# TDI Quarters Neg

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### 1

#### Interpretation: “appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Private appropriation of extracted space resources is distinct from appropriation “of” outer space. Despite longstanding permission of appropriation of extracted resources, sovereign claims are still universally prohibited.

Abigail D. Pershing, J.D. Candidate @ Yale, B.A. UChicago,’19, "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today," Yale Journal of International Law 44, no. 1

II. THE FIRST SHIFT IN CUSTOMARY INTERNATIONAL LAW’S INTERPRETATION OF THE NON-APPROPRIATION PRINCIPLE

Since the drafting of the Outer Space Treaty, several States have chosen to reinterpret the non-appropriation principle as narrower in scope than its drafters originally intended. This reinterpretation has gone largely unchallenged and has in fact been widely adopted by space-faring nations. In turn, this has had the effect of changing customary international law relating to the non-appropriation principle. Shifting away from its original blanket application in 1967, States have carved out an exception to the non-appropriation principle, allowing appropriation of extracted space resources.53 This Part examines this shift in the context of the two branches of the United Nation’s customary international law standard: State practice and opinio juris.

A. State Practice

The earliest hint of a change in customary international law relating to the interpretation of the non-appropriation clause came in 1969, when the United States first sent astronauts to the moon. As part of his historic journey, astronaut Neil Armstrong collected moonrocks that he brought back with him to Earth and promptly handed off to the National Aeronautics and Space Administration (NASA) as U.S. property.54 Later, the USSR similarly claimed lunar material as government property, some of which was eventually sold to private citizens. 55 These first instances of space resource appropriation did not draw much attention, but they presented a distinct shift marking the beginning of a new period in State practice. Having previously been limited by their technological capabilities, States could now establish new practices with respect to celestial bodies. This was the beginning of a pattern of appropriation that slowly unfolded over the next few decades and has since solidified into the general and consistent State practice necessary to establish the existence of customary international law. Currently, the U.S. government owns 842 pounds of lunar material.56 There is little question that NASA and the U.S. government consider this material, as well as other space materials collected by American astronauts, to be government property.57 In fact, NASA explicitly endorses U.S. property rights over these moon rocks, stating that “[l]unar material retrieved from the Moon during the Apollo Program is U.S. government property.”5

The U.S. delegation’s reaction to the language of the 1979 Moon Agreement further cemented this interpretation that appropriation of extracted resources is a permissible exception to the non-appropriation clause of Article II. Although the United States is not a party to the Moon Agreement, it did participate in the negotiations.59 The Moon Agreement states in relevant part: Neither the surface nor the subsurface of the moon, nor any part thereof or natural resources in place, shall become property of any State, international intergovernmental or nongovernmental organization, national organization or nongovernmental entity or of any natural person.60

In response to this language, the U.S. delegation made a statement laying out the American view that the words “in place” imply that private property rights apply to extracted resources61—a comment that went completely unchallenged. That all States seemed to accept this point, even those bound by the Moon Agreement, is further evidence of a shift in customary international law.62

B. Opinio Juris: Domestic Legislation

Domestic law, both in the United States and abroad, provides further evidence of the shift in customary international law surrounding the issue of nonappropriation as it relates to extracted space resources.

Domestic U.S. space law is codified at Section 51 of the U.S. Code and has been regularly modified to expand private actors’ rights in space.63 Beginning in 1984, the Commercial Space Launch Act provided that “the United States should encourage private sector launches and associated services.”64 The goal of the 1984 Act was to support commercial space launches by private companies and individuals.65 It did not, however, specifically discuss commercial exploitation of space. The first such mention of commercial use of space appeared in 2004, with the Commercial Space Launch Amendments Act.66 This Act specifically aimed at regulating space tourism but did not explicitly guarantee any private rights in space.67

The most significant change in U.S. space law came with the passage of the Spurring Private Aerospace Competitiveness and Entrepreneurship (SPACE) Act in 2015. As incorporated into Section 51 of the Code, this Act provides: A United States citizen engaged in commercial recovery of an asteroid resource or a space resource under this chapter shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell the asteroid resource or space resource obtained in accordance with applicable law, including the international obligations of the United States.68

Whereas the idea that private corporations might go into space may have seemed far-fetched to the drafters of the Outer Space Treaty, the SPACE Act of 2015 was the first instance of a government recognizing such a trend and officially supporting private companies’ commercial rights to space resources under law. With the new 2015 amendment to Section 51 in place, U.S. companies can now rest assured that any profits they reap from space mining are firmly legal—at least within U.S. jurisdictions.

Although the United States was the first country to officially reinterpret the non-appropriation principle, other countries are following suit. On July 20, 2017, Luxembourg passed a law entitled On the Exploration and Utilization of Space Resources with a vote of fifty-five to two.69 The law took effect on August 1, 2017.70 Article 1 of the new law states simply that “[s]pace resources can be appropriated,” and Article 3 expressly grants private companies permission to explore and use space resources for commercial purposes.71 Official commentary on the law establishes that its goal is to provide companies with legal certainty regarding ownership over space materials—a goal that the commentators regard as legal under the Outer Space Treaty despite the non-appropriation principle.72 The next country to enact similar legislation may be the United Arab Emirates (UAE). According to the UAE Space Agency director general, Mohammed Al Ahbabi, the UAE is currently in the process of drafting a space law covering both human space exploration and commercial activities such as mining.73 To further this goal, in 2017 the UAE set up the Space Agency Working Group on Space Policy and Law to specify the procedures, mechanisms, and other standards of the space sector, including an appropriate legal framework.74

C. Opinio Juris: Legal Scholarship

Other major space powers are also considering similar laws in the future, including Japan, China, and Australia. 75 Senior officials within China’s space program have explicitly stated that the country’s goal is to explore outer space and to take advantage of outer space resources.76 The general international trend clearly points in this direction in anticipation of a potential “space gold rush.” 7

Mirroring the shift in State practice and domestic laws, the legal community has also changed its approach to the interpretation of the nonappropriation principle. Whereas at the time of the ratification of the Outer Space Treaty the majority of legal scholars tended to apply the non-appropriation principle broadly, most legal scholars now view appropriation of extracted materials as permissible.78 Brandon Gruner underscores that this new view is historically distinct from prior legal interpretation, noting that modern interpretations of the Outer Space Treaty’s non-appropriation principle differ from those of the Treaty’s authors.79

In contrast to earlier legal theory that denied the possibility of appropriation of any space resources, scholars now widely accept that extracting space resources from celestial bodies is a “use” permitted by the Outer Space Treaty and that extracted materials become the property of the entity that performed the extraction.80 Stressing the fact that the Treaty does not explicitly prohibit appropriating resources from outer space, other authors conclude that the use of extracted space resources is permitted, meaning that the new SPACE Act is a plausible interpretation of the Outer Space Treaty.81

However, scholars have been careful to cabin the extent to which they accept the legality of appropriation. For instance, although Thomas Gangale and Marilyn Dudley-Rowley acknowledge the legality of private appropriation of extracted space resources, they nonetheless emphasize that “[o]wnership of and the right to use extraterrestrial resources is distinct from ownership of real property” and that any such claim to real property is illegal.82 Lawrence Cooper is also careful to point out this distinction: “[t]he [Outer Space] Treaties recognize sovereignty over property placed into space, property produced in space, and resources removed from their place in space, but ban sovereignty claims by states; international law extends this ban to individuals.”83 Although there remain some scholars who still insist on the illegality of the 2015 U.S. law and State appropriation of space resources generally,84 their dominance has waned since the 1960s. These scholars are now a minority in the face of general acceptance among the legal community that minerals and other space resources, once extracted, may be legally claimed as property. 85

Taken together, the elements described above—statements made in the international arena, de facto appropriation of space resources in the form of moon rocks, the adoption of new national policies permitting appropriation of extracted space resources, and the weight of the international legal community’s opinion— indicate a fundamental shift in customary international law. The Outer Space Treaty’s non-appropriation clause has been redefined via customary international law norms from its broad application to now include a carve-out allowing appropriation of space resources once such resources have been extracted.

#### Violation ­– the aff only bans private resource extraction through asteroid mining, which is limited in scope – that’s distinct from full sovereignty over space

#### Vote neg:

#### Limits – their interp explodes the topic to include affs about using space for any single purpose, like space-based solar power, helium and REMs on the Moon, space tourism, and climate adaptation satellites – this is unpredictable because topic lit is concerned with sovereignty over space and space colonization broadly, privileges the aff by stretching pre-tournament neg prep too thin and precludes nuanced case negs that rigorously test the aff

#### Precision – Justifies the aff arbitrarily doing away with words in the resolution which gives way to affs about anything from public appropriation affs to air space affs and many more which obliterates negative prep.

