# 1AC

### 1AC: Plan

#### Plan – States ought to expand the Public Trust Doctrine to reduce private actor appropriation of Outer Space.

#### Implementing Public Trust Doctrines in Outer Space limits Appropriation and ensures Outer Space Development is sustainable.

Babcock 19 (, H., 2019. THE PUBLIC TRUST DOCTRINE, OUTER SPACE, AND THE GLOBAL COMMONS: TIME TO CALL HOME ET. [online] Lawreview.syr.edu. Available at: <https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf#page=67> [Accessed 15 December 2021] Professor Babcock served as general counsel to the National Audubon Society from 1987-91 and as deputy general counsel and Director of Audubon’s Public Lands and Water Program from 1981-87. Previously, she was a partner with Blum, Nash & Railsback, where she focused on energy and environmental issues, and an associate at LeBoeuf, Lamb, Leiby & MacRae where she represented utilities in the nuclear licensing process. From 1977-79, she served as a Deputy Assistant Secretary of Energy and Minerals in the U.S. Department of the Interior. Professor Babcock has taught environmental and natural resources law as a visiting professor at Pace University Law School and as an adjunct at the University of Pennsylvania, Yale, Catholic University, and Antioch law schools. Professor Babcock was a member of the Standing Committee on Environmental Law of the American Bar Association, and served on the Clinton-Gore Transition Team.)-rahulpenu

INTRODUCTION Space exploration is heating up. Governments and private interests are on a fast track to develop technologies to send people and equipment to celestial bodies, like the moon and asteroids, to extract their untapped resources.1 Near-space is rapidly filling up with public and private satellites, causing electromagnetic interference problems and dangerous space debris from collisions and earlier launches.2 The absence of a global management system for the private commercial development of outer space resources will allow these near space problems to be exported further into the galaxy.3 Moreover, without a governing authority or rules controlling entry or limiting despoliation, outer space could turn into the “Wild West” of the twenty-first century.4 Space treaties executed in the last century espoused the principle that space should be developed for the benefit of all mankind and banned both private ownership and militarization of space resources.5 But, they left development of a system for managing non-military activities in outer space to another day.6 Private commercial interests, which would be absorbing the risks and paying the high costs of space development, oppose any management scenario premised on that principle, as it would enable less developed countries to free ride on their investments.7 These interests, unsurprisingly, support privatizing outer space.8 But acceding to their wishes by establishing a system of property-based rules would transport Earth’s current division between haves and have-nots into outer space, and could lead to destabilizing hostilities—the exact consequences that the early treaty drafters hoped to avoid.9 To date, most scholars in this area have focused on developing management systems premised on private ownership or possession of the surface of some celestial body.10 This Article explores an alternative concept, the commons, in which no individual owns the property in question or can exclude others from it. Viewing property as a commons is closer to the principles set out in the various space treaties than implementation of a private property regime, and also offers a workable property regime. This Article demonstrates these conclusions by showing similarities between a large, Earth-bound commons, like the ocean and outer space, and how various commons management scenarios allow equitable use of resources, while preventing their despoliation and devolution into hostile disputes over entitlements to them. However, each of these commons management scenarios is flawed in some way and runs a similar risk to management approaches for private property of allowing the resource to be over-used or inequitably distributed. The public trust doctrine (**PTD**), an ancient doctrine that governments and individuals have used effectively for centuries to protect the public’s interests in terrestrial common pool resources (CPR) **and** to **fill** regulatory **gaps**, can be helpful in both respects.11 An examination of the doctrine identifies **commonalities** **between** outer **space** **and** **terrestrial** public trust **resources**.12 The **ease** and **low** **cost** of its implementation and enforcement, as well as its infinite malleability, are additional reasons to select it as a stopgap measure with some modification.13 This Article’s structure is straight forward. Part I acquaints the reader with the problem. It explains why the need to develop a management regime for space is becoming increasingly critical as advancing technology is allowing more and more private commercial interests to play at the edge of outer space with attendant negative externalities. 14 Soon these technological advances will allow private commercial interests to invade outer space with the potential for similar adverse impacts.15 Part II examines the international legal framework governing those activities and finds it lacks any capacity to regulate activities in outer space, in part because it is riddled with ambiguities and contradictions when it comes to ownership of outer space and its resources. Part III turns to that problem by discussing two types of property: private property and property owned in common with others. It examines the key features of each as well as their positive and negative attributes, how each might function in outer space, and what the consequences might be if one or the other prevailed. Because any property arrangement that results in its appropriation by the owner and the exclusion of others violates international space law, Part III also identifies various less-thanfull fee property arrangement, like leases and easements, to see if these problems can be avoided and concludes they cannot.16 It then examines property held in common to determine its viability under international space law and finds it consistent. Part IV investigates various approaches to managing property in outer space, be it held in private ownership or in common. Different approaches for managing private property in space are explored, including the right of first possession, tradable property claims, and establishing an exclusive economic zone, as well for managing an open access commons, such as the application of stewardship principles, norms, and the PTD. Each approach is evaluated in terms of its consistency with international law; its ability to promote and protect a sustainable, equitable, non-monopolistic, non-hostile environment in outer space; its efficiency; and its cost effectiveness. Only the PTD, which has been used for centuries to protect the public’s interests in CPRs and has demonstrated its ability to adapt to new circumstances, may be able to meet these goals.17 This Article finds commonalities between outer space and Earth-bound public trust resources, like the oceans. Additionally, the doctrine’s open access purpose resonates with language found in international treaties governing activities in outer space.18 This Article concludes that using the PTD will lead to a durable, equitable management regime in a commons where the wealthy are neither able to accumulate and control the resources that outer space has to offer nor over-exploit and deplete them. However, neither the doctrine nor ownership in common supplies any incentives for development, which may lead private enterprises to question whether development of outer space resources is worth the risks and costs.19 But, limited use of private property management approaches, like lotteries and tradable development claims—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property—may fill this gap.20 This Article’s contribution to the literature on managing outer space resources and commons theory is using the PTD to bridge the gap between them and to suggest a hybrid management approach that melds commons theory with private property incentives.

#### Exemptions devastate Regulation Credibility – OST proves.

Hickman and Dolman 2 John Hickman and Everett Dolman Volume 21 Number 1 2002 “Resurrecting the Space Age: A State–Centered Commentary on the Outer Space Regime” (associate professor in the Department of Government and International Studies at Berry College in Mt. Berry)//Elmer

Thus a state party need merely announce its intention to withdraw and then wait one year. Withdrawal of a single state party to the treaty, however, would not necessarily terminate the treaty between the other state parties. Yet, the decision of an important state not to be bound by a regime–creating treaty obviously endangers the entire treaty. The decision of the United States or China to withdraw from the OST would have far greater implications for the survival of the international space regime than the same decision by Bangladesh, Burkina Faso, or Papua New Guinea—the equality of states under international law remains nothing more than a useful fiction. For the OST to remain good international law, it must be accepted as such by the major space faring states of the 21st Century: the United States, Russia, the European Union, Japan, and China. One defection from the regime by a member of this group would no doubt lead to its effective collapse, as the remaining space faring states are unlikely to use the kind of coercion necessary to enforce the regime. A more likely response to such a defection is a scramble to make similar claims to sovereignty, based on historical precedent and effective occupation. Similar rushes to stake claims for territory sovereignty in other celestial bodies might follow.

### 1AC: Sustainable Space Advantage

#### The Advantage is Sustainable Space Development:

#### Implementing the PTD for Private Appropriation results in a legally binding regime that curbs unsustainable development – ensures closing of legal loopholes.

Babcock 19 (, H., 2019. THE PUBLIC TRUST DOCTRINE, OUTER SPACE, AND THE GLOBAL COMMONS: TIME TO CALL HOME ET. [online] Lawreview.syr.edu. Available at: <https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf#page=67> [Accessed 15 December 2021] Professor Babcock served as general counsel to the National Audubon Society from 1987-91 and as deputy general counsel and Director of Audubon’s Public Lands and Water Program from 1981-87. Previously, she was a partner with Blum, Nash & Railsback, where she focused on energy and environmental issues, and an associate at LeBoeuf, Lamb, Leiby & MacRae where she represented utilities in the nuclear licensing process. From 1977-79, she served as a Deputy Assistant Secretary of Energy and Minerals in the U.S. Department of the Interior. Professor Babcock has taught environmental and natural resources law as a visiting professor at Pace University Law School and as an adjunct at the University of Pennsylvania, Yale, Catholic University, and Antioch law schools. Professor Babcock was a member of the Standing Committee on Environmental Law of the American Bar Association, and served on the Clinton-Gore Transition Team.)-rahulpenu

F. The Public Trust Doctrine (PTD) as a Gap Filling, Place-Holding Management Approach506 The PTD offers both an approach for managing an open access commons and a gap-filling tool until a regulatory regime is adopted.507 The doctrine is based on the idea that the “sovereign holds certain common properties in trust in perpetuity for the free and unimpeded use of the general public.”508 The public’s right to access and use trust resources is never lost, and neither the government nor private individuals can alienate or otherwise adversely affect those resources unless for a comparable public purpose.509 The resources the doctrine protects “have long been part of a ‘taxonomy of property’ [that recognizes] the division of natural wealth into private and public property.”510 “The doctrine places on governments ‘an affirmative, ongoing duty to safeguard the long-term preservation of those resources for the benefit of the general public,’”511 thus limiting the sovereign’s power on behalf of both present and future individuals.512 It directs the government to manage trust resources for public benefit, not private gain.513 It applies to private as well as public resources and is used to preserve the public’s access to CPRs.514 Government agencies have the non-rescindable power to revoke uses of trust resources that are inconsistent with the doctrine.515 This effectively places a permanent easement over trust resources that burdens their ownership with an overriding public interest in the preservation of those resources.516 However, trust resources can be alienated in favor of private ownership, if the alienation will still serve the public’s interest in those resources and not interfere with trust uses of the remaining land.517 The PTD, therefore, protects the “people’s common heritage,”518 just as Article 11 of the Moon Treaty protects outer space as part of the common heritage of mankind.519 The doctrine also appears to be infinitely malleable. Original uses of the doctrine were restricted to only that “aspect of the public domain below the low-water mark on the margin of the sea and the great lakes, the waters over those lands, and the waters within rivers and streams of any consequence,”520 and covered only traditional uses of those lands, like fishing and navigation.521 Over time, the scope and application of the doctrine broadened to protect more public resources and different uses.522 Thus, the **doctrine** expanded to protect new trust resources, such as dry sand beaches, inland lakes, groundwater, dry riverbeds, and wildlife,523 and passive uses of those resources, like scientific study.524 The original link to navigable water and tidelands disappeared.525 Supporters of the doctrine successfully advocated that it be applied to “wildlife, parks, cemeteries, and even works of fine art,”526 while arguing more recently its application to the atmosphere.527 A doctrine that imposes a perpetual duty on the sovereign to preserve trust resources, prevents their alienation for private benefit, assures public access to them, and can be invoked by anyone seems particularly useful as a management tool in outer space.528 The fact that **public** **access** to trust resources is so **central** to the doctrine **makes** it **reflective**, not contradictory, **of** international space **law’s** **bar** **against** **appropriation** of outer space and of the principle of space being the “province of all mankind.”529 It **avoids** the problems of alienation and **exclusion** associated with any of the management approaches associated with some form of private property and requires neither the creation of a new administrative authority nor the presence of a close-knit group of like-minded people.530 Members of the public, both rich and poor, can invoke and enforce the doctrine as easily as the sovereign.531 It is cost effective to the extent that no separate apparatus is required to implement it, and the doctrine has shown itself to be highly adaptable and innovative as different needs arise.532 It could also fill the gap in international law with respect to managing celestial property. Therefore, of all the management approaches studied here, the PTD seems the most suited to keep order in space until a regulatory regime is imposed. However, the doctrine provides no incentives for development of trust resources; rather, it might be used to limit or curtail that development, making it an imperfect, perhaps even counter-productive solution by itself to the extent that such development might be beneficial.533 Modifying the doctrine to allow limited use of private property management approaches, like tradable development claims, might buffer that effect—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property, enabled by application of the PTD. CONCLUSION “Only a legal system that accommodates both the human need for resources and the necessary preservation of mankind’s common heritage can fulfill these criteria.”534 The future is now with regard to the development of outer space and its resources—it is no longer a question of whether humans will engage in these activities, but how soon they will. Technically advanced countries and private commercial enterprises are probing outer space and preparing for landing on an asteroid or the moon to extract their resources.535 Speculators are selling deeds to the moon’s surface and preparing to exploit the tourism potential that space offers.536 But, the legal framework for managing these initiatives is almost nonexistent.537 International treaties came into being before all this activity began in earnest and national laws that might apply are stunted by jurisdictional quandaries like the absence of national boundaries in outer space.538 Thus, there is an urgency to figure out how to control what happens in outer space before its resources are irreparably damaged or permanently monopolized by powerful countries and individuals. In the absence of regulation, much of the current debate centers on what property regime should be applied in outer space.539 The assumption is that by only allowing private property rights in space, countries and commercial enterprises will undertake the risks and costs of space development.540 However, unless international space law changes, it may prevent this from happening. If it changes, strong management controls will be necessary to prevent destruction or over-consumption of celestial resources, as well as monopolization and competitive behavior by participants, which could lead to hostilities and inequities. This Article examines various private property regimes, including those of less than full fee ownership, to see if any would avoid the conflict with the international prohibition on appropriation of outer space and its resources. It concludes that none will because each retains the right to exclude and each is insensitive to the treaties’ equity concerns. In contrast, considering outer space to be common is consistent with international space law in both respects. Hypothesizing that private property in outer space may yet prevail, this Article investigates different private property management approaches, such as the right of first possession, lotteries, and tradable development rights, to see if any would be cost effective, easy to implement and equitable, and would also prevent over-consumption, monopolization or the slide into rivalrous behavior. The Article concludes that each comes up short in some respect. Social norms as a management tool for property held in common, although compliant with international law, are also not up to the task. Instead, although ancient, the PTD, with its malleability, easy and cost-effective implementation and enforcement, non-consumption principle, and consistency with the goals that animate international space treaties, seems best suited to the task of protecting the public’s interests in the global commons that is outer space as it has done for centuries in Earth-bound commons. But, as its principal terrestrial use has been to protect trust resources from development, the doctrine needs some modification to encourage development of celestial resources. Hence, this Article suggests that modifying the PTD to allow the application of private property management tools, like tradable development rights, will not only allow development, but also will assure that when it happens, it will not be just profitable for a few, but will also be sustainable and equitable.

