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#### Indigeneity exists in a temporal regime antagonistic to that of the settler state – the genocidal violence of the past accumulates in the present and ensures that the benevolent future offered by the settler state will never arrive. The politics of reformism is a ruse of consent that consigns native being to a perpetual state of half-life -- vote negative to reject debate’s progressive linearity – what good is incremental transformation to the one who expects to die tomorrow ?

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This is our time: death and the future Throughout Born in Flames, countless members of the Women’s Army declare: “This is our time.” The time of the revolution was not the time to abolish anti-blackness, white supremacy, and heteropatriarchy. It was a time that left behind and captured poor (queer) women of color through the progress of democracy and equality. In this way, “our time” and state time are two antagonistic temporalities of violence in the film. As James Scott argues, the modern state’s utopian aim is to reduce the disorderly and chaotic social order under its purview into a mirror of the administrative knowledge central to its observations and governance. The state works to produce temporal and spatial intelligibility with the goal of manufacturing the orderly administration and regulation of the nation’s population, resources, and infrastructure. By disrupting and dismantling spaces, populations, and epistemologies that are illegible to its regimes of knowing and governance, the modern state creates a utopia of visibility and legibility that is open to policing and control (Scott 1998, 82). The management of time is central to this process. “Our time” is what the state seeks to capture. In Born in Flames, state time extends and expands the violence of the past, while “our time” is a temporal regime that exceeds and undoes state time. Again, Fanon proves useful for understanding these differences. In The Wretched of the Earth, Fanon describes a “time lag, or a difference of rhythm, between the leaders of a nationalist party and the mass of the people” (Fanon 1963, 107). According to Fanon, the rank and file of anti-colonial rebellions demand the complete and utter immediate destruction of the forms of power that render them “more dead than alive,” while both colonial and nationalist governments attempt to manage, temper, and restrain the demands of those who have no more time to give to the promises of a future that is always coming, but never arrives (51). For example, in the film, the state promises that “in the future” there will be jobs, an end to sexual violence, and racial and gender equality. But for Fanon, the “hopeless dregs of humanity” (or the wretched of the earth) are filled with an “uncontrollable rage” and thus exist in a temporal regime apart from that of the party or the nation. This is a time of intensity and immediacy (“the slaves of modern times are impatient”), where the future of the present as it is means no future at all (74). Like the financial, epistemological, and racialized legacies of slavery Baucom sees intensifying in our current moment, Fanon diagnoses the future of colonialism as the accumulation of the social, biological, and living death of the native. The native lives a death in life produced by the racism of slavery and colonialism. The future’s horizon is the accumulation of past forms of racial terror and violence. In this way, Baucom and Fanon draw connections between race and time that are crucial to questions of queer futurity. The relationship between race, gender, death, and the future is central to the immediacy and spontaneity of the Women’s Army and is foundational to the film’s critique of the future. We can 44 S. Dillon turn to the Fanonian-inspired prison writings of George Jackson to further explore the relationship between death, race, and the future. In his 1972 text Blood in My Eye, published shortly after he was shot and killed by guards at San Quentin prison, Jackson writes of racism, death, and revolution: Their line is: “Ain’t nobody but black folks gonna die in the revolution.” This argument completely overlooks the fact that we have always done most of the dying, and still do: dying at the stake, through social neglect or in U.S. foreign wars. The point is now to construct a situation where someone else will join in the dying. If it fails and we have to do most of the dying anyway, we’re certainly no worse off than before. (Jackson 1972, 6) Here, Jackson argues that the social order of the United States is saturated with an anti-blackness that produces, in the words of Ruth Wilson Gilmore, “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death” (2007, 28). Jackson’s text is littered with a polemic that links race and death in a way that preemptively echoes Michel Foucault’s declaration that racism is the process of “introducing a break into the domain of life that is under power’s control: the break between what must live and what must die” (Foucault 2003, 254). When Jackson, Gilmore, and Foucault define race as the production of premature death, they make a connection between race and the future. Race is the accumulation of premature death and dying. For Jackson, race fractures the future so that the future looks like incarceration or the premature death of malnutrition, disease, and exhaustion. The future was not the hopefulness of unknown possibilities. It was rather the devastating weight of knowing that death was coming cloaked in abandonment, neglect, incarceration, or murder. In other words, according to Jackson, death was always and already rushing towards the present of blackness. In the last line of No Future: Queer Theory and the Death Drive, Lee Edelman similarly connects the future to premature death when he references the murder of Matthew Shepard. He writes: “Somewhere, someone else will be savagely beaten and left to die – sacrificed to a future whose beat goes on, like a pulse or a heart – and another corpse will be left like a mangled scarecrow to frighten the birds who are gathering now, who are beating their wings, and who, like the death drive, keep on coming” (Edelman 2004, 154). For Edelman, the future will necessarily continue to produce a world that is unlivable for queer people. In this way, the polemics of black liberation and Edelman’s anti-social thesis share an affinity around the theorization of the future as overdetermined by premature death, yet they diverge in how they imagine death’s relationship to race and power. For Edelman, the future looks like repetition of the death of Matthew Shepard (a white gay man), while for Jackson, it looks like the premature death of incarceration, the ghetto, and chattel slavery’s haunting contortion of the present. In other words, the state and anti-blackness were central to the anti-sociality of the black liberation movement. Within Jackson’s analysis, the state is the primary mechanism for unevenly distributing racialized regimes of value and disposability. Following the writing of Fanon, Jackson argued that for this relationship to be abolished: “The government of the U.S.A and all that it stands for, all that it represents, must be destroyed. This is the starting point, and the end” (Jackson 1972, 54). Jackson’s polemic crescendos when he describes the future he desires: Women & Performance: a journal of feminist theory 45 We must accept the eventuality of bringing the U.S.A to its knees; accept the closing off of critical sections of the city with barbed wire, armed pig carriers criss-crossing the city streets, soldiers everywhere, tommy guns pointed at stomach level, smoke curling black against the daylight sky, the smell of cordite, house-to-house searches, doors being kicked down, the commonness of death. (Jackson 1972, 55) If the past and present have produced the accumulation of the premature death of black people, then Jackson imagines the complete undoing of the social order as the way out of temporal capture. The future of the social order means no future, and so the future must come to an end. Fanon similarly imagines the relationship between the native and the future of the social order: “They won’t be reformed characters to please colonial society, fitting in with the morality of its rulers; quite on the contrary, they take for granted the impossibility of their entering the city save by hand grenades and revolvers” (Fanon 1963, 130). Here, the invitation to the safety and security of the city (or the social order as it is) is an offer to continue a life that is a half-life. Possibility comes from a starting point that is an end. In her writing from captivity, Angela Davis articulates this logic in relationship to the prison. In the 1971 essay “Political Prisoners, Prisons, and Black Liberation,” Davis argues that the sole purpose of the police was to “intimidate blacks” and “to persuade us with their violence that we are powerless to alter the conditions of our lives” (39). Davis theorizes the violence of police and prisons as pervasive and unrelenting. Throughout the essay, Davis names the complicity between an anti-blackness as old as liberal freedom and new forms of penal and policing technologies that emerged in the 1970s in response to political upheaval and insurrection. Davis calls for the abolition of what she terms the “law-enforcement-judicial-penal network” in addition to arguing for the construction of a mass movement that could contest the “victory of fascism” (50). Yet, in line with the political imaginaries at the time – an imaginary articulated by Born In Flames – Davis wanted more than an end to the prison and the violence of the police. Like other early black feminist writing, Davis did not just call for the overthrow of one form of state power so that a new one may take its place. Instead, Davis implied that the social order itself must be undone. For Davis, the prison was not the primary problem. The prison was made possible by the libidinal, symbolic, and discursive regimes that actualized the uneven institutionalized distribution of value and disposability along the lines of race, gender, and sexuality. Davis called for the total epistemological and ontological undoing of the forms of knowledge and subjectivity that were produced by the racial state. In short, hope, for Davis, meant that the prison could not have a future, and more so, that a world that could have the prison would need to end as well. Critically, Jackson did not understand the end of the future of the social order as particularly different from his present because “I’ve lived with repression every moment of my life, a repression so formidable that any movement on my part can only bring relief” (1972, 7). Jackson’s understanding of the future arose from his critique of reform. Derived from his correspondence with Davis, Jackson argued that the essence of fascism was reform or more specifically “economic reform” (118).11 Every reform that modified or improved the operations of global capitalism and white supremacy only extended the life of the 46 S. Dillon social order. And the life of the social order, according to Jackson and Fanon, is parasitic on the control, exploitation, incarceration, and premature death of black people. The creation of a new world could not rely on “long term politics” because patience, reform, and change meant nothing to “the person who expects to die tomorrow” (10). For Jackson, the future is a time those without a future cannot risk. The future was not coming and so the present could not wait. The temporal break between those without a future who demand this is “our time” and the time of the state that declares your time is the future, is most striking in the final scenes of Born in Flames. Towards the end of the film, the president of the United States delivers a national televised address to announce a new reform that will pay women for housework. Simultaneous with the announcement, a cadre of the Women’s Army storms the state-run TV station and interrupts the president’s address with a video that exposes the imprisonment and murder of their leader, Adelaide Norris. Norris was murdered, in part, because of how she understood the relationship between time and violence. This is evident in internal discussions within the Women’s Army concerning the use of violence. When Hilary Hurst and Norris, the two leaders of the Women’s Army (according to the FBI), discuss the role of violence in the actions of the Women’s Army, they have competing visions of the relationship between time and violence. When Hurst tells Norris, “The reality of having to deal with taking up arms, Adelaide, is really heavy, I mean whether we can accept or be responsible for the potential violence thrust upon us, from our own violence thrust out ...” Norris simply replies, “I’m telling you it’s already happening. It’s here. It’s that time.”12 Norris’s response invokes two forms of violence. First, she implies that the state violence Hurst is concerned will come if they take up arms has already arrived (indeed Norris will be imprisoned and murdered within a few days of this conversation). She also indicates that the time is right to intensify their efforts through the deployment of violence. The time is right for counter-violence, because state violence is already the past, present, and future. Norris mobilizes a black feminist analytic where there is no outside to the forms of violence, terror, and subjugation produced by white supremacy, anti-blackness, and heteropatriarchy. As a queer black woman, Norris does not encounter violence in isolated moments of exceptional transgression. Space nor time will bring relief because there is no contingent relationship between blackness and violence (Wilderson 2010, 88). This fact leads to a politics of impatience, immediacy, and spontaneity by the Women’s Army. When the future is not relief, but intensification and accumulation, then the present is all that is left. “Our time” is a time of the present, an anticipatory time that sees the no future of the future as it is.

#### Space science is structured by the imperative of progress that demands the universal imposition of linear time and the reproduction of evacuated space – indigenous continuities of space and time are located simultaneously as the “blank slate” upon which the “perfect laboratory” can be constructed and the antagonistic pre-modern savage obstructing the emergence of settler modernity.

Sammler and Lynch ’21 -- (Katherine G Sammler, Casey R Lynch, 9-2-2021, "Apparatuses of observation and occupation: Settler colonialism and space science in Hawai'i," SAGE Journals, https://journals.sagepub.com/doi/full/10.1177/02637758211042374, accessed 1-12-2022)//nikki

Settler colonial space-times [T]he idea of a closed system [is] a concept that was constituted by the island laboratory and the irradiated atoll and perpetuated by the aerial view. (DeLoughrey, 2012: 168) The links between space science, Western imperialism, and settler colonialism are not confined to the history of Cook’s voyages or the settler colonial conditions of contemporary Hawai'i. Rather, they are entangled in ongoing histories of the Enlightenment in which ideologies of European superiority – used to justify violent conquest and pillaging of Indigenous lands – rely upon claims of scientific objectivity, modernity, universality, and futurity (Byrd, 2011). In this section, we situate TMT and HI-SEAS in the history of colonial imaginaries of islands as abstract laboratories for scientific experimentation. We then consider how this erasure of space is entangled with Western conceptions of time that relegate Indigeneity to the past while producing linear, progressive futures (Goodyear-Ka‘ōpua, 2017). We bring these reflections together through Barad’s notion of the apparatus, which we employ to critically examine TMT and HI-SEAS. Island laboratories Since Cook’s expeditions, the West has subjected the constellation of Pacific Islands to a multitude of science experiments (DeLoughrey, 2012; Farbotko, 2010). Salmond (2003: ix) explains how “[a]s the edges of the known world were pushed out, wild nature – including the ‘savages’ and ‘barbarians’ at the margins of humanity - was brought under the calm, controlling gaze of Enlightenment science, long before colonial domination was attempted.” There is a long history of the liveliness of islands being abstracted by colonial powers and scientists alike, from seemingly innocuous use of the Galápagos as discrete microcosms for theorizing evolution (Matsuda, 2006); to the United States’ devastating testing of nuclear weapons on the Marshall Islands; to botany’s role in the colonization of Hawai’i and its extension into contemporary experiments with genetically-modified organisms replacing native plant species (Goldberg-Hiller and Silva, 2015). As with other landscapes, specific imaginaries of place play a unique role in colonial practices on islands. Continental views of islands align with Enlightenment scientific desire for blank slates, perfect laboratories (Greenhough, 2006; Matsuda, 2007). Mobilizing imaginaries of frontier and isolation, representations of islands within a continental and colonial gaze are, as Matsuda explains, “distant, isolated, uninhabited, and abstract spaces” (2007: 230). The purported distance of the island colony enacts a separation between colonizer and colonized landscape that allows for specific relations and forms of observation. Islands become simplified models of a complex world, acting as “quintessential sites for experimentation” (Baldacchino, 2007: 165) based on fetishized assumptions about island spatiality. Scientists use islands to isolate variables and substitute space for time to construct linear timestreams. Islandness functions as stand-in for a computational time-step within an experimental design. These purported blank slates endow the initial time-step essential to modelling. Islands and their peoples have been employed to examine theories of geological, biological, human, and socio-cultural evolution. DeLoughrey describes how island spatiality is considered bound by “the theme of isolation, a model that had been deployed in the 19th century to propose the theory of evolution, and which re-energized the longstanding colonial understanding of the island as a laboratory” (2012: 168). The expansion of U.S. empire specifically enrolled island colonies from Puerto Rico to the Philippines as sites for grisly experimentations, from weapons to biomedical research on non-white bodies who were seen as relics of earlier stages of evolution (Immerwahr, 2019). Just as islands and their peoples have been used to model past evolutions, they are also established as models for specific futures. Baldacchino describes islands as sites of novelty; they tend toward clairvoyance; they are disposed to act as advance indicators or extreme reproductions of what is present or future elsewhere … with fallacious simplicity, [they] can be conceived as a convenient platform for any whim or fancy. (2007: 165) Islands have emplaced visions of future climate dystopias (Farbotko, 2010) and imagined libertarian capitalist utopias (Lynch, 2017). The continuation of these projects of empire and white supremacy are shaping plans for human colonization of Moon and Mars. Such projects re-articulate debates around questions of race, ability, eugenics, reproduction, and human psychology in journals like Futures – including a 2019 special issue on ethics in offworld colonization. Through these projects, islands and peoples are erased and overwritten by the totality of the model world they represent. As DeLoughrey explains, “Western colonizers had long configured tropical islands into the contained spaces of a laboratory, which is to say a suppression of island history and Indigenous presence” (2012: 172). An affective landscape of history, more-than-human relationality (Watts, 2013), and lived social place gets transformed into independent, sterile variables instrumentalized in the projection of specific futures. Such discourses intersect with space science imaginaries of exploration, exoticism, and otherworldliness. Settling time As an empire of time rather than space … many significant American national theorists sought to escape the political paradoxes of space by conquering time. (Allen, 2008: 13) Allen examines how U.S. empire depends upon three notions of time: a romanticized historical time recounting myths of the nation’s founding, the geological time of natural history, and the mechanized time of the clock and apparatuses of measurement. The organization and control over these three temporalities constitutes a colonial totality (Matson and Nunn, 2017) that works to settle time as much as space in the projection of settler futures. The projection of settler futures depends on the ordering of time, constituted by ideologies of progress, of a mythologized past and present oriented toward the future. Scientific “progress” is positioned as a universal value key to constructing the future, while questioning the actions of Western science is positioned as irrational or reactionary. Concerning the TMT controversy, Casumbal-Salazar writes: Relegated to the ‘dark ages’ of tradition, Native peoples appear as the agonistic menace of the modern scientific state. Delegitimized as irrational within the gendered hierarchies of Western science and philosophy … Hawaiians become suspect and subject to institutional anti-Native racism yet fetishized as an archeological remnant within multicultural society. (2017: 2) In dominant discourses, Indigenous time is linked to the past, with the present constituted on assimilation and the future on complete erasure (Rifkin, 2017). The existence of contemporary Indigenous peoples poses a challenge to ongoing settler colonial hegemony. Goodyear-Ka‘ōpua explains how “settler state officials cast the kiaʻi [land protectors, caretakers] as impediments on the road to ‘progress’ (aka settler futurity) … (mis)representing us as fixed in place, pinned in a remote time” (2017: 191–192). Enlightenment notions of universality erase difference and thus Indigenous claims to prior rights or sovereignty. While these conceptions of time have long been critiqued, they continue to shape the central logics of contemporary Western science, including space science. Linear conceptions of time are necessarily produced out of complex practices that organize and control relative and variable spatio-temporal formations. Rifkin posits a multiplicity of temporalities, writing: temporalities need to be understood as having material existence and efficacy in ways that are not reducible to a single, ostensibly neutral vision of time as universal succession. The concept of frames of reference provides a way of breaking up this presumed timeline by challenging the possibility of definitively determining simultaneity … Within Einsteinian relativity, simultaneity depends on one’s perspective based on one’s frame of reference. (2017: 20) Einstein’s theory of relativity demonstrates how time is relative, variable, and dependent on acceleration, which is a function of location within a gravitational field. It is a relationship between space, masses, and matter. As Valentine explains: gravity is a consequence of the relational warping of spacetime by matter … That is, gravitational effects are literally universal but emerge locally through relativistic and constantly shifting specific relations among the mass of cosmic bodies and spacetime, producing variable observations from differently situated observers of one another (2017: 189–190). The practices of Western astronomy are dependent on variable and relative relations among space and time. Whether it is earth-bound astronomers punching the clock on Martian time (Mirmalek, 2020) or the stretching of temporal experience in a gravity well, the location of bodies matters as it produces ‘differently situated observers,’ who experience time differently based on their frames of reference. Yet, time is held as a stable frame of reference from which the colonial scientist constitutes the metric for a purportedly universal observer situated in a neutral position of observation. Even Western science’s own understanding of time refuses to conform to Enlightenment notions of universality, demonstrating a contradiction between this ontology and the broader political and social ideologies with which it is entangled. While notions of linear, progressive time are used to justify settler colonial projects, the relative and contingent relationships among space, time, and matter complicate claims to universality. Time, like space, is subject to practices of organization and control that produce subject–object relations key to the Western colonial project. For instance, geologic time, or what Allen refers to as “vertical time,” is the spatial-temporal imaginary of geologic strata. He describes that, while “history often depicted time advancing horizontally across space, the geological revolution made it possible to imagine time extending perpendicularly into the territory beneath the nation” (Allen, 2008: 165). The deep time of geology historicizes Western civilization as the top layer, the apex of natural history, and thus stands to justify colonialism and its civilizational projects. The exploration of cosmological time in the space sciences extends the colonial project further into the far expanses of the future and the totality of the universe. The apparatus Gazing out into the night sky or deep down into the structure of matter, with telescope or microscope in hand, Man [sic] reconfirms his ability to negotiate immense differences in scale in the blink of an eye. Designed specifically for our visual apparatus, telescopes and microscopes are the stuff of mirrors, reflecting what is out there … Man is an individual apart from all the rest. And it is this very distinction that bestows on him the inheritance of distance, a place from which to reflect-on the world, his fellow man, and himself. A distinct individual, the unit of all measure, finitude made flesh, his separateness is the key. (Barad, 2007: 134, emphasis added) In Barad’s deconstructive reading of Enlightenment science, linear time and evacuated space are both the product of active material processes through which a purportedly universal “Man” continually enacts a separation between himself and the universe. It is this supposed separation from the rest of existence that constitutes “Man” as the subject of a masculinist science and the remainder of the universe as the object of his will. Practices of scientific observation and colonial occupation work in tandem to re-enact and reinforce this fundamental subject–object relationship. Critical scholars of science have long argued against the purported passivity of observation, from critiques of the Archimedean point (Yaqoob, 2014) to feminist theories of the embodied and situated nature of knowledge production (Haraway, 1988). Yet, beyond simply noting the ontological impossibility of Man’s separation from the universe, Barad theorizes an emergent and contingent form of separability – what she calls agential separability – that is (re)produced through the material practices of apparatuses. Barad explains that “apparatuses enact agential cuts that produce determinate boundaries and properties of entities within phenomena” (2007: 148). Apparatuses determine what comes to matter and how, thus producing differences between subject and object, which are not stable positions but rather enacted and contingent forms of relationality. We employ the apparatus to explore how subject–object relations of Western colonial science are not universal and absolute, but rather enacted through material practices that selectively produce the privileged subject positions on which settler colonialism and space science both depend. Barad’s theory of spacetimemattering highlights the mutual constitution of space and time through the ongoing material re-configuring of the world. Apparatuses are neither neutral probes of the natural world nor social structures that deterministically impose some particular outcome …  the notion of an apparatus is not premised on inherent divisions between the social and the scientific …  [they] are the practices through which these divisions are constituted. (Barad, 2007: 169) Reconceiving subjectivity, objectivity, space, time, and matter in this way implies that questions of ethics are inseparable from apparatuses as practices that produce differences and iteratively construct the world. Apparatuses enact material changes through which some possibilities are realized while others are foreclosed. Ontologically, apparatuses produce spatial, temporal, and material relations that constitute projects of Western colonial science. This approach helps elaborate arguments like those of Matson and Nunn that “even the most futuristic space telescopes have embedded within them a lineage of Euro-western cultural supremacy” (2017: n.p.). This is not to simply claim that telescopes are in some way symbolic of settler colonial relations, but to recognize how space science apparatuses actively orient relations of observation and materialize settler colonial relations. Both TMT and HI-SEAS constitute apparatuses that extend spatially well beyond the infrastructural footprint on these mountains, to the island and surrounding ocean, into the atmosphere, to Moon, Mars, and cosmos. As part of these apparatuses, mountain environments of Hawaii become both a gateway to the cosmos and simulation of an alien landscape. Temporally, the apparatus stretches beyond contemporary scientific practices, drawing on longstanding histories of European imperialism, Western law, and settler colonial logics, and projecting these ideologies into offworld futures. Materially, these projects enroll technological, logistical, and physical systems, including roads, mirrors and lenses, sensors and surveillance devices, electromagnetic waves and domes, the geology of the Hawaiian landscape, and bodies of observer and observed.

