### 1NC – DA

#### Deal now – US and French coordination and they prevent Russian interference.

RFE 3-8 RadioFreeEurope/RadioLiberty. RFE/RL journalists report the news in 27 languages in 23 countries where a free press is banned by the government or not fully established. They provide what many people cannot get locally: uncensored news, responsible discussion, and open debate. March 8, 2022. “U.S., France Agree To Continue 'Close Coordination' On Reviving Iran Nuclear Deal” [https://www.rferl.org/a/iran-satellite-launch-military-nuclear-deal/31742560.html Accessed 3-9 //](https://www.rferl.org/a/iran-satellite-launch-military-nuclear-deal/31742560.html%20Accessed%203-9%20//) gord0

The United States and France have agreed to continue their close coordination as talks on reviving a 2015 nuclear deal between Tehran and major powers reached a critical point.

The U.S. State Department issued the statement after Secretary of State Antony Blinken met with French President Emmanuel Macron in Paris on March 8 to discuss the Iran nuclear deal.

Earlier, the European parties negotiating to revive the deal warned Russia not to add conditions that would complicate reaching an accord, they said in a joint statement to the UN nuclear watchdog's 35-country board of governors.

"The window of opportunity is closing. We call on all sides to make the decisions necessary to close this deal now, and on Russia not to add extraneous conditions to its conclusion," Britain, France and Germany said after Russia announced extra demands that stalled negotiations.

The diplomatic activity comes after Iran announced earlier it had successfully launched its second military satellite.  
  
"Iran's second military satellite -- named Noor-2 -- has been launched into space by the Qassed rocket of the aerospace wing of the Revolutionary Guards and successfully placed in orbit 500 kilometers above the Earth," the official IRNA news agency [reported](https://www.irna.ir/news/84675620/%D9%85%D8%A7%D9%87%D9%88%D8%A7%D8%B1%D9%87-%D9%86%D9%88%D8%B1-%DB%B2-%D8%B3%D9%BE%D8%A7%D9%87-%D8%A8%D9%87-%D9%81%D8%B6%D8%A7-%D9%BE%D8%B1%D8%AA%D8%A7%D8%A8-%D8%B4%D8%AF) on March 8.  
  
Iran's military has struggled to get effective military reconnaissance craft into orbit, though it took a major step toward strengthening its capabilities when it successfully put a Noor-1 satellite into orbit in 2020.

The United States has alleged Iran’s satellite launches defy a UN Security Council resolution and has called on Tehran to abstain from activity related to ballistic missiles capable of delivering nuclear weapons.  
  
Some Middle Eastern and Western officials have expressed concern that Tehran could share imagery from the satellites with pro-Iran militia groups around the region.  
  
Talks to restore the 2015 deal that the United States withdrew from in 2018 have been ongoing in Vienna since April, mediated by France, Germany, the United Kingdom, Russia, and China.  
  
Negotiators on all sides have signaled that a potential deal is close as the head of the UN nuclear watchdog agreed to a timetable for Iran to answer the watchdog's long-standing questions about Tehran's program.

#### Space diplomacy trades off – finite manpower, money, and political will.

Johnson-Freeze 16 [(Joan, Professor and former Chair of National Security Affairs at the US Naval War College, Newport, Rhode Island) “Space Warfare in the 21st Century: Arming the Heavens,” Cass Military Studies, 11/8/2016] JL

 \*The plan is legislated in the AVC (same bureau of the State Department that’s concerned with the JCPOA)

Proactive policymaking takes commitment, manpower, and money. A quick look at the money and manpower devoted to diplomacy in the US State and Defense departments compared to the resources available for the hardwareproducing military–industrial complex efforts described in Chapter 5 is enlightening. The Assistant Secretary of State for Arms Control, Verification, and Compliance (AVC) leads space-related diplomacy in the State Department. The AVC Bureau is responsible for “all matters related to the implementation of certain international arms control, nonproliferation, and disarmament agreements and commitments; this includes staffing and managing treaty implementation commissions.”34 The AVC arms control portfolio includes nuclear, biological, and chemical weapons and all related issues. The AVC section charged with space issues is the Office of Emerging Security Challenges; this office also handles missile defense issues and the promotion of transparency, cooperation, and building confidence regarding cybersecurity. As of financial year 2013, AVC had a budget of $31.2 million and 141 employees35 to be active participants and leaders in all of these issues.