#### Sustainable development embedded in law solves security, debris, traffic and SSA.

Aganaba-Jeanty 16 (, T., 2016. Space Sustainability and the Freedom of Outer Space. [online] Taylor & Francis. Available at: <https://www.tandfonline.com/doi/full/10.1080/14777622.2016.1148463> [Accessed 15 December 2021] Timiebi is an assistant professor of Space and Society, in the School for the Future of Innovation in Society, an affiliate faculty with the Interplanetary Initiative, a senior global futures scientist with the Global Futures Lab, and holds a courtesy appointment at the Sandra Day O’Connor College of Law, all at Arizona State University. Timiebi was a post-doctoral fellow and is a senior fellow at the Centre for International Governance Innovation (CIGI) based in Waterloo, Ontario Canada where she focused on environmental and space governance. Timiebi was Executive Director of the World Space Week Association coordinating the global response to the UN 1999 declaration that World Space Week should be celebrated Oct 4-10 annually. She is currently on the Advisory Board for the Space Generation Advisory Council supporting the UN Programme on Space Applications. She is also on the Science Advisory Board of World View Enterprises and the SETI Institute. - pp. 10-13.)-rahulpenu

---Critique of status quo polices for space sustainability

---New regimes key

---Sustainability needs to be in law

---Perm VS Global South Ks

Definitions of space sustainability The Secure World Foundation defines space sustainability as “ensuring that all humanity can continue to use outer space for peaceful purposes and socioeconomic benefit.”39 It is also described as “the ability of all humanity to continue to use outer space for peaceful purposes and socioeconomic benefit over the long term.” It is proposed that, read together, these broad definitions take as their premise that: (1) all humanity thus far is using space for peaceful purposes and for socioeconomic benefit; (2) this use is threatened; (3) measures must be taken to protect it; and (4) all humanity currently possesses the ability, in the sense of having a skill or the capacity, to ensure space sustainability for peaceful purposes. Under this conceptualization, the negative effect of not using space sustainably is primarily economic.40 Bearing in mind the governmental origins of space exploitation, where market economics did not play a primary role in decision making, the growing focus on the economic perspective in space affairs acknowledges Carolyn Deere’s opinion that problems emerge in the international domain from an absence of powerful economic interests.41 Of course, as more space applications are developed, economic interests become more prevalent in that market protectionism then underlies the rationales for many positions taken. Space sustainability is also conceptualized as defining good behavior, its boundaries, and disincentives for negative behavior in space.42 Space sustainability then becomes a much more limited political concept calling for specific measures to strengthen norms.43 Some notable examples follow: An International Code of Conduct—the European Union proposed a non-binding voluntary code whose purpose is “security, safety, sustainability” for all space activities providing for general measures on space operations and space debris.44 The Scientific and Technical Subcommittee of UNCOPUOS working group objective of establishing guidelines for the long-term sustainability of outer space activities. Proposed International Civil Aviation Organization for Space—the establishment of an international organization focused on space safety and the establishment of binding safety standards similar to the International Civil Aviation Organization.45 Industry efforts for a global space situational awareness database Group of Governmental Experts (GGE) on Transparency and Confidence Building Measures. Depending on the forum for discussion and in line with the previously mentioned initiatives, the concept of space sustainability is also used interchangeably with the following: (1) space security, which entails access to space and freedom from threats;46 (2) space stability addressing space situational awareness;47 (3) space safety, which is protection from all unreasonable levels of risk (primarily protection of humans or human activities);48 and (4) responsible uses of space.49 These all reflect the two components of space sustainability as described by the founder of Secure World Foundation: “the first is the physical environment, which includes management of space debris, electromagnetic and physical crowding and congestion, and space weather.... The second component is the political environment, and includes promoting stability and preventing conflict between nations.”50 Bearing this in mind and notwithstanding the potential confusion caused by the interchangeability of terms used, at the core of all proposals conceptualizing space sustainability or related concepts are the notions that: (1) space assets are kept safe and secure, and that the assets are not harmed or interfered with; (2) peaceful space activities continue as free from purposeful/intentional or unintentional harmful interference; (3) the space environment is preserved for peaceful uses; and (4) international cooperative efforts are required. These four points are understood to be the current core conditions for and of space sustainability. It must be acknowledged that space sustainability, in this context, is severed from the ecological roots of sustainable development. Rationale for space sustainability The proposed baseline conditions for the current conception for space sustainability coincide with Gallagher’s analysis of the logic for space cooperation as “Space Governance for Global Security” where all space actors seek “to secure the space domain for peaceful use; to protect space assets from all hazards; and to derive maximum value from space for security, economic, civil, and environmental ends.”51 Based on this understanding, the current conception of and rationale for space sustainability ties more clearly to global security than to sustainable development. This logic emphasizes that “the more different countries, companies, and individuals depend on space for a growing array of purposes, the more they need equitable rules, shared decision-making procedures, and effective compliance mechanisms to maximize the benefits that they all can gain from space, while minimizing risks from irresponsible space behaviors or deliberate interference with legitimate space activities.”52 While it is acknowledged that such a need exists, the difficulty in reaching agreement on how to bring it about is one reason why some states are more focused on producing a dialogue on long-term sustainability. This is seen in the proliferation of reports outlining best practices and options that enhance sustainability through increased information sharing, as well as a focus on technical issues rather than on the creation of any new legal regimes. To minimize some of the risks of non-sustainable space use, Weeden53 proposes a three-pillar technical approach to space sustainability: (1) debris mitigation; (2) debris removal; and (3) space traffic management. This is conjoined with an immediate need for data in support of conjunction assessment and collision avoidance. This emphasis on data sharing/collection includes enabling research into potential solutions to the problem of space debris, and enhancing transparency and cooperation among states. Weeden also suggests that this narrow approach to space sustainability serves both to educate space actors about the severity of the space debris problem and to provide stability to reduce the likelihood of conflict. A common approach to data also serves as verification for a potential code of conduct in space, setting the stage for future space governance models. These proposals follow the logic of sustainability for global security. While this logic is in line with the dominant conceptualization of benefit sharing and freedom of outer space, the position taken in this article is that it does not adequately speak to sustainability from the perspective of aspirant space states. To do so requires a significantly broader discussion and solutions aimed towards aligning space law and policy with the sustainable development paradigm, if understood as being an inclusive paradigm and not focused on the individualistic/self-interested nature of the current conception of sustainable development. A systemic, sustainable development law approach calls for a conscious engagement with the web of overlapping social, environmental, cultural, and legal frameworks, as well as cultural considerations, economic policies, expectations, players, and interests.54 Bearing in mind current U.S. space policy,55 such a broad overarching objective may not be achievable as part of the dialogue on the “Long Term Sustainability of Outer Space Activities,” but U.S. policy regarding preservation of the space environment nevertheless offers insights because international initiatives congruent with it are likely to garner the most support. Schrogl56 proposed that sustainability is rendered to threats and risks to satellite operations. This approach acknowledges the intersection of multiple issue areas: environment, security, mobility, knowledge, resources, and energy. This intersection of issue areas is more akin to the wider discourse of sustainability development of and on the Earth, and prompts a discussion of value to emerging and aspirant space actors. Otherwise, the dominant conceptualization of space sustainability removes any focus upon providing for the needs of those not among the most advanced space nations. This problem is highlighted in Peter and Rathgeber’s definition of space sustainability: Sustainable space activities can be seen as activities (in space, from space, through space and towards space) that meet the needs of the present space actors without comprising the ability of future generations to meet their own needs of performing space related operations safely.57 Peter and Rathgeber claim that the emergence of new institutional space actors, particularly from the south, is putting a greater pressure on the space environment and that the participation of the south in space sustainability efforts is unsatisfactory.58 Yet, the role of less-advanced nations in sustainability initiatives is more so on the receiving end in that advanced nations seek to engage newcomers to space during the early phase of the development of future directives and codes of conduct for sustainable space activities; that is,not really to seek their input, but to ensure compliance by the less-advanced nations.59 Their space activities are judged as either threats to or consistent with space sustainability, rather than as part of articulating the content of space sustainability.60 This indicates that, for national space programs of established space nations, a truly international focus on space sustainability is not a priority**.** It is interesting to note, at this juncture in the discussion, a fundamental provision proposed by a group of developing states during the development of the U.N. Space Benefits Declaration.61 (1) All States should pursue their activities in Outer Space with due regard to the need to preserve Outer Space, in such a way as not to hinder its continued utilization and exploration. (2) States should pay attention to all aspects related to the protection and preservation of the Outer Space environment, especially those potentially affecting the Earth’s environment. (3) States with relevant space capabilities and with programs for the utilization and exploration of outer space should share with developing countries on an equitable basis the scientific and technological knowledge necessary for the proper development of programs oriented to the more rational utilization and exploration of Outer Space.62 Paragraph 3 is fundamental and truly revealing when read in the light of the analysis of Schrogl.63 Schrogl claims that the declaration takes up the problem of space debris, which might endanger future space utilization to a significant extent. However, he also states that “the wish [of the Developing countries] to be informed about debris prevention measures voiced. . . is reasonable but actually needs no mentioning since these technological developments are discussions and documented publicly to the greatest extent.”64