#### Topicality is a voting issue that should be evaluated through competing interpretations—it tells the negative what they do and do not have to prepare for. Reasonability is arbitrary and unpredictable, inviting a race to the bottom and we’ll win it links to our offense

### 2

#### Counterplan: States other than the Republic of India should ban the appropriation of outer space by private entities through asteroid mining.

#### Space is an intrinsic part of India’s soft power expansion and they’re set to rapidly scale now

Sarthak Kathayat, Sarthak Kathayat is a student at Jamia Millia Islamia, India., NIICE NEPAL, 11-1-2020, "Soft Power and India’s Space Diplomacy," https://niice.org.np/archives/6420 TDI

In international relations, soft power is the ability of any country to persuade other countries to do what it wants without the use of force. According to Joseph Nye Jr., soft power is – getting others to want the outcomes that you want – co-opts people rather than coerces them. As compared to hard power, soft power takes relatively longer to built as its intangible resources develop over a long time. Soft power tends to change other party’s attitude to the end where she acts voluntarily in a way which is different to her usual behaviour. Several characteristics of the current world order like globalisation driven economic interdependence, rise of transnational actors, resurgence of nationalism in weak states, the spread of military technology and the changed nature of international political problems have significantly reduced the effectiveness of hard power strategies. The most noteworthy example of a foreign policy misadventure based solely on hard power strategies is the 2003 US invasion of Iraq. Soft power also has its own weakness. However, the ineffectiveness of soft power strategies is an exception. In longer-term, soft power strategies appear to be more effective in the contemporary world order than the hard power. One such tool of soft power is the space technology and space diplomacy. Space technology are increasingly viewed as a crucial instrument of soft power as states have now understood the direct relation between the technological feats and global prestige that follows. Expertise in rocket science puts a state on a higher pedestal than the countries who are still struggling in the domain. Moreover, expertise in rocket science ensues significant strategic implications. The output delivered has noteworthy social and economic relevance with a massive growth potential. In a broadening concept of security that encompasses other dimensions such as economic, environmental and political, Indian space programme has been distinctive and lucid in the way it simultaneously addresses the requirements of the Indian citizenry and the state collectively in all the dimensions. Despite being challenged by numerous embargoes and technology denial regimes during Cold War, Indian space programme has emerged as the most cost-effective and successful space programme in the world. India’s space programme has been a tremendous achievement for a developing country which despite being faced with many challenges used space as a crucial mechanism to lift its people out of poverty through education, social and economic programmes. With the course of time, India’s space policy has become an intrinsic part of India’s foreign policy to strengthen India’s position as a dominant power in South Asia. Indian Space Programme India’s space programme has been seen making efforts in projecting soft power which is especially evident through its new commitment to planetary exploration and human spaceflight. The Chandrayaan-1 and Mangalyaan-1 mission cleared the fact that India now looks at space as a standard of global standing. India’s soft power has witnessed a progression with an increasingly successful participation in global space economy through ISRO’s commercial arm, Antrix Corporation. India’s growing influence on the global space economy has been an indication of its changing stature in international arena. India has also been involved in capacity building initiatives. It has successfully established itself as a leader in terms of healthcare provisions through satellite-based telemedicine. India hosts the largest telemedicine network in South Asia which has also expanded to the African continent. A non-profit Indian organisation named Apollo Telemedicine Networking Foundation has been involved in telemedicine services with dedicated centres in Iraq, Yemen, Kazakhstan and Myanmar. India’s Space Diplomacy Further using space for diplomacy in order to project its soft power across the globe, India has assisted countries like Colombia in launching its satellite which boosted India-Colombia relations. Many Latin American countries are often dependent on the US for space and military matters. However, after the launch, many countries like Argentina, Bolivia, Brazil, Chile, Ecuador, Mexico, Nicaragua and Venezuela have reached out to ISRO for launching or developing satellites. Similarly, India’s PSLV also launched Israel’s TecSar satellite in 2008 for remote sensing purposes. The launch boosted the political and strategic relations with Israel. Once a recipient of space technology from developed countries, India has demonstrated the robustness of its own space programmes by setting up joint projects and even providing assistance at the time of disaster to a number of countries. ISRO’s Oceansat-2 satellite played a pertinent role in monitoring Hurricane Sandy and helping the authorities to implement timely disaster mitigation and rescue strategies. Adding more feathers to its hat, ISRO has also launched dozens of satellites for US, Europe and Britain based companies

. The recent launches of British reconnaissance satellites, NovaSAR and S1-4 are a sign of what could come next. Britain is one of the EU’s biggest spender in space sector. After Brexit, the dispute over Britain’s continued access to the European Union’s Galileo satellite navigation project will inevitably lead Britain look for alternatives and India’s space ambitions could offer a tempting proposition within the ambit of wider bilateral cooperation. As a part of India’s efforts in space diplomacy, ISRO undertook another capacity building initiative ‘Unispace Nanosatellite Assembly and Training (UNNATI)’. Under UNNATI, ISRO planned to train 45 countries in making Nano-satellites. Closer to home, India proposed a SAARC satellite in 2014 for the overall development of the region. The proposal was welcomed by SAARC nations but unfortunately the proposal couldn’t materialise as envisioned initially due to Pakistan’s backing out from the project. However, three years later, in 2017, ISRO launched the South Asia satellite or GSAT-9 to help India’s neighbouring countries in space communication. The idea of South Asia satellite ensured no political impediment as with the case of SAARC satellite. The positive spill over effect of the satellite’s launch on India’s “neighbourhood first” diplomacy was well demonstrated by the warm responses given by the leaders of South Asian countries. India’s space diplomacy with neighbours also extends on a bilateral basis. For instance, in Afghanistan, India included remote sensing satellite transmitters for acquiring space-based data in a USD 1.2 billion aid package. It is evident that soft power strategies are more relevant than the hard power strategies, especially in the contemporary world order. The rise of China as an emerging superpower is backed with its economic and military might leave less avenues for other developing nations such as India to contest China. However, soft power strategies open up another dimension for the interaction of the nations. India has utilised space as a tool of its soft power effectively in order to expand its clout. That space being an intrinsic part of India’s foreign policy has brought numerous achievements to the country, and is expected to remain an essential element for future course of India’s foreign policy.

#### Mining key.

HT Tech 16 [(HT Tech, technology news) “India should not lag behind in outer space mining, TIFAC official says” 28 Jul 2016 <https://tech.hindustantimes.com/tech/news/india-should-not-lag-behind-in-outer-space-mining-tifac-official-says-story-7ggXBzVbeILfGzHlW6FuRL.html>] TDI

India should not lag behind in outer space mining, TIFAC official says With the US wanting to press ahead with asteroid mining and unlock resources of the moon, India will lag behind if it does not seize the outer space mining opportunity, said a TIFAC official here on Thursday. Author IANS Updated on 28 Jul 2016, 06:19 PM IST in NEWS The potential exploitation of moon and asteroids as a mineral resource can be a ’big game-changer’, according to a TIFAC official. (Reuters File Photo) With the US wanting to press ahead with asteroid mining and unlock resources of the moon, India will lag behind if it does not seize the outer space mining opportunity, said a TIFAC official here on Thursday. Prabhat Ranjan, executive director of Technology Information, Forecasting and Assessment Council (TIFAC), said the potential exploitation of moon and asteroids as a mineral resource can be a "big game-changer". "Moon is already being seen as a mineral wealth and further one can go up to the asteroids and start exploiting this. This can be a big game changer and if India doesn't do this, we will lag behind," Ranjan told reporters. More From This Section He was speaking on the sidelines of a seminar on 'Technology Thrusts on Materials and Manufacturing Sector in India' at the Central Glass and Ceramic Research Institute, which is part of the Council of Scientific and Industrial Research (CSIR). The maiden roadmap on 'Materials', a part of TIFAC's Technology Vision 2035, was launched during the inaugural event. "According a NASA estimate, the amount of mineral wealth resident in the asteroid belt (between the orbits of Mars and Jupiter) would be equivalent to $100 billion dollar per person on earth," Ranjan said. "In the next 10 to 15 years, we expect that outer space would be exploited for mineral wealth and India should not lag behind. We will provide these inputs to various government bodies. We will tell them what lies ahead in the future." The US is poised to approve the first commercial space mission beyond the Earth's orbit, paving the way for a space start-up co-founded by an Indian-origin entrepreneur to go ahead with its proposed Moon mission. The government's endorsement would make way for Moon Express, a relatively obscure space start-up co-founded by Naveen Jain, to land a roughly 9kg package of scientific hardware on the Moon sometime next year. The formal approval, which could be months away, could also pave the way for potential commercial space tourism and asteroid mining ventures. "Whoever goes and exploits first would start to gain that wealth. [Going by] the discussion I had with them they would want to see if they can see if India's rockets can be used for it," said Ranjan.