By way of comparison, the Space Security and Defense Program, a joint program of the DoD and the Office of the Director of National Intelligence (ODNI) was programmed for a similar budget amount in financial year 2015: $32.3 million. That program is described as a “center of excellence for options and strategies (materiel, non-materiel, cross-Title, cross-domain) leading to a more resilient and enduring National Security Space (NSS) Enterprise.”36 A majority of SSDP funding is allocated to the development of offensive space control strategies. So basically, the same budget is allocated for all US global space diplomacy efforts as for an in-house Pentagon think tank to devise counterspace strategies.

Within the Pentagon, the Deputy Assistant Secretary of Defense for Space Policy is charged with all issues related to space policy, including diplomacy. The responsibilities of the Space Policy office are to:

• Develop policy and strategy for a domain that is increasingly congested, competitive, and contested

• Implement across DoD — plans, programs, doctrine, operations — and with the IC and other agencies

• Engage with allies and other space-faring countries in establishing norms and augmenting our capabilities.37

The breadth of those responsibilities, which includes reviewing space acquisitions, means that there may be only a handful of individuals actually engaged in multilateral diplomatic efforts, acting, for example, as advisors to diplomatic discussions such as those through the United Nations. Additionally, the expanse of the Pentagon results in a chain of command that makes organizational competition for attention to subject matter challenging at best. The Deputy Assistant Secretary of Defense for Space Policy reports to the Assistant Secretary of Defense for Homeland Defense, who then reports to the Principle Deputy Secretary of Defense for Homeland Defense and Global Security, who then reports to the Under Secretary of Defense for Defense Policy. There are also a multitude of space players in other governmental organizations to coordinate and contend with, particularly within the Air Force and intelligence communities. Personnel are spread thin.

US government-wide space diplomacy needs a mandate, manpower, and a supporting budget. Diplomacy, especially multilateral diplomacy, can be timeconsuming, manpower-intensive, and frustrating; and patience is not a strong American virtue. The recent experience in the UN LTS Working Group is emblematic of everything that causes the United States to shun multilateralism. Under the auspices of this group, countries had worked in good faith over the past five years to develop technical guidelines as reciprocal constraints, as insisted upon by the developing countries when they rejected the ICOC. Yet group success appeared thwarted at the February 2016 meeting of the LTS Working Group by one country, Russia.

#### Nuclear deal solves Iran proliferation

Kemp 19 Scott, Department of Nuclear Science and Engineering, Massachusetts Institute of Technology, Cambridge, MA, USA. February 11, 2019. “The Iran nuclear deal as a case study in limiting the proliferation potential of nuclear power" [The Iran nuclear deal as a case study in limiting the proliferation potential of nuclear power | Nature Energy](https://www.nature.com/articles/s41560-019-0325-2) Accessed 3-8 // gord0

Historically, the potential to exploit nuclear power technology to make weapons has increased international interest in nuclear power and limited the willingness of supplier nations to provide it. Recently, concern about non-peaceful intent drove a decades-long standoff between the Islamic Republic of Iran and a six-state collective known as the E3+3 (also P5+1) consisting of China, France, Germany, Russia, the United Kingdom and the United States. That standoff was eventually resolved through the negotiation of the Joint Comprehensive Plan of Action (JCPOA), a novel non-treaty agreement concluded in 2015 that limits Iran’s use of civil-nuclear technology. The agreement is unprecedented in that it is the first time a small group of states have reached an agreement for governing how a particular state may use its own technology to mitigate proliferation concerns held by external states. Although the United States under President Trump has withdrawn from the agreement, all other parties have remained committed to upholding its terms and there remains every indication that the agreement is functioning as intended.

Representatives from the United States, United Kingdom, Iran, European Union, Germany, France and China attend an Iran nuclear talk meeting in Vienna, Austria on 14 July 2015.

