stratosphere by up to 100∘C would produce global ozone loss on a scale unprecedented in human history, lasting for up to a decade. Recently, **Stenke et al.** [2013] **used a third independent model** **to confirm the major findings of these two previous studie**s. That study used the chemistry-climate model SOCOL3 to assess impacts on climate and stratospheric ozone for a range of inputs and particle sizes. The study coupled a mixed-layer ocean with a depth of 50m and a thermodynamic sea ice module to a high-top atmospheric model, which calculated chemistry effects in agreement with Mills et al. [2008]. Unlike Robock et al. [2007b], the study did not consider active ocean dynamics, and hence could not incorporate the climate effects of changing ocean circulation. The inclusion of only the top 50m of ocean limits the thermal inertia effects that occur in the presence of a deep ocean, making surface temperature responses too rapid, as the heat content of the deeper ocean is not considered.

### 1AC – Underview

#### [1] Aff gets 1AR theory – otherwise the neg can be infinitely abusive and there’s no way to check back. 1AR theory is drop the debater and competing interps – the 1ARs too short to be able to rectify abuse and adequately cover substance. No RVI because you have 6 minutes to go for them whereas I only have a 3-minute 2AR to respond so I get crushed on time skew.

**[2] Presumption and permissibility affirm –**

**C - Illogical – presuming statements false is illogical since you can’t say things like P and ~P are both wrong.**

**D - Presuming obligations is logically safer since it’s better to be supererogatory than fail to meet an obligation.**

**E - Presuming statements false is impossible since we can’t operate in a world where we don’t trust anything.**

**F - Otherwise we’d have to have a proactive justification to do things like drink water.**

**G - If anything is permissible, then definitionally so is the aff since there is nothing that prevents us from doing it.**

#### [4] If I win one layer, vote aff -

#### A - they have 7 minutes to uplayer and nullify my offense

#### B - forces engagement with the aff since they have to defend all arguments which means they read better ones.

#### [5] Evaluate the debate after the 1AC – key to preventing the 1N from reading unfair arguments. Responses presume the debate hasn't already been evaluated.

#### [6] Neg may not read combo shells –

#### A - Predictability – infinitely many planks makes them impossible to meet, chills aff from defend against abusive 1Ns,

#### B - Strat skew – can read multiple one plank shells which leads to better debate on each norm.

#### [7] Reject spec –

#### A - Infinite regress – infinitely many things I can spec or fail to, no spec shell can ever set norms which outweighs because that’s the ultimate purpose of theory

#### B - Ground – whole res gives you most stable basis for engagement, anything else skirts core neg generics.

#### [8] All K’s must defend a concrete policy alternative, Policy alts are better for your kritik, it allows us the ability to engage in productive discussions rather than endless critic of each other’s reps without solutions.

#### [9] All K Links must quote explicit lines in the because they are an infinite amount of things the AC can implicitly justify reciprocally exploding neg ground.

#### [10] Out of round violations are a voting issue –

#### A - norming – justifies infinite abuse since you can pull up a text of me saying the f word and read a k.

#### B - kills value to debate – makes the debate about things outside the round which is not the post of debating in a place where people go to escape.

#### C - unverifiable – even if you win your violation, the norm you justify are things that cannot be warranted.

#### [11] All neg interps are counter interps since the aff takes an implicit stance on every issue which means any neg theory interp requires an RVI to become offensive.

#### [12] Evaluate the theory debate after the 1AR since

#### A - the 6 min 2n can dump on theory making the 3 min 2AR impossible

#### B - we both get 1 speech on theory and no neg arguments since aff auto wins help spread the message that affirming is unfair so people will change LD rules to be more structurally fair and no neg responses they’re circular as they assume, they get neg arguments, but that’s what they must prove.

#### [13] RVI on NC theory – you can read arguments such as T that are exclusively neg so I need them to compensate and weighing is structurally unfair since the 7-4-6-3 time skew means that the neg can just dump on weighing and the 2ar becomes impossible.

#### [14] Reject neg fairness concerns since

#### A - 13-7 time skew and 6-minute collapse gives the negative the strategic advantage and means the AFF must split 1AR time.