#### Congestion creates rivalrous orbits.

Fabian 19 (Christopher; January 2019; B.S. from the United States Air Force Academy, thesis submitted in partial fulfillment of the requirements for a M.S. from the University of North Dakota, approved by the Faculty Advisory Committee and in coordination with Dr. Michael Dodge, David Kugler, and Brian Urlacher; University of North Dakota Scholarly Commons, “A Neoclassical Realist’s Analysis Of Sino-U.S. Space Policy,” <https://commons.und.edu/theses/2455/>)

b. Defect/Defect The ubiquity of space technology has also yielded the negative externality of overcrowding the space domain. Despite its seemingly unlimited size, there are a limited number of useful earth-centric orbits to optimize terrestrial coverage. It is projected that there are over 300,000 medium sized objects capable of causing catastrophic failure of a satellite upon collision currently in earth’s orbit.159 Of these objects, 20,000 are actively tracked by the comparatively robust space surveillance network (SSN) of the United States Air Force, only 1,000 are active payloads, and even fewer have maneuver capability.160 Recent trends indicate that the problem of orbital congestion will only worsen in the coming decades as the barriers to entry are reduced. Launch service cost is rapidly decreasing due to an increased number of service providers and technology revolutions such as reusable rockets. Also, the miniaturization and simplification of satellite payloads further reduces the cost and infrastructure needed to be a spacefairing nation.161 This is evidenced by the near doubling of state operated satellites from 27 in 2000 to over 50 in 2012, coupled with a near doubling in total space objects from 1997 to 2007.162 The accumulation of space debris is a vital concern to the sustainable development of the space environment due to the increased probability of conjunction between active payloads and all other objects that results from crowded orbits. This increase in collision probability occurs proportionally to the number of objects in a given orbital domain. The tripling of orbital debris projected to occur in the next century, due to routine use and accumulation alone, would cause a tenfold increase in the probability of collision. In the event of a catastrophic collision between two objects, the resulting debris cloud could cause a cascading effect. Each successive collision increases the probability of another occurrence in a given orbit until an instability threshold is reached. At this threshold, debris removal due to decay would be negligible compared to debris created by subsequent collisions. As the propagation of debris continues, the cost of launching a satellite would eventually outweigh the benefits received due to the probability of that asset being destroyed by errant debris, effectively rendering the given orbit unusable. This debris propagation model and the dangers associated with it are colloquially referred to as the Kessler Syndrome. Kessler asserts unstable regions of low earth orbit (LEO) currently exist and that, barring the addition of more debris, a major collision would occur once every 10-20 years. If debris doubles, as it has in the last decade, the collision rate would increase to 2.5 years. Although most models’ time scales are on the order of centuries, it is widely accepted that the current rate of debris accumulation will render critical orbits unusable unless immediate measures are taken to return stability.163 There is near universal acceptance of the danger space debris presents, yet little substantive action has been taken to solve the problem. Current debris accumulation and propagation models show that earth orbiting domains are finite resources. Continued unsustainable development moving forward may preclude future usage, making earth orbits rivalrous goods.164 Furthermore, orbital domains are made a non-excludable good by the OST which states, “Outer space… shall be free for exploration and use by all States without discrimination of any kind.”165 As a non-excludable public good, space succumbs to the tragedy of the commons where the privately beneficial strategy of space utilization differs significantly from the socially optimal strategy promoting orbital stability.166 Understandably, most analysis has focused on solving the problem of orbital instability by addressing the market failure responsible for debris creation. The current reasoning suggests that if actors creating space debris internalize the cost of their actions, a solution can arise. Proposed solutions run the gamut of ideologies from free market tax incentives, to command and control legislation, to restructuring orbital property rights. Scientific solutions have also been proposed, but technological feasibility and cost remain major problems. Furthermore, analogous environments susceptible to the tragedy of the commons have been examined in hopes that they may prove applicable to the problem of orbit instability.167 This analysis is ultimately useful if the problem is to be solved under nominal conditions, but there is an underlying problem that needs to be addressed before any of these proposed solutions can realistically be enacted.

#### That triggers missile radars.

Hoots 15 (Felix; Fall 2015; Distinguished Engineer in the System Analysis and Simulation Subdivision, Ph.D. in Mathematics from Auburn University, M.S. in Mathematics from Tennessee Tech University; Crosslink, “Keeping Track: Space Surveillance for Operational Support,” <https://aerospace.org/sites/default/files/2019-04/Crosslink%20Fall%202015%20V16N1%20.pdf>)

The launch of Sputnik on October 4, 1957, marked the beginning of the Space Age. It also marked the beginning of an intense space race that brought a remarkable rate of rocket launches. In a very short time, the number of objects in orbit grew dramatically. This created a host of strategic challenges, including the need for space surveillance. In particular, the Air Force needed a way to prevent false alarms as satellites came within view of missile-warning radars, while the Navy needed a way to alert deployed units of possible reconnaissance by satellites overhead. These needs led to the establishment of a military mission to maintain a catalog of all Earth-orbiting objects—active payloads, rocket bodies, and debris—along with detailed information about trajectory and point of origin. Such a catalog could be used to filter normal orbital passages from potential incoming missiles and predict the passage of suspected spy satellites. The first catalog was relatively small in comparison with today’s version, which lists more than 22,000 items (as of May 2015). Also, the current version supports much more than the original military mission—and Aerospace is helping to extend its utility even further. The Space Catalog The Space Catalog is maintained by the Joint Space Operations Center (JSpOC) at Vandenberg Air Force Base, part of U.S. Strategic Command. One of the missions of JSpOC is to detect, track, and identify all artificial objects in Earth orbit. A key component of this mission is the Space Surveillance Network, a worldwide system of ground-based radars along with ground-based and orbital telescopes. The radars are used primarily for tracking near-Earth satellites with orbital period of 225 minutes or less, as well as some eccentric orbits that come down to near-Earth altitudes as they go towards their perigee. Ground-based telescopes are used for tracking more distant satellites, with orbital period greater than 225 minutes, and space-based sensors are used to track both near and distant satellites. The JSpOC tasks these sensors to track specific satellites and to record data such as time, azimuth, elevation, and range. This data is used to create orbital element sets or state vectors that represent the observed position of the satellite. The observed position can then be compared with the predicted position. The dynamic models used for predicting satellite motion are not perfect; factors such as atmospheric density variation caused by unmodeled solar activity can cause the predicted position to gradually stray from the true position. The observations are used to correct the predicted trajectory so the network can continue to track the satellite. This process of using observations to correct and refine an orbit in an ongoing feedback loop is called catalog maintenance, and it continues as long as the satellite remains in orbit. Ideally, the process is automatic, with manual inter vention only required when satellites maneuver or get near to reentry due to atmospheric drag. Sometimes, however, more effort is required. For example, a sensor may encounter a satellite trajectory that does not correspond well to anything in the catalog. Such observations are known as partially correlated observations if they are somewhat close to a known orbit or uncorrelated observations (or uncorrelated tracks) if they are far from any known orbit. Also, if a satellite is not tracked for five days, it is placed on an attention list for manual intervention. In that case, an analyst will attempt to match the wayward satellite to one of these partially correlated or uncorrelated tracks. If that effort succeeds, then the element sets are updated, and the object is returned to automatic catalog maintenance. On the other hand, if the satellite cannot be matched to a partially correlated or uncorrelated track, the satellite information continues to age. If it reaches 30 days without a match, the satellite is placed on the lost list. Risk Prediction One of the most visible uses of the catalog is to warn about collision risks for active payloads. This function predicts potential close approaches three to five days in advance to allow time to plan avoidance maneuvers, if necessary. Unplanned maneuvers may disturb normal operations and deplete resources for future maneuvers, so one would like to have high confidence in the collision-risk predictions. The reliability of the predictions depends directly on the accuracy of the orbit calculation, which in turn depends on the quality and quantity of the tracking data, which is limited by the capability of the Space Surveillance Network. Simply put, there are not enough tracking resources in the network to achieve high-quality orbits for every object in the catalog. Furthermore, many smaller objects can only be tracked by the most sensitive radars, and this tracking is infrequent. Most objects in the catalog are considered debris, which can neither maneuver nor broadcast telemetry. On the other hand, some satellite operators depend exclusively on the satellite catalog to know where their satellites are, and users of the satellite orbital data depend on the catalog to know when the satellites will be within view. This situation creates a challenging problem in balancing Space Surveillance Network resources to support the collision-warning task (tracking as many potential hazards as possible) while also providing highly accurate support to operational satellites (tracking the spacecraft as precisely as possible). The practical solution is to perform collision risk assessment using a large screening radius to ensure no close approaches are missed despite lower-quality predictions. Once an object is identified as having a potentially close approach, then the tasking level is raised, with the expectation that more tracking data will be obtained to refine the collision risk calculations. When the danger has passed, the object reverts to a normal tracking level. Collisions and spontaneous breakups do happen. The first satellite breakup occurred on June 29, 1961, when residual fuel in an Ablestar rocket body exploded, creating 296 trackable pieces of debris. Since that time, there have been more than 200 satellite breakups, the most notable being the missile intercept of the Fengyun-1C satellite, which created more than 3300 trackable fragments. In most cases, these breakups are first detected by the phased-array radars in the Space Surveillance Network. When multiple objects are observed where only one was expected, the downstream sensors are alerted, but no tasking is issued because specific debris orbits are not yet established. Tracks are taken and tagged as uncorrelated. Analysts at JSpOC then attempt to link uncorrelated tracks from different sensors to form a candidate orbit. Subsequent tracking improves the orbit to the point that the object can be named and numbered and moved into the catalog for automatic maintenance.

#### Nuclear war.

Rogoway 15 (Tyler; November 12; Defense Journalist and Editor of Time Inc’s The War Zone; Jalopnik, “These Are The Doomsday Satellites That Detected The Explosion Of Metrojet 9268,” <https://foxtrotalpha.jalopnik.com/these-are-the-doomsday-satellites-that-detected-the-exp-1737434876>)

For over 50 years the Pentagon has had early warning satellites in orbit aimed at spotting launches of ballistic missiles, especially the big intercontinental kind that can fly around the globe in less than 30 minutes and bring about nuclear Armageddon. Recently, these satellites have made news for their “secondary capabilities,” spotting the downing of Metrojet Flight 9268 and Malaysian Airlines Flight 17. These are the shadowy satellites that are capable of such amazing feats, and an idea of how they work. In 1960, at the height of the Cold War and at the dawn of the space age, the first Missile Defense Alarm System (MiDAS) satellite was launched into low earth orbit. Six years later there was a constellation of nine of these satellites roaming the heavens, each scanning the Soviet Union for large infrared plumes, the tell-tale sign of a ballistic missile or rocket launch. These fairly crude, low-earth orbit satellites, along with the radar-based Ballistic Missile Early Warning System, would be the basis for a Cold War ballistic missile surveillance system that would become ever more complex and capable as the years went by. If ballistic missile launches were detected and deemed a threat, the decision to retaliate would mean the National Command Authority making the call to do so within half an hour, an act that could bring an the end of humanity’s reign on Earth, permanently. The first really reliable and full coverage space-based ballistic missile early warning capability came with the launch of the first Defense Support Program (DSP) satellite in 1970. These new satellites were much more capable than their MiDAS predecessors. Early DSP satellite design was relatively straight forward, with the satellites’ spinning around their center axis while in geosynchronous orbit. This allows their telescopic infrared sensor to continuously sweep an area of the planet in a relatively brief amount of time, around six times in one minute. If something were detected, the information would immediately be data-linked to controllers on the ground at the 460th Space Wing located at Buckley AFB in in Colorado. A total of 23 of these satellites have been launched over the program’s life, with constant upgrades made along the way. A DSP satellite was launched by the Space Shuttle on STS-44 in 1991, and the last one was launched by a Delta IV Heavy in 2007. Most famously, the Defense Support Program constellation of satellites were used to detect launches of SCUD missiles during Operation Desert Storm.