Despite its early successes, the JCPOA was only intended to be a temporary measure. Key provisions expire in 2025, ten years after implementation, and parties to the agreement made it clear that they do not wish its terms to become a de facto norm[3](https://www.nature.com/articles/s41560-019-0325-2#ref-CR3). This is driven by both sides: some view the terms as unfairly restrictive while others view them as too permissive. Nevertheless, the fact that the agreement brought years of escalation to a temporary resolution suggests that the approach might serve as a model for mitigating nuclear weapon concerns associated with the future use of nuclear power in other nuclear-newcomer states. This article reviews the technical nature of the problem the agreement attempts to tackle, and the technical solutions the agreement used to reduce proliferation concern in Iran. Although the politics of any future proliferation case will be sui generis, the underlying technical problem has a good probability of being similar to that of the Iran case, and may, therefore, be soluble through similar means.

#### Iranian proliferation goes nuclear – causes regional war and spurs proliferation cascades across the Middle East

Chilton and Hoshovsky 20 – [(Kevin, led U.S. Strategic Command and has participated in the Jewish Institute for National Security of America’s Generals and Admirals Program; Harry, policy analyst at JINSA’s Gemunder Center for Defense and Strategy) "Avoiding a nuclear arms race in the Middle East," Defense News, 2-13-2020, https://www.defensenews.com/opinion/commentary/2020/02/13/avoiding-a-nuclear-arms-race-in-the-middle-east/] TDI

This raises two immediate concerns. First, **should Iran race for the bomb, it is** almost inevitable that the United States and/or Israel will take preventative military action **to stop it from crossing that fateful threshold**. This could easily spiral into a regional war as Iran activates its various proxy forces against the United States and its allies.

Second, **an Iranian nuclear breakout attempt could** spur a proliferation cascade throughout the Middle East, **beginning with Saudi Arabia.**

Mohammed bin Salman, **the Saudi crown prince, openly stated in 2018 that if Iran developed nuclear weapons**, Riyadh would quickly “follow suit.” **One suggested approach would see Saudi Arabia purchase a nuclear power reactor from a major supplier like South Korea and then build a reprocessing plant that would yield enough weapons-grade plutonium in five years**.

A half-decade delay isn’t optimal, however, when the goal is achieving nuclear deterrence quickly. Thus, there is the so-called Islamabad option.

This refers to Riyadh’s role in financing Pakistan’s nuclear weapons program and an alleged commitment from Islamabad that it would repay the favor. While Pakistani and Saudi officials have denied any such understanding, **there is the possibility that the two could work out an arrangement where Islamabad could deploy some of its nuclear arsenal on Saudi soil following a successful Iranian breakout.**

Although this maneuver would draw sharp, international criticism, in theory, it would allow Riyadh to remain in good standing vis-a-vis the nuclear nonproliferation treaty. Nevertheless, Pakistan might not be willing to play spoiler against a nuclearized Iran. If it is, Middle Eastern geopolitics would become extremely unstable.

**If Saudi Arabia acquires nuclear weapons**, many believe Turkey would follow suit. Last September, Turkish President Recep Tayyip **Erdogan declared that he “cannot accept” the argument from Western nations that Turkey should not be allowed to attain nuclear weapons.** In 1958, Charles de Gaulle proclaimed that a nation without nuclear weapons “does not command its own destiny”; two years later, France tested its first bomb. Erdogan’s comments echo those earlier remarks and raise the possibility that Ankara could become the second NATO member to leave the alliance’s nuclear umbrella in favor of its own independent arsenal.

## Debris

#### 1] There have only been 3 collisions in the history of spaceflight, none were mining or debris caused from a launch

**NASA 21** "Space Debris and Human Spacecraft," NASA, <https://www.nasa.gov/mission_pages/station/news/orbital_debris.html>

Even tiny paint flecks can damage a spacecraft when traveling at these velocities. A number of space shuttle windows were replaced because of **damage caused by material that was analyzed and shown to be paint flecks**. In fact, millimeter-sized orbital debris represents the highest mission-ending risk to most robotic spacecraft operating in low Earth orbit.

**In 1996, a French satellite was hit and damaged by debris from** a French **rocket that** had **exploded a decade earlier.**  
  
On Feb. 10, **2009, a defunct Russian spacecraft collided with and destroyed** a functioning **U.S. Iridium commercial** **spacecraft**. The collision added more than 2,300 pieces of large, trackable debris and many more smaller debris to the inventory of space junk.