#### Extraterrestrial colonialism is naturalized through the discourse of public ownership – the resolution’s call to condemn the doctrine of private appropriation is an implicit call to recenter the settler public as the legitimate and rightful owners of space and place.

Lister 18, research assistant @ Dine College (Majerle, “‘The Only Way to Save the Land is to Give It Back’: A Critique of Settler Conservationism,” <http://therednation.org/the-only-way-to-save-the-land-is-to-give-it-back-a-critique-of-settler-conservationism/)//BB>

The history of the US conservation movement is a history settler colonialism.

Settler colonialism operates on certain myths so that it can reproduce itself. One of those myths is that Indigenous people of the U.S. were unproductive with the land therefore white settlers were entitled to the land. There are two main points in this myth, the capitalistic characteristic of productivity and the notion of white supremacy. When settlers came over, they deemed the land unproductive despite the complex use of the land by Indigenous people. Following this, they believed they were entitled to the land because they thought themselves superior to manage land and labor. This white supremacy ideology initiated the Indigenous genocide, Indigenous land dispossession, and the enslavement of the African people. Settler land management operates on this notion that indigenous people cannot management their lands themselves despite the romanticism of the “ecological” Indian. If Indigenous people cannot manage the land, who should be in charge? The discussion of control of stolen land shifts to a discussion of the public vs the private. Indigenous people are quick to recognize the land grabs by the Federal government, or any other government, as the continuation of colonial land accumulation. Yet on the other end, conservationists see it as consolidating lands for the public. The conservationists rally around the term “Public lands” harkening to the spirit of Wood Guthrie’s, “This Land is Your Land.” This shifts the narrative away from Indigenous land claims and dispossession towards a discussion of the public good. Indigenous lands become the public’s land and “the public” — which excludes the original owners of the land — should be the ones who manage and control the land.

#### International order is a dogwhistle for a global governance paradigm of assimilation into Western values that over-represent themselves as progress, “the world”, and history itself imposed through the civilizing mission of war, intervention, and imperialism abroad.

Turner and Nymalm, 19

[Dr. Oliver, IR @ UEdinburgh, UK; and Nicola, Research Fellow @ Swedish Institute for Int’l Affairs and Assistant Prof. of War Studies @ Swedish Defence University: “Morality and progress: IR narratives on international revisionism and the status quo,” Cambridge Review of International Affairs, 32:4 (2019), 407-428, DOI: 10.1080/09557571.2019.1623173]//AD

The concept of an international order, or ‘status quo’, as it commonly appears throughout the two historic waves of (Western-dominated) IR literature outlined above, is not imagined to be a static or unmoving condition. Instead, it has always been used within scholarly or conceptual narratives as code for advancement and progress. Robert Gilpin (1987, 72) insists that ‘the international economic order … could not flourish and reach its full development’ without a liberal hegemonic power such as the US or UK. Potential hegemons such as the Soviet Union, he explains, would undo such progress through ‘the imposition of political and economic restrictions’. EH Carr’s criticisms of Western claims to international order intersected with assertions of how it advanced, rather than merely sustained, the global condition. Aside from ‘equal security to all’, he noted, British ascendancy gave rise to a universal currency, acceptance of free trade and a common language. The fate of each of these developments, and by extension the cultivation of ‘a world society’, he argued, was threatened by new challengers (Carr 1939, 213). Progress has been most commonly understood in the West as a product of Enlightenment thought, manifest in material advances in science and technology as a ‘standard of civilization’. 3 This enabled a division of the world into a ‘civilized’ West and ‘barbarian and savage’ non-West (Buzan and Lawson 2015, 22–98). As progress became an explanation of how history itself unfolds, a storyline emerged describing a linear trajectory from ancient Greece to modern Europe in which progress was understood as self-generating through characteristics internal to the West (Buzan and Lawson 2015, 36–98), including those of liberal capitalism. The West was seen as ‘a distinctive political order— a “civic union”’ and as having ‘a distinctive political logic’ (Deudney and Ikenberry 1993, 18), in line with portraying the ‘democratic world [as] America’s greatest accomplishment’ (Deudney and Ikenberry 2012, 1). Though not necessarily directly visible, the underlying ‘wisdom’ or logical dimension of this narrative persists today through notions of ‘modernization’ and ‘development’ (Buzan and Lawson 2015, 123). More explicitly, when referring to post-1945 history, the growth of US global influence is depicted as having ‘helped usher in a new period of modernization and progress for many parts of the world’ (Deudney and Ikenberry 2012, 4). While comparisons between ‘civilized’ and ‘uncivilized’ are less acceptable in modern parlance, the ‘status quo’ is still narrated as a route towards progress and development. The goal of wealth creation in particular is set within a framework of global governance defined by Western conceptions of democracy, human rights and capitalist reforms. ‘As in the past’, observe Bowden and Seabrooke (2006, 3f), ‘the workings of markets continue to be thought of as having a “civilising” effect on society; both internally amongst its members and in external relations with other societies’. In this ‘socialization-to-liberalorder-view’ (Bukovansky 2016, 96), emerging markets are paternalistically depicted as moving towards a brighter future, via the ideal of economic convergence with the more developed West. For example, Mandelbaum (1997) suggests that a ‘useful way to think of Russia and China is as analogous to unruly adolescents’ in the context of their post-Cold-War development. This is coupled with expectations of political convergence and thinking in terms of the ‘liberal theory of history’ (Nymalm 2013) and understandings of the relationship between capitalism and modernity which have arguably become a Western-centric hegemonic view. Argues Jan Nederveen Pieterse (2008, 1), ‘ideas of convergence upon the model of Anglo-American capitalism and liberal democracy are continuously rehearsed in mainstream media, as if the “rise of the rest” is supposed to follow in the footsteps of the rise of the West’. Failed expectations on convergence may in turn intensify a threat discourse of the ‘rising other’ (Nymalm 2017) and ‘revisionism’ they bring.4 For instance, Jaschob et al. (2017) deny any normative connotation in their conceptualization of revisionism, as ‘not all rules and norms are just, and not all existing international orders are better than potential alternatives’. Yet, they motivate their studies with ‘the problem of dissatisfied great powers and the question of why rising powers should want to challenge an established international order that facilitated their extraordinary growth’ (Jaschob et al. 2017, 10). In other words, the order is ‘good’ because it enabled the rise of new powers. Historical IR debates over revisionist and status quo actors and behaviours have evolved over time, but within the controlled and restrictive parameters of conceptual IR narratives. As a result, the concepts themselves have operated not as neutral descriptors, but as powerful narratives of morality and progress with particular characters and plotlines. The effect has been to leave these scholarly concepts devoid of much analytical value, operating more as rhetorical tools to reinforce misleadingly binary conceptions of a Western Self versus a non-Western Other, within unduly selective and essentially predetermined stories of world order and the sources of its vulnerabilities. More than this, by endorsing divisions of a ‘civilized’ West and ‘barbarian’ rest, they have worked to promote suspicions and tensions in the international realm. As John Hobson (2012, 185–187) puts it, models like the HST ‘explicitly justif[y] Western imperialism in the past, as well as in effect advocating a neocivilizing mission in the present’.

#### Their fantasies of extinction scenarios infinitely defer a meaningful reckoning with settler colonialism

Dalley, 18—Assistant Professor of English at Daemen College (Hamish, “The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature,” Settler Colonial Studies, 8:1, 30-46, dml)

In this way, these settler-colonial narratives of extinction begin as a contemplation of endings and end as a way for settlers to persist. As in the classical solution to the settler-colonial paradox of origins, the native must be invoked and disavowed, and ultimately absorbed into the settler-colonial body as a means of accessing true belonging and the possibility of an authentic future in place. Veracini’s description of the settler-colonial historical imagination thus applies, in modified but no less appropriate form, to visions of futurity haunted by the possibility of death: Settler colonial themes include the perception of an impending catastrophe that prompts permanent displacement, the tension between tradition and adaptation and between sedentarism and nomadism, the transformative permanent shift to a new locale, the prospect of a safe ‘new land’, and the familial reproductive unit that moves as one and finally settles an arcadia that is conveniently empty.67 And yet that parallel means that it is not entirely true to say that settlers cannot contemplate a future without themselves, or that they lack the metaphorical resources to imagine their own demise. It is in fact characteristic of settler consciousness to continually imagine the end. But it does so through a paradox that echoes the ambivalence of Freud’s death drive: it is a fantasy of extinction that tips over into its opposite and becomes a method of symbolic preservation, a technique for delaying the end, for living on in the contemplation of death.68 The settler desire for death conceals that wish – the hope that, between the thought of the end and the act, someone will intervene, something will happen to show that it is not really necessary, that the settlers can stay, that they have value and can go on living. In this way, they make their own redemption, an extinction that is an act of self-preservation, deferring the hard reckoning we know we lack the courage to face, and avoid making the real changes – material, political, constitutional, practical – that might alter our condition of being and set us on the path to a real home in the world. We dream instead of ends, imagining worlds without us, thinking of what it would be like not to be. But at every moment we know that that the dream is nothing but a dream; we know we will awake and still be here, unchanged, unchanging, living on, forever. Thus settlers persist even beyond the moment of extinction they thought they wanted to arrive.

#### The war machine of US Empire relies on the repetitive displacement of indigeneity as the ontological condition of its formation – their scenarios of militaristic conflict are rooted in the interpellation of indigeneity as the “savage”, the “original enemy combatant” undeserving of life.

Byrd 11 [Jodi A., Associate Professor of English and American Indian Studies at the University of Illinois at Urbana-Champaign, *The Transit of Empire: Indigenous Critiques of Colonialism*, 2011, p. xxvii-xxviii GC]

There is more than one way to frame the concerns of The Transit of Empire and more than one way to enter into the possibilities that transit might allow for comparative studies. On the one hand, I am seeking to join ongoing conversations about sovereignty, power, and indigeneity—and the epistemological debates that each of these terms engender—within and across disparate and at times incommensurable disciplines and geographies. American studies, queer studies, postcolonial studies, American Indian studies, and area studies have all attempted to apprehend injury and redress, melancholy and grief that exist in the distances and sutures of state recognitions and belongings. Those distances and sutures of recognitions and belongings, melancholy and grief, take this book from the worlds of Southeastern Indians to Hawai'i, from the Poston War Relocation Center to Jonestown, Guyana, in order to consider how ideas of “Indianness” have created conditions of possibility for U.S. empire to manifest its intent. As liberal multicultural settler colonialism attempts to flex the exceptions and exclusions that first constituted the United States to now provisionally include those people othered and abjected from the nation-states origins, it instead creates a cacophony of moral claims that help to deflect progressive and transformative activism from dismantling the ongoing conditions of colonialism that continue to make the United States a desired state formation within which to be included. That cacophony of competing struggles for hegemony within and outside institutions of power, no matter how those struggles might challenge the state through loci of race, class, gender, and sexuality, serves to misdirect and cloud attention from the underlying structures of settler colonialism that made the United States possible as oppressor in the first place. As a result, the cacophony produced through U.S. colonialism and imperialism domestically and abroad often coerces struggles for social justice for queers, racial minorities, and immigrants into complicity with settler colonialism. This book, on the other hand, is also interested in the quandaries poststructuralism has left us: the traces of indigenous savagery and “Indianness” that stand a priori prior to theorizations of origin, history, freedom, constraint, and difference.3 These traces of “Indianness” are vitally important to understanding how power and domination have been articulated and practiced by empire, and yet because they are traces, they have often remained deactivated as a point of critical inquiry as theory has transited across disciplines and schools. Indianness can be felt and intuited as a presence, and yet apprehending it as a process is difficult, if not impossible, precisely because Indianness has served as the field through which structures have always already been produced. Within the matrix of critical theory, Indianness moves not through absence but through reiteration, through meme, as theories circulate and fracture, quote and build. The prior ontological concerns that interpellate Indianness and savagery as ethnographic evidence and example, lamentable and tragic loss, are deferred through repetitions. How we have come to know intimacy, kinship, and identity within an empire born out of settler colonialism is predicated upon discourses of indigenous displacements that remain within the present everydayness of settler colonialism, even if its constellations have been naturalized by hegemony and even as its oppressive logics are expanded to contain more and more historical experiences. I hope to show through the juridical, cultural, and literary readings within this book that indigenous critical theoryq provides alternatives to the entanglements of race and colonialism, intimacy and relationship that continue to preoccupy poststructuralist and postcolonial studies. The stakes could not be greater, given that currently U.S. empire has manifested its face to the world as a war machine that strips life even as it demands racialized and gendered normativities. The post-9/11 national rhetorics of grief, homeland, pain, terrorism, and security have given rise to what Judith Butler describes as a process through which the Other becomes unreal. “The derealization of the ‘Other’” Butler writes, “means that it is neither alive nor dead, but interminably spectral. The infinite paranoia that imagines the war against terrorism as a war without end will be one that justifies itself endlessly in relation to the spectral infinity of its enemy, regardless of whether or not there are established grounds to suspect the continuing operation of terror cells with violent aims.”4 But this process of derealization that Butler marks in the post-9/11 grief that swept the United States, one could argue, has been functioning in Atlantic and Pacific “New Worlds” since 1492. As Geonpul scholar Aileen Moreton-Robinson argues, discourses of security are “deployed in response to a perceived threat of invasion and dispossession from Indigenous people,” and in the process, paranoid patriarchal white sovereignty manages its anxiety over dispossession and threat through a “pathological relationship to indigenous sovereignty.”5 In the United States, the Indian is the original enemy combatant who cannot be grieved.

#### The alternative is an incommensurable project of decolonization that necessitates the repatriation of indigenous lands, the abolition of slavery and property, and the dismantling of the global imperial metropole – this is a complete disavowal of settler futurity that refuses to be punctuated by narratives of reconciliation.

Tuck & Yang 12 [Eve Tuck is Associate Professor of Critical Race and Indigenous Studies at the Ontario Institute for Studies in Education (OISE), University of Toronto. She is Canada Research Chair of Indigenous Methodologies with Youth and Communities. K. Wayne Yang writes about decolonization and everyday epic organizing, particularly from underneath ghetto colonialism, often with his frequent collaborator, Eve Tuck. Currently, they are convening The Land Relationships Super Collective, editing the book series, Indigenous and Decolonizing Studies in Education, and editing the journal, Critical Ethnic Studies. He is interested in the complex role of cities in global affairs: cities as sites of settler colonialism, as stages for empire, as places of resettlement and gentrification, and as always-already on Indigenous lands. \*Sometimes he writes as la paperson, an avatar that irregularly calls.“Decolonization is not a metaphor,” *Decolonization: Indigeneity, Education & Society* Vol 1 No 1 (2012) //tjb]

**Having elaborated on settler moves to innocence, we give a synopsis of the imbrication of settler colonialism with transnationalist, abolitionist, and critical pedagogy movements - efforts that are often thought of as exempt from Indigenous decolonizing analyses - as a synthesis of how decolonization as material, not metaphor, unsettles the innocence of these movements.** **These are interruptions which destabilize, un-balance, and repatriate the very terms and assumptions of some of the most radical efforts to reimagine human power relations. We argue that the opportunities for solidarity lie in what is incommensurable rather than what is common across these efforts.** **We offer these perspectives on unsettling innocence because they are examples of what we might call an ethic of incommensurability, which recognizes what is distinct, what is sovereign for project(s) of decolonization in relation to human and civil rights based social justice projects.** There are portions of these projects that simply cannot speak to one another, cannot be aligned or allied. **We make these notations to highlight opportunities for what can only ever be strategic and contingent collaborations, and to indicate the reasons that lasting solidarities may be elusive, even undesirable.** Below we point to unsettling themes that challenge the coalescence of social justice endeavors broadly assembled into three areas: Transnational or Third World decolonizations, Abolition, and Critical Space-Place Pedagogies. For each of these areas, we offer entry points into the literature - beginning a sort of bibliography of incommensurability. Third world decolonizations **The anti-colonial turn towards the transnational can sometimes involve ignoring the settler colonial context where one resides and how that inhabitation is implicated in settler colonialism, in order to establish “global” solidarities that presumably suffer fewer complicities and complications.** This deliberate not-seeing is morally convenient but avoids an important feature of the aforementioned selective collapsibility of settler colonial-nations states. Expressions such as “the Global South within the Global North” and “the Third World in the First World” neglect the Four Directions via a Flat Earth perspective and ambiguate First Nations with Third World migrants. **For people writing on Third World decolonizations, but who do so upon Native land, we invite you to consider the permanent settler war as the theater for all imperial wars**: ● the Orientalism of Indigenous Americans (Berger, 2004; Marez, 2007) ● discovery, invasion, occupation, and Commons as the claims of settler sovereignty (Ford, 2010) ● heteropatriarchy as the imposition of settler sexuality (Morgensen, 2011) ● citizenship as coercive and forced assimilation into the white settler normative (Bruyneel, 2004; Somerville, 2010) ● religion as covenant for settler nation-state (A.J. Barker, 2009; Maldonado-Torres, 2008) ● the frontier as the first and always the site of invasion and war (Byrd, 2011), ● U.S. imperialism as the expansion of settler colonialism (ibid) ● Asian settler colonialism (Fujikane, 2012; Fujikane, & Okamura, 2008, Saranillio, 2010a, 2010b) ● the frontier as the language of ‘progress’ and discovery (Maldonado-Torres, 2008) ● rape as settler colonial structure (Deer, 2009; 2010) ● the discourse of terrorism as the terror of Native retribution (Tuck & Ree, forthcoming) ● Native Feminisms as incommensurable with other feminisms (Arvin, Tuck, Morrill, forthcoming; Goeman & Denetdale, 2009). Abolition **The abolition of slavery often presumes the expansion of settlers who own Native land and life via inclusion of emancipated slaves and prisoners into the settler nation-state.** As we have noted, it is no accident that the U.S. government promised 40 acres of Indian land as reparations for plantation slavery. Likewise, indentured European laborers were often awarded tracts of ‘unsettled’ Indigenous land as payment at the end of their service (McCoy, forthcoming). **Communal ownership of land has figured centrally in various movements for autonomous, self-determined communities. “The land belongs to those who work it,” disturbingly parrots Lockean justifications for seizing Native land as property, ‘earned’ through one’s labor in clearing and cultivating ‘virgin’ land.** For writers on the prison industrial complex, il/legality, and other forms of slavery, we urge you to consider how enslavement is a twofold procedure: removal from land and the creation of property (land and bodies). **Thus, abolition is likewise twofold, requiring the repatriation of land and the abolition of property (land and bodies).** Abolition means self-possession but not object-possession, repatriation but not reparation: ● “The animals of the world exist for their own reasons. They were not made for humans any more than black people were made for white, or women created for men” (Alice Walker, describing the work of Marjorie Spiegel, in the in the preface to Spigel’s 1988 book, The Dreaded Comparison). ● Enslavement/removal of Native Americans (Gallay, 2009) ● Slaves who become slave-owners, savagery as enslavability, chattel slavery as a sign of civilization (Gallay, 2009) ● Black fugitivity, undercommons, and radical dispossession (Moten, 2008; Moten & Harney, 2004; Moten & Harney, 2010) ● Incarceration as a settler colonialism strategy of land dispossession (Ross, 1998; Watson, 2007) ● Native land and Native people as co-constituitive (Meyer, 2008; Kawagley, 2010) Critical pedagogies The many critical pedagogies that engage emancipatory education, place based education, environmental education, critical multiculturalism, and urban education often position land as public Commons or seek commonalities between struggles. Although we believe that “we must be fluent” in each other’s stories and struggles (paraphrasing Alexander, 2002, p.91), we detect precisely this lack of fluency in land and Indigenous sovereignty. Yupiaq scholar, Oscar Kawagley’s assertion, “We know that Mother Nature has a culture, and it is a Native culture” (2010, p. xiii), directs us to think through land as “more than a site upon which humans make history or as a location that accumulates history” (Goeman, 2008, p.24). The forthcoming special issue in Environmental Education Research, “Land Education: Indigenous, postcolonial, and decolonizing perspectives on place and environmental education research” might be a good starting point to consider the incommensurability of place-based, environmentalist, urban pedagogies with land education. ● The urban as Indigenous (Bang, 2009; Belin, 1999; Friedel, 2011; Goeman, 2008; Intertribal Friendship House & Lobo, 2002) ● Indigenous storied land as disrupting settler maps (Goeman, 2008) ● Novels, poetry, and essays by Greg Sarris, Craig Womack, Joy Harjo, Gerald Vizenor ● To Remain an Indian (Lomawaima & McCarty, 2006) ● Shadow Curriculum (Richardson, 2011) ● Red Pedagogy (Grande, 2004) ● Land Education (McCoy, Tuck, McKenzie, forthcoming) More on incommensurability Incommensurability is an acknowledgement that decolonization will require a change in the order of the world (Fanon, 1963). This is not to say that Indigenous peoples or Black and brown peoples take positions of dominance over white settlers; the goal is not for everyone to merely swap spots on the settler-colonial triad, to take another turn on the merry-go-round. The goal is to break the relentless structuring of the triad - a break and not a compromise (Memmi, 1991). Breaking the settler colonial triad, in direct terms, means repatriating land to sovereign Native tribes and nations, abolition of slavery in its contemporary forms, and the dismantling of the imperial metropole. **Decolonization “here” is intimately connected to anti-imperialism elsewhere. However, decolonial struggles here/there are not parallel, not shared equally, nor do they bring neat closure to the concerns of all involved - particularly not for settlers.** Decolonization is not equivocal to other anti-colonial struggles. It is incommensurable. **There is so much that is incommensurable, so many overlaps that can’t be figured, that cannot be resolved.** **Settler colonialism fuels imperialism all around the globe.** Oil is the motor and motive for war and so was salt, so will be water. Settler sovereignty over these very pieces of earth, air, and water is what makes possible these imperialisms. The same yellow pollen in the water of the Laguna Pueblo reservation in New Mexico, Leslie Marmon Silko reminds us, is the same uranium that annihilated over 200,000 strangers in 2 flashes. The same yellow pollen that poisons the land from where it came. Used in the same war that took a generation of young Pueblo men. Through the voice of her character Betonie, Silko writes, “Thirty thousand years ago they were not strangers. You saw what the evil had done; you saw the witchery ranging as wide as the world" (Silko, 1982, p. 174). In Tucson, Arizona, where Silko lives, her books are now banned in schools. Only curricular materials affirming the settler innocence, ingenuity, and right to America may be taught. In “No”, her response to the 2003 United States invasion of Iraq, Mvskoke/Creek poet Joy Harjo (2004) writes, “Yes, that was me you saw shaking with bravery, with a government issued rifle on my back. I’m sorry I could not greet you, as you deserved, my relative.” Don’t Native Americans participate in greater rates in the military? asks the young-ish man from Viet Nam. **“Indian Country” was/is the term used in Viet Nam, Afghanistan, Iraq by the U.S. military for ‘enemy territory’.** The first Black American President said without blinking, “There was a point before folks had left, before we had gotten everybody back on the helicopter and were flying back to base, where they said Geronimo has been killed, and Geronimo was the code name for bin Laden.” Elmer Pratt, Black Panther leader, falsely imprisoned for 27 years, was a Vietnam Veteran, was nicknamed ‘Geronimo’. Geronimo is settler nickname for the Bedonkohe Apache warrior who fought Mexican and then U.S. expansion into Apache tribal lands. The Colt .45 was perfected to kill Indigenous people during the ‘liberation’ of what became the Philippines, but it was first invented for the ‘Indian Wars’ in North America alongside The Hotchkiss Canon- a gattling gun that shot canonballs. **The technologies of the permanent settler war are reserviced for foreign wars, including boarding schools, colonial schools, urban schools run by military personnel.** It is properly called Indian Country. Ideologies of US settler colonialism directly informed Australian settler colonialism. South African apartheid townships, the kill-zones in what became the Philippine colony, then nation-state, the checkerboarding of Palestinian land with checkpoints, were modeled after U.S. seizures of land and containments of Indian bodies to reservations. The racial science developed in the U.S. (a settler colonial racial science) informed Hitler’s designs on racial purity (“This book is my bible” he said of Madison Grant’s The Passing of the Great Race). The admiration is sometimes mutual, the doctors and administrators of forced sterilizations of black, Native, disabled, poor, and mostly female people - The Sterilization Act accompanied the Racial Integrity Act and the Pocohontas Exception - praised the Nazi eugenics program. Forced sterilizations became illegal in California in 1964.