#### India has led multiple non-proliferation movements and their benign perception is k2 maintaining US-China Relations

Pethiyagoda 14 [Kadira Pethiyagoda, a former diplomat whose PhD and upcoming book investigated Indian foreign policy. He was a visiting scholar at the University of Oxford, “India’s Soft Power Advantage,” The Diplomat, 9/17/14, <https://thediplomat.com/2014/09/indias-soft-power-advantage/>] TDI

During [Prime Minister Tony Abbott’s recent visit to India](https://thediplomat.com/2014/09/australian-pm-visits-india-signs-nuclear-deal/), he was asked to justify Australia’s signing of a deal to sell uranium to the country. In response, the [prime minister said](http://www.smh.com.au/federal-politics/political-news/australia-to-power-indias-energy-market-as-tony-abbott-settles-terms-for-uranium-trade-20140905-10cq6y.html), “India threatens no one” and “is the friend to many.” This was no mere diplomatic nicety, but a carefully chosen answer based on India’s international image. It is an image that is rare amongst great powers of India’s size and strength, and will give Delhi a unique soft power advantage in the future multipolar world. Much of the globe sees India as a relatively non-violent, tolerant and pluralistic democracy with a benign international influence. Its values are seen as largely positive. The U.S., with its Indo-U.S. nuclear deal, accorded India special treatment in nuclear cooperation. The deal provided benefits usually reserved for Non-Proliferation Treaty (NPT) signatories. Washington justified cooperation with India by highlighting Delhi’s impeccable non-proliferation record. This stance was replicated by other states, including the Nuclear Suppliers Group (NSG) member states who allowed India’s participation in international nuclear commerce and supported the Indo-U.S. deal. The NSG decided to re-engage with India following an India-specific safeguards agreement with the International Atomic Energy Agency (IAEA). The IAEA’s Board of Governors endorsed a nuclear safeguards agreement with India by consensus that would permit Delhi to add more nuclear facilities to be placed under the IAEA safeguards framework. India did not have to have an Additional Protocol like the non-nuclear weapons states who are NPT signatories. India also received favorable treatment from Canada (which agreed to supply “dual-use items” that can be used for civilian and military applications), Japan and South Korea. This cooperation was not merely driven by these states’ strategic relationships with the U.S. Russia has long cooperated with India on nuclear technology. Even China, as a member of the NSG, did not oppose the group’s decision on India. Today, India is the only known nuclear weapons state that is not part of the NPT but is still permitted to engage in nuclear commerce globally. India’s reputation extends beyond its nuclear posture. Since independence, the country has been viewed as a neutral and harmless power by most foreign audiences, particularly in Africa, the Middle East, South America and Southeast Asia. This is in part due to its prominent role in the Non-Aligned movement. Whilst Delhi’s reputation in its own neighborhood is quite different, South Asian states do not see India as a threat in the way that many of Russia or China’s neighbors view those powers. Even long-time nemesis Pakistan is unlikely to have been as adventurous in its dealings with its much larger and more powerful neighbor had it not had firsthand experience of Delhi’s restraint – even before Islamabad had nuclear capability. So what is behind India’s benign image? In part, it is self-created. For 60-plus years Delhi has favored cultivating the impression of a non-violent India. This is particularly clear in the realm of nuclear posture. Despite having tested weapons in 1974 and 1998 and being a non-signatory to the NPT and Comprehensive Test Ban Treaty, India has been one of the most vocal advocates for global disarmament. It has arguably been the most passionate anti-nuclear campaigner amongst the world’s nine known or suspected nuclear weapons states, with one of the world’s most notable pleas for global disarmament made by Prime Minister Rajiv Gandhi at the U.N. in 1988. The pursuit of this image continued a decade later, even after the Pokhran II nuclear tests. BJP Prime Minister Vajpayee stated that the tests were not a repudiation of the disarmament goal. In the Draft Report on Indian Nuclear Doctrine, the very first sentence of the first paragraph [describes](https://www.armscontrol.org/print/514) the use of nuclear weapons as the “gravest threat to humanity and to peace and stability.” The paragraph goes on to criticize the virtual abandonment by states of the goal of disarmament. Delhi sought to avoid labels of hypocrisy by positioning itself as the “[reluctant nuclear power](http://www.rediff.com/news/2004/mar/22ram.htm).” India argued that the bomb was a last resort in a world of threatening nuclear states who make no pledges to refrain from first strikes and the use of nukes against non-nuclear states. Somewhat legitimately, Indian leaders asserted that the country’s nuclear weapons could act as bargaining chips to support its global disarmament agenda. India was said to have more credibility as a nuclear weapons state with itself having something to sacrifice in order to usher in global disarmament. India declared that its security would be enhanced and not diminished in a nuclear free world. Delhi also sought to project an image of non-violence in other areas of foreign policy. In relation to the norm of “Responsibility to Protect,” India voiced support for those aspects of R2P that encouraged and supported states to protect their own populations, and expressed extreme caution at R2P’s coercive side. When some of the world’s greatest debates over intervention occurred at the U.N., Indian ambassadors drenched their speeches with the language of non-violence. This preciously guarded national image is not merely a strategic ploy to [increase India’s soft power](https://thediplomat.com/2011/09/indias-central-asia-soft-power/). Policymakers wish the country to be seen as non-violent, pluralistic and tolerant, because India genuinely holds these values. Within the nuclear realm the influence of non-violence is seen through the foot-dragging in relation to integrating nuclear weapons into military strategy and in relation to serial production of weapons. A further sign of this influence is the long public debate before going nuclear – a rarity amongst nuclear powers. We have seen repeatedly that India’s leaders find it morally inconceivable that nukes could ever be useable tools of war. Delhi’s disarmament pleas were not merely PR: they consumed valuable diplomatic resources including precious stage-time in international forums. More broadly, non-violence affected for India’s relatively restrained conduct in several conflicts with Pakistan. When it came to humanitarian intervention, over the last 25 years India’s opposition or support was directly related to the level of intrastate violence entailed in intervening. This was true regardless of who was intervening in whom, for what reason, and whether there were strategic gains in it for Delhi. This included interventions in Iraq, Libya and [Syria](https://thediplomat.com/2013/11/indias-syria-juggling-act/). India’s opposition to intervention was compounded by its pluralistic worldview, with acceptance of all regime types. It would seem that India’s values of non-violence, pluralism and tolerance stem from the independence era, when the country’s foreign policy and modern identity was crafted. Mahatma Gandhi made India’s independence movement synonymous with non-violence. First Prime Minister Jawaharlal Nehru imbued morals into his external relations. But if the values influencing India’s foreign policy took shape only then, they would have fizzled when Congress lost power. Instead the values have remained, as has the resultant global persona. This is because the values that help guide Indian foreign policy and underpin its image are rooted deep in the country’s cultural history. These values attained dominance during the formative stage of Indian civilization – the period between the Vedic era and medieval times when the greatest empires arose. India and China are the only modern great powers that have held a largely continuous culture for several millennia. Ancient India’s cultural connection to its present-day manifestation is far stronger than ancient Greek, Roman or Anglo-Celtic culture is to present-day Western states, or the ancient Middle Eastern civilizations are to today’s Arab world. It remains to be seen how India’s international reputation will fare as its strategic interests [expand throughout the Indo-Pacific](https://thediplomat.com/2013/09/india-and-the-rise-of-the-indo-pacific/) and beyond. With some diplomatic craftsmanship, Delhi can convert its somewhat ethereal values-based soft power advantage into hard strategic and economic gains. Modi’s government seems to have recognized this and is building on Congress’ initiatives to enhance India’s public diplomacy toolkit. India’s soft power has rare characteristics when compared with the other great powers of the emerging multipolar world: U.S., China, Russia, Japan and Europe (as a unified entity). Its relatively neutral, non-threatening image will make India a uniquely attractive great-power partner for countries looking to hedge against future fallout between the U.S. and China, and not wanting to antagonize either superpower. Australia has chosen a wise time to solidify ties with one of the world’s most dynamic rising powers.