#### 2] Squo debris thumps

**Wall 21** [Mike Wall, Michael Wall is a Senior Space Writer with [Space.com](http://space.com/) and joined the team in 2010. He primarily covers exoplanets, spaceflight and military space. He has a Ph.D. in evolutionary biology from the University of Sydney, Australia, a bachelor's degree from the University of Arizona, and a graduate certificate in science writing from the University of California, Santa Cruz. 11/15/21, "Kessler Syndrome and the space debris problem," Space, [https://www.space.com/kessler-syndrome-space-debris accessed 12/10/21](https://www.space.com/kessler-syndrome-space-debris%20accessed%2012/10/21)] Adam

Earth orbit is getting more and more crowded as the years go by. Humanity has launched about 12,170 satellites since the dawn of the space age in 1957, [according to the European Space Agency](https://www.esa.int/Safety_Security/Space_Debris/Space_debris_by_the_numbers) (ESA), and 7,630 of them remain in orbit today — but only about 4,700 are still operational. That means there are nearly 3,000 defunct spacecraft zooming around Earth at tremendous speeds, along with other big, dangerous pieces of debris like upper-stage rocket bodies. For example, orbital velocity at 250 miles (400 kilometers) up, the altitude at which the ISS flies, is about 17,100 mph (27,500 kph). At such speeds, even a tiny shard of debris can do serious damage to a spacecraft — and there are huge numbers of such fragmentary bullets zipping around our planet. ESA estimates that Earth orbit harbors at least 36,500 debris objects that are more than 4 inches (10 centimeters) wide, 1 million between 0.4 inches and 4 inches (1 to 10 cm) across, and a staggering 330 million that are smaller than 0.4 inches

#### 3] Public sector thumps

## Multilat

#### 1] US wins, mutually assured destruction, and trade relations deter a conflict.

Krulak & Friedman 21 — [Charles C. Krulak & Alex Friedman, “The US and China Are Not Destined for War,” Project Syndicate, 8-17-2021, https://www.project-syndicate.org/commentary/us-china-not-destined-for-war-by-charles-c-krulak-and-alex-friedman-1-2021-08, accessed 4-3-2022]

True, throughout history, when a rising power has challenged a ruling one, war has often been the result. But there are notable exceptions. A war between the US and China today is no more inevitable than was war between the rising US and the declining United Kingdom a century ago. And in today’s context, there are four compelling reasons to believe that war between the US and China can be avoided.

First and foremost, any military conflict between the two would quickly turn nuclear. The US thus finds itself in the same situation that it was in vis-à-vis the Soviet Union. Taiwan could easily become this century’s tripwire, just as the “Fulda Gap” in Germany was during the Cold War. But the same dynamic of “mutual assured destruction” that limited US-Soviet conflict applies to the US and China. And the international community would do everything in its power to ensure that a potential nuclear conflict did not materialize, given that the consequences would be fundamentally transnational and – unlike climate change – immediate.

A US-China conflict would almost certainly take the form of a proxy war, rather than a major-power confrontation. Each superpower might take a different side in a domestic conflict in a country such as Pakistan, Venezuela, Iran, or North Korea, and deploy some combination of economic, cyber, and diplomatic instruments. We have seen this type of conflict many times before: from Vietnam to Bosnia, the US faced surrogates rather than its principal foe.

Second, it is important to remember that, historically, China plays a long game. Although Chinese military power has grown dramatically, it still lags behind the US on almost every measure that matters. And while China is investing heavily in asymmetric equalizers (long-range anti-ship and hypersonic missiles, military applications of cyber, and more), it will not match the US in conventional means such as aircraft and large ships for decades, if ever.

A head-to-head conflict with the US would thus be too dangerous for China to countenance at its current stage of development. If such a conflict did occur, China would have few options but to let the nuclear genie out of the bottle. In thinking about baseline scenarios, therefore, we should give less weight to any scenario in which the Chinese consciously precipitate a military confrontation with America. The US military, however, tends to plan for worst-case scenarios and is currently focused on a potential direct conflict with China – a fixation with overtones of the US-Soviet dynamic.