#### The role of debate is to disrupt settler logics that produce epistemic or material violence – we control the question of uniqueness as academic institutions are currently saturated with anti-indigenous sentimentality – decolonization is the only ethical demand your ballot should be oriented towards

#### The alternative demands a radical reconfiguration of the terms of debate that calls into question modern understandings of space within academia – refusal to conform to the rules of the game is necessary to destabilize structures of control.

Walter Mignolo 13, William H. Wannamaker Professor of Literature and Romance Studies @ Duke, B.A. in philosophy @ Universidad Nacional de Cordoba, Ph.D. @ Ecole des Hautes Etudes, 2013, “Epistemic Disobedience, Independent Thought and De-Colonial Freedom,” *Theory, Culture and Society* Vol 26:(7-8), pg. 4-5, gender modified

The introduction of geo-historical and bio-graphical configurations in processes of knowing and understanding allows for a radical re-framing (e.g. de-colonization) of the original formal apparatus of enunciation.2 I have been supporting in the past those who maintain that it is not enough to change the content of the conversation, that it is of the essence to change the terms of the conversation. Changing the terms of the conversation implies going beyond disciplinary or interdisciplinary controversies and the conflict of interpretations. As far as controversies and interpretations remain within the same rules of the game (terms of the conversation), the control of knowledge is not called into question. And in order to call into question the modern/colonial foundation of the control of knowledge, it is necessary to focus on the knower rather than on the known. It means to go to the very assumptions that sustain locus enunciations. In what follows I revisit the formal apparatus of enunciation from the perspective of geo- and bio-graphic politics of knowledge. My revisiting is epistemic rather than linguistic, although focusing on the enunciation is unavoidable if we aim at changing the terms and not only the content of the conversation. The basic assumption is that the knower is always implicated, geo- and body-politically, in the known, although modern epistemology (e.g. the hubris of the zero point) managed to conceal both and created the figure of the detached observer, a neutral seeker of truth and objectivity who at the same time controls the disciplinary rules and puts ~~himself or herself~~ [themselves] in a privileged position to evaluate and dictate. The argument is structured as follows. Sections I and II lay out the ground for the politics of knowledge geo-historically and bio-graphically, contesting the hegemony of zero point epistemology. In Section III, I explore three cases in which geo- and body-politics of knowledge comes forcefully to the fore: one from Africa, one from India and the third from New Zealand. These three cases are complemented by a fourth from Latin America: my argument is here. It is not the report of a detached observer but the intervention of a de-colonial project that ‘comes’ from South America, the Caribbean and Latinidad in the US. Understanding the argument implies that the reader will shift its geography of reasoning and of evaluating arguments. In Section IV, I come back to geo- and body-politics of knowledge and their epistemic, ethical and political consequences. In Section V, I attempt to pull the strings together and weave my argument with the three cases explored, hoping that what I say will not be taken as the report of a detached observed but as the intervention of a de-colonial thinker.

## 1NC – Case

### 1NC -- Framing

#### Linear Futurism DA – cross apply Dalley - voting for util is a mobilization of settler fantasies because of settlers’ drive to prioritize their own extinction and death as leavel to that of indigenous peoples. They reify a TEMPORAL NARRATIVE that uses doomsday rhetoric to bracket out indigenous people as relics of the past and normalize whiteness as equivalent to humanity —this instills a LINEAR FUTURISM that absolves us of responsibility for settler colonialism

#### The ROB takes out any policymaking arguments they have here – it doesn’t matter if policymakers use util if this debate isn’t a question of the best policy option but rather one of the best disruption to settler colonialism

#### Util doesn’t achieve equality rather it assumes it without attention to structural conditions of dispossession that destroy equality now, a corrective filter that forefronts settler violence is necessary – ansswers their ontologically bad args

#### The Bostrom argument falls apart when you consider probability,reducing existential risk doesn’t do the same thing as preventing 0.1% of ext

The preempts –

The duvall evidence – it flows neg, its about how satellites and space weapons systems that the aff says should be refined and perpetuated enable the sleective targeting of specific populations, the aff mobilizes consciousness towards sustaining this system of hegemonic space colonization whereas the alternative challenges it

Apocalyptic frames aren’t good in this context beccause they cannot mobilize actions or create new futures – we can’t do anything to actually depart from the status quo in this round which means the only thing it does is function to marginalize indigenous sovereignty

Camarrota and fine is about teenagers writing policy briefs – not debate, they are actually attempting to influence th legitslative process whereas we obviously aren’t, the distincton is key AND it’s a question of which education we receive

obviously their aff is not decolonization, the alternative embraces futurity in the context of decol which means we solve it but they don’t

### 1NC -- No ! -- Asteroids

#### 1. No Kessler effect.

von Fange 17 [Daniel Von Fange‏, Distributed systems engineer, “Kessler Syndrome is Over Hyped” May 21st 2017, <http://braino.org/essays/kessler_syndrome_is_over_hyped/>] [modified for readability]

The orbital area around earth can be broken down into four regions. Low LEO - Up to about 400km. Things that orbit here burn up in the earth’s atmosphere quickly - between a few months to two years. The space station operates at the high end of this range. It loses about a kilometer of altitude a month and if not pushed higher every few months, would soon burn up. For all practical purposes, Low LEO doesn’t matter for Kessler Syndrome. If Low LEO was ever full of space junk, we’d just wait a year and a half, and the problem would be over. High LEO - 400km to 2000km. This where most heavy satellites and most space junk orbits. The air is thin enough here that satellites only go down slowly, and they have a much farther distance to fall. It can take 50 years for stuff here to get down. This is where Kessler Syndrome could be an issue. Mid Orbit - GPS satellites and other navigation satellites travel here in lonely, long lives. The volume of space is so huge, and the number of satellites so few, that we don’t need to worry about Kessler here. GEO - If you put a satellite far enough out from earth, the speed that the satellite travels around the earth will match the speed of the surface of the earth rotating under it. From the ground, the satellite will appear to hang motionless. Usually the geostationary orbit is used by big weather satellites and big TV broadcasting satellites. (This apparent motionlessness is why satellite TV dishes can be mounted pointing in a fixed direction. You can find approximate south just by looking around at the dishes in your northern hemisphere neighborhood.) For Kessler purposes, GEO orbit is roughly a ring 384,400 km around. However, all the satellites here are moving the same direction at the same speed - debris doesn’t get free velocity from the speed of the satellites. Also, it’s quite expensive to get a satellite here, and so there aren’t many, only about one satellite per [one thousand kilometers] of the ring. Kessler is not a problem here. How bad could Kessler Syndrome in High LEO be? Let’s imagine a worst case scenario. An evil alien intelligence chops up everything in High LEO, turning it into 1cm cubes of death orbiting at 1000km, spread as evenly across the surface of this sphere as orbital mechanics would allow. Is humanity cut off from space? I’m guessing the world has launched about 10,000 tons of satellites total. For guessing purposes, I’ll assume 2,500 tons of satellites and junk currently in High LEO. If satellites are made of aluminum, with a density of 2.70 g/cm3, then that’s 839,985,870 1cm cubes. A sphere for an orbit of 1,000km has a surface area of 682,752,000 square KM. So there would be one cube of junk per .81 square KM. If a rocket traveled through that, its odds of hitting that cube are tiny - less than [one in ten thousand]. So even in the worst case, we don’t lose access to space. Now though you can travel through the debris, you couldn’t keep a satellite alive for long in this orbit of death. Kessler Syndrome at its worst just prevents us from putting satellites in certain orbits. In real life, there’s a lot of factors that make Kessler syndrome even less of a problem than our worst case though experiment. Debris would be spread over a volume of space, not a single orbital surface, making collisions orders of magnitudes less likely. Most impact debris will have a slower orbital velocity than either of its original pieces - this makes it deorbit much sooner. Any collision will create large and small objects. Small objects are much more affected by atmospheric drag and deorbit faster, even in a few months from high LEO. Larger objects can be tracked by earth based radar and avoided. The planned big new constellations are not in High LEO, but in Low LEO for faster communications with the earth. They aren’t an issue for Kessler. Most importantly, all new satellite launches since the 1990’s are required to include a plan to get rid of the satellite at the end of its useful life (usually by deorbiting) So the realistic worst case is that insurance premiums on satellites go up a bit. Given the current trend toward much smaller, cheaper micro satellites, this wouldn’t even have a huge effect. I’m removing Kessler Syndrome from my list of things to worry about.

#### 2. No debris collision

Albrecht 16 [Mark Albrecht is chairman of the board of USSpace LLC. He was head of the White House National Space Council from 1989 to 1992. Paul Graziani is CEO and founder of Analytical Graphics, an Exton, Pennsylvania, company that develops software and provides mission assurance through the Commercial Space Operations Center (ComSpOC), “Op-ed | Congested space is a serious problem solved by hard work, not hysteria”, SpaceNews, May 9th 2016, <https://spacenews.com/op-ed-congested-space-is-a-serious-problem-solved-by-hard-work-not-hysteria/>] [modified for readability]

Popular culture has embraced the risks of collisions in space in films like Gravity. Some participants have dramatized the issue by producing graphics of Earth and its satellites, which make our planet look like a fuzzy marble, almost obscured by a dense cloud of white pellets meant to conceptualize space congestion. Unfortunately, for the sake of a good visual, satellites are depicted as if they were hundreds of miles wide, like the state of Pennsylvania (for the record, there are no space objects the size of Pennsylvania in orbit). Unfortunately, this is the rule, not the exception, and almost all of these articles, movies, graphics, and simulations are exaggerated and misleading. Space debris and collision risk is real, but it certainly is not a crisis. So what are the facts? On the positive side, space is empty and it is vast. At the altitude of the International Space Station, one half a degree of Earth longitude is almost 40 miles long. That same one half a degree at geostationary orbit, some 22,000 miles up is over 230 miles long. Generally, we don’t intentionally put satellites closer together than one-half degree. That means at geostationary orbit, they are no closer than 11 times as far as the eye can see on flat ground or on the sea: That’s the horizon over the horizon 10 times over. In addition, other than minute forces like solar winds and sparse bits of atmosphere that still exist 500 miles up, nothing gets in the way of orbiting objects and they behave quite predictably. The location of the smallest spacecraft can be predicated within a 1,000 feet, 24 hours in advance. Since we first started placing objects into space there have been [eleven] known low Earth orbit collisions, and three known collisions at geostationary orbit. Think of it: 135 space shuttle flights, all of the Apollo, Gemini and Mercury flights, hundreds of telecommunications satellites, [thirteen hundred] functioning satellites on orbit today, half a million total objects in space larger than a marble, and fewer than 15 known collisions. Why do people worry?

#### 3. Debris growth down

Wall 19 [Mike Wall, Ph.D, Space.com Senior Space Writer, “Space Junk Menace: New Guidelines Urged to Help Fight Orbital Debris Threat”, Space.com, Oct 15th 2019, https://www.space.com/space-junk-threat-satellites-guidelines-reduce-orbital-debris.html]

But we can stave off the Kessler syndrome — or at least minimize the odds that it happens anytime soon — if spacecraft builders and operators follow a few simple rules, according to the Space Safety Coalition (SSC). The SSC, a newly established group of space-industry stakeholders, laid out those proposed voluntary guidelines last month in a document called "Best Practices for the Sustainability of Space Operations." There are space-junk mitigation guidelines on the books already, which were drawn up by the Inter-Agency Space Debris Coordination Committee and the United Nations Committee on the Peaceful Uses of Outer Space. But those guidelines were last revised in 2007, the SSC noted. "Plans to increase our space population with more cubesats and other small satellites, as well as new, large constellations of satellites, were not envisioned when the above-mentioned guidelines and standards were established," the new "best practices" document states. "These new planned spacecraft and constellations, coupled with improvements in space situational awareness, space operations and spacecraft design, all provide an opportunity to expand upon established space operations and orbital debris mitigation guidelines and best practices." One of the key new recommendations is that all spacecraft that operate at an altitude above 250 miles (400 kilometers) should feature a propulsion system that allows them to maneuver their way out of potential collisions. That's a natural dividing line, Scott said; the International Space Station circles at about that altitude, and nobody wants out-of-control satellites falling back to Earth through the orbiting lab's path. Also, below 250 miles, there's enough atmosphere to create significant drag on spacecraft, causing them to deorbit relatively quickly when their operational lives are over. (The space community could designate the below-250-mile region an "experimental zone," Scott wrote in a recent blog post. Such a move would keep space "affordable for operators of the growing number of inexpensive, experimental or educational cubesats," he wrote.) The SSC also recommends that satellite designers consider building encryption into their command and control systems, so that spacecraft cannot be hijacked by hackers intent on causing havoc in orbit. And the best practices include anti-littering guidelines. For example, the handlers of satellites that operate in low-Earth orbit should include in their launch contracts a requirement that rocket upper stages be disposed of promptly, via a controlled reentry into Earth's atmosphere. As of today (Oct. 15), 31 space-industry stakeholders have endorsed the new guidelines. And there are some big names in that group, including Maxar (the parent company of satellite operator DigitalGlobe and the spacecraft manufacturer SSL, among other subsidiaries), OneWeb, Rocket Lab, Iridium, SES and Intelsat. "You don't want to wait for a disaster before you take action," Scott said. "It really is time, and you're seeing operators like Maxar and OneWeb being proactive."

#### 4. Double-Bind --- either (a) SSA is sufficient now

Koplow 18 [David A. Koplow, Professor of Law, Georgetown University Law Center, “The Fault Is Not in Our Stars: Avoiding an Arms Race in Outer Space”, Harvard International Law Journal, Volume 59, Number 2, Summer 2018, https://harvardilj.org/wp-content/uploads/sites/15/HLI205\_crop-1.pdf]

The United States has long maintained the world’s best capability for monitoring space, and it is continuously improving the network—at a cost of approximately $1 billion per year. The current upgrade effort, designated as erecting an enhanced “space fence,” is intended to observe even quite small, obscure, and remote space traffic—reportedly, it will enhance the current observational power by ten times. The U.S. sensor grid is unusually farflung; it receives (or will soon receive) input from facilities in Australia, the Marshall Islands, the Indian Ocean, and elsewhere.160 The current system is generally capable of detecting objects larger than ten centimeters in diameter, depending upon the item’s altitude and reflectivity.161 In 2016, the United States lofted two new sensors into the geosynchronous orbit, in order to provide more proximate and detailed watchfulness over that precious zone.162 The U.S. SSA network has identified an inventory of some 23,000 space objects and has catalogued over 17,000 of them.163 But many orbital items are so small as to remain essentially invisible; experts estimate that there are some 500,000 additional uncontrolled objects in space between one and ten centimeters in diameter and untold scores of millions smaller than that (but still capable of inflicting serious harm on a satellite in a collision).164

#### OR --- (b) you can’t solve --- debris too small

Letizia 15 [Francesca Letizia et al, PhD Candidate, Astronautics Research Group, “Collision probability due to space debris clouds through a continuum approach”, Submitted to Journal of Guidance, Control and Dynamics on April 1st 2015, Accepted on July 29th 2015, <https://pdfs.semanticscholar.org/0618/c727d453a75f8d5efbe23c777a6055fffd6a.pdf>] [modified for readability]

Past space missions left millions of non-operative objects in orbit and also current missions, despite mitigation measures, continue to increase the number of debris objects because, quoting Chobotov [1], `space debris is a self-perpetuating issue as any new space mission generates new objects'. Currently, the focus is mostly on the largest objects of the debris population, which are the 22 000 objects larger than 10 cm that are constantly tracked from the Earth to avoid collisions with operational spacecraft [2, 3]. Objects smaller than [ten centimeters] cannot be tracked with current radar technologies and, as a result, the contribution of small fragments to the collision probability is often neglected. Objects larger than 10 cm have also been the main scope for the evolutionary studies on the space debris population, which analyze the long term response to the variation of some parameters such as launch frequency, percentage of compliance with regulations, and implementation of active removal missions. However, White and Lewis [4] showed that the eect of remediation measures is not the same for the population of objects larger than 10 cm compared to the population between 5 and 10 cm. The latter may still increase even when the former is expected to decrease. In other words, focusing only on the large fragments may lead to an underestimation of the collision risk. In fact, also small fragments can pose a relevant hazard to spacecraft. In particular, objects larger than 1 mm are yet able to interfere with operational spacecraft causing anomalies and objects larger than 1 cm can even destroy a satellite in case of collision [5]. Recently, McKnight et al. [6] highlighted how the so-called lethal non-trackable objects may become the leading factor in the decrease of ight safety.