#### Independently, debris hits on satellites causes Russia War.

Lewis 4 Jeffrey Lewis, in the Advanced Methods of Cooperative Study Program- Worked In the Office of the Undersecretary of Defense for Policy, Center for Defense Information, ‘4, "What if Space Were Weaponized," July 2004 pg online @ www.cdi.org/PDFs/scenarios.pdf)

Accidental Nuclear War Scenario Crisis Over Kalningrad (2010) This is the second of two scenarios that consider how U.S. space weapons might create incentives for America’s opponents to behave in dangerous ways. The previous scenario looked at the systemic risk of accidents that could arise from keeping nuclear weapons on high alert to guard against a space weapons attack. This section focuses on the risk that a single accident in space, such as a piece of space debris striking a Russian early-warning satellite, might be the catalyst for an accidental nuclear war. As we have noted in an earlier section, the United States canceled its own ASAT program in the 1980s over concerns that the deployment of these weapons might be deeply destabilizing. For all the talk about a “new relationship” between the United States and Russia, both sides retain thousands of nuclear forces on alert and conﬁgured to ﬁght a nuclear war. When briefed about the size and status of U.S. nuclear forces, President George W. Bush reportedly asked “What do we need all these weapons for?” 43 The answer, as it was during the Cold War, is that the forces remain on alert to conduct a number of possible contingencies, including a nuclear strike against Russia. This fact, of course, is not lost on the Russian leadership, which has been increasing its reliance on nuclear weapons to compensate for the country’s declining military might. In the mid-1990s, Russia dropped its pledge to refrain from the “ﬁrst use” of nuclear weapons and conducted a series of exercises in which Russian nuclear forces prepared to use nuclear weapons to repel a NATO invasion. In October 2003, Russian Defense Minister Sergei Ivanov reiterated that Moscow might use nuclear weapons “preemptively” in any number of contingencies, including a NATO attack. 44 So, it remains business as usual with U.S. and Russian nuclear forces. And business as usual includes the occasional false alarm of a nuclear attack. There have been several of these incidents over the years. In September 1983, as a relatively new Soviet early-warning satellite moved into position to monitor U.S. missile ﬁelds in North Dakota, the sun lined up in just such a way as to fool the Russian satellite into reporting that half a dozen U.S. missiles had been launched at the Soviet Union. Perhaps mindful that a brand new satellite might malfunction, the ofﬁcer in charge of the command center that monitored data from the early-warning satellites refused to pass the alert to his superiors. He reportedly explained his caution by saying: “When people start a war, they don’t start it with only ﬁve missiles. You can do little damage with just ﬁve missiles.” 45 In January 1995, Norwegian scientists launched a sounding rocket on a trajectory similar to one that a U.S. Trident missile might take if it were launched to blind Russian radars with a high 26 What if Space Were Weaponized? altitude nuclear detonation. The incident was apparently serious enough that, the next day, Russian President Boris Yeltsin stated that he had activated his “nuclear football” – a device that allows the Russian president to communicate with his military advisors and review his options for launching his arsenal. In this case, the Russian early-warning satellites could clearly see that no attack was under way and the crisis passed without incident. 46 In both cases, Russian observers were conﬁdent that what appeared to be a “small” attack was not a fragmentary picture of a much larger one. In the case of the Norwegian sounding rocket, space-based sensors played a crucial role in assuring the Russian leadership that it was not under attack. The Russian command system, however, is no longer able to provide such reliable, early warning. The dissolution of the Soviet Union cost Moscow several radar stations in newly independent states, creating “attack corridors” through which Moscow could not see an attack launched by U.S. nuclear submarines. 47 Further, Russia’s constellation of early-warning satellites has been allowed to decline – only one or two of the six satellites remain operational, leaving Russia with early warning for only six hours a day. Russia is attempting to reconstitute its constellation of early-warning satellites, with several launches planned in the next few years. But Russia will still have limited warning and will depend heavily on its space-based systems to provide warning of an American attack. 48 As the previous section explained, the Pentagon is contemplating military missions in space that will improve U.S. ability to cripple Russian nuclear forces in a crisis before they can execute an attack on the United States. Anti-satellite weapons, in this scenario, would blind Russian reconnaissance and warning satellites and knock out communications satellites. Such strikes might be the prelude to a full-scale attack, or a limited effort, as attempted in a war game at Schriever Air Force Base, to conduct “early deterrence strikes” to signal U.S. resolve and control escalation. 49 By 2010, the United States may, in fact, have an arsenal of ASATs (perhaps even on orbit 24/7) ready to conduct these kinds of missions – to coerce opponents and, if necessary, support preemptive attacks. Moscow would certainly have to worry that these ASATs could be used in conjunction with other space-enabled systems – for example, long-range strike systems that could attack targets in less than 90 minutes – to disable Russia’s nuclear deterrent before the Russian leadership understood what was going on. What would happen if a piece of space debris were to disable [hit] a Russian early-warning satellite under these conditions? Could the Russian military distinguish between an accident in space and the ﬁrst phase of a U.S. attack? Most Russian early-warning satellites are in elliptical Molniya orbits (a few are in GEO) and thus difﬁcult to attack from the ground or air. At a minimum, Moscow would probably have some tactical warning of such a suspicious launch, but given the sorry state of Russia’s warning, optical imaging and signals intelligence satellites there is reason to ask the question. Further, the advent of U.S. on-orbit ASATs, as now envisioned 50 could make both the more difﬁcult orbital plane and any warning systems moot. The unpleasant truth is that the Russians likely would have to make a judgment call. No state has the ability to deﬁnitively determine the cause of the satellite’s failure. Even the Accidental Nuclear War Scenarios 27 United States does not maintain (nor is it likely to have in place by 2010) a sophisticated space surveillance system that would allow it to distinguish between a satellite malfunction, a debris strike or a deliberate attack – and Russian space surveillance capabilities are much more limited by comparison. Even the risk assessments for collision with debris are speculative, particularly for the unique orbits in which Russian early-warning satellites operate. During peacetime, it is easy to imagine that the Russians would conclude that the loss of a satellite was either a malfunction or a debris strike. But how conﬁdent could U.S. planners be that the Russians would be so calm if the accident in space occurred in tandem with a second false alarm, or occurred during the middle of a crisis? What might happen if the debris strike occurred shortly after a false alarm showing a missile launch? False alarms are appallingly common – according to information obtained under the Freedom of Information Act, the U.S.-Canadian North American Aerospace Defense Command (NORAD) experienced 1,172 “moderately serious” false alarms between 1977 and 1983 – an average of almost three false alarms per week. Comparable information is not available about the Russian system, but there is no reason to believe that it is any more reliable. 51 Assessing the likelihood of these sorts of coincidences is difﬁcult because Russia has never provided data about the frequency or duration of false alarms; nor indicated how seriously earlywarning data is taken by Russian leaders. Moreover, there is no reliable estimate of the debris risk for Russian satellites in highly elliptical orbits. 52 The important point, however, is that such a coincidence would only appear suspicious if the United States were in the business of disabling satellites – in other words, there is much less risk if Washington does not develop ASATs. The loss of an early-warning satellite could look rather ominous if it occurred during a period of major tension in the relationship. While NATO no longer sees Russia as much of a threat, the same cannot be said of the converse. Despite the warm talk, Russian leaders remain wary of NATO expansion, particularly the effect expansion may have on the Baltic port of Kaliningrad. Although part of Russia, Kaliningrad is separated from the rest of Russia by Lithuania and Poland. Russia has already complained about its decreasing lack of access to the port, particularly the uncooperative attitude of the Lithuanian government. 53 News reports suggest that an edgy Russia may have moved tactical nuclear weapons into the enclave. 54 If the Lithuanian government were to close access to Kaliningrad in a ﬁt of pique, this would trigger a major crisis between NATO and Russia. Under these circumstances, the loss of an early-warning satellite would be suspicious. It is any military’s nature during a crisis to interpret events in their worst-case light. For example, consider the coincidences that occurred in early September 1956, during the extraordinarily tense period in international relations marked by the Suez Crisis and Hungarian uprising. 55 On one evening the White House received messages indicating: 1. the Turkish Air Force had gone on alert in response to unidentiﬁed aircraft penetrating its airspace; 2. one hundred Soviet MiG-15s were ﬂying over Syria; 3. a British Canberra bomber had been shot down over Syria, most likely by a MiG; and 4. The Russian ﬂeet was moving through the Dardanelles. Gen. Andrew 28 What if Space Were Weaponized? Goodpaster was reported to have worried that the conﬂuence of events “might trigger off … the NATO operations plan” that called for a nuclear strike on the Soviet Union. Yet, all of these reports were false. The “jets” over Turkey were a ﬂock of swans; the Soviet MiGs over Syria were a smaller, routine escort returning the president from a state visit to Moscow; the bomber crashed due to mechanical difﬁculties; and the Soviet ﬂeet was beginning long-scheduled exercises. In an important sense, these were not “coincidences” but rather different manifestations of a common failure – human error resulting from extreme tension of an international crisis. As one author noted, “The detection and misinterpretation of these events, against the context of world tensions from Hungary and Suez, was the ﬁrst major example of how the size and complexity of worldwide electronic warning systems could, at certain critical times, create momentum of its own.” Perhaps most worrisome, the United States might be blithely unaware of the degree to which the Russians were concerned about its actions and inadvertently escalate a crisis. During the early 1980s, the Soviet Union suffered a major “war scare” during which time its leadership concluded that bilateral relations were rapidly declining. This war scare was driven in part by the rhetoric of the Reagan administration, fortiﬁed by the selective reading of intelligence. During this period, NATO conducted a major command post exercise, Able Archer, that caused some elements of the Soviet military to raise their alert status. American ofﬁcials were stunned to learn, after the fact, that the Kremlin had been acutely nervous about an American ﬁrst strike during this period. 56 All of these incidents have a common theme – that conﬁdence is often the difference between war and peace. In times of crisis, false alarms can have a momentum of their own. As in the second scenario in this monograph, the lesson is that commanders rely on the steady ﬂow of reliable information. When that information ﬂow is disrupted – whether by a deliberate attack or an accident – conﬁdence collapses and the result is panic and escalation. Introducing ASAT weapons into this mix is all the more dangerous, because such weapons target the elements of the command system that keep leaders aware, informed and in control. As a result, the mere presence of such weapons is corrosive to the conﬁdence that allows national nuclear forces to operate safely.

#### Unchecked Commercial Appropriation causes Space Conflicts.

Perez 21 Veronica Delgado-Perez. 12/14/21. Argument | The Commercialization of Space Risks Launching a Militarized Space Race. <https://www.theintlscholar.com/periodical/12/14/2020/analysis-commercialization-space-risk-international-law-military-space-race> [Veronica Delgado-Perez is a Staff Writer at The International Scholar.] // CVHS SR