This raises the risk of being blindsided by other threats. Time and again since the Korean War, asymmetric threats have proven the most problematic to national security. Building a force that can handle the worst-case scenario does not guarantee success across the spectrum of warfare.

The third reason to think that a Sino-American conflict can be avoided is that China is already chalking up victories in the global soft-power war. Notwithstanding accusations that COVID-19 escaped from a virology lab in Wuhan, China has emerged from the pandemic looking much better than the US. And with its Belt and Road Initiative to finance infrastructure development around the world, it has aggressively stepped into the void left by US retrenchment during Donald Trump’s four-year presidency. China’s leaders may very well look at the current status quo and conclude that they are on the right strategic path.

Finally, China and the US are deeply intertwined economically. Despite Trump’s trade war, Sino-American bilateral trade in 2020 was around $650 billion, and China was America’s largest trade partner. The two countries’ supply-chain linkages are vast, and China holds more than $1 trillion in US Treasuries, most of which it cannot easily unload, lest it reduce their value and incur massive losses.

#### 2] Warming isn’t existential

Nordhaus 20. Ted Nordhaus, an American author, environmental policy expert, and the director of research at The Breakthrough Institute, citing new climate change forecasts. [Ignore the Fake Climate Debate, 1-23-2020, https://www.wsj.com/articles/ignore-the-fake-climate-debate-11579795816]//BPS

Beyond the headlines and social media, where Greta Thunberg, Donald Trump and the online armies of climate “alarmists” and “deniers” do battle, there is a real climate debate bubbling along in scientific journals, conferences and, occasionally, even in the halls of Congress. It gets a lot less attention than the boisterous and fake debate that dominates our public discourse, but it is much more relevant to how the world might actually address the problem. In the real climate debate, no one denies the relationship between human emissions of greenhouse gases and a warming climate. Instead, the disagreement comes down to different views of climate risk in the face of multiple, cascading uncertainties. On one side of the debate are optimists, who believe that, with improving technology and greater affluence, our societies will prove quite adaptable to a changing climate. On the other side are pessimists, who are more concerned about the risks associated with rapid, large-scale and poorly understood transformations of the climate system. But most pessimists do not believe that runaway climate change or a hothouse earth are plausible scenarios, much less that human extinction is imminent. And most optimists recognize a need for policies to address climate change, even if they don’t support the radical measures that Ms. Thunberg and others have demanded. In the fake climate debate, both sides agree that economic growth and reduced emissions vary inversely; it’s a zero-sum game. In the real debate, the relationship is much more complicated. Long-term economic growth is associated with both rising per capita energy consumption and slower population growth. For this reason, as the world continues to get richer, higher per capita energy consumption is likely to be offset by a lower population. A richer world will also likely be more technologically advanced, which means that energy consumption should be less carbon-intensive than it would be in a poorer, less technologically advanced future. In fact, a number of the high-emissions scenarios produced by the United Nations Intergovernmental Panel on Climate Change involve futures in which the world is relatively poor and populous and less technologically advanced. Affluent, developed societies are also much better equipped to respond to climate extremes and natural disasters. That’s why natural disasters kill and displace many more people in poor societies than in rich ones. It’s not just seawalls and flood channels that make us resilient; it’s air conditioning and refrigeration, modern transportation and communications networks, early warning systems, first responders and public health bureaucracies. New research published in the journal Global Environmental Change finds that global economic growth over the last decade has reduced climate mortality by a factor of five, with the greatest benefits documented in the poorest nations. In low-lying Bangladesh, 300,000 people died in Cyclone Bhola in 1970, when 80% of the population lived in extreme poverty. In 2019, with less than 20% of the population living in extreme poverty, Cyclone Fani killed just five people. “Poor nations are most vulnerable to a changing climate. The fastest way to reduce that vulnerability is through economic development.” So while it is true that poor nations are most vulnerable to a changing climate, it is also true that the fastest way to reduce that vulnerability is through economic development, which requires infrastructure and industrialization. Those activities, in turn, require cement, steel, process heat and chemical inputs, all of which are impossible to produce today without fossil fuels. For this and other reasons, the world is unlikely to cut emissions fast enough to stabilize global temperatures at less than 2 degrees above pre-industrial levels, the long-standing international target, much less 1.5 degrees, as many activists now demand. But recent forecasts also suggest that many of the worst-case climate scenarios produced in the last decade, which assumed unbounded economic growth and fossil-fuel development, are also very unlikely. There is still substantial uncertainty about how sensitive global temperatures will be to higher emissions over the long-term. But the best estimates now suggest that the world is on track for 3 degrees of warming by the end of this century, not 4 or 5 degrees as was once feared. That is due in part to slower economic growth in the wake of the global financial crisis, but also to decades of technology policy and energy-modernization efforts. “We have better and cleaner technologies available today because policy-makers in the U.S. and elsewhere set out to develop those technologies.” The energy intensity of the global economy continues to fall. Lower-carbon natural gas has displaced coal as the primary source of new fossil energy. The falling cost of wind and solar energy has begun to have an effect on the growth of fossil fuels. Even nuclear energy has made a modest comeback in Asia.