#### 5. No satellite collisions --- distance and orbit mechanics

O’Callaghan 14 [Jonathan O'Callaghan, space journalist with more than a decade of experience, having worked for a number of media organisations around the world., “Why don’t objects collide often in Earth orbit?”, Space Answers, Feb 20th 2014, https://www.spaceanswers.com/space-exploration/why-dont-objects-collide-often-in-earth-orbit/]

The distance between things in orbit is vast, and Earth orbit is a huge place. Put simply, the chances of any two things colliding is very, very slim despite there being thousands of active satellites in orbit and many more pieces of smaller space debris because there is just so much space between everything. However, another reason is that most of our manmade satellites travel in similar orbital bands at similar speeds within those bands. This means they’re moving in the same direction at specific heights, sort of like an imaginary conveyor belt moving around Earth. There’s not really much chance of one satellite catching up to another and, even then, the chances of a collision are low. The only major risk to something like the ISS, which is 420 kilometres (260 miles) high in Low Earth Orbit (LEO), would be if someone decided to launch a satellite into orbit in the opposite direction to the space station at the same height, which isn’t really possible thanks to orbital mechanics; most things (aside from satellites in polar orbits) move the same way Earth rotates to get an added speed boost at launch.

#### 6. It’s long term---intervening actors solve

Lewis 15 [Hugh Lewis Senior Lecturer in Aerospace Engineering, “Space debris, Kessler Syndrome, and the unreasonable expectation of certainty”, Room, Issue #3(5) 2015, <https://room.eu.com/article/Space_debris_Kessler_Syndrome_and_the_unreasonable_expectation_of_certainty>] [modified for readability]

There is now widespread awareness of the space debris problem amongst policymakers, scientists, engineers and the public. Thanks to pivotal work by J.C. Liou and Nicholas Johnson in 2006 we now understand that the continued growth of the debris population is likely in the future even if all launch activity is halted. The reason for this sustained growth, and for the concern of many satellite operators who are forced to act to protect their assets, are collisions that are expected to occur between objects – satellites and rocket stages – already in orbit. In spite of several commentators warning that these collisions are just the start of a collision cascade that will render access to low Earth orbit all but impossible – a process commonly referred to as the ‘Kessler Syndrome’ after the debris scientist Donald Kessler – the reality is not likely to be on the scale of these predictions or the events depicted in the film Gravity. Indeed, results presented by the Inter-Agency Space Debris Coordination Committee (IADC) at the Sixth European Conference on Space Debris show an expected increase in the debris population of only [thirty percent] after [two hundred] years with continued launch activity. Collisions are still predicted to occur, but this is far from the catastrophic scenario feared by some. Constraining the population increase to a modest level can be achieved, the IADC suggested, through widespread and good compliance with existing space debris mitigation guidelines, especially those relating to passivation (whereby all sources of stored energy on a satellite are depleted at the end of its mission) and post-mission disposal, such as de-orbiting the satellite or re-orbiting it to a graveyard orbit. Nevertheless, the anticipated growth of the debris population in spite of these robust efforts merits the investigation of additional measures to address the debris threat, according to the IADC.

#### Chance of asteroids very small.

Robert **Walker 16**. Software Developer of Tune Smithy, Wolfson College, Oxford. 12-14-2016. "Why Resilient Humans Would Survive Giant Asteroid Impact." Science 2.0. https://www.science20.com/robert\_inventor/we\_wont\_go\_extinct\_after\_a\_major\_asteroid\_impact\_even\_96\_of\_species\_extinct\_0\_chance\_of\_humans\_extinct-187383

This is something you hear said so often - that we risk being hit by an asteroid that could make humans extinct. But do we really? This is the article I’m commenting on, a recently breaking news story: Earth woefully unprepared for surprise comet or asteroid, Nasa scientist warns. Some are already worrying that it means that we are all due to die in the near future from an asteroid impact. Well, no, it doesn't mean that. So, what is the truth behind it? The source of all this is a comment by Dr Joseph Nuth who warns: “But on the other hand they are the extinction-level events, things like dinosaur killers, they’re 50 to 60 million years apart, essentially. You could say, of course, we’re due, but it’s a random course at that point.” Photograph of comet Siding Spring by Hubble - right hand image is more processed. This comet did a close flyby of Mars and at one point was predicted to have a tiny chance of hitting Mars. In the end it missed Mars by more than a quarter of the distance from Earth to the Moon If you read the rest of the article, it’s a worthy goal, to prepare us for asteroid impacts of all sizes from the small Chelyabinsk one up to really large 10 km ones. There are a number of things potentially confusing about this statement however, if you read it as a non scientist. Although there is a risk of “mass extinction” if a large asteroid hit Earth, “mass extinction” there doesn’t mean “extinction of humans”, we are such a resilient species that we would certainly survive a giant asteroid impact. We are not “due” an extinction at all. Next giant impact is most likely to happen many millions of years into the future. As we'll see, there is almost zero chance of a giant impact in the next century. There is however much we can do to protect ourselves from smaller asteroids. As a result of extensive asteroid surveys over the last couple of decades: We can be pretty sure (as in perhaps 99.999999% sure) that there isn’t an extinction level asteroid headed our way in the next century. We know the orbits of all the Near Earth Asteroids that could do this and none will hit Earth over that timescale. That leaves comets, and the chance of that is something like 1 in 100 million per century, as a very rough guess (since 99% of the impacts are thought to be from asteroids). This risk has been pretty much retired due to the automated asteroid searches by the likes of Pan STARRS. But the chance of a smaller asteroid impact is still high enough to make it worth working on it, especially since this is the one natural hazard we can not only predict to the minute, decades in advance, with enough information but also prevent also, given a long enough timeline. We are already close to completing the survey of 1 km asteroids (90% done). With a bit more funding we could also find most of the asteroids down to 45 meters in diameter. As a result of new developments in the science of asteroid detection, this could be done for a cost of only $50 million to protect the entire Earth. We would then be able to deflect asteroids decades before they are due to hit, which is a far easier task than a last minute deflection. First when he said "You could say, of course, we’re due, but it’s a random course at that point.”" - that is a scientist speaking as a scientist. But of course people sharing this on social media, retweeting, writing new stories about it, pick up the “we are due” and omit the scientific qualification “but it’s a random course at that point”. To say that we are “due” a mass extinction is a bit like saying that after you throw nine heads, you are due to throw a tail. Not true. The chance that the next coin toss is a tail is always going to be 50/50 for a fair coin no matter how many heads you throw. It's the same with extinctions. So long as it is a random process, then an extinction that happens every 60 million years could happen tomorrow or it could be 60 million years or 120 million years before it happens. On average we would still expect to wait 60 million years for the next such mass extinction even if the last one happened hundreds of millions of years ago. It’s just as for the coin toss. Same for an extinction event of a size that happens every 100 million years. If you look at the diagram the big five are irregularly spaced. The last one happened 66 million years ago. But they are irregularly spaced so we can't conclude either that we need to wait 44 million years for the next big extinction either. Some scientists have tried to discern a periodicity in the extinctions of perhaps 26 to 30 million years. If they are right then we are due the next extinction perhaps 15 million years or so from now. But that is very controversial and if true, it wouldn’t cover all mass extinctions. At any rate that's so far into the future it makes no difference to us now, if they are right or wrong. We could get a mass extinction in the next few millions of years. But it is nearly impossibly unlikely in the next century.

#### The asteroid impact threat is propaganda meant to legitimize continued research into militarized technologies

Mellor 7 – Felicity Mellor, PhD in Theoretical Physics from Newcastle University, Colliding Worlds: Asteroid Research and the Legitimization of War in Space, Social Studies of Science, Vol. 37, No. 4, August, Jstor

During the 1980s and 1990s, a small group of planetary scientists and astronomers set about actively promoting the asteroid impact threat. They drew on an expanded empirical base, but also on narratives of technological salvation. Despite their concerns that their warnings were greeted by a 'giggle factor' and that funding remained too low, they succeeded in capturing the attention of the media and of some policy-makers and in establishing the impact threat as a legitimate and serious topic for scientific study. By the eve of the new millennium, the meaning of asteroids had undergone a significant transformation. Asteroids had gone from being distant relics of Solar System history to being a hidden enemy that could strike at any time with catastrophic consequences. The reconceptualization of asteroids was accompanied by a reconceptualization of both space and astronomy. In Newtonianism, space had been conceived as an empty geometrical abstraction in which God's handiwork was displayed to the knowing observer. Space was both predictable and dis tant. Now, with the promotion of the impact threat, space was configured as the source of an enemy against which we must defend ourselves. This threatening conception of space matched the conception of space as a theatre of war promoted by the supporters of SDI. Space had become a place, a technologized location for human action where wars could be fought and human salvation sought. Thus astronomy was also reconceptualized. Further developing the violent metaphors already appropriated by impact-extinction theory (Davis, 2001), astronomers recast their role as impassioned prophets of doom and saviours of mankind rather than as cold calculators of cosmic order. Traditionally, Solar System astronomy had dealt with the grand narratives of planetary history and the timeless certainties of celestial dynamics. The technologies of astronomy - telescopes and, later, space probes - were the tools through which new knowledge had been sought. They were not, on the whole, instruments of action. Now, however, astronomy was to be prophetic and interventionist. As comets had been in a far earlier period, both asteroids and comets were now treated as 'monsters' - portents of Earthly calamities. It was the purpose of planetary astronomy to watch for these portents. Equally, it was the duty of astronomers to warn the unsuspecting public and to intervene to save the world. Planetary astronomy was transformed from the passive observation of the heavens to the active surveillance of the heavens, and the instruments of astronomy were to be supplemented with the technologies of war. By the 1980s and 1990s, asteroid science, defence science and science fiction all presented space as an arena for technological intervention where an invisible enemy would be defeated for the greater good of mankind. Science fiction provided a culturally available resource that could give con crete form to the ideas of both asteroid scientists and weapons designers. Through narrative, the timeless and universal speculations of science could be converted into a specific sequence of events. By drawing on narratives of technological salvation, asteroid scientists made their case more com pelling, but they also became dependent on narrative scenarios shared by the defence scientists. Even as the scientists themselves attempted to pull back from concrete proposals for weapons systems, their own discourse irresistibly drew them towards the militaristic intervention demanded by the narrative imperative. The identification of asteroids as a threat required a military response. Astronomer Duncan Steel (2000b), writing about the impact threat in The Guardian newspaper, put it most clearly when he stated that 'we too need to declare war on the heavens'. Just as the overlap between science and science fiction was mutually supportive, so the overlap between impact science and defence helped legitimize both. The civilian scientists could draw on a repertoire of metaphors and concepts already articulated by the defence scientists to help make the case for the threat from space. They would no longer be a marginalized and underfunded group of astronomers, but would take on the ultimate role of defending the world. Similarly, in the context of the impact threat, the defence scientists could further develop their weapons systems without being accused of threatening the delicate nuclear balance of mutually assured destruction or, in the period between the fall of the Soviet Union and the 9/11 attacks, of irresponsibly generating a climate of fear in the absence of an identifi able enemy. The civilian scientists attempted to still their consciences in their deal ings with the defence scientists by suggesting that, with the end of the Cold War and the demise of SDI, the latter had lost their traditional role. This argument was naive at best. In fact, as we have seen, the US defence sci entists had taken an interest in the impact threat since the early 1980s, from the time that SDI had greatest political support during the defence build-up of the Reagan era. Even at the time of the fractious Interception Workshop, George H.W. Bush was maintaining SDI funding at the same level as it had been during the second Reagan administration. If outwardly the Clinton administration was less supportive when it took office in 1993 and declared that SDI was over, many of those involved in the programme felt that it would actually go on much as before (FitzGerald, 2000: 491). SDI was renamed, and to some extent reconceived, but funding continued and was soon increased when the Republicans gained a majority in Congress.33 After George W. Bush took office in 2001, spending on missile defence research was greatly increased, including programmes to follow on from Brilliant Pebbles (Wall, 2001a; 2001b). Thus the defence scientists had shown an interest in the impact threat from the time of the very first meeting onwards, regardless of the state of funding for missile defence, which in any case continued throughout the This is not to suggest that the impact threat was not used by the defence scientists as a means of maintaining the weapons establishment. Indeed, the impact threat offered a possible means of circumventing or undermining arms treaties.34 But it does mean that the attempt to access new sources of funding, while being an important factor in the promotion of asteroids as a threat, did not fully explain either the weapons scientists' interests or the civilian scientists' repeated meetings with them. The asteroid impact threat offered a scientifically validated enemy onto which could be projected the fears on which a militaristic culture depends. Far from providing a replacement outlet for weapons technologies, the promotion of the asteroid impact threat helped make the idea of war in space more acceptable and helped justify the continued development of space based weaponry. Arguably, with the Clementine and Deep Impact mis sions, the asteroid impact threat even facilitated the testing of SDI-style systems. The asteroid impact threat legitimized a way of talking, and thinking, that was founded on fear of the unknown and the assumption that advanced technology could usher in a safer era. In so doing, it resonated with the politics of fear and the technologies of permanent war that are now at the centre of US defence policy. In this post-Cold War period, scholars of the relation between military and civilian science need to examine carefully claims about 'ploughshare' or 'conversion' technologies. New technologies arise not just out of funding and policy decisions, but also out of the social imaginaries in which new weapons can be imagined and construed as necessary. Concepts such as 'dual use' or 'cover' also need to be assessed critically.35 One way of char acterizing the Clementine missions would be as dual-use technologies whose scientific aims served as cover for the testing of SDI technologies. Yet this fails to reveal the ways in which these missions were just one con crete output of a more fundamental conceptual alliance between weapons designers and astronomers. In this paper, I have attempted to show that by also considering the narrative context in which such initiatives are located, it is possible to throw some light on the cultural web that binds civilian sci ence to military programmes. But the focus on narrative also begs a question: Which stories would we prefer to frame our science? Should science be driven by fear or by curiosity? Should it be aimed at creating technologies of war or cultures of compassion? These are normative questions, but they are also precisely the questions that make the military influence on science such an important issue. Narratives are inherently ideological and a refusal to see them as such does no more to enhance the scholar's objectivity than it does the scientist's. The stories told by the asteroid scientists led them into collaborations with weapons scientists and helped fuel a discourse of fear that served a particular ideological purpose. This should be both recognized and chal lenged, not for the sake of regaining some impossible ideal of an undis torted science but because there are other stories, based on different ideological assumptions, that we could tell in order to guide science towards more peaceful ends.

#### Efforts to clean up space debris is spurred out of fear of the threat to national security.

Joseph S. Imburgia 2011 [Lieutenant Colonel Joseph S. Imburgia is a Judge Advocate in the United States Air Force and is presently assigned as a legal exchange officer to the Directorate of Operations and International Law] Space Debris and Its Threat to National Security: A Proposal for a Binding International Agreement to Clean Up the Junk. Vanderbilt Journal of Transnational Law [Vol. 44:589]

These gloomy prognostications about the threats to our space environment should be troubling to Americans. The United States relies on the unhindered use of outer space for national security.151 According to a space commission led by former Secretary of Defense Donald Rumsfeld, “[t]he [United States] is more dependent on space than any other nation.”152 According to Robert G. Joseph, former Undersecretary for Arms Control and International Security at the State Department, “space capabilities are vital to our national security and to our economic well-being.”153 Therefore, a catastrophic collision between space debris and the satellites on which that national security so heavily depends poses a very real and current threat to the national security interests of the United States. Since “the [1991] Gulf War, the [United States] military has depended on satellites for communications, intelligence and navigation for its troops and precision-guided weapons.”154 Satellites are also used for reconnaissance and surveillance, command and control, and control of Unmanned Aerial Vehicles.155 According to the United States Space Command’s Fact Sheet: Satellites provide essential in-theater secure communications, weather and navigational data for ground, air and fleet operations and threat warning. Ground-based radar and Defense Support Program satellites monitor ballistic missile launches around the world to guard against a surprise missile attack on North America. Space surveillance radars provide vital information on the location of satellites and space debris for the nation and the world. Maintaining space superiority is an emerging capability required to protect our space assets.156

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#### The aff constructs panic to clean up space debris by threatening US national security

Joseph S. Imburgia 2011 [Lieutenant Colonel Joseph S. Imburgia is a Judge Advocate in the United States Air Force and is presently assigned as a legal exchange officer to the Directorate of Operations and International Law] Space Debris and Its Threat to National Security: A Proposal for a Binding International Agreement to Clean Up the Junk. Vanderbilt Journal of Transnational Law [Vol. 44:589]

Simply put, the United States depends on space-based assets for national security, and those assets are vulnerable to space debris collisions. As Massachusetts Democratic Congressman Edward Markey stated, “American satellites are the soft underbelly of our national security.”161 The Rumsfeld Commission set the groundwork for such a conclusion in 2001, when it discussed the vulnerability of U.S. space-based assets and warned of the Space Pearl Harbor.162 Congress also recognized this vulnerability in June 2006, when it held hearings concerning space and its import to U.S. national power and security.163 In his June 2006 Congressional Statement, Lieutenant General C. Robert Kehler, then the Deputy Commander, United States Strategic Command, stated that “space capabilities are inextricably woven into the fabric of American security.”164 He added that these space capabilities are “vital to our daily efforts throughout the world in all aspects of modern warfare” and discussed how integral space capabilities are to “defeating terrorist threats, defending the homeland in depth, shaping the choices of countries at strategic crossroads and preventing hostile states and actors from acquiring or using WMD.”165 Because so much of the United States’ security depends on satellites, these integral space-based capabilities would, therefore, be costly to lose. That loss would be felt in more than just the security arena. Due to the steep price tags attached to some of the national space security platforms, the economic loss of a satellite due to space debris would also be significant. For example, a pair of new Global Positioning Satellites (GPS), which provides valuable targeting and battle space awareness to military commanders, costs $1.5 billion.166 Accordingly, if a piece of space debris destroys one of these satellites, $750 million could be lost instantly. Additionally, NASA invests billions of dollars annually in space assets. Congress provided NASA with $18.3 billion to spend on space utilization and exploration for fiscal year 2010, and it provided $17.7 billion for fiscal year 2011.167 Air Force General (retired) Ronald E. Keys, former Commander of Air Combat Command, summed it up best, stating that a great deal “rides on space-borne satellites.”168 Because these space capabilities are so costly yet so vital to the United States’ national security and economic well-being, the preservation of these space capabilities should also be vital.

### 1NC -- No ! -- Kessler Effect

**Probability – 0.1% chance of a collision.**

**Salter 16** [(Alexander William, Economics Professor at Texas Tech) “SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS” 19 STAN. TECH. L. REV. 221 \*numbers replaced with English words] TDI

The probability of a collision is currently low. Bradley and Wein estimate that the maximum probability in LEO of a collision over the lifetime of a spacecraft remains below one in one thousand, conditional on continued compliance with NASA’s deorbiting guidelines.3 However, the possibility of a future “snowballing” effect, whereby debris collides with other objects, further congesting orbit space, remains a significant concern.4 Levin and Carroll estimate the average immediate destruction of wealth created by a collision to be approximately $30 million, with an additional $200 million in damages to all currently existing space assets from the debris created by the initial collision.5 The expected value of destroyed wealth because of collisions, currently small because of the low probability of a collision, can quickly become significant if future collisions result in runaway debris growth.

**Time frame – Kessler effect 200 years away**

**Stubbe 17** [(Peter, PhD in law @ Johann Wolfgang Goethe University Frankfurt) “State Accountability for Space Debris: A Legal Study of Responsibility for Polluting the Space Environment and Liability for Damage Caused by Space Debris,” Koninklijke Brill Publishing, ISBN 978-90-04-31407-8, p. 27-31] TDI

The prediction of possible scenarios of the future evolution of the debris p o p ulation involves many uncertainties. Long-term forecasting means the prediction of the evolution of the future debris environment in time periods of decades or even centuries. Predictions are based on models84 that work with certain assumptions, and altering these parameters significantly influences the outcomes of the predictions. Assumptions on the future space traffic and on the initial object environment are particularly critical to the results of modeling efforts.85 A well-known pattern for the evolution of the debris population is the so-called Kessler effect’, which assumes that there is a certain collision probability among space objects because many satellites operate in similar orbital regions. These collisions create fragments, and thus additional objects in the respective orbits, which in turn enhances the risk of further collisions. Consequently, the num ber of objects and collisions increases exponentially and eventually results in the formation of a self-sustaining debris belt aroundthe Earth. While it has long been assumed that such a process of collisional cascading is likely to occur only in a very long-term perspective (meaning a time 1 n of several hundred years),87 a consensus has evolved in recent years that an uncontrolled growth of the debris population in certain altitudes could become reality much sooner.88 In fact, a recent cooperative study undertaken by various space agencies in the scope of i a d c shows that the current l e o debris population is unstable, even if current mitigation measures are applied. The study concludes:

Even with a 90% implementation of the commonly-adopted mitigation measures [...] the l e o debris population is expected to increase by an average of 30% in the next 200 years. The population growth is primarily driven by catastrophic collisions between 700 and 1000 km altitudes and such collisions are likely to occur every 5 to 9 years.89

#### Solar flares will end satellites inevitably – no defense

Wild 15 (Jim Wild, Professor of Space Physics at Lancaster University, “With So Much Vested In Satellites, Solar Storms Could Bring Life To A Standstill,” July 30, 2015, https://theconversation.com/with-so-much-vested-in-satellites-solar-storms-could-bring-life-to-a-standstill-45204)

These can disrupt satellite operations by depositing electrical charge within the on-board electronics, triggering phantom commands or overloading and damaging sensitive components. The effects of space weather on the Earth’s upper atmosphere disrupts radio signals transmitted by navigation satellites, potentially introducing positioning errors or, in more severe cases, rendering them unusable.