Fundamentals of the Final Frontier It is a geopolitical imperative to determine what, if any, commercial activities and use of extraterrestrial resources are permitted within the confines of international law. Without clear-cut agreements on what activity is recognized by international law, the world will undoubtedly see states push the boundaries ever further in an attempt to gain the edge over geopolitical competitors — even more-so in an era of renewed great power competition. Yet to date, there exists no comprehensive treaty or legal reference to commercial activity in space. However, this should come as no surprise. It has only been since the turn of the century that technology and markets have progressed to the point where commercial space exploration and exploitation has become possible. Only recently have experts and analysts of geopolitics and international law begun to seriously examine questions surrounding the legal framework that would govern extraterrestrial resource-mining and other commercial activities. In the last decade, the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) dealt with commercial aspects in outer space. In one of their last reports, the Committee expressed that the era of the commercial utilization of outer space’s resources is intrinsically linked to the escalation of international competition over resources, which could threaten international peace and security. By encouraging the international community to engage in outer space’s activities for the benefit of humankind as a whole, “some delegations” have expressed that states should avoid the promotion of laws and regulations related to the commercialization of outer space, arguing that it should be considered the heritage of all humanity. In that regard, states must then ensure that domestic law on the use of outer space complies with international space law, which means that states should respect the principles outlined in the Outer Space Treaty and ensure that national regulations do not contravene international provisions. Even though the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (which entered into force in 1967), refers to the exploration and use of outer space, it does not address questions of a commercial nature, which compromises the ability of states and international actors to address new challenges to extraterrestrial activities. In several provisions, the treaty highlights that these activities may be carried out for peaceful purposes and the benefit of all people, reaffirming that outer space is not subject to national appropriation. Were outer space not considered a global commons, that would imply that the resources and results of commercial exploration may fall within the jurisdiction of a country. It is thus incumbent upon Washington — and its commercial enterprises — to demonstrate how American commercial exploration of space benefits other countries and complies with international space law, or otherwise to adhere to the spirit of past treaties which emphasize the impartiality of outer space until such time as the law is clarified. International Law is Adrift in Space The potential benefits of commercial space exploration cannot be ignored. From an economic standpoint, the space industry would generate a significant economic boon for both states and private companies, due to the abundance and variety of resources — particularly scarce minerals that are difficult to extract on Earth. As one example of the vastness of resources held in outer space, one asteroid has the potential to contain more than the total supply of platinum extracted throughout the history of mankind. It may very well open the door to an advanced era of space navigation, building extraterrestrial infrastructure that facilitates the exploration and use of space’s resources, and extra-planetary human habitation. Inevitably, there are significant drawbacks to the commercialization of space exploration. These can vary, for instance, from the commercial dominance of space’s natural resources only by those states with the technical and financial capital to support space missions, to geopolitical competition over extraterrestrial resources that threatens world peace and security, to the potential for the monopolization of extraterrestrial resources by states and private companies. As was the case during the Cold War, the Soviet Union and the United States began a Space Race in which they struggled to achieve supremacy in space exploration and domination of science. Today, the number of space powers has increased thanks to continual advancements in flight, combustion, and fueling technologies. In the three decades since the end of the Cold War, technologically advanced countries like China, Japan, and France which previously had no space program have successfully navigated to the top tier of space-faring agencies and programs. In 2018, the U.S. allocated $41 billion to space programs, followed by China at $5.8 billion, and Russia at $3.1 billion. Collectively, the three major space powers control almost 65% of the global industry, showing space powers are monopolizing space and reinforcing the inequality gap between states that do not have sufficient economic and technological capacity to invest. With new actors on the game stage, conflicts of interest may arise. There is a risk that each actor adopts a kind of short-term Realist approach to space policy — one which is driven by self-interest in reaping the greatest benefits of extraterrestrial exploration and commercialization while controlling access to others. If unmitigated, states may choose to militarize outer space to gain a strategic edge over competitors and adversaries. This process has already begun. Under the Trump administration, the Pentagon established the U.S. Space Force as a new branch of the Armed Forces to protect the country and allied interests in space. Already, Delta 4 — one of the U.S. Space Force’s missions — conducts strategic and theater missile warnings, manages weapon systems, and provides information to missile defense forces. The measure shows that for the U.S., outer space is not only a domain of scientific exploration but has the potential to become increasingly securitized. With the impending expiration of the Strategic Arms Reduction Treaty (START) between the U.S. and Russia on February 5, 2021, a number of security dilemmas could arise. If the world’s two largest nuclear powers do not edge toward extending the treaty, Washington and Moscow risk returning to the era of unrestricted expansion of launch platforms and strategically-deployed nuclear warheads — potentially with the aid of military infrastructure in space. Although President-elect Biden has expressed his interest in negotiating an extension of New START, how Moscow and Washington might proceed remains an open question. Bilateral progress towards a new arms-control regime would require establishing limits on the number and range of long- and mid-range missiles, establishing measures to limit the expansion of traditional missile deployment to space, and banning the deployment of nuclear weapons and weapons of mass destruction in outer space. More than the risk of the securitization of space, state, and private actors could begin to claim exclusive legal rights over the resources they discover. Indeed, the U.S. Commercial Space Launch Competitiveness Act, which came into force in 2015, expressly recognizes the right of U.S. Citizens to possess, own, transport, use, and sell space resources. By this means, domestic law already acknowledges the legal claim to property by individuals, which is prohibited by international law. Under the Outer Space Treaty, states renounced any traditional form of acquisition of territories and agreed not to foray unilaterally into space to extend their national policies on Earth or to exercise any kind of sovereignty over celestial bodies or resources. The absence of a modern international treaty that addresses these issues should be received with grave concern, as there is significant potential for risk to become reality. Existing UN treaties lack the technological context and foresight to address legal questions regarding the potential for commercial exploration and exploitation of outer space or its resources. During the sixties and seventies, when international instruments like the Outer Space treaty were conceived, the principal aim of states was to support and expand the scale of the state’s national capacity for operation in space and the development of legal instruments to guide state’s international cooperation in the peaceful exploration of outer space. These instruments were never designed to respond to commercial questions over mining or tourism in space, private investment in space activities, or the emergence of non-state private enterprises operating in space. As a result, private enterprises operating in the vacuum of space also float in an unstable legal vacuum which threatens to implode in geopolitical competition. Beyond Stars and States In an increasingly commercial outer space in which there are no set limits to the exploitation of resources or claim to property, states and private companies will inevitably pursue the development of new extraterrestrial industries to suit their geoeconomic interests. If unchecked, the legal protection of outer space as a domain of exploration for the benefit of all humanity would functionally fail. To protect investments and profit from national space industries, states would likely resort to military force to protect and secure private assets. Over time, space would ultimately become a fourth border domain over which states claim, exercise, and defend sovereignty — including through the use of force. The challenge is thus to prevent the circumstances that could lead to space-borne conflict before it is made possible. Notwithstanding, commercial exploration and the use of natural resources need not lead to predation among actors involved in space. The potential rewards — both technological and environmental — that could come from investment in the harvesting of resources in space are immense. International law cannot afford to wait for the security dilemma posed by commercial activity in space to manifest before addressing it but must anticipate and proactively adopt measures to address future issues that govern extraterrestrial human activity. The only remedy for the lack of legal governance over commercial activity in space is the creation of new international laws through a comprehensive international treaty on commercial operations in space. The new treaty must expressly regulate commercial activities by states and private companies, enshrine an international liability and compensation regime covering damages caused with workable sanction provisions, and reinforce norms that restrict any militarization of outer space. The international community should focus its efforts on establishing a legal regime, with mandatory provisions (rather than non-binding resolutions, observations, commentaries, and conclusions) which generate both international responsibility and provide enforceable sanctions in the event of violations. The effort should be borne out by expanding the scope and strengthening the oversight powers of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), rather than creating a new organ with redundant bureaucracy. Beyond the tasks of encouraging space research programs, studying space activities, and addressing legal questions, COPUOS should be granted the necessary powers to perform control and oversight monitoring functions. Experience has taught the international community that cooperative arrangements between states and international organizations can prevent competition for resources from escalating to kinetic conflict. Through cooperation, there is a chance to preserve extraterrestrial resources for future generations, secure an equitable allocation of resources and benefits with a mind to each country’s specific needs, and prevent the expansion of geopolitical conflict to the domain of space. Space powers must recognize the value in partnering with other states to advance the development of space programs more efficiently. It should be clear now that all nations could reap the benefits of collective action, exploration, and commercialization of resources from beyond Earth’s atmosphere while preventing a drawn-out international conflict to the final frontier. The will of states not to jeopardize the fundamental basis of international law must be reflected in coordination and surveillance efforts to ensure that the advantages derived from space exploration allow humanity to continue evolving.

#### Space War cause Nuclear War.

Gallagher 15 “Antisatellite warfare without nuclear risk: A mirage” <http://thebulletin.org/space-weapons-and-risk-nuclear-exchanges8346> (interim director of the Center for International and Security Studies in Maryland, previous Executive Director of the Clinton Administration’s CTBT Treaty Committee, an arms control specialist at the State Dept., and a faculty member at Wesleyan)//Elmer

In recent decades, however, as space-based reconnaissance, communication, and targeting capabilities have become integral elements of modern military operations, strategists and policy makers have explored whether carrying out antisatellite attacks could confer major military advantages without increasing the risk of nuclear war. In theory, the answer might be yes. In practice, it is almost certainly no. Hyping threats. No country has ever deliberately and destructively attacked a satellite belonging to another country (though nations have sometimes interfered with satellites' radio transmissions). But the United States, Russia, and China have all tested advanced kinetic antisatellite weapons, and the United States has demonstrated that it can modify a missile-defense interceptor for use in antisatellite mode. Any nation that can launch nuclear weapons on medium-range ballistic missiles has the latent capability to attack satellites in low Earth orbit. Because the United States depends heavily on space for its terrestrial military superiority, some US strategists have predicted that potential adversaries will try to neutralize US advantages by attacking satellites. They have also recommended that the US military do everything it can to protect its own space assets while maintaining a capability to disable or destroy satellites that adversaries use for intelligence, communication, navigation, or targeting. Analysis of this sort often exaggerates both potential adversaries’ ability to destroy US space assets and the military advantages that either side would gain from antisatellite attacks. Nonetheless, some observers are once again advancing worst-case scenarios to support arguments for offensive counterspace capabilities. In some other countries, interest in space warfare may be increasing because of these arguments. If any nation, for whatever reason, launched an attack on a second nation's satellites, nuclear retaliation against terrestrial targets would be an irrational response. But powerful countries do sometimes respond irrationally when attacked. Moreover, disproportionate retaliation following a deliberate antisatellite attack is not the only way in which antisatellite weapons could contribute to nuclear war. It is not even the likeliest way. As was clearly understood by the countries that negotiated the Outer Space Treaty, crisis management would become more difficult, and the risk of inadvertent deterrence failure would increase, if satellites used for reconnaissance and communication were disabled or destroyed. But even if the norm against attacking another country’s satellites is never broken, developing and testing antisatellite weapons still increase the risk of nuclear war. If, for instance, US military leaders became seriously concerned that China or Russia were preparing an antisatellite attack, pressure could build for a pre-emptive attack against Chinese or Russian strategic forces. Should a satellite be struck by a piece of space debris during a crisis or a low-level terrestrial conflict, leaders might mistakenly assume that a space war had begun and retaliate before they knew what had actually happened. Such scenarios may seem improbable, but they are no more implausible than the scenarios that are used to justify the development and use of antisatellite weapons.

#### Nuke war causes extinction AND outweighs other existential risks

* Checked

PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf> //Re-cut by Elmer

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about **20 percent** for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species) as well as destroying the delicate interwoven techno-structure on which latter-day 'civilization' has come to depend. Temperatures would drop to below those of the last ice-age for up to 30 years as a result of the lofting of up to 180 million tonnes of very black soot into the stratosphere where it would remain for decades. 15. Though human ingenuity and resilience shouldn't be underestimated, human survival itself is arguably problematic, to put it mildly, under a 2000+ warhead USA/Russian federation scenario. 16. The Joint Statement on Catastrophic Humanitarian Consequences signed October 2013 by 146 governments mentioned 'Human Survival' no less than 5 times. The most recent (December 2014) one gives it a highly prominent place. Gareth Evans’ ICNND (International Commission on Nuclear Non-proliferation and Disarmament) Report made it clear that it saw the threat posed by nuclear weapons use as one that at least threatens what we now call 'civilization' and that potentially threatens human survival with an immediacy that even climate change does not, though we can see the results of climate change here and now and of course the immediate post-nuclear results for Hiroshima and Nagasaki as well.

#### Increased space debris makes future space exploration impossible

Webb 18 [(Amy Webb is a professor at the NYU Stern School of Business and is the chief executive of the Future Today Institute, a strategic foresight and research group in Washington, D.C.), “Space Oddities: We Need a Plan to Stop Polluting Space Before It’s Too Late” WIRED Science April 12, 2018 https://www.wired.com/story/we-need-a-plan-to-stop-polluting-space-before-its-too-late/] TDI

Space is our next dumping ground. As many as 170 million fragments of metal and astro debris necklace Earth. That includes 20,000 pieces larger than a softball, and 500,000 about the size of a marble, according to NASA. Old satellites, like Tiangong-1, are the biggest and highest-profile lumps of rubbish, but most of it comes from rocket parts and even lost astronaut tools. Size doesn’t always matter—a fleck of paint, orbiting at a high velocity, cracked the Space Shuttle's windshield.

This debris will pose a navigation hazard for many centuries to come. At least 200 objects roar back into the atmosphere each year, including pieces of solar panels and antennas and fragments of metal. All of them pose dangers for future astronauts: One plum-sized piece of gnarled space trash traveling faster than a speeding bullet could rip a five-foot hole into a spacecraft. And that collision, then, would hatch its own spectacle of shrapnel, which would join the rushing river of junk already circling the planet.