3] **No space war. Insurmountable barriers and common interests**

Bohumil **Doboš**, scholar at the Institute of Political Studies, Faculty of Social Sciences, Charles University in Prague, Czech Republic, and a coordinator of the Geopolitical Studies Research Centre, **’19**, Geopolitics of the Outer Space, Chapter 3: Outer Space as a Military-Diplomatic Field, Pgs. 48-49)

Despite the theorized potential for the achievement of the terrestrial dominance throughout the utilization of the ultimate high ground and the ease of destruction of space-based assets by the potential space weaponry, the utilization of space weapons is with current technology and no effective means to protect them far from fulfilling this potential (Steinberg 2012, p. 255). **In current global international political and technological setting, the utility of space weapons is very limited**, even if we accept that the ultimate high ground presents the potential to get a decisive tangible military advantage (which is unclear). This stands among the reasons for the lack of their utilization so far. Last but not the least, it must be pointed out that the states also develop passive defense systems designed to protect the satellites on orbit or critical capabilities they provide. These **further decrease the utility of space weapons**. These systems include larger maneuvering capacities, launching of decoys, preparation of spare satellites that are ready for launch in case of ASAT attack on its twin on orbit, or attempts to decrease the visibility of satellites using paint or materials less visible from radars (Moltz 2014, p. 31). Finally, we must look at the main obstacles of connection of the outer space and warfare. The first set of barriers is comprised of **physical obstructions**. As has been presented in the previous chapter, the outer space is very challenging domain to operate in. Environmental factors still present the largest threat to any space military capabilities if compared to any man-made threats (Rendleman 2013, p. 79). A following issue that hinders military operations in the outer space is the predictability of orbital movement. If the reconnaissance satellite's orbit is known, the terrestrial actor might attempt to hide some critical capabilities-an option that is countered by new surveillance techniques (spectrometers, etc.) (Norris 2010, p. 196)-but the hide-and-seek game is on. This same principle is, however, in place for any other space asset-any nation with basic tracking capabilities may quickly detect whether the military asset or weapon is located above its territory or on the other side of the planet and thus mitigate the possible strategic impact of space weapons not aiming at mass destruction. Another possibility is to attempt to destroy the weapon in orbit. Given the level of development for the ASAT technology, it seems that they will prevail over any possible weapon system for the time to come. Next issue, directly connected to the first one, is the utilization of weak physical protection of space objects that need to be as light as possible to reach the orbit and to be able to withstand harsh conditions of the domain. This means that their protection against ASAT weapons is very limited, and, whereas some avoidance techniques are being discussed, they are of limited use in case of ASAT attack. We can thus add to the issue of predictability also the issue of easy destructibility of space weapons and other military hardware (Dolman 2005, p. 40; Anantatmula 2013, p. 137; Steinberg 2012, p. 255). Even if the high ground was effectively achieved and other nations could not attack the space assets directly, there is still a need for communication with those assets from Earth. There are also ground facilities that support and control such weapons located on the surface. Electromagnetic communication with satellites might be jammed or hacked and the ground facilities infiltrated or destroyed thus rendering the possible space weapons useless (Klein 2006, p. 105; Rendleman 2013, p. 81). This issue might be overcome by the establishment of a base controlling these assets outside the Earth-on Moon or lunar orbit, at lunar L-points, etc.-but this perspective remains, for now, unrealistic. Furthermore, **no contemporary actor will risk full space weaponization in the face of possible competition and the possibility of rendering the outer space useless.** No actor is dominant enough to prevent others to challenge any possible attempts to dominate the domain by military means. To quote 2016 Stratfor analysis, "(a) war in space would be devastating to all, and preventing it, rather than finding ways to fight it, will likely remain the goal" (Larnrani 20 16). This stands true unless some space actor finds a utility in disrupting the arena for others.