These are not theoretical hazards: in recent decades, solar storms have caused outages for a number of satellites services – and a handful of satellites have been lost altogether. These were costly events – satellite operator losses have run into hundreds of millions of dollars. The wider social and economic impact was relatively limited, but even so it’s unclear how our growing amount of space infrastructure would fare against the more extreme space weather that we might face.

When Space Weather Becomes A Hurricane

The largest solar storm on record was the Carrington event in September 1859, named after the British astronomer who observed it. Of course there were no Victorian satellites to suffer the consequences, but the telegraph systems of the time were crippled as electrical currents induced in the copper wires interfered with signals, electrocuted operators and set telegraph paper alight. The geomagnetic storm it triggered was so intense that the northern lights, usually a polar phenomenon, were observed as far south as the Bahamas.

Statistical analysis of this and other severe solar storms suggests that we can expect an event of this magnitude once every few hundred years – it’s a question of “when” rather than “if”. A 2007 study estimated a Carrington event today would cause US$30 billion in losses for satellite operators and threaten vital infrastructure in space and here on the ground. It’s a risk taken sufficiently seriously that it appears on the UK National Risk Register and has led the government to draw up its preparedness programme.

### 1NC -- Alt Causes

#### Alt cause – broad space privatization and existing debris.

Muelhapt et al 19 [(Theodore J., Center for Orbital and Reentry Debris Studies, Center for Space Policy and Strategy, The Aerospace Corporation, 30 year Space Systems Analyst and Operator, Marlon E. Sorge, Jamie Morin, Robert S. Wilson), “Space traffic management in the new space era,” Journal of Space Safety Engineering, 6/18/19, <https://doi.org/10.1016/j.jsse.2019.05.007>] TDI

The last decade has seen rapid growth and change in the space industry, and an explosion of commercial and private activity. Terms like NewSpace or democratized space are often used to describe this global trend to develop faster and cheaper access to space, distinct from more traditional government-driven activities focused on security, political, or scientific activities. The easier access to space has opened participation to many more participants than was historically possible. This new activity could profoundly worsen the space debris environment, particularly in low Earth orbit (LEO), but there are also signs of progress and the outlook is encouraging. Many NewSpace operators are actively working to mitigate their impact. Nevertheless, NewSpace represents a significant break with past experience and business as usual will not work in this changed environment. New standards, space policy, and licensing approaches are powerful levers that can shape the future of operations and the debris environment.

2. Characterizing NewSpace: a step change in the space environment

In just the last few years, commercial companies have proposed, funded, and in a few cases begun deployment of very large constellations of small to medium-sized satellites. These constellations will add much more complexity to space operations. Table 1 shows some of the constellations that have been announced for launch in the next decade. Two dozen companies, when taken together, have proposed placing well over ~~20,000~~ [twenty thousand] satellites in orbit in the next ~~10~~ [10]years. For perspective, fewer than ~~8100~~[eight thousand one hundred] payloads have been placed in Earth orbit in the entire history of the space age, only 4800 [1] remain in orbit and approximately 1950 [2] of those are still active. And it isn't simply numbers – the mass in orbit will increase substantially, and long-term debris generation is strongly correlated with mass.

[Table 1 Omitted]

This table is in constant flux. It is based largely on U.S. filings with the Federal Communications Commission (FCC) and various press releases, but many of the companies here have already altered or abandoned their original plans, and new systems are no doubt in work. Although many of these large constellations may never be launched as listed, the traffic created if just half are successful would be more than double the number of payloads launched in the last 60 years and more than 6 times the number of currently active satellites.

Current space safety, space surveillance, collision avoidance (COLA) and debris mitigation processes have been designed for and have evolved with the current population profile, launch rates and density of LEO space.

By almost any metric used to measure activity in space, whether it is payloads in orbit, the size of constellations, the rate of launches, the economic stakes, the potential for debris creation, the number of conjunctions, NewSpace represents a fundamental change.

3. Compounding effects of better SSA, more satellites, and new operational concepts

The changes in the space environment can be seen on this figurative map of low Earth orbit. Fig. 1 shows the LEO environment as a function of altitude. The number of objects found in each 10 km “bin” is plotted on the horizontal axis, while the altitude is plotted vertically. Objects in elliptical orbits are distributed between bins as partial objects proportional to the time spent in each bin. Some notable resident systems are indicated in blue text on the right to provide an altitude reference. The (dotted) red line shows the number of objects in the current catalog tracked by the U.S. Space Surveillance Network (SSN). All the COLA alerts and actions that must be taken by the residents are due to their neighbors in the nearby bins, so the currently visible risk is proportional to the red line.



The red line of the current catalog does not represent the complete risk; it indicates the risk we can track and perhaps avoid. A rule of thumb is that the current SSN LEO catalog contains objects about 10 cm or larger. It is generally accepted that an impact in LEO with an object 1 cm or larger will cause damage likely to be fatal to a satellite's mission. Therefore, there is a large latent risk from unobserved debris. While we cannot currently track and catalog much smaller than 10 cm, experiments have been performed to detect and sample much smaller objects and statistically model the population at this size [3]. The (solid) blue line represents the model of the 1 cm and larger debris that is likely mission-ending, usually called lethal but not trackable. If LEO operators avoid collisions with all the objects in the red line, they are nonetheless inherently accepting the risk from the blue line. This risk is already present.

The (dashed) orange line is an estimate of the population at 5 cm and larger and is thus an estimate of what the catalog might conservatively be a few years after the Space Fence, a new radar system being built by the Air Force, comes on line (currently planned for 2019) [4]. Commercial companies offering space surveillance services, such as LeoLabs, ExoAnalytics, Analytic Graphics Inc., Lockheed, and Boeing, might also add to the number of objects currently tracked. Space Policy Directive 3 (SPD-3) [13] specifically seeks to expand the use of commercial SSA services.

Existing operators can expect a sharp increase in the number of warnings and alerts they will receive because of the increase in the cataloged population. Almost all the increase will come from newly detected debris [5].

The pace of safety operations for each satellite on orbit will significantly change because of the increase in the catalog from the Space Fence. This effect is compounded because the NewSpace constellations described in Table 1 will drastically change the profile of satellites in LEO. The green bars in Fig. 1 represent the number of objects that will be added to the catalog (red or orange lines) from only the NewSpace large LEO constellations at their operational altitudes. This does not include the rocket stages that launch them, or satellites in the process of being phased into or removed from the operational orbits. Neighbors of one of these new constellations may face a radically different operations environment than their current practices were designed to address.

Satellites in these large LEO constellations typically have planned operational lifetimes of 5–10 years. Some companies have proposed to dispose of their satellites using low thrust electric propulsion systems, which would spiral satellites down over a period of months or years from operating altitudes as high as 1500 km through lower orbits where the Hubble Space Telescope, the International Space Station, and other critical LEO satellites operate [6]. Similar propulsive techniques would raise replacement satellites from lower launch injection orbits to higher operational orbits. These disposal and replenishment activities will add thousands of satellites each year transiting through lower altitudes and posing a risk to all resident satellites in those lower orbits. More importantly, failures will occur both among transiting satellites and operational constellations, potentially leaving hundreds more stranded along the transit path.

#### Public sector mining thumps

NASA 19 [“NASA Invests in Tech Concepts Aimed at Exploring Lunar Craters, Mining Asteroids,” NASA, June 11, 2019, <https://www.nasa.gov/press-release/nasa-invests-in-tech-concepts-aimed-at-exploring-lunar-craters-mining-asteroids>] TDI

NASA Invests in Tech Concepts Aimed at Exploring Lunar Craters, Mining Asteroids

Robotically surveying lunar craters in record time and mining resources in space could help NASA establish a sustained human presence at the Moon – part of the agency’s broader [Moon to Mars exploration](https://www.nasa.gov/specials/moon2mars/) approach. Two mission concepts to explore these capabilities have been selected as the first-ever Phase III studies within the [NASA Innovative Advanced Concepts](https://www.nasa.gov/niac) (NIAC) program.

“We are pursuing new technologies across our development portfolio that could help make deep space exploration more Earth-independent by utilizing resources on the Moon and beyond,” said Jim Reuter, associate administrator of NASA’s Space Technology Mission Directorate. “These NIAC Phase III selections are a component of that forward-looking research and we hope new insights will help us achieve more firsts in space.”

The Phase III proposals outline an aerospace architecture, including a mission concept, that is innovative and could change what’s possible in space. Each selection will receive as much as $2 million. Over the course of two years, researchers will refine the concept design and explore aspects of implementing the new technology. The inaugural Phase III selections are:

Robotic Technologies Enabling the Exploration of Lunar Pits

William Whittaker, Carnegie Mellon University, Pittsburgh

This mission concept, called Skylight, proposes technologies to rapidly survey and model lunar craters. This mission would use high-resolution images to create 3D model of craters. The data would be used to determine whether a crater can be explored by human or robotic missions. The information could also be used to characterize ice on the Moon, a crucial capability for the sustained surface operations of NASA’s Artemis program. On Earth, the technology could be used to autonomously monitor mines and quarries.

[Mini Bee Prototype to Demonstrate the Apis Mission Architecture and Optical Mining Technology](https://www.nasa.gov/directorates/spacetech/niac/2019_Phase_I_Phase_II/Mini_Bee_Prototype)

Joel Sercel, TransAstra Corporation, Lake View Terrace, California

This flight demonstration mission concept proposes a method of asteroid resource harvesting called optical mining. Optical mining is an approach for excavating an asteroid and extracting water and other volatiles into an inflatable bag. Called Mini Bee, the mission concept aims to prove optical mining, in conjunction with other innovative spacecraft systems, can be used to obtain propellant in space. The proposed architecture includes resource prospecting, extraction and delivery.

### 1NC -- No ! -- Space War

#### No space escalation---empirics, de facto norms, and unpredictable consequences

Pavur 19 [James, DPhil Researcher Cybersecurity Centre for Doctoral Training Oxford University, Ivan Martinovic, Professor of Computer Science Department of Computer Science “The Cyber-ASAT: On the Impact of Cyber Weapons in Outer Space” https://ccdcoe.org/uploads/2019/06/Art\_12\_The-Cyber-ASAT.pdf]

3. STABILITY IN SPACE

Given the uncomfortable combination of high dependency and low survivability, one might expect to observe frequent attacks against critical military assets in orbit. However, despite decades of recurring prophesies of impending space war, no such conflict has broken out [14]–[18]. It is true that a handful of space security crises have occurred; most notably, the 2007 Chinese anti-satellite weapon (ASAT) test and the 2008 US ASAT demonstration in response [19]. Moreover, a recent Centre for Strategic and International Studies report suggests increasing interest in attacking US space assets, particularly among the Chinese, Russian, North Korean and Iranian militaries [20]. Overall, however, the space domain has remained puzzlingly peaceful. In this section, we outline three major contributors to this enduring stability: limited accessibility, attributable norms, and environmental interdependence.

A. Limited Accessibility

Space is difficult. Over 60 years have passed since the first Sputnik launch and only nine countries (ten including the EU) have orbital launch capabilities. Moreover, a launch programme alone does not guarantee the resources and precision required to operate a meaningful ASAT capability. Given this, one possible reason why space wars have not broken out is simply because only the US has ever had the ability to fight one [21, p. 402], [22, pp. 419–420].

Although launch technology may become cheaper and easier, it is unclear to what extent these advances will be distributed among presently non-spacefaring nations. Limited access to orbit necessarily reduces the scenarios which could plausibly escalate to ASAT usage. Only major conflicts between the handful of states with ‘space club’ membership could be considered possible flashpoints. Even then, the fragility of an attacker’s own space assets creates de-escalatory pressures due to the deterrent effect of retaliation. Since the earliest days of the space race, dominant powers have recognized this dynamic and demonstrated an inclination towards de-escalatory space strategies [23].

B. Attributable Norms

There also exists a long-standing normative framework favouring the peaceful use of space. The effectiveness of this regime, centred around the Outer Space Treaty (OST), is highly contentious and many have pointed out its serious legal and political shortcomings [24]–[26]. Nevertheless, this status quo framework has somehow supported over six decades of relative peace in orbit.

Over these six decades, norms have become deeply ingrained into the way states describe and perceive space weaponization. This de facto codification was dramatically demonstrated in 2005 when the US found itself on the short end of a 160-1 UN vote after opposing a non-binding resolution on space weaponization. Although states have occasionally pushed the boundaries of these norms, this has typically occurred through incremental legal re-interpretation rather than outright opposition [27]. Even the most notable incidents, such as the 2007-2008 US and Chinese ASAT demonstrations, were couched in rhetoric from both the norm violators and defenders, depicting space as a peaceful global commons [27, p. 56]. Altogether, this suggests that states perceive real costs to breaking this normative tradition and may even moderate their behaviours accordingly.

One further factor supporting this norms regime is the high degree of attributability surrounding ASAT weapons. For kinetic ASAT technology, plausible deniability and stealth are essentially impossible. The literally explosive act of launching a rocket cannot evade detection and, if used offensively, retaliation. This imposes high diplomatic costs on ASAT usage and testing, particularly during peacetime.

C. Environmental Interdependence

A third stabilizing force relates to the orbital debris consequences of ASATs. China’s 2007 ASAT demonstration was the largest debris-generating event in history, as the targeted satellite dissipated into thousands of dangerous debris particles [28, p. 4]. Since debris particles are indiscriminate and unpredictable, they often threaten the attacker’s own space assets [22, p. 420]. This is compounded by Kessler syndrome, a phenomenon whereby orbital debris ‘breeds’ as large pieces of debris collide and disintegrate. As space debris remains in orbit for hundreds of years, the cascade effect of an ASAT attack can constrain the attacker’s long-term use of space [29, pp. 295– 296]. Any state with kinetic ASAT capabilities will likely also operate satellites of its own, and they are necessarily exposed to this collateral damage threat. Space debris thus acts as a strong strategic deterrent to ASAT usage.

#### No escalation

Zarybnisky 18 [Dr. Eric J., MA in National Security Studies from the Naval War College, PhD in Operations Research from the MIT Sloan School of Management, Lt Col, USAF, “Celestial Deterrence: Deterring Aggression in the Global Commons of Space”, 3-28, https://apps.dtic.mil/dtic/tr/fulltext/u2/1062004.pdf]

PREVENTING AGGRESSION IN SPACE

While deterrence and the Cold War are strongly linked in the public’s mind through the nuclear standoff between the United States and the Soviet Union, the fundamentals of deterrence date back millennia and deterrence remains relevant. Thucydides alludes to the concept of deterrence in his telling of the Peloponnesian War when he describes rivals seeking advantages, such as recruiting allies, to dissuade an adversary from starting or expanding a conflict.6F6 Aggression in space was successfully avoided during the Cold War because both sides viewed an attack on military satellites as highly escalatory, and such an action would likely result in general nuclear war.7F7 In today’s more nuanced world, attacking satellites, including military satellites, does not necessarily result in nuclear war. For instance, foreign countries have used high-powered lasers against American intelligence-gathering satellites8F8 and the United States has been reluctant to respond, let alone retaliate with nuclear weapons. This shift in policy is a result of the broader use of gray zone operations, to which countries struggle to respond while limiting escalation. Beginning with the fundamentals of deterrence illuminates how it applies to prevention of aggression in space.

#### Multiple complex factors make space war escalation obsolete

Handberg 17 - chair of the Political Science Department at University of Central Florida – specializes in space policy, defense policy, the U.S. Supreme Court and judicial politics (Roger Handberg; “Comparative Strategy”; “Is space war imminent? Exploring the possibility”; Routledge: Taylor and Francis Group; pgs. 419-421; Accessed 7/3/18)//TS

The assumption made is that space war will be successfully waged in both the heavens and on the Earth itself. This assumption, however, is grounded on several hypotheticals occurring. First, that total devastating strategic surprise can be achieved—the side attacked becomes so damaged and devastated that further resistance is impossible to sustain regardless of national will, since nuclear weapons overhang the entire enterprise. The analogy usually invoked for American audiences is a “Pearl Harbor” type attack. This scenario is premised on equivalent American incompetence and lack of readiness as exhibited in December 1941. One must note that Pearl Harbor ended as a strategic failure for Japan—it led to defeat because the attack mobilized U.S. power without hesitation, given the intense political divisions over whether to enter the worldwide conflicts already raging. The attack was a military failure because Navy carriers were not destroyed along with battleship row along with critical fuel facilities. Similar analogies invoke September 11, 2001 as the prototype for such attacks more recently, but the same caveats apply. Total surprise assumes that all relevant opponent systems and civilian assets are disabled and left vulnerable to follow on attacks. In fact, collapse of U.S. defenses leaves U.S. cities as hostages to the rulers of the heavens, or vice versa if the U.S. moves first. Space war is extremely destabilizing, as will be discussed, since survivability of one’s strategic assets becomes problematic.

Second, surprise requires that sufficient offensive space assets be placed in orbit without triggering a response by other states—the scale of such technology deployment is in itself possibly self-defeating given high costs and a likely lack of launch capacity. In addition, much launch capacity is now international rather than national, so maintaining secrecy becomes even more difficult. Space as an operational environment suffers from excessive transparency, meaning any launches can be monitored and tracked by others with strong evidence as to what is being deployed. One must remember that the original satellite launches in the 1950s were accurately tracked by a British grade-school class as a science project. In addition, at least since the early 1960s, remote sensing has increased exponentially the global capability to detect buildup of military assets of differing types, whether in space or on the ground. Commercial remote-sensing capabilities further enhance the capacity to detect militarily relevant actions. For example, commercial imagery is accessed by private parties to monitor the North Korean missile and nuclear weapons programs, in effect expanding the capacity of the world to look in on various states’ interior regions, scanning for relevant information, including weapons buildup and launch capabilities. Even construction of physical facilities for production of space assets or for other weaponry can be monitored, making surprise more difficult but not impossible, as demonstrated in earlier monitoring of North Korea and, in 1998, the nuclear tests by both Pakistan and India. That means if the ASAT weapons come from ground locations, there is a high probability that they can be detected but no guarantee exists that detection will in fact occur. The uncertainty will impact calculations of attack success.

Third, the most obvious initial attack of space-based assets will most likely come from cyber attacks, given that such actions do not necessarily require the scale of resources necessary for other modalities such as kinetic weapons, or even lasers or other energy-type weapons. One will have to position the weapons plus the infrastructure to permit rapid recycling of the weapons for the next attack. Firing off interceptors will likely be a one-off, meaning extremely precise targeting will be required if the attack is to be successful. Note that none of these systems require that individuals be placed in Earth orbit, despite the imagery describing such operations in fictional universes.

Deployment requires a large lift capacity for initial deployment plus replenishment of destroyed or inoperative space assets, since a space conflict assumes that assets will be lost either kinetically or be compromised by cyber or energy beams. In any case, the combatants must be able to recover their capabilities lost during the conflict; failure to do would mean defeat or at least stalemate, negating the reason for the attack. That raises a major question when one considers the problem or expectation that space war can be successfully conducted or defended. Operationally Responsive Space (ORS) remains a critical weak point for all potential space-war participants. Loss of space assets occurs routinely during operations, but actual combat losses can be exponential depending on the weaponry used, and replacing those losses becomes the race to the next level after the initial exchange or combat. Unfortunately, ORS remains a major weakness of the United States and likely other states; deploying replacement satellites remains a multiyear process, while launch capabilities are scheduled long in advance. The rise of multiple private launch competitors may partially alleviate some of the delay but that remains problematic given that the military payloads may be competing with commercial vendors also trying to replace losses. The tradeoff is that. in principle, private-launch vendors may be able to do so more cheaply, but their capacity may be saturated by demand from the civil and commercial sectors, leaving few “uncommitted” launch options for military purposes. Normally this is not an issue, but the available launch options may be third party rather than national-flag carriers, which raises severe security concerns.

Fourth, several other assumptions become essential to make the strategy work, including that such an attack does not render Earth orbit so debris-saturated that further military space operations become impossible to sustain. Also, damage to civilian space assets remains, such that their continuation is possible if undamaged replacements can be quickly reintroduced to restart economically critical operations. Globalization has been fostered through satellite technologies. Their disruption can be devastating for all parties, regardless of who is the winner or the loser. What may occur is the graveyard of the modern economic system. No potential space participants would be immune to the damage, regardless of whether or not they were participants in the actual conflict.