It’s not just Americans doing the dumping. China and Russia each have dozens of decommissioned satellites overhead, though the US certainly does it with style. Like everyone, I marveled at the successful launch of SpaceX’s Falcon Heavy rocket, whose cargo included Elon Musk’s Tesla Roaster and a mannequin driver named Starman. I’ll admit, I teared up listening to David Bowie as the rockets separated from the payload. It was an incredible technological achievement, one proving that the system could someday transport people and goods—perhaps real cars, and real people—into space.

Now that Tesla and its driver are overhead, in America’s junkyard in the sky. To be sure, space is big. Really big. Most debris soars about 1,250 miles above the Earth’s surface, so you have better odds scoring a seat on Virgin Galactic’s maiden voyage than witnessing Starman crash into your next door neighbor’s house. But it’s our behavior back here on Earth—our insistence on sending things up, without really thinking how to safely contain or send them back down—that should concern you.

We weren’t always so short-sighted. Ancient Native Americans lived by the Seventh Generation Principal, a way of long-term thinking that considered how every decision would affect their descendants seven generations into the future. In Japan, Buddhist monks devoted part of their daily rituals and work to ensuring the longevity of their communities, even planting and tending to bamboo forests, which would eventually be harvested, treated and used to repair temple roofs many decades hence. With each new generation, we live life faster than our ancestors. As a result, we spend less time thinking about the farther future of humanity.

We now have our sights set on colonizing Mars, mining asteroids for research and commerce, and venturing out to the furthest reaches of our galaxy. Space is no longer the final frontier; we’re already exploring it. Our current approach is about getting there, rather than considering what “getting there” could mean for future generations of humans, not to mention other life in the universe.

Where all that junk winds up isn’t something we can predict accurately. We could be unintentionally wreaking havoc on civilizations far away from Earth, catalyzing future intergalactic wars. Or, we might cause far less scintillating problems. Space junk could start to behave in unpredictable ways, reflecting sunlight the wrong direction, or changing our atmosphere, or impacting the universe in ways that don’t fit into our current understanding of physics.

Last week—30 years after my friends and I created an imaginary net to capture space debris—SpaceX launched RemoveDEBRIS, its own prototype, an experimental net to collect junk in orbit. It’s a neat idea, but even as middle schoolers, we knew it was an impractical one. Individual nets can’t possibly scale to address the hundreds of millions of particles of debris already in orbit.

The challenge is that all of our space agencies are inextricably tied to national governments and militaries. Seeking a global agreement on how to mitigate debris would involve each country divulging exactly what it was launching and when—an unlikely scenario. The private sector could collaborate to build grand-scale orbital cleaners, but their commercial interests are driven by immediate launches. Given all the planned launches in our near future, we don’t have much time to wait. We must learn to be better stewards of our own planet—and commit to very long-term thinking—before we try to colonize any others.

#### US space dominance is key to maintain primacy and prevents global war

**Zubrin 15** [(Robert Zubrin, president of Pioneer Energy, a senior fellow with the Center for Security Policy) “US Space Supremacy is Now Critical,” Space News, 1/22/15, https://spacenews.com/op-ed-u-s-space-supremacy-now-critical/] TDI

The United States needs a new national security policy. For the first time in more than 60 years, we face the real possibility of a large-scale conventional war, and we are woefully unprepared. Eastern and Central Europe is now so weakly defended as to virtually invite invasion. The United States is not about to go to nuclear war to defend any foreign country. So deterrence is dead, and, with the German army cut from 12 divisions to three, the British gone from the continent, and American forces down to a 30,000-troop tankless remnant, the only serious and committed ground force that stands between Russia and the Rhine is the Polish army. It’s not enough. Meanwhile, in Asia, the powerful growth of the Chinese economy promises that nation eventual overwhelming numerical force superiority in the region. How can we restore the balance, creating a sufficiently powerful conventional force to deter aggression? It won’t be by matching potential adversaries tank for tank, division for division, replacement for replacement. Rather, the United States must seek to totally outgun them by obtaining a radical technological advantage. This can be done by achieving space supremacy.To grasp the importance of space power, some historical perspective is required. Wars are fought for control of territory. Yet for thousands of years, victory on land has frequently been determined by dominance at sea. In the 20th century, victory on both land and sea almost invariably went to the power that controlled the air. In the 21st century, victory on land, sea or in the air will go to the power that controls space. The critical military importance of space has been obscured by the fact that in the period since the United States has had space assets, all of our wars have been fought against minor powers that we could have defeated without them. Desert Storm has been called the first space war, because the allied forces made extensive use of GPS navigation satellites. However, if they had no such technology at their disposal, the end result would have been just the same. This has given some the impression that space forces are just a frill to real military power — a useful and convenient frill perhaps, but a frill nevertheless. But consider how history might have changed had the Axis of World War II possessed reconnaissance satellites — merely one of many of today’s space-based assets — without the Allies having a matching capability. In that case, the Battle of the Atlantic would have gone to the U-boats, as they would have had infallible intelligence on the location of every convoy. Cut off from oil and other supplies, Britain would have fallen. On the Eastern front, every Soviet tank concentration would have been spotted in advance and wiped out by German air power, as would any surviving British ships or tanks in the Mediterranean and North Africa. In the Pacific, the battle of Midway would have gone very much the other way, as the Japanese would not have wasted their first deadly airstrike on the unsinkable island, but sunk the American carriers instead. With these gone, the remaining cruisers and destroyers in Adm. Frank Jack Fletcher’s fleet would have lacked air cover, and every one of them would have been hunted down and sunk by unopposed and omniscient Japanese air power. With the same certain fate awaiting any American ships that dared venture forth from the West Coast, Hawaii, Australia and New Zealand would then have fallen, and eventually China and India as well. With a monopoly of just one element of space power, the Axis would have won the war. But modern space power involves far more than just reconnaissance satellites. The use of space-based GPS can endow munitions with 100 times greater accuracy, while space-based communications provide an unmatched capability of command and control of forces. Knock out the enemy’s reconnaissance satellites and he is effectively blind. Knock out his comsats and he is deaf. Knock out his navsats and he loses his aim. In any serious future conventional conflict, even between opponents as mismatched as Japan was against the United States — or Poland (with 1,000 tanks) is currently against Russia (with 12,000) — it is space power that will prove decisive. Not only Europe, but the defense of the entire free world hangs upon this matter. For the past 70 years, U.S. Navy carrier task forces have controlled the world’s oceans, first making and then keeping the Pax Americana, which has done so much to secure and advance the human condition over the postwar period. But should there ever be another major conflict, an adversary possessing the ability to locate and target those carriers from space would be able to wipe them out with the push of a button. For this reason, it is imperative that the United States possess space capabilities that are so robust as to not only assure our own ability to operate in and through space, but also be able to comprehensively deny it to others. Space superiority means having better space assets than an opponent. Space supremacy means being able to assert a complete monopoly of such capabilities. The latter is what we must have. If the United States can gain space supremacy, then the capability of any American ally can be multiplied by orders of magnitude, and with the support of the similarly multiplied striking power of our own land- and sea-based air and missile forces be made so formidable as to render any conventional attack unthinkable. On the other hand, should we fail to do so, we will remain so vulnerable as to increasingly invite aggression by ever-more-emboldened revanchist powers. This battle for space supremacy is one we can win. Neither Russia nor China, nor any other potential adversary, can match us in this area if we put our minds to it. We can and must develop ever-more-advanced satellite systems, anti-satellite systems and truly robust space launch and logistics capabilities. Then the next time an aggressor commits an act of war against the United States or a country we are pledged to defend, instead of impotently threatening to limit his tourist visas, we can respond by taking out his satellites, effectively informing him in advance the certainty of defeat should he persist. If we desire peace on Earth, we need to prepare for war in space.

#### Consensus of the best theoretical and empirical research concludes US deep engagement deters conventional conflict and nuclear proliferation cascades that cause extinction – nuclear optimism is phony baloney

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Stephen Brooks, William C. Wohlforth is Daniel Webster Professor of Government in the Dartmouth College Department of Government, America Abroad: Why the Sole Superpower Should Not Pull Back from the World (Oxford, New York: Oxford University Press, 2016): 103-110.

Consistency with influential relevant theories lends credence to the expectation that US security commitments actually can shape the strategic environment as deep engagement presupposes. But it is far from conclusive. Not all analysts endorse the theories we discussed in chapter 5. These theories make strong assumptions that states generally act rationally and focus primarily on security. Allowing misperceptions, emotions, domestic politics, desire for status, or concern for honor into the picture might alter the verdict on the strategy’s net expected effects. And to model the strategy’s expected effects we had to simplify things by selecting two mechanisms— assurance and deterrence—and examining their effects independently, thus missing potentially powerful positive interactions between them.

This chapter moves beyond theory to examine patterns of evidence. If the theoretical arguments about the security effects of deep engagement are right, what sort of evidence should we see? Two major bodies of evidence are most important: general empirical findings concerning the strategy’s key mechanisms and regionally focused research.

General Patterns of Evidence

Three key questions about US security provision have received the most extensive analysis. First, do alliances such as those sustained by the United States actually deter war and increase security? Second, does such security provision actually hinder nuclear proliferation? And third, does limiting proliferation actually increase security?

Deterrence Effectiveness

The determinants of deterrence success and failure have attracted scores of quantitative and case study tests. Much of the case study work yields a cautionary finding: that deterrence is much harder in practice than in theory, because standard models assume away the complexities of human psychology and domestic politics that tend to make some states hard to deter and might cause deterrence policies to backfire.1 Many quantitative findings, meanwhile, are mutually contradictory or are clearly not relevant to extended deterrence. But some relevant results receive broad support:

• Alliances generally do have a deterrent effect. In a study spanning nearly two centuries, Johnson and Leeds found “support for the hypothesis that defensive alliances deter the initiation of disputes.” They conclude that “defensive alliances lower the probability of international conflict and are thus a good policy option for states seeking to maintain peace in the world.”2 Sechser and Fuhrmann similarly find that formal defense pacts with nuclear states have significant deterrence benefits.3

• The overall balance of military forces (including nuclear) between states does not appear to influence deterrence; the local balance of military forces in the specific theater in which deterrence is actually practiced, however, is key.4

• Forward-deployed troops enhance the deterrent effect of alliances with overseas allies.5

• Strong mutual interests and ties enhance deterrence.6

• Case studies strongly ratify the theoretical expectation that it is easier to defend a given status quo than to challenge it forcefully: compellence (sometimes termed “coercion” or “coercive diplomacy”) is extremely hard.7

The most important finding to emerge from this voluminous research is that alliances—especially with nuclear-armed allies like the United States— actually work in deterring conflict. This is all the more striking in view of the fact that what scholars call “selection bias” probably works against it. The United States is more inclined to offer—and protégés to seek—alliance relationships in settings where the probability of military conflicts is higher than average. The fact that alliances work to deter conflict in precisely the situations where deterrence is likely to be especially hard is noteworthy.

More specifically, these findings buttress the key theoretical implication that if the United States is interested in deterring military challenges to the status quo in key regions, relying only on latent military capabilities in the US homeland is likely to be far less effective than having an overseas military posture. Similarly, they lend support to the general proposition that a forward deterrence posture is strongly appealing to a status quo power, because defending a given status quo is far cheaper than overturning it, and, once a favorable status quo is successfully overturned, restoring the status quo ante can be expected to be fearsomely costly. Recognizing the significance of these findings clearly casts doubt on the “wait on the sidelines and decide whether to intervene later” approach that is so strongly favored by retrenchment proponents.