#### 4] Wemer 18 says that NASA already has 800 international agreements, coop obviously isn’t declining

## Solvency

#### 1] International law fails.

Chellaney 19 Brahma Chellaney, professor of strategic studies at the New Delhi–based Centre for Policy Research and fellow at the Robert Bosch Academy in Berlin. [The illusion of a rules-based global order, 12-23-2019, https://www.aspistrategist.org.au/the-illusion-of-a-rules-based-global-order/]

Today, such optimism looks more than a little naive. Even as the international legal system has ostensibly grown increasingly robust—underpinned, for example, by United Nations conventions, global accords like the 2015 Paris climate agreement, and the International Criminal Court—the rule of force has continued to trump the rule of law. Perhaps no country has taken more advantage of this state of affairs than China. Consider China’s dam projects in the Mekong River, which flows from the Chinese-controlled Tibetan Plateau to the South China Sea, through Myanmar, Laos, Thailand, Cambodia and Vietnam. By building 11 mega-dams near the border of the Tibetan Plateau, just before the river crosses into Southeast Asia, China has irreparably damaged the river system and wreaked broader environmental havoc, including saltwater intrusion in the Mekong Delta that has caused the delta to retreat. Today, the Mekong is running at its lowest level in 100 years, and droughts are intensifying in downriver countries. This gives China powerful leverage over its neighbours. And yet China has faced no consequences for its weaponisation of the Mekong’s waters. It should thus be no surprise that the country is building or planning at least eight more mega-dams on the river. China’s actions in the South China Sea may be even more brazen. This month marks the sixth anniversary of the country’s launch of a massive land-reclamation program in the highly strategic corridor, which connects the Indian and Pacific oceans. By constructing and militarising artificial islands, China has redrawn the region’s geopolitical map without firing a shot—or incurring any international costs. In July 2016, an international arbitral tribunal set up by the Permanent Court of Arbitration in The Hague ruled that China’s territorial claims in the South China Sea lacked legitimacy under international law. But China’s leaders simply disregarded the ruling, calling it a ‘farce’. Unless something changes, the US-led plan to establish a ‘free and open Indo-Pacific’ will remain little more than a paper vision. China’s open contempt for the tribunal’s ruling stood in sharp contrast with India’s response to a 2014 ruling awarding Bangladesh nearly 80% of 25,602 square kilometres of disputed territory in the Bay of Bengal. Although the decision was split (unlike the South China Sea tribunal’s unanimous verdict) and included obvious flaws—it left a sizeable ‘grey area’ in the bay—India accepted it readily. In fact, between 2013 and 2016—while the Philippines-initiated proceedings on China’s claims in the South China Sea were underway—three different tribunals ruled against India in disputes with Bangladesh, Italy and Pakistan. India complied with all of them. The implication is clear: for large and influential countries, respecting the rules-based order is a choice—one that China, with its regime’s particular character, is unwilling to make. Against this background, Vietnam’s possible legal action on its own territorial disputes with China—which has been interfering in Vietnam’s longstanding oil and gas activities within its exclusive economic zone in the South China Sea—is unlikely to amount to much. Vietnam knows that China will ignore any ruling against it and use its trade leverage to punish its less powerful neighbour. That is why an enforcement mechanism for international law is so badly needed. Disputes between states will always arise. Peace demands mechanisms for resolving them fairly and effectively, and reinforcing respect for existing frontiers. Yet such a mechanism seems unlikely to emerge anytime soon. After all, China isn’t alone in violating international law with impunity: its fellow permanent members of the UN Security Council—France, Russia, the UK and the US—have all done so. These are the very countries that the UN charter entrusted with upholding international peace and security. Nowadays, international law is powerful against the powerless, and powerless against the powerful. Despite tectonic shifts in the economy, geopolitics and the environment, this seems set to remain true, with the mightiest states using international law to impose their will on their weaker counterparts, while ignoring it themselves. As long as this is true, a rules-based global order will remain a fig leaf for the forcible pursuit of national interests.