### 1NC -- International Law Bad

#### Exporting western norms and subjectivity globally is imperial peace: a unified global order based in neoliberalism and white supremacy

Ohenewah 15– Christine Ohenewah, Department of International Relations at the University of Chicago, “Liberalism: An Obstacle to Black Unification”, Tapestries: Interwoven Voices of Local and Global Identities: Volume 4, Issue 1 Threats to the American Dream, Article 21]

International discourse has long rendered liberalism as an ideology of optimism, aiming to attain specific objectives: the proliferation of democracy, support for human rights, capitalist expansion, international cooperation, and pacifism. Liberal ideology affirms that the establishment of ‘correct’ political systems and domestic groups is likely to encourage states to engage in international cooperation. Although seemingly benign in its efforts to reinforce international harmony, I contend that liberalism augments cultural hegemony and homogenization. As a mode of Western imperialism, it assumes the guise of world peace to ensure self-interests and ‘ideal’ paradigms, while increasing the global jurisdiction of dominant nation-states. Scholar Patrick Morgan asserts, “It is not that international politics must eventually embrace and inculcate these particular norms, but that, as an elaborate social activity, international politics needs elements of community including a structure of norms. Liberalists are busy pushing their preferred norms with this in mind.” Said another way, states must seek cooperation rather than sovereignty and autonomy and be flexible towards embracing normalized values. We must however question the ‘acceptance of norms’ as a feature of liberalism. In analyzing the mission to spread liberalism to other non-democratic countries, we must interrogate which actors are promoting preferred norms and practices for the international community and at whose expense these norms are being enforced. My chapter responds to the following questions: How is mid-20th century liberalism in tandem with White citizenry? Does liberalism embody a global manifestation of White citizenship? In what ways does liberalism impede the progress of Black unification? Finally, how does liberalism bear resemblance to colonialism? In chapter one we recall that White citizenry predicates itself on norms based in Whiteness, (i.e. hard work, education, high socioeconomic status). Similarly, liberalism comprises of democratic, capitalist, and human rights values. Both systems determine the acceptance of a minority group or nation-state, given that they follow the aforementioned paradigms. Using Ghana as a case study to delve into Kwame Nkrumah’s Pan-African leadership, I argue that liberalism is an ideology rooted in colonialism and serves as a global index of White citizenship. Its disruption of transatlantic Black unification efforts further relies on three elements: primitivism, patronization, and the manipulation of power. In the course of this chapter, I first trace the damaging outcomes colonialism induced within Ghana’s infrastructure. I subsequently discuss the role that late Ghanaian leader Kwame Nkrumah played in buttressing the Pan-African Movement and how Pan-African efforts were curbed by liberal agendas within international politics. Finally, I explain the similarities that modern liberal ideology shares with White citizenry and recapitulates colonial iniquities. If we consider that liberalism resembles colonialism, which ignited calamities within Ghana’s infrastructure, it would then hold that liberal ideology is non-ideal for all nation-states and operates to homogenize the rest of the international community according to Western tradition. Pan-Africanism’s Black unification agenda would thus stand in opposition to an empire of Western governance that has been solidified by colonial conquest. Remembering that antiBlackness works to sustain White supremacy by degrading Black culture, we must then recognize that anti-Blackness and White citizenry function globally through liberalism. We must further recognize that liberalism is an ideology fueled with self-interests that enhance the authority of the West at the expense of nations who refuse Western paradigms. Ghana’s Pan-African Movement, which represented historic collaboration between Africans and African Americans, challenged such paradigms and thus became a target for the West. Attached to various meanings and agendas, liberalism on the one hand is perceived as a progressively humanitarian endeavor whose mission is to bestow peace and democracy unto states in extreme turmoil. On the other hand, liberalism is viewed as a homogenizing scheme, seeking to maintain the global power and selfinterests of Western entities. The subsequent sections serve to outline these two opposing views and provide a comprehensive understanding of the way liberal ideology is situated within international discourse. Proponents of liberalism argue that liberalism is fundamentally optimistic, calling for positive interaction among international actors and chances for a peaceful world (Morgan, 2013). In a liberal framework, international politics is an evolving atmosphere characterized by interdependence, cooperation, peace, and security. Under acceptable models of liberal political systems and domestic groups, states are viewed as being more capable of achieving international cooperation. Proponents also view capitalism as an additional benefit of liberalism, due to its perceived ability to cultivate wealth and higher living standards. The production and accumulation of wealth are thus more rapid and efficient if private actors run economic activities in accordance with the “dictates” of markets (Morgan 2013). Promoting a capitalist or ‘free trade’ society further circumvents the possibility of war, thereby reducing the influence of elites who have historically been devoted to military conquests and national glory (Solingen 1998). Proponents also defend that liberalism is marked by a strong support for democracy, which is crucial to the legitimacy of governmental systems. Western nations have historically upheld this belief by advocating democracy as a means to restore peace within a region. In this vein, scholars contend that sovereignty is not simply a right to national autonomy; it is the responsibility of a government to treat its society with decency. Failure to do so may result in international intervention. Said another way, liberalism refuses to endorse violence as a coercive method unless the political order in question denies all opportunity for peaceful, democratic transition (Martin 1948). Proponents of liberalism finally observe that liberal ideology supports rights and opportunities for women, religious freedoms, and civil rights, among many others. They argue that within liberal ideology, the preservation of human rights is one of its most salient characteristics, as it is derived from states’ long-held concerns about how their prominent religious and ethnic groups are treated by neighboring states. Diplomatic pressures, military interventions, and peace agreements further agitate such concerns (Krasner 1999). Where human rights are involved, liberalism further encourages self-determination, or the acceptance of the present world order’s norms and values, over separatism, claiming that states should deemphasize sovereignty and autonomy. Because most countries are multiethnic, endorsing separatism would invite chaotic dissolutions by fracturing the unity of international states. In examining the arguments in favor of liberalism, it is clear that proponents view this ideology as a means of fostering international cohesion. States are generally non-strict about their autonomy and center sovereignty on their government’s obligation to treat its society with decency. A nation’s inability to do this, however, may result in international intervention. Liberalism further commits itself to propagating capitalist and democratic values on a global scale, and in addition to defending human rights, the notion of selfdetermination is also one of its essential components. The above claims portray liberalism as a wholly optimistic approach that holds the interests of states at heart and offers a resolution for enhancing world peace. I however contend that liberalism’s attempts to reduce state autonomy, expand capitalism and democracy, and augment international cooperation convey a fundamental hypocrisy. Proponents of liberalism fail to deeply examine whom the values of capitalism and democracy are modeled after, who benefits from promoting such norms, and which entities bear their repercussions. This nod towards world homogenization reveals a colonial remnant within modern-day liberalism that reinforces global White supremacy. In contrast to its proponents, opponents of liberalism defend that the ideology reflects Western dominance. In its more forceful version, liberalism is an updated expression of Western imperialism; a rationalization of hegemonic efforts to spread Western values so that the global environment remains palatable for the West. As Ayers (2009) asserts, “In particular, the regime of ‘democratisation’ and the curtailing of democratic freedom constitute a principal means through which imperial rule is articulated.” This means that Western governments are consistently eager to see the overturn of numerous political systems along with a drastic alteration of their social and economic structures. Ayers further refutes the notion of self-determination that liberalism’s proponents support. For Ayers, self-determination is a concept based in non-autonomy and signifies the freedom to “embrace rules, norms, and principles of the emerging liberal global order.” Opponents of liberalism further observe that Western ideas of democracy do not well align with other cultural milieus (Faust 2013). In this vein, liberalism possesses an inherent favoritism towards the Western colonial state. Baudrillard (1975) argues that the emphasis on capitalism, for instance, acts as a Western lens through which peripheral societies are perceived, therefore obstructing the cycles of symbolic exchange that mark other “Third-World” states. Robinson and Tormey (2009) likewise posit that when liberalism assumes a mission of ‘global justice,’ aiming to instill Western cultural norms and values, it imposes a ‘global-local’ conception that reproduces colonial epistemology. This enables a Western reasoning that demonizes non-liberal societies as failed states that are corrupt, lacking, and insufficiently stable. In summary, opponents of liberalism contend that the ideology reflects Western hegemonic modes of influence. For opponents, the notion of self-determination is based in the freedom to accept rules, norms, and values that align with those of Western global powers. Liberalism as a mission of global justice further alienates states by ‘otherizing’ them and thereby emulating colonial epistemologies and practices. While opponents of liberalism thoroughly unearth liberalism’s Western origins and name the violence it launches on other states, they do not adequately locate the factors that continue to sustain liberal longevity. The two aforementioned positions on liberalism provide a helpful overview on the strengths as well as pitfalls of liberal ideology. I however believe that scholars who take a more critical standpoint on liberalism effectively consider its negative reverberations, which contradict aims of world peace and international cooperation. While it is arguable that liberalism, like any ideology, may contain fallacies, there is a marked distinction between “international cooperation” and “international cooperation with Western nation-states.” Thus, I concur with opponents who suggest that liberalism promotes colonial epistemologies and practices that distort the functions of perceived “weaker” entities rather than honoring their self-governance and interests. To expand this body of thought further, I identify the particular elements on which liberalism thrives: primitivism, patronization, and the manipulation of power. Identifying these elements will help contextualize the way liberalism, like White citizenry, has served to dislodge Black unification efforts and will further sustain my claim that liberalism is rooted in a colonial enterprise that maintains global White supremacy. In the sections below, I provide a timeline for the demise of the Pan-African Movement by first discussing the detriments of British colonization on Ghanaian infrastructure.

#### Sovereignty is a western-construct that ignores alternate forms of political organization---SQ legal regimes not only inevitably fail to contain the aff’s impacts, but also result in a violent extermination of alterity

Mahmud 10 – Tayyab Mahmud, Professor of Law and Director, Center for Global Justice, Seattle University School of Law. ARTICLE: COLONIAL CARTOGRAPHIES, POSTCOLONIAL BORDERS, AND ENDURING FAILURES OF INTERNATIONAL LAW: THE UNENDING WARS ALONG THE AFGHANISTAN-PAKISTAN FRONTIER, 36 Brooklyn J. Int'l L., Lexis

During the phase of decolonization, borders became a crucial issue for postcolonial states. In most cases, the inherited borders were in large measure determined by geopolitical, economic, and administrative policies of colonial powers that had occupied these territories. Colonial claims were often carved up with little regard to the coherence of historic, cultural, and ethnic zones. As a result, historical and cultural units were split, and different cultures, religions, languages, identities, and affiliations were enclosed in demarcated territorial units. The connection between a people and their territory, assumed and prescribed by Eurocentric theories of the "nation-state," found no room in these configurations. These inherited colonial demarcations, reinforced by postcolonial states, often provoke challenge and resistance from below by assertions of identity and difference. Power-blocs of postcolonial formations, in an effort to legitimize their new-found hegemony, impose a firm control over the inherited borders to draw "sharper lines between citizens, invested with certain rights and duties, and 'aliens' or 'foreigners.'" n135 The [\*26] result is territorial disputes with adjacent polities and/or suppression of difference within, two intractable issues that quickly become the primary preoccupations of the postcolonial states. The career of the Durand Line is an evocative story of these intractable conflicts and the inability of existing legal regimes to resolve them.

III. IMPERIAL GREAT GAMES AND DRAWING OF LINES

What the map cuts up, the story cuts across. n136

A. Great Game I: The Genesis of the "Buffer to a Buffer"

The Durand Line emerged as an instrumentality in the so-called Great Game, n137 the contest between British colonial expansion in India and eastward colonial expansion of Czarist Russia, one that turned the intermediate region into "a cockpit of international rivalry." n138 During the nineteenth century, issues of frontiers, boundaries, and borders within the Persian Plateau as a geographical unit were contentious. n139 Imperial efforts to fix boundaries of control that conflicted with the practices and experience of native populations for whom frontiers were essentially mobile and porous, compounded these contentions. This mobility and porosity stemmed from the region's location at the junction of historic trade routes between China, India, Central Asia, Persia, and the Arab [\*27] world. n140 The Great Game was a contest, both overt and shadowy, over territory where different imperial orders came into volatile proximity. The conflicts turned on questions of territory, zones of influence, and spatial buffers.

The British were unequivocal about their empire's need to have "scientific frontiers" that had to be demarcated under "European pressure and by the intervention of European agents." n141 Lord Curzon, the arch-imperialist and Viceroy of India, proposed a specific recipe for colonial India--a "threefold Frontier." n142 British imperial strategists were mindful of the simultaneous expansion of British and Russian empires in the heartland of Asia. A "frontier of separation" rather than a "frontier of contact" was to be the solution which led to the creation of protectorates, neutral zones, and buffers in between. n143 This policy of a "three-fold frontier" was choreographed and implemented in the northwest of colonial India. The first frontier, at the edge of directly controlled territory, enabled the colonial regime to exercise full authority and impose its legal and political order. The second frontier, just beyond the first, was a zone of indirect rule where colonial domination proceeded through existing institutions of social control. The third frontier was a string of buffer states which, while maintaining formal political autonomy and trappings of statehood, aligned foreign relations with the interests of the British.

[\*28] Fig. 2: Contemplated Northwest Frontier of Colonial India n144

The story of the Durand Line shows that colonial map-making simultaneously exhibits "both delusions of grandeur and delusions of engulfment." n145 Historically, the river Indus was seen as the western boundary of India. n146 The region west of the Indus and south of the Oxus river, was home to the dominant ethnic group of the region, the Pashtun, who have a recorded history going well before 500 B.C. n147 Located at the southern [\*29] edge of Central Asia and flanking the Chinese, Persian, and Indian empires, the Pashtun saw different phases of unity and fragmentation, along with Hindu, Buddhist, and Muslim cultural influences. Regional geopolitical maneuverings shaped the formation of the modern state of Afghanistan out of shards of rival tribal fiefdoms, ethnic loyalties, and shifting alliances and allegiances. n148 In 1747, as the Mughal and Persian empires were imploding, Ahmad Khan Durrani, a Pashtun military commander, took control of the region and created an Afghan tribal confederacy dominated by the Pashtuns, as a distinct political entity in the region--giving birth to what came to be called Afghanistan. n149 Given the circumstances of its emergence, Lord Curzon was to call the state "purely accidental." n150 The Durrani dynasty came to an end only in 1974, when Afghanistan became a republic.

Just as Afghanistan was emerging as a unified political entity, the British East India Company established political control over the fertile delta [\*30] of Bengal in 1757, and began the process of colonizing India. n151 Over the next century, British colonial rule in India expanded westward. At the time, Russia's sense of its eastern border was "vague and protean, shaped by the constellation of power on its frontiers at any given moment." n152 Imperial Russia started to expand southwards and eastwards through the Caucasus, just when British colonial rule was expanding westward and northward in India. n153 Unavoidably, Central Asia, the zone of confluence of two expanding imperial empires, became the terrain of the Great Game. As the frontlines of two empires approached each other, the Great Game intensified. n154 To check Russia's growing presence in Central Asia in the early nineteenth century, the British aimed to turn Afghanistan into a "buffer state" governed by a compliant ruler. The "three fold frontier," that Curzon was later to articulate, n155 came into play.

An internal struggle for the throne of Kabul in the 1830's gave the British their first opening to play kingmakers in Afghanistan. In June 1838, the British signed a secret agreement with Ranjit Singh, the Sikh ruler of Punjab, and Shah Shujah, a claimant to the Kabul throne. n156 In return for their help in putting him in power, Shujah renounced Afghan claims to Kashmir and substantial areas between the Indus river and the Khyber Pass in favor of Ranjit Singh and agreed to become an ally of the British in their struggle with Russia. This agreement triggered what mainstream history styles the First Afghan War, when a 21,000-strong British "Army of the Indus" invaded Afghanistan in 1839 and installed Shujah as the Amir. n157 The license to colonize and dominate granted by contemporaneous international law to the "Great Powers" of the day [\*31] proved useful. However, the initial British success proved short-lived--resistance against the occupation force and their puppet leader broke out, and in 1842 the deposed Amir, Dost Mohammad Kahn, was returned to power, and the British invasion force was decimated. n158

During the subsequent twenty years, the British started to bring the region west of the Indus river under colonial rule. Occupation of the Punjab in 1849, until then an independent state, brought under British control traditionally Afghan areas up to the eastern end of the legendary Khyber Pass that Punjab had annexed before the First Afghan War. n159 In 1857, India erupted in an anti-colonial revolt ignited by a mutiny of the Bengal Army. The revolt proved to be a watershed moment in the history of colonial rule, and led to a reordering of the Punjab as the "sword arm of the Raj." n160 British forces finally suppressed the revolt, and the governance of colonial India passed from the East India Company to the Crown, but "British fears of rebellion, conspiracies, holy wars, and possible foreign provocation" heightened. n161 Through innovative colonial legal regimes, a "military-fiscal state" was turned into a "military state," the Bengal Army was disbanded, and a reconstituted Punjab began to serve as "the military bulwark of the Raj." n162 The British deployed a racist recruiting doctrine known as the "martial race theory," to raise a new "Indian Army," with over half of it recruited from the Punjab, to serve as the "Empire's 'fire brigade.'" n163 This army was to be "the iron fist in the velvet glove of [\*32] Victorian expansionism . . . the major coercive force behind the internationalization of industrial capitalism." n164

As the pace of Russian eastward expansion picked up after the Crimean War (1854-56), the British "became obsessed with the Great Game," and the Punjab as "the garrison province of the Raj . . . [was] reoriented . . . to meet[] the challenge of an external danger." n165 The rapid transformation of the Punjab into a "garrison state" involved novel colonial legal orders of land tenure, revenue extraction, military recruitment, resettlement of indigenous communities, rural social control, and political governance. n166 Colonial social engineering included refashioning of religious affiliations, identities, and practices. n167 To orchestrate this enterprise, a suitable administrative system was fashioned for the Punjab that "in both form and spirit . . . had a strong military flavor." n168 A century later, this reconstruction of the Punjab became the grounds for "Punjabisation of the state" n169 of Pakistan, its praetorian tenor, and the source of its "post-independence propensity towards a military-dominated state." n170

[\*33] British occupation and reordering of the Punjab in the middle of the nineteenth century produced the northwest border problem in the territories to the west of the river Indus that remains a source of conflict to this day. The northwest edge of this region, a great belt of mountains stretching over 1200 miles from Pamir to Persia, was home of scores of Pashtun tribes that had a long history of effective armed resistance against encroachers and of retaining their autonomy from the political orders around them. n171 Fierce resistance by these tribes started as soon as colonial rule came to their vicinity. n172 It was then that the British policy of creating a frontier zone between Afghanistan and colonial directly-administered areas came into force. n173 This so-called "close border" policy, also known as "masterly inactivity," provided that no further westward expansion of direct colonial rule was possible or warranted, and therefore British sovereignty should not be extended to areas and tribes that could not be subdued and governed effectively. n174 First implemented in Baluchistan and later further north, n175 the close border policy created a peculiar frontier zone--a narrow stretch of territory inhabited by Pashtun tribes maintaining their modes of self-governance, dotted with colonial military outposts, absent direct colonial administration, but discouraged from maintaining their traditional political relations with Afghanistan. Foothills at the edge of directly-administered "settled" areas were fortified to keep out the tribes, who, in exchange for monetary subsidies, were to keep access to military outposts open, and, in contravention to their tribal code, were to deny sanctuary to fugitives from the settled areas. n176 The system did not work well. The Pashtun tribes of the frontier zone remained restive, resulting in twenty-three British military operations between 1857 and 1881 to subdue them. n177

A new British policy, initiated by the Disraeli government to build a new strategic line of defense against Russian pressure in Central Asia, led in 1876 to the abandonment of the "close border" policy in favor of the so-called "forward policy." n178 The new policy called for aggressive [\*34] expansion into and control over the frontier regions. Strong points in the tribal belt were to be captured, fortified, garrisoned, and connected with protected roads. This "forward policy," in its extreme, envisaged pushing the boundary as far west as the Hindu Kush mountain range in the middle of Afghanistan, with the Kabul-Ghazni-Kandahar arc forming the first line of defense for colonial India. n179 As the new policy unfolded, British meddling in Afghan and Persian affairs increased. n180 Decisions of a British Commission demarcating the disputed border between Afghanistan and Persia and permanent stationing of British garrisons nearby, heightened Afghan concerns about hostile encirclement. n181 The Afghans made overtures towards the Russians to counter-balance the growing British influence. n182 The result was the Second Afghan War, when, in November 1878, the British launched a three-pronged attack on Afghan territory. n183 The Amir abdicated in favor of his son. n184 The son then ceded control over the Khyber Pass and agreed to become a vassal of the British, who were to control the external relations of his country. n185 After some pacification campaigns around the country, the British troops withdrew from Afghanistan in 1880. n186 One result of the Second Afghan War was the institution of a joint Russo-British commission to determine the border between Russia and Afghanistan, with the latter to serve as a buffer between the two imperial empires. n187

[\*35] Confronted with increasing demands for more concessions by the colonial government of India, in 1892, the Afghan Amir sought to visit Britain to negotiate directly with the British government. n188 The algebra of differentiated sovereignties came into play--British authorities refused his request, forcing him to negotiate with British colonial authorities in India. n189 The Amir yielded to British pressure to delineate Afghanistan's eastern boundary. n190 The British proceeded to "dictate a boundary settlement," n191 signed by the Amir and Henry Mortimer Durand, foreign secretary of British India, on 12 November 1893. n192 This agreement adjusted the "the eastern and southern frontier of His Highness's [the Amir's] dominions, from Wakhan to the Persian border." n193 The result was the Durand Line, which pushed colonial India's border with Afghanistan from the eastern foot of the frontier hills to their crest. n194 Curzon's dream of "scientific frontiers" demarcated under "European pressure and by the intervention of European agents," appeared to be coming true. n195

The Durand Line proved more difficult to delineate on the ground than to draw on paper. n196 Initially surveyed in 1894-5, most of the demarcation was completed by 1896, though the section around the Khyber Pass was only demarcated after the Third Afghan War in 1921. n197 While some [\*36] inaccessible sections remained unmarked, the line created a strategic frontier that "did not correspond to any ethnic or historical boundary." n198 Slicing through tribes, villages, and clans, it "cut the Pukhtoon people in two." n199 The Pashtun tribes resisted attempts at demarcation, including, in some cases, burning down camps of the Boundary Commission. The British response was to station substantial permanent garrisons. n200 The Pashtuns remained restive, with religious leaders often playing leading roles in the insurgencies. n201

In tune with the colonial project of reordering colonized bodies and spaces, in 1901, British authorities severed the "settled areas" of the northwest region under British control from the Punjab to form an evocatively named North-West Frontier Province ("NWFP"), though with a status not on par with other provinces. n202 Control over the tribal belt between the "settled areas" of NWFP and the Durand Line remained with the central government. The belt, now designated Federally Administered Tribal Area ("FATA"), was to serve as a "buffer to a buffer." n203 The legal order of colonial India did not extend to this zone and the tribes on the grounds that "[r]igour is inseparable from the government of such a people. We cannot rein wild horses with silken braids." n204 Tribes were to conduct their internal affairs under their customary norms. However, to supervise matters that touched the security interests of the British, a unique set of rules and procedures, draconian even by colonial standards, were enforced under the Frontier Crimes Regulation. n205 This created yet another "anomalous legal zones" n206 like others that came into existence in many European colonies. In the case of FATA, Pashtun tribes, "though not [] fully-fledged British subject[s] in the legal sense of the [\*37] term, lived within the territorial boundaries of India." n207 To facilitate such territorial arrangements within British colonies, the Parliament had established a process for outlying districts intended "to remove those districts from beyond the pale of the law." n208 Tribes on both sides of the Durand Line continued to disregard it, and incessant tribal resistance prompted successive punitive expeditions. Even the semblance of order broke down with the Third Afghan War of 1919, when Afghanistan declared war, an effort joined by FATA tribes and Pashtun troops who deserted the colonial forces. n209 This short war resulted in Afghanistan regaining control over its foreign affairs. n210 However, the FATA tribes remained restive, and colonial efforts to quell incessant revolts included the first use of aerial bombardment in the history of India, laying waste to the country where local tribes had supported the invasion. n211 The tribes maintained their traditional connections with Afghanistan while negotiating the new FATA dispensation.