The Causes of Nuclear Proliferation

Matthew Kroenig highlights a number of reasons why US policymakers seek to limit the spread of nuclear weapons: “Fear that nuclear proliferation might deter [US leaders] from using military intervention to pursue their interests, reduce the effectiveness of their coercive diplomacy, trigger regional instability, undermine their alliance structures, dissipate their strategic attention, and set off further nuclear proliferation within their sphere of influence.”8 These are not the only reasons for concern about nuclear proliferation; also notable are the enhanced prospects of nuclear accidents and the greater risk of leakage of nuclear material to terrorists.9

Do deep engagement’s security ties serve to contain the spread of nuclear weapons? The literature on the causes of proliferation is massive and faces challenges as great as any in international relations. With few cases to study, severe challenges in gathering evidence about inevitably secretive nuclear programs, and a large number of factors in play on both the demand and the supply sides, findings are decidedly mixed.10 Alliance relationships are just one piece of this complex puzzle, one that is hard to isolate from all the other factors in play. And empirical studies face the same selection bias problem just discussed: Nuclear powers are more likely to offer security guarantees to states confronting a serious threat and thus facing above-average incentives to acquire nuclear weapons. Indeed, alliance guarantees might be offered to states actively considering the nuclear option precisely in order to try to forestall that decision. Like a strong drug given only to very sick patients, alliances thus may have a powerful effect even if they sometimes fail to work as hoped.

Bearing these challenges in mind, the most relevant findings that emerge from this literature are:

• The most recent statistical analysis of the precise question at issue concludes that “security guarantees significantly reduce proliferation proclivity among their recipients.”11 In addition, states with such guarantees are less likely to export sensitive nuclear material and technology to other nonnuclear states.12

• Case study research underscores that the complexity of motivations for acquiring nuclear weapons cannot be reduced to security: domestic politics, economic interests, and prestige all matter.13

• Multiple independently conceived and executed recent case studies nonetheless reveal that security alliances help explain numerous allied decisions not to proliferate even when security is not always the main driver of leaders’ interest in a nuclear program.14 As Nuno Monteiro and Alexandre Debs stress, “States whose security goals are subsumed by their sponsors’ own aims have never acquired the bomb. … This finding highlights the role of U.S.  security commitments in stymieing nuclear proliferation: U.S. protégés will only seek the bomb if they doubt U.S. protection of their core security goals.”15

• Multiple independently conceived and executed recent case research projects further unpack the conditions that decrease the likelihood of allied proliferation, centering on the credibility of the alliance commitment.16 In addition, in some cases of prevention failure, the alliances allow the patron to influence the ally’s nuclear program subsequently, decreasing further proliferation risks.17

• Security alliances lower the likelihood of proliferation cascades. To be sure, many predicted cascades did not occur.18 But security provision, mainly by the United States, is a key reason why. The most comprehensive statistical analysis finds that states are more likely to proliferate in response to neighbors when three conditions are met: (1) there is an intense security rivalry between the two countries; (2) the prospective proliferating state does not have a security guarantee from a nuclear-armed patron; and (3) the potential proliferator has the industrial and technical capacity to launch an indigenous nuclear program.19

In sum, as Monteiro and Debs note, “Despite grave concerns that more states would seek a nuclear deterrent to counter U.S. power preponderance,” in fact “the spread of nuclear weapons decelerated with the end of the Cold War in 1989.”20 Their research, as well as that of scores of scholars using multiple methods and representing many contrasting theoretical perspectives, shows that US security guarantees and the counter-proliferation policy deep engagement allows are a big part of the reason why.

The Costs of Nuclear Proliferation

General empirical findings thus lend support to the proposition that security alliances impede nuclear proliferation. But is this a net contributor to global security? Most practitioners and policy analysts would probably not even bring this up as a question and would automatically answer yes if it were raised. Yet a small but very prominent group of theorists within the academy reach a different answer: some of the same realist precepts that generate the theoretical prediction that retrenchment would increase demand for nuclear weapons also suggest that proliferation might increase security such that the net effect of retrenchment could be neutral. Most notably, “nuclear optimists” like Kenneth Waltz contend that deterrence essentially solves the security problem for all nuclear-armed states, largely eliminating the direct use of force among them.21 It follows that US retrenchment might generate an initial decrease in security followed by an increase as insecure states acquire nuclear capabilities, ultimately leaving no net effect on international security.

This perspective is countered by “nuclear pessimists” such as Scott Sagan. Reaching outside realism to organization theory and other bodies of social science research, they see major security downsides from new nuclear states. Copious research produced by Sagan and others casts doubt on the expectation that governments can be relied upon to create secure and controlled nuclear forces.22 The more nuclear states there are, the higher the probability that the organizational, psychological, and civil-military pathologies Sagan identifies will turn an episode like one of the numerous “near misses” he uncovers into actual nuclear use. As Campbell Craig warns, “One day a warning system will fail, or an official will panic, or a terrorist attack will be misconstrued, and the missiles will fly.”23

Looking beyond these kinds of factors, it is notable that powerful reasons to question the assessment of proliferation optimists also emerge even if one assumes, as they do, that states are rational and seek only to maximize their security. First, nuclear deterrence can only work by raising the risk of nuclear war. For deterrence to be credible, there has to be a nonzero chance of nuclear use.24 If nuclear use is impossible, deterrence cannot be credible. It follows that every nuclear deterrence relationship depends on some probability of nuclear use. The more such relationships there are, the greater the risk of nuclear war.i Proliferation therefore increases the chances of nuclear war even in a perfectly rationalist world. Proliferation optimists cannot logically deny that nuclear spread increases the risk of nuclear war. Their argument must be that the security gains of nuclear spread outweigh this enhanced risk.

Estimating that risk is not simply a matter of pondering the conditions under which leaders will choose to unleash nuclear war. Rather, as Schelling established, the question is whether states will run the risk of using nuclear weapons. Nuclear crisis bargaining is about a “competition in risk taking.”25 Kroenig counts some twenty cases in which states—including prominently the United States—ran real risks of nuclear war in order to prevail in crises.26 As Kroenig notes, “By asking whether states can be deterred or not … proliferation optimists are asking the wrong question. The right question to ask is: what risk of nuclear war is a specific state willing to run against a particular opponent in a given crisis?”27 The more nuclear-armed states there are, the more the opportunities for such risk-taking and the greater the probability of nuclear use.

It is also the case that for nuclear weapons to deter a given level of conflict, there must be a real probability of their use at that level of conflict. For nuclear weapons to deter conventional attack, they must be configured in such a way as to make their use credible in response to a conventional attack. Highly controlled and reliable assured-retaliation postures might well be credible in response to a conventional attack that threatens a state’s existence. But as newer research shows, the farther the issue in question is from a state’s existential security, the harder it is to make nuclear threats credible with the type of ideally stable nuclear posture whose existence proliferation optimism presupposes.28 If a state wishes, for example, to deter a conventionally stronger neighbor from seizing a disputed piece of territory, it may face great challenges fashioning a nuclear force that is credible. Following Schelling’s logic about the “threat that leaves something to chance,” it may face incentives to create a quasi-doomsday nuclear posture that virtually locks in escalation in response to its rival’s attempt to seize the territory conventionally.

Key here is that nuclear spread cannot be treated as binary:  “You have ‘em or you don’t.” States can choose the kind of nuclear postures they build. Some states may choose to build dangerous and vulnerable nuclear postures. And because they lack the money or the technological capacity or both, many states may not be able to create truly survivable forces (that is, forces that can survive a nuclear first strike by a rival power) even if they wanted to.

The links between nuclear possession and conflict are hard to assess empirically. Still, there are relevant findings that are probative for this debate:

• Nuclear weapons are most credible at deterring the kind of conflict— threats to a state’s core territorial security—that is least relevant to the actual security concerns of most states most of the time. Both quantitative and case study research validates the claim that territorial conquest is rarely an issue in armed conflicts in the present era. Yet states that are bullish on their prospects for territorial survival as sovereign units still have plenty of security concerns and also often find plenty of reasons to use force and plenty of ways to use force other than by conquering other states.29

• Robust, secure nuclear postures do not stop states from engaging in intense security competition. Though the United States and Soviet Union did not fight each other during the Cold War, their nuclear arsenals did not prevent them from engaging in one of history’s most costly rivalries, complete with intense arms racing and dangerous crises that raised the specter of nuclear war.

• Though they built massive arsenals, at various junctures the two superpowers adopted dangerously escalatory postures to attempt to deter various levels of conflict.30

• The mere possession of nuclear weapons does not deter conventional attack, as both India and Israel discovered.

• In both statistical and case study tests, Vipin Narang finds that the only nuclear posture that has any effect on conventional conflict initiation and escalation is a destabilizing “asymmetrical escalatory” force, a doomsday posture designed to create intense incentives for early use, such as that constructed by Pakistan in the 1990s.31

In short, nuclear spread is a Hobson’s choice: it will inevitably increase the chances of nuclear use, and it will either not deter conventional war or will do so only by raising the risks of nuclear war even more. Add to this the risk that states in the real world may not behave in ways consistent with the assumptions underlying proliferation optimism. That is, some subset of new nuclear-armed states may not be led by rational leaders, may not prove able to overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, may not pursue security as the only major state preference, and may not be risk-averse. The scale of these risks rises as the world moves from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces (making them susceptible to a first-strike attack and thus creating incentives for early first use)—are prone to go up as the number of nuclear powers grows. Moreover, the risk of unforeseen crisis dynamics that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage to dangerous, undeterrable nonstate actors, and a world with overall higher levels of security competition becomes yet more worrisome. And all of these concerns emerge independently of other reasons the United States is generally better off in a world with fewer nuclear states, notably increased US freedom of action.

#### Patching up holes in deterrence architecture checks a Russian invasion – otherwise, escalates and goes nuclear

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Paths to Conflict

The Russian government seeks to revise the regional and international order to regain its traditional sphere of influence along its periphery, preserve and expand its geographic strategic depth, and reestablish its great power status.17 Russia perceives Europe’s current security architecture as having been established during a period of uncharacteristic Russian weakness and, therefore, tilted unfairly in favor of Western political objectives. As part of its efforts to secure its revisionist aims, Russia’s political leadership seeks to reshape the geopolitical order on the European continent to be more amenable to Russia’s national interests. Moreover, Russia’s national security strategy since the end of the Cold War has, at least implicitly, identified both the United States and the NATO Alliance as key threats to Russia’s national security.18 To weaken NATO, the Russian government seeks to undermine the political cohesion of the Alliance such that it is more difficult for NATO to muster a potent, unified response to Russian activities in Europe that challenge the status quo.

Although there is little evidence to suggest that Russia actively seeks direct military confrontation with NATO states, plausible paths to conflict exist. The Russian government prefers to achieve its revisionist goals through sub-conventional methods of conflict, including “gray zone” activities and political warfare campaigns intended to undermine NATO’s cohesion and political will while remaining below Alliance thresholds for a conventional military response.19 Russia’s aggressive actions at the sub-conventional level, however, violate long-standing norms and threaten the sovereignty and territorial integrity of NATO member states. As a result, Russian gray zone actions are likely to exacerbate existing tensions on the continent and cause points of friction with NATO that have the potential to devolve into crisis and even conflict.

The potential for conflict between NATO and Russia is most acute in the Baltic region. The proximity of NATO member territory to Russia and Belarus, the geographically isolated position of Kaliningrad, and the presence of sizeable Russian ethnic minorities within the Baltic states create a volatile situation ripe for crisis and miscalculation.20 Although Russia likely does not desire to incorporate the Baltic states or eastern Poland into the Russian Federation, under certain conditions it could view the seizure of territory belonging to NATO states as necessary or advantageous. The Russian government could perceive that NATO is attempting to isolate Kaliningrad and determine that it must launch a military attack into Alliance territory to re-establish its ground lines of communication with its exclave. Or, the Russian leadership could use rising tensions between ethnic Russian minorities and the governments of one or more the Baltic states to escalate a crisis as a means of undermining NATO unity and the credibility of collective defense. In this example, the Russian leadership might execute a limited military incursion into NATO member territory to seize a border region with a large ethnic Russian population to create the crisis that could divide NATO.