#### Risk of US-China military confrontation in flashpoints inevitably go nuclear due to intermingled forces

Talmadge 18 [Caitlin Talmadge, Associate Professor of Security Studies at the Edmund A. Walsh School of Foreign Service at Georgetown University, “Beijing’s Nuclear Option, Why a U.S.-Chinese War Could Spiral Out of Control,” Foreign Affairs, <https://www.foreignaffairs.com/articles/china/2018-10-15/beijings-nuclear-option>, 10/15/18] TDI

As China’s power has grown in recent years, so, too, has the risk of war with the United States. Under President Xi Jinping, China has increased its political and economic pressure on Taiwan and built military installations on coral reefs in the South China Sea, fueling Washington’s fears that Chinese expansionism will threaten U.S. allies and influence in the region. U.S. destroyers have transited the Taiwan Strait, to loud protests from Beijing. American policymakers have wondered aloud whether they should send an aircraft carrier through the strait as well. Chinese fighter jets have intercepted U.S. aircraft in the skies above the South China Sea. Meanwhile, U.S. President Donald Trump has brought long-simmering economic disputes to a rolling boil.

A war between the two countries remains unlikely, but the prospect of a military confrontation—resulting, for example, from a Chinese campaign against Taiwan—no longer seems as implausible as it once did. And the odds of such a confrontation going nuclear are higher than most policymakers and analysts think.

Members of China’s strategic com­munity tend to dismiss such concerns. Likewise, U.S. studies of a potential war with China often exclude nuclear weapons from the analysis entirely, treating them as basically irrelevant to the course of a conflict. Asked about the issue in 2015, Dennis Blair, the former commander of U.S. forces in the Indo-Pacific, estimated the likelihood of a U.S.-Chinese nuclear crisis as “somewhere between nil and zero.”

This assurance is misguided. If deployed against China, the Pentagon’s preferred style of conventional warfare would be a potential recipe for nuclear escalation. Since the end of the Cold War, the United States’ signature approach to war has been simple: punch deep into enemy territory in order to rapidly knock out the opponent’s key military assets at minimal cost. But the Pentagon developed this formula in wars against Afghanistan, Iraq, Libya, and Serbia, none of which was a nuclear power.

China, by contrast, not only has nuclear weapons; it has also intermingled them with its conventional military forces, making it difficult to attack one without attacking the other. This means that a major U.S. military campaign targeting China’s conventional forces would likely also threaten its nuclear arsenal. Faced with such a threat, Chinese leaders could decide to use their nuclear weapons while they were still able to.

As U.S. and Chinese leaders navigate a relationship fraught with mutual suspicion, they must come to grips with the fact that a conventional war could skid into a nuclear confrontation. Although this risk is not high in absolute terms, its consequences for the region and the world would be devastating. As long as the United States and China continue to pursue their current grand strategies, the risk is likely to endure. This means that leaders on both sides should dispense with the illusion that they can easily fight a limited war. They should focus instead on managing or resolving the political, economic, and military tensions that might lead to a conflict in the first place.

### 3

#### CP Text: States, except the United States, should ban the appropriation of outer space for asteroid mining by private entities. The United States should fund the appropriation of outer space for the mining of rare earth metals from asteroids by private entities.

#### The PIC is key to beat China and protect against Chinese REM gatekeeping

Stavridis 21 [(James, retired US Navy admiral, chief international diplomacy and national security analyst for NBC News, senior fellow at JHU Applied Physics Library, PhD in Law and Diplomacy from Tufts) “U.S. Needs a Strong Defense Against China’s Rare-Earth Weapon,” Bloomberg Opinion, March 4, 2021, <https://www.bloomberg.com/opinion/articles/2021-03-04/u-s-needs-a-strong-defense-against-china-s-rare-earth-weapon>] TDI

You could be forgiven if you are confused about what’s going on with rare-earth elements. On the one hand, news reports indicate that China may increase production quotas of the minerals this quarter as a [goodwill gesture](https://www.scmp.com/news/china/diplomacy/article/3122501/china-raises-rare-earth-quotas-goodwill-trade-signal-us) to the Joe Biden administration. But other sources say that China may ultimately ban the export of the rare earths altogether on “[security concerns](https://www.bloomberg.com/news/articles/2021-02-19/china-may-ban-rare-earth-technology-exports-on-security-concerns?sref=QYxyklwO).” What’s really going on here?

There are 17 elements considered [rare earths](https://www.bloomberg.com/news/articles/2021-02-16/why-rare-earths-are-achilles-heal-for-europe-u-s-quicktake) — lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, scandium and yttrium — and while many aren’t actually rare in terms of global deposits, extracting them is difficult and expensive. They are used across high-tech manufacturing, including smartphones, fighter aircraft and components in virtually all advanced electronics. Of particular note, they are essential to many of the clean-energy technologies expected to come online in this decade.

I began to focus on rare-earth elements when I commanded the North Atlantic Treaty Organization’s presence in Afghanistan, known as the International Security Assistance Force. While Afghans live in an extremely poor country, [studies](https://thediplomat.com/2020/02/afghanistans-mineral-resources-are-a-lost-opportunity-and-a-threat/) have assessed that they sit atop $1 trillion to $3 trillion in a wide variety of minerals, including rare earths. Some [estimates](https://www.fraserinstitute.org/article/afghanistans-rare-earth-element-bonanza) put the rare-earth levels alone at 1.4 million metric tons.

But every time I tried to visit a mining facility, the answer I got from my security team was, “It’s too dangerous right now, admiral.” Unfortunately, despite a great deal of effort by the U.S. and NATO, those security challenges remain, deterring the large foreign-capital investments necessary to harvest the lodes. Which brings us back to Beijing.

China controls roughly 80% of the rare-earths market, between what it mines itself and processes in raw material from elsewhere. If it decided to wield the weapon of restricting the supply — something it has repeatedly [threatened](https://www.wsj.com/articles/china-trade-fight-raises-specter-of-rare-earth-shortage-11559304000) to do — it would create a significant challenge for manufacturers and a geopolitical predicament for the industrialized world.

It could happen. In 2010, Beijing threatened to cut off exports to Japan over the disputed Senkaku Islands. Two years ago, Beijing was reportedly considering restrictions on exports to the U.S. generally, as well as against specific companies (such as defense giant Lockheed Martin Corp.) that it deemed in violation of its policies against selling advanced weapons to Taiwan.

President Donald Trump’s administration issued an executive order to spur the production of rare earths domestically, and created an [Energy Resource Governance Initiative](https://www.state.gov/wp-content/uploads/2019/06/Energy-Resource-Governance-Initiative-ERGI-Fact-Sheet.pdf) to promote international mining. The European Union and Japan, among others, are also aggressively seeking newer sources of rare earths.

Given this tension, it was superficially surprising that China announced it would boost its mining quotas in the first quarter of 2021 by nearly 30%, reflecting a continuation in strong (and rising) demand. But the increase occurs under a shadow of uncertainty, as the Chinese Communist Party is undertaking a “review” of its policies concerning future sales of rare earths. In all probability, the tactics of the increase are temporary, and fit within a larger strategy.

China will go to great lengths to maintain overall control of the global rare-earths supply. This fits neatly within the geo-economic approach of the [One Belt, One Road](https://www.bloomberg.com/opinion/articles/2019-10-30/china-is-determined-to-reshape-the-globe) initiative, which seeks to use a variety of carrots and sticks — economic, trade, diplomatic and security — to create zones of influence globally. In terms of rare earths, the strategy seems to be allowing carefully calibrated access to the elements at a level that makes it economically less attractive for competitors to undertake costly exploration and mining operations. This is similar to the oil-market strategy used by Russia and the Organization of Petroleum Exporting Countries for decades.

Some free-market advocates believe that China will not take aggressive action choking off supply because that could [precipitate retaliation](https://www.bloomberg.com/opinion/articles/2021-02-22/china-weaponizing-rare-earths-technology-will-probably-backfire) or accelerate the search for alternate sources in global markets. What seems more likely is a series of targeted shutdowns directed against specific entities such as U.S. defense companies, Japanese consumer electronics makers, or European industrial concerns that have offended Beijing.