#### 2] International law can’t solve security risks.

Elaraby 18 Nabil Elaraby is an Egyptian diplomat and lawyer, Secretary General of the League of Arab States from 2011–16, former judge at the International Court of Justice from 2001 to 2006. [Failure of the International Security System, 3-3-2018, https://www.thecairoreview.com/global-forum/failure-of-the-international-security-system/]

A quick look at the contemporary international order reveals that the collective security system established by the United Nations Charter and put into place following the end of World War II has failed to protect international peace and security. The tragedy last year in Aleppo and throughout Syria at present is the biggest proof of this failure. For many years, the system’s inability to achieve peace has been attributed to the Cold War. So when the Berlin Wall fell in 1989 and the Soviet Union collapsed, there was a wave of optimism that mirrored the preamble to the UN Charter which states: “We the peoples of the world are determined to save succeeding generations from the scourge of war.” This was essentially the purpose of founding the United Nations, whose main objective was “to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.” Hopes were high that these lofty goals would see the light of day after the end of the Cold War, and that the world would renounce the law of the jungle so that peace and justice would finally prevail. Indeed the first ever Security Council summit meeting following the end of the cold war on January 31, 1992 saw world leaders ask the new UN Secretary-General, Boutros Boutros-Ghali, to report on the nature of post-Cold War international relations. Boutros-Ghali presented his famous report “An Agenda for Peace”. In May 1992 the general assembly appointed a committee of the whole, which I presided, to put the proposed contained in the “Agenda for Peace” into effect. However, it soon became clear that the maintenance of world peace would not come about with the end of the Cold War, because the interests of the great powers still conflicted with one another. Thus the Security Council’s inability to take effective and urgent measures to impose peace will, regrettably, continue. \*\*\* To understand the reason for this we must look back at what I call the “grand design” that was concluded in 1945 at the San Francisco Conference when the UN Charter was adopted. It was agreed then to establish a Security Council that would oversee the protection of international peace and security. The Council was given unprecedented wide powers to eliminate all threats to peace. It was also agreed that the five permanent members would have the power to veto substantive resolutions but not procedural resolutions. Unfortunately, the Charter did not clearly delineate the nature and delimitation of the procedural resolutions that could not be impeded. More importantly, the Charter granted the five permanent members veto power, which means that they could block resolutions even with the majority vote needed to pass. The argument behind this open-ended unprecedented license was that it was the responsibility of these five great powers to protect world peace, not their own narrow interests. The five great powers at the San Francisco Conference tried moreover to gain the right to veto non-procedural resolutions regardless of their content, and to incorporate this right explicitly into the charter, but they failed because of the opposition of most countries. At present, it is clear that the interlocking political and economic interests of the five great powers make it inconceivable that any action taken by the Council would directly or indirectly affect those interests. Simply put the Security Council, with its present structure, has been made to be in a state of permanent paralysis the recent deliberations in the council on Ghouta-Syria reflect this paralysis. As a result, the international protection system enshrined in the UN Charter no longer exists. This is what the Arab countries have struggled with over the past seven decades when it came to Palestine, and what the region is struggling with now when it comes to Syria. \*\*\* It is noteworthy that the Security Council’s paralysis [failure] does not hinge solely on the actual use of the veto power. I was the representative of Egypt in the Security Council in 1996 and 1997. I chaired the Council in June 1996 and witnessed first-hand the five great powers threatening in the negotiation phase to veto many crucial resolutions. Ultimately, when the G-5 accept to pass a resolution, it usually ends up formulated as follows: Refraining from taking the action required to end the conflict, and merely appointing an envoy to manage the conflict. The best example of this are the resolutions on Palestine. Imposing sanctions that do not change the situation much but often harm many innocent people. Using distorted ineffective verbal formulations such as the repeated condemnations and denunciations we see now in the Council’s resolutions that do not call for any action that would change the tragic situation in question. The net result is that the Council is being confined to managing conflicts, not ending them.