When the Indian struggle for decolonization gained momentum in the early 20th century, Pashtuns of "settled areas" quickly gravitated towards the movement. n212 The struggle forced the British to take initial steps towards allowing natives to participate in political governance in 1920 under the Montagu-Chelmsford "reforms," which envisaged an "advance towards self-government in stages." n213 The NWFP and FATA, however, were left out of the scheme on the grounds that, as the chief colonial administrator of the region put it, the Pashtuns "w[ere] not ready for ... 'responsible government." n214 In response, Pashtuns gave their anticolonial movement an organized form aimed at braiding "factors of history, geography, culture, and language to transform the relatively back-ward, [\*38] divided, and disorganized Pukhtuns into a national community." n215 This movement, which came to be known as Surkhposh (Red-shirts), expressly adopted non-violence as a foundational principle of social and political action and became politically allied with the Indian National Congress, the spearhead of India's independence movement. n216

When India's anti-colonial struggle escalated into a civil-disobedience movement in the early 1930s, it had "only a marginal effect on the Punjab" thanks to the entrenched administrative, political, and social order in that "garrison province." n217 NWFP, on the other hand, proved receptive to the call, and in 1930 colonial authorities declared martial law in order to quell the civil-disobedience movement and to prevent armed tribes of FATA from making common cause with residents of the settled areas. n218 In 1935, the British enacted the Government of India Act in response to the ascending independence movement in India. n219 This Act provided for increased political participation through an enlarged franchise to elect provincial legislative assemblies with broadened powers. n220 When the first-ever elections took place in NWFP in 1937, the Indian National Congress, the secular nationalist party, won handily and formed the provincial government. n221 Because the 1935 Act was applicable only to provinces, FATA, the "buffer to a buffer," remained outside the ambit of constitutional reforms and the right to vote and representation. n222 The result was a spike in armed resistance in FATA, triggering more campaigns of "'pacification' by British and Indian troops." n223

[\*39] In 1947, "the tectonic plates of South Asian politics shifted abruptly." n224 The British partitioned colonial India into two independent states--India and Pakistan--surgically dividing "Hindi majority" areas from "Muslim majority" ones, substantiating once again the wonderful artificiality of states, n225 and triggering "one of the great human convulsions of history." n226 That Pashtuns, while overwhelmingly Muslim, had consistently voted for the secular Indian National Congress and helped it form the provincial government in NWFP, struck the colonial Viceroy's office, which presided over the religion-based partition, as "a bastard situation." n227 To bring NWFP in line with the designed partition, the colonial authorities bypassed the generally prescribed process of allowing elected representatives of provinces in their respective legislative assemblies to determine the future of the province. A referendum to choose between India and Pakistan was offered instead. n228 Most Pashtuns, including both the "Red Shirts" and the governing political party of the province, boycotted the referendum in protest against NWFP having been made an exception to the prescribed process, and because the substitute process of referendum did not offer a third option, namely, separate independent statehood. n229 This demand for a separate state for the Pashtuns, styled Pashtunistan, emerged as the partition of India became [\*40] inevitable. n230 In the end, NWFP was awarded to Pakistan following a controversial referendum. n231 For FATA tribes, yet another mode to determine their fate was devised. In special tribal jirgas (tribal assemblies) orchestrated by the colonial administrators, hand-picked leaders of the FATA tribes were asked to signify their allegiance to Pakistan and received the assurance that monetary allowances and autonomous status of the tribes would continue undisturbed. n232

Decolonization and the partition of India drew into sharp relief the contested status of the Durand Line, which now became a disputed matter between Afghanistan and Pakistan. n233 As soon as India was partitioned, Afghanistan renewed claims to the area between the Durand Line and the Indus. n234 In 1947, Afghanistan joined the demand for Pashtunistan, opposed Pakistan's admission to the United Nations, and later conditioned its recognition upon granting the right of self determination to the people of NWFP and FATA, who were caught in between. n235 "In 1949, an Afghan loya jirga [(grand tribal assembly) formally] declared the Durand Line invalid." n236 Thus, Pakistan started its postcolonial career as successor to a territorial dispute and with an ambivalent relationship with a section of the population located within its designated territorial bounds.

B. Great Game II. The Cold War and the Frontline State

The partition of India and inclusion of NWFP and FATA in Pakistan was, in no small measure, connected with the next phase of the Great Game--the Cold War. The British colonial authorities saw the partition of colonial India as offering the possibility to remain in the northwest [\*41] region "for an indefinite period ... [with] British control of the vulnerable North-Western . . . frontiers." n237 The northwest region was envisaged as "the most suitable area from which to conduct the defense" of oil supplies of the Middle East, and "the keystone of the strategic arc of the wide and vulnerable waters of the Indian Ocean." n238 As the importance of oil from the Persian Gulf increased, Western powers called for a "close accord between the States which surround this Muslim lake, an accord underwritten by the Great powers whose interests are engaged." n239 The Western world "went east in search of oil--and found Islam." n240 Pakistan, the only state in the modem world created in the name of Islam, was to now be turned into a frontline state of the Cold War, with the Durand Line to serve as the frontline.

After cultivating close military ties with Britain and the U.S., Pakistan formally entered a Mutual Defense Agreement with the US and joined the Central Treaty Organization ("CENTO") in 1954 and the Southeast Asia Treaty Organization ("SEATO") a year later. n241 It is important to note that British military officers retained control of Pakistan's military, now seen as "the kingpin of U.S. interests," n242 for many years after decolonization. n243 Pakistan provided the U.S. with military bases in the NWFP. n244 All this helped Pakistan secure recognition by Britain n245 and [\*42] the U.S. n246 of the Durand Line as a legitimate international border. As Pakistan consolidated its role in the anti-Communist military alliances of the Cold War, Afghanistan drew closer to the Soviet Union, hardened its position about the Durand Line, and again raised the issues of self-determination for the Pashtuns in Pakistan and the formation of Pashtunistan. n247 In December, 1955, the Soviet Union declared support for the Afghan position regarding the Durand Line and Pashtunistan. n248

Pakistan's assumption of the role as a frontline state in the Cold War had a profound impact on the political order within the country. This included ascendency of the military as a political force, derailment of constitutional governance, and centralization of political power in defiance of the federal architecture of the state. This turn to praetorianism had a direct impact on the NWFP and FATA. In 1954, the same year that Pakistan formalized its partisan role in the Cold War, a "gang of four" n249 representing the military-bureaucracy combine overturned the constitutional order in Pakistan, a step validated by a docile judiciary under the doctrine of state necessity. n250 The new order then moved to erase the separate existence of NWFP in 1955, when the bureaucratic-military combine ruling Pakistan amalgamated all four provinces of the western wing of the country into the so-called "One Unit." n251 FATA, however, retained its status as a distinct federally administered zone. Afghanistan reacted sharply to the dissolution of NWFP and accelerated its demand for Pashtunistan, leading to a break in diplomatic relations. n252 Trade blockades and border skirmishes followed. Relations remained seriously strained [\*43] until 1963, when the King of Afghanistan removed his prime minister, Sardar Daud, a Pastun and an ardent advocate of Pashtunistan. n253 In the meantime, strengthened and emboldened by its Cold War alliances, Pakistan's military formally usurped political power by declaring martial law in 1958, a move validated by the courts through a misapplication of Kelsen's theory of revolutionary legality. n254 In 1969, a mass-protest movement forced the removal of Pakistan's military dictator. The new government dissolved the "One Unit" and restored NWFP as a separate province. n255 FATA, however, retained its distinct dispensation.

A serious downturn in relations between Afghanistan and Pakistan came in 1973, when Afghanistan declared itself a republic, and Sardar Daud, now its new president, revived the issue of Pashtunistan. n256 Pakistan immediately responded by giving sanctuary to Afghan dissidents and began training and arming disaffected Afghans to destabilize the new Afghan regime. n257 From 1973-77, Pakistan trained an estimated 5,000 Afghan militants and channeled material support to groups inside Afghanistan. n258 This was the beginning of Pakistan's prolonged engagement in training and arming Afghan militants professing the establishment of an "Islamic order." n259 This also ushered in an era when the FATA, the "buffer to a buffer," became the staging ground for Pakistani military's involvement in Afghan militants' operation across the Durand Line with its intelligence agency Inter Services Intelligence ("ISI") taking the lead. n260 It is important to note that this engagement was choreographed by Pakistan's Prime Minister Z. A. Bhutto, a self-professed master of [\*44] geopolitics, who held that "geography continues to remain the most important single factor in the formation of a country's foreign policy . . . . Territorial disputes . . . are the most important of all disputes." n261 This was by no means the first instance of the use of FATA by Pakistan in its military strategies. As early as 1948, Pakistan had used sections of the FATA tribes in its campaigns in Kashmir. n262

The Soviet invasion of Afghanistan in 1979 dramatically accelerated the decline of Afghan-Pakistan relations. During the 1979-84 Afghan "jihad," FATA served as a "launching pad for the mujahidin" and as a "base for their covert operation[s]." n263 The U.S. and Saudi Arabia poured in $ 7.2 billion in covert aid for the jihad, channeled through the ISI, and given primarily to the most radical religious groupings, thus bypassing the moderate Afghan nationalists. n264 The Afghan jihad furnished a justification for the tacit support by Western powers for the consolidation of military dictatorship in Pakistan under General Zia ul-Haq, a development that initiated and entrenched the process of "Islamization" of Pakistan. n265 After the Geneva Accord of 1984 to end the Afghan conflict, and subsequent withdrawal of Soviet forces, Afghanistan plunged into a civil war, with Pakistan and other regional powers supporting different factions. n266 The relative disengagement of the U.S. during this period is now seen by the American policy makers as a "strategic mistake." n267

FATA continued to be used by the ISI and Afghan Islamist groups for their engagements in the Afghan civil war. By now, Pakistan's military had developed the so-called doctrine of "strategic depth" with regards to Afghanistan, because it regarded India to the east as the primary military [\*45] threat to Pakistan's interests. n268 In order to counter India, Pakistan, given its significantly smaller territorial size, sought a compliant Afghanistan on its western border. It was against this backdrop that Pakistan in effect created the Taliban in the early 1990s, a development that dramatically affected the Afghan civil war and, later on, the whole region. n269 Pakistan's military saw continued support for the Taliban as a strategic imperative. n270 Pakistan's desire to open trade routes to former Soviet Central Asian republics contributed to its patronage of the Taliban in Afghanistan. n271 Having helped the Taliban capture power in Afghanistan in 1996, Pakistan was among the handful of states that quickly recognized the new regime, and for some time even paid the salaries of the Taliban administration in Kabul. n272 Pakistan's search for "strategic depth," however, remained elusive. While Afghanistan is a multi-ethnic country, the Taliban were exclusively Pashtuns, who make up over 50% of the country's population. n273 Consequently, Pakistan's patronage notwithstanding, the radical Islamic regime of the Taliban refused to accept the Durand Line as a legitimate international border or to drop Afghan claims over FATA and areas of NWFP east of the Line. n274

[\*46] Taliban's brutal political and social order n275 did not derail global geopolitics of energy supplies, when all neighboring states and many others, including the U.S., started "romancing the Taliban" during a "battle for pipelines" in the late 1990s. n276 By the late twentieth century, global capital and its attendant state machinations had moved well beyond territorial colonialism to neo-imperial modes of exploitation and accumulation. n277 The spatial dimension to the cycle of accumulation, however, remained indispensable. n278 This is particularly true of the geopolitical imperatives of the global energy markets. n279 The break-up of the Soviet Union triggered an intense competition between global oil companies and their sponsoring states, including the U.S. and Pakistan, to extract and transport oil and gas from Central Asia via Afghanistan. n280 In immediate contention were two plans for alternative gas pipelines from Turkmenistan to run through Afghanistan: one would go to Pakistan, and the other would go to Iran and Turkey with a possible link to Europe. Alternatives to transport oil from Kazakhstan via the Caspian Sea further complicated the picture. n281

The events of September 11, 2001, dramatically transformed the geopolitical profile of the region. The very next day the U.S. demanded that Pakistan stop terrorist operatives in its border areas or "be prepared to be bombed back to the Stone Age." n282 Pakistan made its decision "swiftly . . . [\*47] [and] agreed to all . . . demands," n283 also making available airbases and transit facilities for supplies for U.S. forces in Afghanistan. n284 However, Pakistan's military continued its special relations with the Taliban across the Durand Line in Afghanistan. When the U.S. launched its attack on Afghanistan, the Taliban "escaped in droves into Pakistan, where they melted into their fellow tribesmen in the FATA." n285 After the now infamous "battle of Tora Bora," n286 Pakistani authorities "looked the other way as foreign fighters crossed over to the Pakistani side and many in the ISI arranged safe passage[s]." n287 In collaboration with ISI, the borderlands became a "safe haven for the Taliban and other insurgent and terrorist elements." n288 FATA, long a sanctuary for fugitives from state law, n289 now became a sanctuary and staging ground for Afghan militants resisting the U.S.-led war effort in Afghanistan. n290

As Pakistan's active support of U.S. war efforts increased, Afghan militants made common cause with religious militants among the Pashtun tribes of FATA. n291 Pakistan's military, designed for conventional warfare on its eastern border with India, was "ill-prepared to tackle this new kind of . . . conflict that slipped across its western border." n292 As a result, Pakistan vacillated between military operations against the militants and peace deals with them. n293 In the meantime, militants started to extend their area of influence beyond FATA, the "buffer to a buffer," into [\*48] NWFP and beyond. n294 In the midst of all this, Pakistan stood firm that the Durand Line be recognized and respected as an international border, while its military considered Afghanistan "within Pakistan's security perimeter." n295 On the other hand, Afghanistan continued to reject the Durand Line because "it has raised a wall between the two brothers." n296

This story of the Durand Line is a more than century-long saga of predatory colonialism, postcolonial insecurities, and incessant conflict. This is a tale of colonial cartography bequeathed to a postcolonial formation, bringing in its wake bitter fruits of oppression, violence, and war. This leads to the broader questions of the challenges colonial borders present to postcolonial states and the role of international law.

IV. COLONIAL BORDERS AND POSTCOLONIAL INSECURITIES

Every established order tends to produce . . . the naturalization of its own arbitrariness. n297

A. Inherited Borders and Postcolonial State-nations

Forged on the anvil of modern European history and enshrined in modern international law, modern statehood and sovereignty are deemed the preserve of differentiated "nations" existing within exclusive and defined territories. While "the struggle to produce citizens out of recalcitrant people accounts for much of what passes for history in modern times," n298 the prototype of the "nation-state" combines a singular national [\*49] identity with state sovereignty, understood as the territorial organization of unshared political authority. "The territoriality of the nation-state" seeks to "impose supreme epistemic control in creating the citizen-subject out of the individual." n299 "Inventing boundaries" n300 and "imagining communities" n301 work together "to naturalize the fiction of citizenship." n302 Modem international law underscores this schema. It extends recognition only to the national form, with acceptance attached to the ability to hold territory in tune with "Western patterns of political organization." n303 As a result, the "nation-state" is the dominant model of organized sovereignty today. This spatially bounded construct, one that frames both the geography of actualizing self-determination and the order of the resulting political unit, put in circulation a "territorialist epistemology." n304 Postcolonial formations had to subscribe to this Eurocentric grammar of state-formation to secure eligibility in the inter-state legal order. n305 This statist frame precludes imaginative flowerings of self-determination in tune with the interests and aspirations of diverse communities both within and beyond received colonial boundaries.

Across the global South, colonial demarcations of zones of control and influence left in their wake political units lacking correspondence between [\*50] their territorial frame and the cohesion of culture and political identity. n306 The colonial demarcations, with little regard for the history, culture, or geography of the region, often split cultural units or placed divergent cultural identities within a common boundary. n307 As a consequence, the crisis of the postcolonial state stems from its artificial boundaries and the specter of the colonial still haunt the postcolonial nation. n308 The "retrospective illusion" n309 of nationalism remains "suspended forever in the space between the ex-colony and not-yet-nation." n310 Decolonization movements and postcolonial states adopted and retained the construct [\*51] of a territorially bound "nation-state" even as they attempted to imagine the "nation" at variance from its European iterations. n311 Imprisoned in inherited colonial territorial cartographies, postcolonial formations inverted this grammar to produce state-nations. While conventional understanding assumes a preexisting nation that subsequently forms a state, post-colonial formations start with a territorial state that aims to constitute a homogenized nation.

Building state-nations generates conflicts about minorities, ethnicities, ethno-nationalism, separatism, and sub-state nationalism. "[T]he nation dreads dissent" n312 and "the nation-state's limits implicate its geographic peripheries as central to its self-fashioning." n313 In the process, a co-constitutive role of "nation and ethnicity" develops as a "productive and dialectical dyad." n314 It is by the construction of ethnicity as a "problem" that the "nation" becomes the resolution and the state incarnates itself as the authoritative problem solver. In this way often "the very micropolitics of producing the nation are responsible for its unmaking or unraveling." n315 Incessant rhetoric of endangerment and discursive production of threats to the nation render "nation-building" a coercive enterprise and facilitate the overdevelopment of the coercive apparatuses of the state. n316 While inherited boundaries represent the postcolonial state-nation's "geo-body," n317 cultural and ethnic heterogeneity within induces "geopiety." n318 It is no surprise, then, that most postcolonial states have as their raison d'etre the production, maintenance, and reproduction of the discourses and apparatuses of national security. n319 The career of Pakistan as [\*52] a postcolonial state circumscribed within an inherited territorial frame substantiates this political grammar.