The path to rare-earth independence for the U.S. must include: Ensuring supply chains of rare earths necessary for national security; promoting the exploitation of the elements domestically (and removing barriers to responsibly doing so); mandating that defense contractors and other critical-infrastructure entities wean themselves off Chinese rare earths; sponsoring research and development to find alternative materials, especially for clean energy technology; and creating a substantial stockpile of the elements in case of a Chinese boycott.

This is a bipartisan agenda. The Trump administration’s [strategic assessment](https://www.commerce.gov/news/press-releases/2019/06/department-commerce-releases-report-critical-minerals) of what needs to be done (which goes beyond just 17 rare earths to include a total of 35 critical minerals) is thoughtful, and should serve as a basis for the Biden administration and Congress.

#### REM access key to military primacy and tech advancement – alternatives fail

Trigaux 12 (David, University Honors Program University of South Florida St. Petersburg) “The US, China and Rare Earth Metals: The Future Of Green Technology, Military Tech, and a Potential Achilles‟ Heel to American Hegemony,” USF St. Petersberg, May 2, 2012, <https://digital.stpetersburg.usf.edu/cgi/viewcontent.cgi?article=1132&context=honorstheses>] TDI

The implications of a rare earth shortage aren’t strictly related to the environment, and energy dependence, but have distinct military implications as well that could threaten the position of the United States world’s strongest military. The United States place in the world was assured by powerful and decisive deployments in World War One and World War Two. Our military expansion was built upon a large, powerful industrial base that created more, better weapons of war for our soldiers. During the World Wars, a well-organized draft that sent millions of men into battle in a short amount of time proved decisive, but as the war ended, and soldiers drafted into service returned to civilian life, the U.S. technological superiority over its opponents provided it with sustained dominance over its enemies, even as the numerical size of the army declined. New technologies, such as the use of the airplane in combat, rocket launched missiles, radar systems, and later, GPS, precision guided missiles, missile defense systems, high tech tanks, lasers, and other technologies now make the difference between victory and defeat.

The United States military now serves many important functions, deterring threats across the world. The United States projects its power internationally, through a network of bases and allied nations. Thus, the United States is a powerful player in all regions of the world, and often serves as a buffer against conflict in these regions. US military presence serves as a buffer against Chinese military modernization in Eastern Asia, against an increasingly nationalist Russia in Europe, and smaller regional actors, such as Venezuela in South America and Iran in the Middle East. The U.S. Navy is deployed all over the world, as the guarantor of international maritime trade routes. The US Navy leads action against challenges to its maritime sovereignty on the other side of the globe, such as current action against Somali piracy. Presence in regions across the world prevents escalation of potential crisis. These could result in either a larger power fighting a smaller nation or nations (Russia and Georgia, Taiwan and China), religious opponents (Israel and Iran), or traditional foes (Ethiopia and Eretria, Venezuela and Colombia, India and Pakistan). US projection is also key deterring emerging threats such as terrorism and nuclear proliferation. While not direct challenges to US primacy, both terrorism and nuclear proliferation can kill thousands.

The US Air Force has a commanding lead over the rest of the world, in terms of both numbers and capabilities. American ground forces have few peers, and are unmatched in their ability to deploy to anywhere in the world at an equally unmatched pace.

The only perceived challenge to the United States militarily comes from the People’s Republic of China.76 While the United States outspends all other nations in the world put together in terms of military spending, China follows as a close second, and has begun an extensive modernization program to boot.77 The Chinese military however, is several decades behind the United States in air power and nuclear capabilities.78 To compensate, China has begun the construction of access-denial technology, preventing the US from exercising its dominance in China’s sphere of influence.79 Chinese modernization efforts have a serious long-term advantage over the United States; access to rare earth metals, and a large concentration of rare earth chemists doing research.80 This advantage, coupled with the U.S. losing access to rare earth metals, will even the odds much quicker than policymakers had previously anticipated. 81

The largest example is US airpower. With every successive generation of military aircraft, the U.S. Air Force becomes more and more dependent on Rare Earth Metals.82 As planes get faster and faster, they have to get lighter and lighter, while adding weight from extra computers and other features on board.83 To lighten the weight of the plane, scandium is used to produce lightweight aluminum alloys for the body of the plane. Rare Earth metals are also useful in fighter jet engines, and fuel cells.84 For example, rare earths are required to producing miniaturized fins, and samarium is required to build the motors for the F-35 fighter jet.85 F-35 jets are the next generation fighter jet that works together to form the dual plane combination that cements U.S. dominance in air power over the Russian PAK FA.86

Rare earth shortages don’t just affect air power, also compromising the navigation system of Abrams Tanks, which need samarium cobalt magnets. The Abrams Tank is the primary offensive mechanized vehicle in the U.S. arsenal. The Aegis Spy 1 Radar also uses samarium.87 Many naval ships require neodymium. Hell Fire missiles, satellites, night vision goggles, avionics, and precision guided munitions all require rare earth metals. 88

American military superiority is based on technological advancement that outstrips the rest of the world. Command and control technology allows the U.S. to fight multiple wars at once and maintain readiness for other issues, as well as have overwhelming force against rising challengers. This technology helps the U.S. know who, where, and what is going to attack them, and respond effectively, regardless of the source of the threat.

Rare Earth Elements make this technological superiority possible.

To make matters worse, the defense industrial base is often a single market industry, dependent on government contracts for its business. If China tightens the export quotas further, major US defense contractors will be in trouble.89 Every sector of the defense industrial base is dependent on rare earth metals. Without rare earths, these contractors can’t build anything, which collapses the industry.90

Rare Earth shortages are actually already affecting our military, with shortages of lanthanum, cerium, europium and gadolinium happening in the status quo. This prevents us not only from building the next generation of high tech weaponry, but also from constructing more of the weapons and munitions that are needed in the status quo. As current weapon systems age and they can’t be replaced, the US primacy will be undermined. Of special concern is that U.S. domestic mining doesn’t produce “heavy” rare earth metals that are needed for many advanced components of military technologies. Given the nature of many military applications, substitutions aren’t possible. 91

#### Primacy and allied commitments solve arms races and great power war – unipolarity is sustainable, and prevents power vacuums and global escalation

Brands 18 [(Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments) "American Grand Strategy in the Age of Trump," Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6

From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep.

This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism.

And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance.

Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate.

American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap.

Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled.

THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors.

First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony, contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment.

### 4

#### The United States, using a strictly limited constitutional convention ratified by at least thirty-eight of the States, should pass an amendment to the constitution that prohibits commercial space exploration and tourism, issuing a declaration that they violate United States non-appropriation obligations under the Outer Space Treaty of 1967 and its succeeding treaties which serve US interests.

### 5

#### Barrett court is resisting climate action at every turn – Biden overcomes its limited influence now, but a more powerful judiciary directly trades off with green policies

Worland 20 Justin Worland, 9-28-2020, "How Amy Coney Barrett Could Alter the Future of the U.S.'s Climate Change Policy," Time, <https://time.com/5893929/amy-coney-barrett-climate-change-supreme-court/> mvp

The future of the Court will also shape the future of U.S. climate policy. A Supreme Court remade in the vision of the right could take aim at existing climate change measures—and the legal justifications underpinning them—while also impeding the ability of federal government agencies to implement new ones. At the heart of the issue is the role of federal agencies and their ability to regulate, an area known as administrative law. In the U.S. at least, it’s hard to conceive of a comprehensive climate-fighting regime that doesn’t rely on agencies to play a role regulating emissions. Conservative jurists are generally skeptical of these powers, and it’s likely a more conservative Supreme Court would seek to limit them.

That wouldn’t necessarily doom future presidential or legislative attempts at creating new and more stringent climate rules, but it’d make it all a lot harder. “It’s not a death knell,” says Michael Gerrard, director of the Sabin Center for Climate Change Law at Columbia University. “But it’s going to require great care by Congress and the [next presidential] administration to avoid these problems.”

How agencies became so important

For the uninitiated, administrative law can sound esoteric, but it has played a central role in creating our current climate protections. Some issues are too complicated to be solved by Congress alone, so Congress has in many cases passed laws that create a broad framework but leave the implementation up to federal agencies. In the environmental space, that history dates back to the 1970s: Congress passed the Clean Air Act and the Clean Water Act to address rampant pollution in the U.S, and the Environmental Protection Agency administered the laws.