Fig 3. Major Ethno-Linguistic Groups of Pakistan in relation to international boundaries of the region n320

Pakistan, hailed as "the triumph of ideology over geography," n321 is literally caught and exists between lines drawn by colonial powers--the Durand Line (1893) in the northwest, the Goldsmid Line (1872) to the west, the Radcliffe Line (1947) in the east, and the MacMahon Line (1904) to the north. n322 For good measure, in the northeast, a Line of Control, [\*53] "a sequence of ellipses" "[d]rawn and redrawn by battles and treaties . . . identifiable by traces of blood, bullets, watchtowers, and ghost settlements left from recurring wars," n323 provisionally divides Kashmir into areas held by India and Pakistan. n324 The "state-building" and "nation-building" saga that unfolded between these lines since 1947 has produced what is variously characterized as the "viceregal system," n325 the "overdeveloped state," n326 the "hyper-extended state," n327 and the "praetorian" state. n328 In efforts to constitute a state-nation, coercion always outweighed persuasion in claims of domination, in tune with a political grammar set in place by colonial rule. n329 The project of "conjuring Pakistan," n330 that would envelop ethnic, linguistic, and cultural differences within inherited borders, necessitated deployment of "security as hegemony." n331 Festering territorial disputes with neighboring states furnished the primary justification for the military to consume a disproportionate [\*54] share of resources and to play a leading ideological and political role. n332 Denial of representation, suppression of federalism, and destruction of alterity are the hallmarks of the state since its inception. As successor to the colonial "garrison state" in the Punjab, a Punjab-centered military-bureaucracy oligarchy retains a dominant position in the ruling bloc. n333 Denial of equal citizenship to the people of the provinces of Balochistan, East Bengal, NWFP, and Sind--even when they constituted the majority of the population--remains a defining feature of the state. Dissent and resistance were squelched by unbridled state violence, including repeated military actions--the most infamous being the one in 1971 that prompted the eastern wing of Pakistan to break off and establish a separate state of Bangladesh. n334 Phases of coups d'etat, martial laws, abrogation of constitutions, and declarations of emergency rule constitute the "constitutional" history of the country. A docile judiciary serially deployed doctrines of "state necessity," "revolutionary legality," "constitutional deviation," and de facto power to furnish legitimacy to repressive orders. n335

In building a postcolonial state-nation, the FATA, the colonial "buffer to a buffer," retained its special status--approximating spaces of exception as invoked by Giorgio Agamben. n336 Today, FATA is "a Massachusetts-sized [\*55] wedge between Afghanistan and NWFP of Pakistan," with a population of about 4 million, "virtually all of whom are Pashtuns." n337 Since 1901, this zone has been governed by a unique colonial-era administrative and judicial order--an indirect rule that combines modern technologies of power with instrumental use of customary norms and traditional power structures. n338 The colonial design aimed to govern through selected tribal notables who would be loyal to the British in exchange for fixed monetary allowances. No taxes would be levied on the tribes, who would be left alone to manage their internal affairs through the customary Pakhtunwali code in their tribal jirgas, which has been characterized as "probably the closest thing to Athenian democracy that has existed since the original." n339 However, any matter that implicated the security [\*56] interests of colonial authorities was to be handled by a parallel system--a hybrid construct that retains the name jirga, but empties it of any semblance to "Athenian democracy" to make room for a process and a set of sanctions designed for harsh control and violent discipline to facilitate external domination. n340 This system took the shape of the Frontier Crimes Regulation ("FCR"), originally formulated in 1858, and amended in 1872 and 1901, turning FATA into a constitutional and legal anomaly. n341 Decolonization did not bring any change. Since 1947, FATA is formally a part of Pakistan. n342 However FCR remains entrenched, and sets the FATA tribes apart from and unequal to other citizens of the country. n343

To enable this state and space of exception, Pakistan's constitution reposes all executive and legislative authority for FATA in the President of Pakistan, who is given the authority to exercise his powers regarding FATA "as he may deem necessary." n344 Parliamentary enactments do not apply to FATA, unless the President so directs. n345 FATA is placed outside the jurisdiction of the Supreme Court and High Courts that otherwise have extensive powers to guarantee fundamental rights. n346 The Supreme [\*57] Court has recognized these "special provisions" for the area "so that their inhabitants are governed by laws and customs with which they are familiar and which suit their genius." n347

The FATA itself stands divided into 7 administrative units styled "agencies." An evocatively titled "Political Agent" ("PA"), appointed in each agency by the federal government and backed by a para-military militia, is the locus of Pakistan's authority. Besides exercising extensive executive, judicial, and revenue powers, the PA is also each agency's development administrator. n348 He is assisted by maliks, paid intermediaries from among tribal elders, who are appointed and removed at his discretion. n349 Maintenance of order and suppression of crime are deemed the PA's primary responsibilities. n350 The PA is authorized to dispose of any civil or criminal matter at his discretion. n351 The PA may decide the matter himself, or refer it to a tribal jirga, consisting of tribal maliks chosen by the PA. The PA initiates cases, appoints the jirga, presides over trials, and the final decision is subject to his discretion. n352 The jirga is supposed to decide the matter under FCR, supplemented by customary tribal norms. n353 The PA retains the discretion to sentence the accused as determined by the jirga, refer the matter back to the jirga, or appoint a new jirga. n354 The determinations of the PA are not subject to review by any court of law. n355 The process is that of an inquiry rather than presentation [\*58] of evidence and cross examination. Assistance of counsel is prohibited. n356

Draconian sanctions under the FCR, executed at the discretion of the PA, include: detention and imprisonment to prevent crime or sedition; requiring "a person to execute a bond for good behavior or for keeping the peace;" expulsion from the agency of "dangerous fanatics" and those involved in blood feuds; removal or prevention of settlements close to the border; demolition of buildings used for "criminal purposes;" collective punishment of fines and blockade; and the "right to cause the death of a person" on suspicion of intent to use arms to evade arrest. n357 The federal agency charged with overseeing FATA considers FCR an "effective 'iron-hand'" whose withdrawal would create an "administrative vacuum." n358

In 1962, under a design of limited franchise, an electoral college of 35,000 tribal maliks, appointed by the PA, selected representatives to the national parliament. n359 In 1996, direct election of representatives was introduced, though "politics and political parties are curse words in official circles." n360 Because the law prohibits political parties from extending their activities in FATA, only "non-party/independent" representatives can be elected. This makes for a unique political anomaly: FATA residents elect representatives to a legislature whose legislation does not extend to FATA. FATA also suffers from abysmal levels of poverty, illiteracy, and lack of health care. n361 Analysts find FATA "a virtual prison for public-spirited and reform-minded individuals. Dissenting voices are quickly dubbed anti-state and silenced by imprisonment." n362 State functionaries, however, claim that the system in place for over a hundred years "suits the genius of the people and has stood the test of time." n363 It is more appropriate to characterize FATA as a zone where bodies and [\*59] spaces are placed on the other side of universality, a "moral and legal no man's land, where universality finds its spatial limits." n364

FATA, admittedly an extreme case, is symptomatic of the problem of reconciling territorial straitjackets with the principle of self-determination. n365 For the territorial state, self-determination has always been a concept "loaded with dynamite." n366 In postcolonial formations, its explosive potential increases. The primary problem is not how to determine identities and desires of a people eligible for self-determination; n367 the problem, rather, is how to reconcile realization of this right with existing territorial configurations. The unresolved questions surrounding the Durand Line, FATA, and Pashtun political identity persist because their resolution is sought within a territorial "nation-state." Nesiah terms the imprisonment of postcolonial polities within modern territorial constructs of statehood "failures of the imagination." n368 A major hurdle in breaking free of this imprisonment is international law itself.

B. International Law and the Territorial Straitjacket

For many a postcolonial "contrived state" n369 the crisis of identity and security "lies in its 'artificiality."' n370 International law enforces the territorially-bound grammar of the "nation-state" upon postcolonial formations plagued by cartographicc anxiety inscribed into [their] very genetic code," n371 through the doctrine of uti possidetis. Based on a maxim of Roman law, the doctrine of uti possidetis ita possidetis (as you possess, so you possess), treats the acquisition and possession of a state's territory as given, with no territorial adjustments allowable without the consent of the currently occupying parties. n372 Applied to international [\*60] borders, it favors actual possession irrespective of how it was achieved, assumes that valid title belongs to current possessor, and does not seek to differentiate between the de facto and de jure possession. n373 By recognizing legitimate title to de facto territorial holdings, it becomes an instrument to maintain the status quo and impedes imaginative resolutions of territorial conflicts.

The doctrine of uti possidetis was formulated in connection with colonialism in Latin America in the early nineteenth century when Spanish colonies agreed to apply the principle both in their frontier disputes with each other and in those with Brazil. n374 During the decolonization era of the twentieth century, this norm was extended to the withdrawal of colonial powers from Asia and Africa. n375 The principle mandated that "new States . . . come to independence with the same borders that they had when they were administrative units within the territory or territories of one colonial power." n376 This froze colonial boundaries and presented a challenge to postcolonial formations to imagine and manage a "nation" and "national identity" in the heterogeneity contained within inherited boundaries. n377 In some instances, particularly in Africa, this attempt failed completely and ended in genocide and/or fracturing of the state. n378

[\*61] The ICJ n379 and international tribunals n380 were quick to put their imprimatur on the doctrine of uti possidetis and its application to postcolonial states. The ICJ has designated it "a general principle, which is logically connected with the phenomenon of [] obtaining [] independence, wherever it occurs." n381 The ICJ went on to state that "[i]ts obvious purpose is to prevent the independence and stability of new States being endangered by fratricidal struggles provoked by the challenging of frontiers following the withdrawal of the administering power." n382 The bottom line is that through "application of the principle of uti possidetis," colonial "administrative boundaries" are "upgraded" and "transformed into international frontiers in the full sense of the term." n383

The ICJ acknowledged that by giving fixity and legitimacy to colonial boundaries, the principle uti possidetis "at first sight . . . conflicts outright with another one, the right of peoples to self-determination." n384 In [\*62] the face of this dilemma, the ICJ fell back on pragmatism to claim that "maintenance of the territorial status quo" is essential to "preserve what has been achieved by peoples who have struggled for their independence." n385 The Court sought support for this claim with a gesture toward the practice of post-colonial states:

[t]he essential requirement of stability in order to survive, to develop and gradually to consolidate their independence in all fields, has induced African States judiciously to consent to the respecting of colonial frontiers, and to take account of it in the interpretation of the principle of self-determination. n386

Here Nesiah rightly sees a "double bind" infecting the Court as it is committed to decolonization but "[t]erritorial integrity emerges here as a statist spatial representation intelligible to international law, and posited as indispensable to the self-determination of the postcolony." n387

As the saga of the Durand Line shows, colonial frontiers, boundaries, and borders fluctuated over time. This raises the question of the exact territorial bounds of postcolonial states. The ICJ injected an unequivocal temporal cut-off in this historically ambivalent temporal and spatial issue, by holding that:

[U]ti possidetis--applies to the new State (as a State) not with retroactive effect, but immediately and from that moment onwards. It applies to the State as it is, i.e., to the photograph of the territorial situation then existing. The principle of uti posidetis freezes the territorial title; it stops the clock but does not put back the hands. n388

As fashioned by the ICJ:

[\*63] the critical date as a legal concept posits that there is a certain moment at which the rights of the parties crystallize, so that acts after that date cannot alter the legal position. It is a moment which is more decisive than any other for the purpose of the formulation of the rights of the parties in question. n389

This freeze-framing of boundaries on the date of decolonization by one definitive gesture renders the issue of the history of these boundaries moot. The rationale appears to be that "freezing the carved-up territory in the format it exhibited at the moment of independence" n390 will deter territorial disputes among post-colonial states. Pervasive postcolonial territorial and self-determination conflicts, however, reveal that such a mandated spatial fixity and temporal clarity of boundaries does not keep these conflicts in check. n391 Uti posidetis combined with critical date as a legal concept trumps conflicting post-colonial assertion and exercise of effective authority as grounds for sovereign title under the doctrine of effectivites. n392 Post-colonial effectivities has significance only if colonial practice fails to furnish definitive demarcation and thus trigger application of uti posseditis. n393

The concern with order has been central to modern international law. n394 Decolonization, coming on the heels of two World Wars, raised the specter [\*64] of disorder. As a result, the norm of self-determination gave way to the caveat of order. n395 Order trumped self-determination, deemed a concept "loaded with dynamite," n396 and the transition from colonialism to postcoloniality proceeded with the basic requirement that external boundaries remain in place. Managers of postcolonial formations were equally quick to subscribe to the doctrine, and international bodies like the United Nations were quick to give their imprimatur. The same 1960 UN resolution that affirmed that "[a]ll peoples have the right of self-determination," also declared that "[a]ny attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." n397 As a way out of this contradiction, the United Nations contemplates the possibility of non-state modes of actualizing self-determination, by holding that "[t]he establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitutes modes of implementing the right of self-determination." n398 This contradiction points to the Janus-faced nature of the right of self-determination in a system of states with fixed and inviolable territorial bounds. The right has a "justifying, stabilizing, conserving effect and it has a criticizing, subversive, revolutionizing one." n399 International law and the practice of states have been content with the justifying, stabilizing, and conserving effect. n400

This bias in favor of existing states is augmented by a doctrinal lacuna, with profound political implications, that remains at the heart of the uti possidetis doctrine as reformulated by modem international law and endorsed by the ICJ. In jus civil, rightful title via de facto possession could only be acquired by a prescriptive claim of usucapio established in good [\*65] faith. n401 Furthermore, in Roman law, uti possidetis is deemed an interim measure in contested vindication proceedings to determine title. n402 A critical restrictive qualifier, nec vi, nec clam, nec precario (without force, without secrecy, without permission), limits the scope of the doctrine. Possession would ripen into good title only if possession did not run afoul of the limitations. Modern international law conveniently elides this critical limitation, perhaps because given the colonial modes of acquisition of territory, colonial boundaries run afoul of it. n403 This gloss over the spatial history of colonialism, now bequeathed to post-colonial formations, by treating de facto control as rightful title is a foundational reworking of the original construct. n404

### 1NC -- Space Col Bad

#### The attempt to explore space reflects an insatiable urge to colonize and dominate. Going to space does not resolve problems on earth---it merely expands the destructive potential of our worst impulses

Bormann 9 – Natalie Bormann, Department of Politics, Northeastern University, Boston, and Michael Sheehan, Professor of International Relations at Swansea University, Securing Outer Space, p. 1-3

For fifty years, much of our thinking about socio-political, economic and military-related issues were defined, shaped and driven by the Cold War and the central icy of a comfortable paradox - that of a bipolar nuclear confrontation. A decade and a half after the end of that confrontation we are still deemed to be living in a period, the 'post'-Cold War era, that is defined only in relation to the preceding one. And while there is a strong temptation, if\* not an expectation, for some scholars to adhere to these well-known and totalizing terms of the debate, for others the past two generations have been animated by a different, and pervasive, intervention - the 'space age'. The movement of humanity into space and the development of satellite technology in retrospect may well appear as the defining characteristic of this period.

The fiftieth anniversary of the beginning of the space age was marked on 4 October 2007. It was on this day, in 1957, that the Soviet Union launched Sputnik 1, the first satellite to be placed in orbit. This dramatic event not only ushered in the space era, it also triggered a set or questions regarding the assumptions and effects that were (and are) constitutive of this new endeavor: questions of the global, the international, the political, the ethical, the technical, the scientific, humankind and modernity — to name but a few. In what ways would these questions guide, alter and intervene with our activities in space? But also, in what ways would the space age guide, alter and intervene with these questions?

That day in October 1957 also marked the beginning of serious concerns regarding the modes and kinds of space activities that we would be witnessing, and these concerns were dominated from the outset by the fact that the first journey into space was accompanied by - if not entirely driven by - the Cold War arms race. The initial steps in the exploration of space were inexorably linked with pressures to militarize and securitize this new dimension. As a geographical realm that had hitherto been pristine in relation to mankind's warlike history, this immediate tendency for space exploration to be led by military rationales raised profound philosophical and political questions. What should the purpose of space activity be, and what should it not be? And how would we approach, understand and distinguish between military activities, civilian ones, commercial ones, and SO forth?

More than a half century later, the questions as to what we bring to space' as well as how space activities challenge us, and to what effects, seem ever more pressing. While the debate over some of the assumptions, modes and effects of the space age never truly abated, most of the contributors in this volume agree that there is sense of urgency in raising concern, re-conceptualizing the modes of the debate, and engaging critically with the limits and possibilities of the dimension of space vis-a-vis the political.

This sense of urgency reflects the revitalization of national space programmes, and particularly that of the United States and China since the start of the twenty-first century. In January 2004, at NASA headquarters, US President George W. Bush announced the need for a new vision for America's civilian and scientific space programme. This call culminated in a Commission's Report on Implementation of United States Space Exploration Policy, which emphasized the fundamental role of space for US technological leadership, economic validity, and most importantly, security. While this certainly stimulated the debate over the future direction of US space exploration, it has led many to express concern over the implicitly aggressive and ambitious endeavor of colonizing space in the form of calling upon the need for permanent access to and presence in space. A critical eye has also been cast on the Commission's endorsement of the privatization and commercialization of space and its support for implementing a far larger presence of private industry in space operations.

Certainly also at the forefront of the current debate on space activities are notions of its militarization and securitization. The deployment of technologies with the aim to secure, safeguard, defend and control certain assets, innovations and activities in space is presented to us as an inevitable and necessary development. It is argued that just as the development of reconnaissance aircraft in the Fitst World War led inexorably to the emergence of fighter aircraft to deny the enemy the ability to carry out such reconnaissance and then bombers to deliver weapons against targets that could be identified and reached from the air, so too has the 'multiplier effect' on military capabilities of satellites encouraged calls for the acquisition of space-based capabilities to defend one's own satellites and attack those of adversaries, and in the longer term, to place weapons in space that could attack targets on Earth. Here, the Bush administration's indication that it envisaged a prominent role for space-based weapons in the longer term as part of the controversial national missile defence system contributed to the atmosphere of controversy surrounding space policy.

As space has become crucial to, and utilized by, far more international actors, so the political implications of space activities have multiplied. The members of the European Space Agency have pursued space development for economic, scientific and social reasons. Their model of international space Cooperation has been seen as offering an example to other areas of the world, particularly in their desire to avoid militarizing efforts. Yet even Europe has begun to develop military space capabilities, following a path that has already been pursued by other key states such as China and India, suggesting that there is an inevitability about the militarization, and perhaps ultimately the weaponization, of space. How we conceptualize space has therefore become of fundamental moral, political and strategic importance.

Outer space challenges the political imagination as it has always challenged the human imagination in many other fields. For millennia people have looked up to the stars and imagined it as the home of gods or the location of the afterlife. For centuries they have looked to it for answers about the physical nature of the universe and the place of mankind's ancestral home within it. And for decades, it has been seen as the supreme test for advanced technology. Space exploration is a driver of innovation, encouraging us to dream of what might be possible, to push back the boundaries of thought and to change the nature of ontological realities by drawing on novel epistemologies. The physical exploration of the solar system through the application of science and technology has been the visible demonstration of this.

The challenges that Space poses for political theory are profound. If space-is about the use of imagination, and the application of novel developments to create new possibilities for human progress, how has political theory and political reality responded to this challenge'? The answer, at least thus far, is both that it has changed everything, and that it has changed very little. For international law, most notably in the Outer Space Treaty, the denial of territoriality and limitations on sovereignty beyond planet Earth offers a fundamental challenge to the way in which international relations has been conceptualized and operationalized in the modern era. On the other hand, the dream of many, that humanity would leave behind its dark side as it entered space, has not been realized. For the most part, the exploration and utilization to space has reflected, not challenged, the political patterns and impulses that characterized twentieth-century politics and international relations. Propaganda, military rivalry, economic competition and exploitation, North—South discrimination and so on have extended their reach beyond the atmosphere. Industrialization and imperialism in the nineteenth century helped produce powerful new social theories, as well as new philosophy, political ideologies and conceptualizarions of the meaning of politics and the nature of human destiny

#### The rhetoric of space exploration affirms a narrative of U.S. exceptionalism---this propels material violence

**Billings 7** – Linda Billings, Ph.D., Research Associate at SETI Institute, Societal Impact of Space Flight, p. 483-484

The ideas of frontier pioneering, continual progress, manifest destiny, free enterprise, and rugged individualism have been prominent in the American national narrative, which has constructed and maintained an ideology of "Americanism"—what it means to be American, and what America is meant to be and do. In exploring the history of U.S. spaceflight, it is useful to consider how U.S. space advocacy movements and initiatives have interpreted and deployed the values and beliefs sustained by this national narrative.The aim here is to illuminate the role and function ot ideology and advocacy in the history of spaceflight by examining the rhetoric of spaceflight advocacy.' Starting from the premise that spaceflight has played a role in the American national narrative and that this national narrative has played a role in the history of spaceflight, this paper examines the relationship between spaceflight and this narrative. Examining the history of spaceflight advocacy reveals an ideology of spaceflight that draws deeply on a durable American cultural narrative—a national mythology—of frontier pioneering, continual progress, manifest destiny, free enterprise, rugged individualism, and a right to life without limits. This ideology rests on a number of assumptions, or beliefs, about the role of the United States in the global community, the American national character, and the "right" form of political economy. According to this ideology, the United States is and must remain "Number One" in the world community, playing the role of political, economic, scientific, technological, and moral leader. That is, the United States is and must be exceptional. This ideology constructs Americans as independent, pioneering, resourceful, inventive, and exceptional, and it establishes that liberal democracy and free-market capitalism (or capitalist democracy) constitute the only viable form of political economy." The rhetoric of space advocacy exalts those enduring American values of pioneering, progress, enterprise, freedom, and rugged individualism, and it advances the cause of capitalist democracy. Helving into the language or rhetoric of spaceflight is a productive way of exploring the meanings and motives that are embedded in and conveyed by the ideology and advocacy of spaceflight—the cultural narrative of pioneering the space frontier. According to rhetorical critic Thomas Less], rhetorical analysis can shed some light on . . . |T|he processes of communication that underpin decision making in free societies . . . .Judgments on matters of public policy take their cues from rhetoric, and so an understanding of any society s rhetoric will tell us a lot about its ideas, beliefs, laws, customs and assumptions—especially how and why such social features came into being.1 To begin this, analysis, some definition of key concepts is warranted, starting with culture and communication. Anthropologist Clifford Goertzs definition of culture is operative in tins analysis: [Culture is an| historically transmitted pattern of meanings embedded in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate and develop their knowledge about and attitudes toward life. |It is a context within which social action can be] intelligiblv—that is, thickly—described.1 Building on Geertz's conception, communication theorist James Carey has characterized culture as a predominantly rhetorical construction, "a set of practices, a mode of human activity, a process whereby reality is created, maintained and transformed," primarily by means of communication."' Social norms can be constructed.perpetuated,and resisted—and ideologies can be propagated—"through ritualized communication practices." 'When advocates speak of advancing scientific and technological progress by exploring and exploiting the space frontier, they are performing ritual incantations of a national myth, repeating a cultural narrative that affirms what America and Americans are like and are meant to do. For the purposes of this analysis, communication is a ritual, culture is communication, and communication is culture. Standard definitions of ideology and advocacy are operational here. An ideology in .1 belief system (personal, political, social, cultural). Advocacy is the act of arguing in favor of a cause, idea, or policy.