Climate change wasn’t included in the original mandate of the EPA, and Congress has never explicitly told the agency to regulate greenhouse gas emissions, but as global warming science grew increasingly alarming, the agency was forced to incorporate reducing greenhouse emissions into its mandate. Troubled by the federal government’s inaction, a group of states led by Massachusetts sued the EPA in 2006 to demand the agency act to reduce emissions. The following year, the Supreme Court ruled in a 5-4 decision known as Massachusetts vs. EPA that the agency needed to regulate greenhouse gas emissions if EPA scientists found they endangered human health. The Court’s decision meant that combating climate change was, effectively, a responsibility of the executive branch.

Thanks to that ruling, the EPA became the primary regulator of greenhouse gas emissions in the U.S. When President Barack Obama failed to pass climate legislation through Congress in 2009, he turned to the agency and others to create new rules using the Clean Air Act and other existing law. Almost all of the significant climate measures enacted under President Obama—think the Clean Power Plan, vehicle emissions standards and methane rules—came via one of the federal agencies

Trump came to office keen to undo these regulations, and his Administration has spent the last four years using its authority to push agencies to move climate policy in reverse. In total, Trump has sought to roll back some 100 environmental rules, according to a [New York Times count](https://click.newsletters.time.com/?qs=c80eadda31f94ed8eae67e8dde9d33e3637f7698d7ed3e50f320a561735d0598378e04377af5f34e60d268f27472a4e19bee49b3ab0f06ee) last updated on July 15. “There has been nothing like this administration on the environment in the last 50 years,” says William Reilly, who headed the EPA under George H.W. Bush, referring to what he called Trump’s “general dereliction” of duty to protect the environment.

But while Trump has sought to tear up the country’s climate regulation, his efforts have been met with major challenges. Because Massachusetts vs EPA still stands, the administration is still technically responsible for fighting climate change, and his rollbacks need to show sound legal and scientific reasoning—which can be hard to come by given Trump’s primary motivation has little to do with science or law. This reality has tied up many of his deregulatory moves in the courts. The administration has only succeeded in 15 of the 87 attempted rollbacks that have been litigated, according to [data from the Institute for Policy Integrity](https://click.newsletters.time.com/?qs=e367a9e36ea6d05ef2fe48377cb0bd2c0051a2873f0ee22716d5a37ad54af491cf62681af67de0b6061ca0d5688d8b4a244b063f5fb2cb02).

If a more conservative Supreme Court decides to revisit Massachusetts vs EPA, the result could make it significantly easier for Trump or a future president to eliminate these rules—and hinder the ability for a new administration to make new rules. There are multiple scenarios that could play out over the coming years.

What comes next

Biden has telegraphed repeatedly that he plans to make fighting climate change a top priority if he defeats Trump in November: he has called for the U.S. to hit net zero emissions by 2050 and eliminate the carbon footprint of the power sector by 2035. What kinds of measures he could actually enact to reach those goals will depend significantly on the composition of the Supreme Court.

If Biden wins without a Congressional majority, he would likely struggle to pass legislation through a divided Congress and, like Obama, would need to turn to agencies to make rules in the absence of a new law. A Biden EPA would likely try to implement all sorts of emissions-reduction measures, using the Clean Air Act as its justification.

But conservative jurists have already indicated how they would fight that. In 1984, the Supreme Court created a precedent known as “Chevron deference,” which gave agencies leeway to interpret laws passed by Congress if they deal directly with the agency’s work. So, in this case, the EPA is given significant deference to interpret the Clean Air Act. Conservatives have criticized that practice since the beginning, and Justice Brett Kavanaugh, who could be the new swing vote on the Court, has criticized it. The doctrine “can be antithetical to the neutral, impartial rule of law,” Kavanaugh [wrote in 2016](https://click.newsletters.time.com/?qs=e367a9e36ea6d05ee96c80f0a8f032f61084ba91277e299480de57d47f9a8a8990a9f82bba2f426335874460aa90fc6d6109bc31e5bfce94). Moreover, the Supreme Court could overturn or significantly weaken Massachusetts vs EPA, and the practice of using agencies to address climate change would be vulnerable to legal challenge or foreclosed entirely.

In theory, a Democratic majority in both houses of Congress would fix this problem. Congress could pass a law that requires the EPA to regulate emissions, effectively bypassing Massachusetts vs EPA. Or Congress could create a different regulatory framework entirely.

But conservative jurists are one step ahead of such measures. For decades, conservatives have touted a principle known as the “nondelegation doctrine,” which rejects Congress’s ability to give too much power to agencies. Conservatives have had limited success using that argument in court thus far, but that could easily change if the Supreme Court shifts ideologically. And it could effectively prevent new climate laws that require an agency like the EPA for implementation.

“The reshaping of the judiciary under the Trump Administration toward a right-leaning judiciary that is not only willing but eager to shrink the administrative state is simply not compatible with strong regulation of anything,” says Cara Horowitz, executive director of the Emmett Institute on Climate Change and the Environment at UCLA School of Law.

Finally, there’s a very real chance that Trump ends up in office for a second term. In that case, it’s safe to assume that the federal judiciary and the Supreme Court would continue its conservative bent, chipping away at the power of agencies to address climate change. That would aid in Trump’s ongoing rollbacks and grind even the currently insufficient climate policies to a halt.

Fighting back

A hard right turn by the Supreme Court—not to mention the impact of the hundreds of federal judges Trump has appointed to lower federal courts—would clearly pose deep challenges for a Biden Administration, but that doesn’t mean it couldn’t fight back.

#### OST bans private mining now – US exploration laws directly contravene

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

Though the Outer Space Treaty flatly prohibits national appropriation of space,150 it leaves unanswered many questions as to what actually counts as appropriation. As far back as 1969, scholars wondered about the implications of this article.151 While it is clear that a nation may not claim ownership of the moon, other questions are not so clear. Does the prohibition extend to collecting scientific samples?152 Does creating space debris count as appropriation by occupation? While the answers to these questions are most likely no, simply because of the difficulties that would be caused otherwise, there are some questions that are more difficult to answer, and more pressing.

As commercial space flight becomes more and more prevalent,153 the question of whether private entities can appropriate property in space becomes very important. Whereas once it took a nation to get into space, it will soon take only a corporation, and scholars have pondered whether these entities will be able to claim property in space.154 Though this seems allowable, since the treaty only prohibits “national appropriation,”155 allowing such appropriation would lead to an absurd result. This is because the only value that lies in recognition of a claim is the ability to have that claim enforced.156 If a nation recognized and enforced such a claim, this enforcement would constitute state action.157 It would serve to exclude members of other nations and would thus serve as a form of national appropriation, even though the nation never attempted to directly appropriate the property.158 Furthermore, the Outer Space Treaty also requires that non-governmental entities must be authorized and monitored by the entities’ home countries to operate in space.159 Since a nation cannot authorize its citizens to act in contradiction to international law, a nation would not be allowed to license a private entity to appropriate property in space.160

#### That applies Charming Betsy to private sector space laws that unambiguously contravene the OST – that expands the scope of the doctrine and creates judicial overreach – courts can abrogate participation in any international agreement

Bean 15 Andrew H. Bean, Constraining Charming Betsy: Textual Ambiguity as a Predicate to Applying the Charming Betsy Doctrine, 2015 BYU L. Rev. 1801 (2016). Available at: <https://digitalcommons.law.byu.edu/lawreview/vol2015/iss6/13> mvp

Applying the Charming Betsy canon of construction should be predicated on textual ambiguity as the modern precedent applying Charming Betsy suggests. When courts apply Charming Betsy to textually unambiguous statutes—whether the statute is expressly recognized by the court as textually unambiguous or not—three major concerns arise. The first concern is that applying Charming Betsy to a textually unambiguous statute upsets the precedential baseline upon which Congress legislated. If courts wish to change course and require a clear statement rule from Congress despite textual unambiguity, they should do so only prospectively after they have provided the legislature with appropriate notice that there is a change in direction going forward. Such notice will give Congress the opportunity to take the necessary measures going forward to avoid confusion with the courts. The second concern that arises from applying Charming Betsy to a textually unambiguous statute is that doing so denies ordinary citizens fair notice of the law by depriving them of the ability to determine a statute’s meaning and to know how the statute applies to them. Because of this, courts should limit their use of canons of construction generally, and Charming Betsy specifically, to situations in which the statute’s text is ambiguous. Fostering fair notice among citizens increases citizens’ confidence in the judiciary, which in turn promotes individual decisions that benefit society. Finally, separation-of-powers concerns arise when Congress is required by the courts to include a clear statement in addition to a textually unambiguous statute to abrogate an international agreement. The choice of whether to abrogate an international agreement is a choice best left to the political branches of government—not the judiciary. Although courts must sometimes fill a quasi-legislative role when the text of a statute is ambiguous, fulfilling this role is wholly inappropriate when Congress has expressed its will through unambiguous statutory text. In sum, to determine whether a statute abrogates a conflicting treaty or executive agreement, courts should first look to the statutory text. If the text provided by the legislature is unambiguous, the judiciary’s role is finished, and it should ignore any conflicting international agreements or treaties that might exist. If the text is ambiguous, only then should the deciding court apply the Charming Betsy canon and interpret the statute in a way that is consistent with the existing treaties or agreements.

#### A robust web of international commitments and treaties with US participation is necessary for global climate action – abrogation would be devastating

Newburger 20 Emma Newburger, 11-19-2020, “Biden will rejoin the Paris Climate Accord. Here’s what happens next ,” CNBC, https://www.cnbc.com/2020/11/20/biden-to-rejoin-paris-climate-accord-heres-what-happens-next-.html

Warming at 2 degrees Celsius [could trigger an international food crisis](https://www.cnbc.com/2019/08/07/un-climate-panel-urges-land-use-changes-to-avert-food-crisis.html) in coming years, [according to a 2019 report](https://www.cnbc.com/2019/08/07/un-climate-panel-urges-land-use-changes-to-avert-food-crisis.html) from the U.N.’s scientific panel on climate change. The general consensus among scientists is that the climate targets that countries are attempting to meet under the Paris accord are not sufficient. The next round of U.N. climate talks is set to take place in Glasgow, Scotland, in November 2021, when countries are expected to submit new, more ambitious 2030 targets — and all eyes will be on the U.S. How the U.S. will rejoin Biden [will not need Senate support](https://www.cnbc.com/2020/11/12/joe-bidens-climate-change-plans-face-uncertain-future-in-the-senate.html) to rejoin, because the accord was set up as an executive agreement. Biden’s administration will just have to send a letter to the United Nations stating the intention to rejoin, and the official return would take effect in 30 days. Once the U.S. officially returns, the agreement requires countries to set voluntary targets to reduce domestic emissions and create stricter goals in coming years. The accord has also implemented a binding requirement that countries accurately report their progress. During [Barack Obama’s](https://www.cnbc.com/barack-obama/) presidency, the U.S. vowed to curb emissions between 26% and 28% below 2005 levels by 2025. The country has not come anywhere near meeting that goal, and progress essentially halted during the Trump administration, which [dismantled more than 70 major environmental regulations](https://eelp.law.harvard.edu/regulatory-rollback-tracker/) in four years. Rebuilding trust with nations The U.S. is the world’s second-largest emitter of greenhouse gases behind China and is seen as key in the global effort to reduce the effects of climate change. “U.S. leadership and the U.S.-China bilateral agreement to cut CO2 emissions were key to getting the Paris agreement on track,” said Mahowald. “Continued U.S. involvement and leadership is key to any effort to stop climate change.” Upon rejoining, the U.S. will likely be expected to provide a climate target that is updated from the Obama administration’s goal and a concrete plan to reduce domestic emissions from the power and energy sector. More broadly, the U.S. will have to rebuild trust with other nations in the agreement, especially after Trump’s legacy of climate change denial and his official withdrawal from the accord. Trump’s rollbacks of a slew of environmental regulations and exit from the agreement shocked international allies and scientists. It also prompted some U.S. states, cities and corporations to part ways with the administration and move forward with their own climate plans. For instance, 75 CEOs last year [urged Trump to stay in the accord](https://www.reutersevents.com/sustainability/75-ceos-call-us-stay-paris-agreement-emissions-continue-rise). Major corporations including [Apple](https://www.cnbc.com/quotes/?symbol=AAPL), [Google](https://www.cnbc.com/quotes/?symbol=GOOGL), [Goldman Sachs](https://www.cnbc.com/quotes/?symbol=GS) and [Royal Dutch Shell](https://www.cnbc.com/quotes/?symbol=RDSA-GB) signed a statement that argued it would strengthen their competitiveness in global markets and allow the U.S. to be a leader in developing technology that curbs carbon emissions. Globally, the U.S. will have a great deal of work to do to catch up with other nations that have already unveiled bold climate initiatives. China, the world’s biggest carbon emitter, has pledged to become carbon neutral by 2060, and the E.U. has vowed to go carbon neutral by 2050. Biden has said that the U.S. will recommit to its emissions reduction goals under the accord and lead the effort to get other countries to improve their climate goals. The former vice president has [plans that extend beyond Paris](https://www.cnbc.com/2020/11/12/joe-bidens-climate-change-plans-face-uncertain-future-in-the-senate.html), including a $2 trillion economic plan to invest in a transition from fossil fuels to clean energy, cut carbon emissions from electric power to zero by 2035 and reach net-zero emissions by 2050. “My hope — and expectation — is that President Biden will indeed reenter the Paris Agreement quickly, spearhead a re-energized and much more ambitious U.S. commitment and take an intelligent and responsible role in the global effort,” said Appalachian State University environmental sciences professor Gregg Marland, who tracks global carbon emissions.

#### Warming causes extinction

### 7

#### Interp – the aff must specify the actor enforcing their advocacy in the 1AC plan text.

#### Violation – you don’t.

#### Prefer for stable ground – I lose links to disads, counterplans, and nuanced solvency takeouts which are key since certain DAs like politics or PQD only link to certain actors. Supercharged on this topic since affs can defend vague general principle value statements to delink neg offense. Text is key since it’s the only stable stasis for prep.

#### The implication is that you should stick them with the SCOTUS as the actor in the US, but if they contest the link to the disad that proves the abuse and this becomes drop the debater

#### Normal means is courts

Cooper 8 [Cooper, Nikhil D. "Circumventing Non-Appropriation: Law and Development of United States Space Commerce." Hastings Const. LQ 36 (2008): 457.] TDI

The latest piece of congressional legislation regulating the commercial space industry was the Commercial Space Launch Act (CSLA) 77 that was spurred on in part by the host of new technologies capable of commercially exploiting space. 78 The CSLA streamlined the earlier space-launch bureaucracy and mandated the DOT to issue licenses for all commercial space launch programs, 79 regulate forms of space tourism8 and space advertising, 8 ' impose minimum liability insurance and financial responsibility requirements, and82 provide for administrative and judicial review of DOT Secretariat decisions.83 Il. A Legal System? The CSLA represents the most recent and comprehensive United States space commerce legislation; but, in the years since its passage, no one has seriously questioned its consistency with United States international obligations of "non-appropriation." The issue is especially apt now, however, because the current and future capacities of commercially exploiting space seem primed to challenge non-appropriation as the guiding theme in space commerce. Therefore, the question we must ask now is whether or not the United States is circumventing the intent of non-appropriation by encouraging and protecting private commercial expansion into space. A. Treaties Versus Congressional Acts Whether the regulatory regime outlined in the CSLA conflicts with the national non-appropriation principle, as outlined in the Outer Space Treaty of 1967 and in its succeeding treaties, is an issue that could be reviewed by the federal judiciary under its constitutional grant of subject-matter jurisdiction over cases "arising under" treaties.8 4 The judiciary's power to interpret treaties is a power distinct from the treaty-making authority delegated to the executive and legislative branches. Article II of the United States Constitution authorizes the president to ratify treaties with the consent of two-thirds membership of the Senate. 5 Treaties entered into in this manner are the supreme law of the United States and bind state constitutions, legislatures, and judiciaries.8 6 Generally, courts employ distinct methods of interpretation when called on to perform the separate but related tasks of interpreting treaties and resolving treaty-statutory disputes. As to the former, courts generally will liberally construct a treaty "to give effect to the purpose which animates it" and will prefer that liberal construction "[e]ven where a provision of a treaty fairly admits of two constructions, one restricting, the other enlarging [of] rights which may be claimed under it."87 A preference for broad construction, however, is not a license for courts to impose any interpretation they deem appropriate. For example, although courts have a greater ability to construct treaties more broadly than private contracts, they are still precluded from interpreting a treaty beyond the "apparent intent and purport" of its language.88 in this way, determining a treaty's "intent" delineates the boundaries of how broadly or narrowly the court may interpret a treaty's provision. Courts obviously have a much easier time determining a treaty's intent where the treaty language is unambiguous. In these instances, courts expressly forbid looking beyond the language of the treaty to supply the intent of the parties at the time the treaty was drawn.89 When the language of the treaty is ambiguous, however, the court will attempt to effectuate the drafter's intent through a broader inquiry into "the letter and spirit of the instrument," and may take into account "considerations deducible from the situation of the parties; and the reasonableness, justice, and nature of the thing, for which provision has been made." 90 The United States Supreme Court summarized its interpretive process in the case Eastern Airlines Inc., v. Floyd: When interpreting a treaty, [begin] "with the text of the treaty and the context in which the written words are used." 91 [When confronted with difficult or ambiguous passages, the Court provided that] [o]ther general rules of construction may be brought to bear[.] [And it finally noted that] treaties are construed more liberally than private agreements, and to ascertain their meaning we may look beyond the written words to the history of the treaty, the negotiations, and the practical construction adopted by the parties. 92 Treaty interpretation as described above is important when determining whether the treaty conflicts with an act of Congress. Each being the supreme law of the land, treaties and congressional acts are governed by the last-in-time rule: when they conflict, courts must privilege the last enacted treaty or congressional act over the other. 93 Still, federal courts often avoid finding such conflicts between congressional acts and treaty obligations. As Justice Marshall opined in 1804: [A]n act of Congress ought never to be construed to violate the law of nations if any other possible construction remains, and consequently can never be construed to violate neutral rights, or to affect neutral commerce, further than is warranted by the law of nations as understood in this country. 94 Supreme Court jurisprudence since has largely followed the same presumption and, therefore, courts are inclined to harmonize treaties and congressional legislation that are seemingly antithetical to one another. 95 In the event that a congressional act were to supplant United States treaty obligations, courts would look for unambiguous evidence appearing “clearly and distinctly" in the text of the statute or treaty provision. 96 In other words, repeals of prior statutes or treaty provision must likely be made express. In contrast, "repeals by implication" are generally disfavored "unless the last statute is so broad in its terms and so clear and explicit in its words as to show that it was intended to cover the whole subject, and, therefore, to displace the prior statute. 97 B. CSLA Versus the Outer Space Treaty Both being duly enacted, the CSLA and the Outer Space Treaty are considered the supreme law of the land. If there is a conflict between the United States space commerce provisions as outlined in the CSLA and the Outer Space Treaty, a reviewing court would first be called upon to interpret the intent of the treaty itself. Recall that in the context of treaty interpretation, a court would be at liberty to give the treaty a broad construction to effectuate its intent. The key provision of the Outer Space Treaty at issue would be the language of Article II which forecloses "national appropriation" of space by claims of sovereignty, means of use, occupation, or any other means.98 Black's Law Dictionary defines "appropriation" as "the exercise of control over property, a taking of possession." 99 If defined broadly enough, the joint enterprise nature of the United States space commerce, as implemented in the CSLA, might violate the "spirit" of non-appropriation as outlined in the Outer Space Treaty of 1967. The best argument one could make against the CSLA's provisions is to advocate the court to broadly interpret the "appropriation" principle of the Outer Space Treaty. The proponent of this argument would urge that in so doing, a court should look beyond the words of the treaty and examine the history, negotiations, and practical considerations at the time of the treaty's negotiation to determine its true intent. 100 One would also want to argue that the space commerce industry violates perhaps not the "letter" of the treaty, but circumvents entirely its "spirit" if a court were taking into account "considerations deducible from the situation of the parties; and the reasonableness, justice, and nature of the thing, for which provision has been made."' 01 One who attacked the CSLA's general legitimacy in this way could argue that the United States is effectively "appropriating" space through its protection and encouragement of private industry. Such an appropriation would take place not by realizing a "sovereign" right to space property or the uses of space as expressly proscribed in the Outer Space Treaty, but, instead, through the effective use of government power, services, and contracts to encourage and support the rapid development of the private space commerce industry in the United States. In essence, the result of such government encouragement might not amount to wholesale sovereign appropriation, but, at the very least, a kind of sovereign and private space activity that would cast doubt on whether the non-appropriation principle is actually being respected. Therefore, one arguing that such activities were tantamount to sovereign appropriation would highlight the interrelatedness of government and private industry and argue for a broad interpretation of "appropriation" that encompassed the practical effects of such a relationship. In addition to the regulatory interaction between the CSLA and private space commerce industries, the interrelatedness between government and private industry is clearly illustrated by the interaction between CSLA and the 1972 Liability Convention. Recall that the Outer Space Treaty and its progeny envision a "state-oriented" system of responsibility 10 2 where each member state is responsible for all actions in outer space undertaken by the state and its nationals. 10 3 The Liability Convention further binds member states by holding each strictly liable for its actions or the actions of its nationals within outer space and permits only member states to petition for remuneration under the terms of the treaty. 1 04 In its text, the CSLA cites to such international obligations,'0 5 while also mitigating the United States' liability under the Liability Convention. 0 6 The CSLA licensing program ensures overall safety of private space ventures, 0 7 raises the funds necessary to pay "potential treaty claims through its liability insurance requirement,' 10 8 and limits the United States' joint and several liability exposure through restricting private use of foreign launch and reentry facilities.'09 These provisions effectively allow the United States to pass on the financial cost and recover from their private entities the amount of damages for which they are internationally liable. 110 In this way, the government is limiting its international liability exposure by passing on the cost to the private sector. When highlighting the further interrelatedness between government and private industry, one could also note that the United States government holds something of a monopoly in launch services and currently requires that decisions regarding commercial space-launch must be approved through the CSLA. 1' In addition, one making this argument would want to highlight the highly interdependent nature of investment flowing from government to private space commerce: in a February 4, 2008 press release, NASA Deputy Administrator Shana Dale justified the agency's 2009 budget request of $17.6 billion by claiming that "[t]he development of space simply cannot be 'all government all the time[]' . . . . NASA's budget for [fiscal year] 2009 provides $173 million for entrepreneurs-from big companies or small ones-to develop commercial transport capabilities. . . [and] NASA is designating $500 million toward the development of this commercial space capability." 2

### 8

#### Counterplan:

#### The United States, Russia, and China should:

#### Establish direct hotlines of communication between leaders with nuclear launch authority.

#### Establish a no first use policy on anti-satellite warfare.

#### Immediately issue public declarations clarifying the accidental nature of satellite destruction if an early warning satellite is damaged.

#### Engage in cooperative efforts over achieving paris emissions targets

#### States should:

#### Eliminate all nuclear early warning satellites.

#### Invest substantially in terrestrial radar arrays and the modernization of nuclear early warning technology.

#### Collectively provide funding to the world bank to be issued to African nations equal to the estimated net economic costs of annual GDP lost to extra terrestrial mining.

#### Pass a global carbon tax.

#### Invest heavily in carbon capture and sequestration technology.

### 1NC—Case

Theory hefdge

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#### 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

* Non-mining space privitization becomes a alternative cause

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 mas

s. [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.

#### [1] Scenario 1 –

#### A] No i/l between a few EO satellites being damaged and catastrophic warming. Their evidence just says says “Eo data can inform climate risk management” not that EO data is essential to adaptation. And we can still get data even if a few satellites are damaged.

#### B] Assumes policymakers will make significant change after viewing EO satellites but with our congress flooded with dogmatic hacks and the same in many countries after he populist incursion from COVID there will be no change

#### C] other methods like carbon capture and artic ice tracking solve – no reason why EO satellites are so much necessary

#### [2] Scenario 2 –

#### A] Their evidence just says may prove conflict between nations and doesn’t mention nuclear war.

#### B] 2 parts of Orwig nonunique the aff – a] currently theres “five to six hundred thousnads space debris” which means squo debris thumps b] “already been repeated ‘sudden failures” of spacecraft’ means theres no impact to the aff since even if satellites go dark they know its debris

#### [3] Scenario 3 –

#### A] Johnson-Freese takes out the scenario—we’ll concede that the defense-industrial base has completely corrupted think tanks and their takes about Russia are just paid off nonsense—that means that Weir is just made up hype about Russia being aggressive and they won’t actually start a war.

**Also no way this is make or brewak for russiua**