The Baltic region is also where the Alliance is most vulnerable to Russian aggression.21 The combination of Russia’s local military superiority, geography that favors Russia, and Russian A2/AD capabilities that form an umbrella over the region increase the potential for Russia to prevail in a conventional conflict against NATO. As a result, the Russian government could determine that its best option during a significant crisis in the Baltic region is to risk a conventional attack on one or more of the Baltic states or even Poland because it believes it could quickly achieve its objectives and keep the conflict short and limited.22

Challenges to Deterrence and Defense in the Baltic Region

NATO faces significant strategic and operational challenges that undermine the credibility of its ability to deter and, if necessary, defeat Russian aggression in the Baltic region.23 Although NATO’s aggregate military power far exceeds that of Russia, a viable theory of victory exists for Russia to prevail in a limited conflict by exploiting its time-distance advantage to seize Alliance territory in the Baltic region before the Alliance could effectively respond.24 A Russian ability to achieve a military fait accompli in the Baltic region would present NATO with a choice between embarking on a difficult, uncertain, and potentially escalatory counteroffensive to liberate allied territory or accepting defeat.

Russia’s “Theory of Victory”25

If Russia were to attack one or more of the Baltic states or Poland, regional geography would favor Russia. The vast majority of NATO’s military power resides in Western Europe and, more critically, in the United States. On the other hand, a significant portion of Russia’s military power, including its most capable and best-equipped forces, is based in its Western Military District, which abuts NATO member territory.26 Most of Russia’s plausible territorial objectives, like the establishment of a land bridge to its Kaliningrad exclave through Lithuania and possibly Poland, or the annexation of portions of Baltic states that have majority ethnic Russian populations, are both limited in scope and proximate to the bulk of Russian combat power. The Baltic republics are only connected to the rest of NATO by the Baltic Sea and a narrow land corridor through northeastern Poland and southern Lithuania, often called the Suwalki Gap, which is flanked on either side by Belarus and Kaliningrad.27 As a result, the Baltic republics are vulnerable to being geographically isolated by even a limited Russian attack to seize the Suwalki Gap (see Figure 1).

In a Russia-initiated conflict, the Russian military could leverage its local overmatch to seize territory rapidly and with little prior warning in one or more of the Baltic states or eastern Poland. The activities of Russian special operations forces might precede an attack with the aim of sowing disinformation, creating confusion, obscuring Moscow’s intent, and complicating NATO decision-making.28 These special operations forces could also facilitate the advance of Russian conventional forces by gathering intelligence, screening force movements, and seizing key bridges and choke points. Critically, Russia’s A2/AD capabilities could degrade and even cripple NATO’s efforts to respond quickly enough or with sufficient force to deny Russia from achieving its objectives.

After an initial seizure of NATO member territory, Russian forces could establish a formidable defensive posture, backed by their area-denial capabilities, which would pose a difficult military problem for the Alliance to overcome. As NATO would attempt to mobilize and concentrate the massive combat power necessary to roll back Russian gains, Russia could use a variety of political, diplomatic, economic, informational, and military tools to seek an end to the conflict on favorable terms. The Russian government could combine offers to negotiate a cessation of hostilities with threats to further escalate the conflict, including to the nuclear level, in order to prevent NATO from reaching a consensus on the best path forward.29 Should some NATO members balk at the costs and risks associated with a major counteroffensive, the Alliance could risk losing a conflict with Russia politically before it even attempts to win it militarily. Should the Alliance summon the political will necessary to launch a military campaign to reverse Russia’s territorial gains, its counteroffensive would be difficult, uncertain, and potentially highly escalatory.30

The Central Importance of Time

Time is central to the Russian theory of victory. Russia’s advantage in the local correlation of forces, proximity to its military objectives, and ability to act first could enable it to execute a rapid land grab in the Baltic region before NATO could effectively respond.31 Russia’s capacity to then consolidate its initial gains and establish a formidable defensive posture would pose a difficult military challenge for NATO. The long delay required for NATO to organize a ground counteroffensive after an initial Russian seizure of territory could provide the time needed for Russia to convert its military gains into a political victory.

Russia’s A2/AD capabilities would increase its time-distance advantages in at least three critical ways. First, Russian A2/AD capabilities in Kaliningrad, Belarus, and the Western Military District and would greatly reduce the ability of U.S. and allied initial response forces to gain access to the region, operate in forward areas, and contest a Russian attack in the opening stage of a conflict. Second, should Russian forces consolidate their territorial gains and assume a defensive posture, Russian A2/AD capabilities would create a much more difficult military problem for NATO to overcome. Third, these A2/AD capabilities could disrupt the deployment of additional NATO forces to Europe and their transit across the continent into the Baltic region, further extending the delay between an initial Russian attack and the start of a major NATO ground counteroffensive. This longer delay would give Russia additional time to consolidate its military gains into a political victory.

NATO initiatives to strengthen the Alliance’s ability to deter and defend against Russian aggression in the Baltic region should seek to reduce Russia’s time-distance and correlation of forces advantages. These initiatives should include changes to its military posture that would improve its ability to immediately contest a Russian offensive and shorten the time required for the Alliance to bring additional forces to bear.

Operational Challenges Posed by Russia’s

A2/AD Complex Russia’s A2/AD capabilities located in Kaliningrad, its Western Military District, and Belarus form a protective umbrella that covers much of Poland and the Baltic states. In the opening days and weeks of a conflict with NATO, these threats would create a highly contested environment that would impede the ability of U.S. and allied forces to project power into the region, to gain and maintain air superiority and information dominance in the conflict area, and, consequently, to contest a Russian invasion.32 Although NATO could likely overcome Russia’s A2/AD capabilities, the time needed to do so could give Russia ample time to achieve its military objectives.

A2/AD capabilities located in Kaliningrad present the most significant challenge to U.S. and NATO operations. Geographically, Kaliningrad is a Russian exclave within NATO member territory. This enables A2/AD capabilities located there to form a forward salient guarding the air, sea, and land approaches to the Baltic states, Belarus, and Russia. More specifically, this creates three key operational problems for NATO forces. First, it extends the depth of the battlespace that Russia could affect with its A2/AD capabilities, especially with its coastal defense cruise missiles, long-range surface-to-air missile (SAM) systems, and shortrange ballistic missiles (SRBM). Second, Kaliningrad alters the geometry of the battlefield by projecting a bulge of A2/AD capabilities into NATO’s defensive perimeter that would inhibit the freedom of movement of NATO military forces between northern and central Europe, providing Russia with opportunities to launch multi-axis attacks on any such forces in the Baltic region. Third, Kaliningrad’s A2/AD capabilities form an outer defensive layer that NATO forces would have to suppress before the Alliance could use the preponderance of its air forces, which are non-stealth systems, to interdict Russian ground forces and provide support to friendly forces.

Four components of Russia’s A2/AD complex present the most significant challenges for U.S. and NATO operations: long-range precision fires; integrated air defense systems (IADS); offensive and defensive capabilities in space, cyberspace, and the electromagnetic spectrum; and massed artillery.

Russia’s Long-Range Precision Fires

Since the end of the Cold War, U.S. forces have projected power into theaters and operated from bases close to conflict zones without significant interference from adversaries. Russia, however, possesses increasingly sophisticated and robust precision strike capabilities able to attack targets across the European theater, threaten Atlantic sea lines of communications (SLOCs), and even attack the U.S. homeland. In a conflict in Europe, Russian air-, ground-, surface-, and subsurface-launched long-range fires could attack U.S. and allied command, control, and communications (C3) nodes; interdict ground deployment and sustainment networks; threaten SLOCs and deny maritime freedom of maneuver; strike air bases to suppress sortie generation and attrite aircraft on the ground; and attrite NATO ground forces before they could directly engage Russian forces.

Russia possesses a large and diverse inventory of precision strike weapon systems.33 This inventory includes multiple SRBM variants such as the 9K720 Iskander-M weapon system.34 The Iskander-M’s mobility allows it to relocate quickly to a new concealed location after firing, making it particularly difficult to interdict. By 2020, Russian armed forces are expected to field ten Iskander-M brigades with the combined capacity to launch approximately 480 missiles, assuming each launcher has a single missile reload. Russia has announced it will deploy Iskander-M launchers to its “missile brigade of the Western Military District,” which is likely Russia’s 152nd Missile Brigade in Kaliningrad.35 This would place ballistic and cruise missiles launched by the Iskander-M well within range of potential targets located throughout Poland and most of the Baltic states. Furthermore, its large number of 4th generation, multirole fighters can carry various loadouts of air-to-surface weapons including land attack cruise missiles (LACM). In a conflict, Russia could use these SRBMs and LACMs to strike critical nodes like bridges and rail junctions, air bases, marshaling areas, and major force concentrations in Poland and the Baltic states to disrupt and delay force flow and sustainment, make forward air bases untenable, and inflict attrition on NATO ground forces before they can reach the battle area.

Russia’s anti-access systems include longer-range ballistic and cruise missiles that it could use to attack NATO seaports of debarkation, air bases, and key C3 nodes. Russia continues to expand and upgrade this inventory by developing and deploying one or more battalions of ground-launched cruise missiles (GLCM) (believed to be 9M729 [SSC-8] missiles integrated with mobile Iskander-K launch vehicles).36 It is also increasing its inventory of Kh-101 air-launched cruise missiles (ALCM) and 3M14 Kalibr LACMs.37 The new Kh-47M2 Kinzhal hypersonic air-launched ballistic missile, which has a purported range of 2,000 km and can be carried by modified MIG-31BM supersonic aircraft, can hold much of continental Europe at risk without the launching aircraft leaving Russian airspace.38 Submarine and bomber aircraft equipped with long-range cruise missiles extend the range of Russian long-range fires into the Atlantic and as far as the continental United States. As a result, there are no truly secure “rear” areas in Europe (see Figure 2)

Russia does have some significant limitations in its ability to strike over long ranges and with great precision. To cite one example, Russia lacks sufficient long-range, persistent ISR capabilities to support large-scale dynamic targeting operations at longer ranges.

Integrated Air Defenses The ability to gain and maintain air superiority rapidly and then use the resulting freedom of maneuver to bring massed airpower to bear has been a central aspect of U.S. military operations since the end of the Cold War. Russia’s air defense doctrine favors creating overlapping, multilayered coverage zones that enable its forces to simultaneously engage a large number of air and missile threats.39 The U.S. Department of Defense notes that Russia’s IADS encompass more than surface-to-air missile launchers; they include efforts to “jam aircraft navigation, communications, target acquisition systems, and precision weapons guidance systems,” all of which have been a priority of recent Russian military modernization efforts.40 Russia remains a leader in developing state-of-the-art radars, surface-to-air missiles, electronic warfare systems, and other air defense capabilities. Russian IADS modernization programs have prioritized improving the range and guidance of its surface-to-air missile systems, as well as enhancing their capacity to operate in contested electromagnetic spectrum (EMS) environments.41 Russia has created a layered IADS along NATO’s eastern frontier that would pose a significant challenge to U.S. and allied air operations (see Figure 3).

In a conflict, Russian IADS would likely force large, non-stealth aircraft such as the E-3 Airborne Warning and Command and Control (AWACS) aircraft and the E-8 Joint Surveillance and Target Attack Radar System (JSTARS) to operate from standoff distances that exceed the effective range of their sensors. Russia’s long-range strategic SAMs would create a highly lethal operating environment for 4th generation fighters and could force NATO non-stealth aircraft to use long-range air-to-surface weapons that are larger and more expensive than short-range direct attack munitions. These limitations could reduce NATO’s ability to provide air support to its ground forces engaged against Russian forces during the early days of a conflict

Neutralizing the threat from Russia’s IADS by relying on standoff attacks would take an extended period of time and require thousands of expensive long-range munitions such as the Joint Air-to-Surface Standoff Missile (JASSM). This approach could consume a substantial portion, if not all, of NATO’s current inventory of advanced, long-range weapons. Even after the threat from Russia’s strategic SAMs has been degraded, the threat from its surviving short- and medium-range defense systems would remain.42 As a result, the allocation of a significant share of aircraft sorties would be required for suppression of enemy air defense (SEAD) missions, thereby reducing sorties allocated to interdict Russian ground forces, attack other critical targets, and support U.S. and allied ground forces. More importantly, if NATO attempts to suppress Russia’s IADS with air power alone before moving its ground forces forward to counter a Russian ground invasion, the time required to do so would advantage Russia—perhaps decisively so.

Russia’s Electronic Warfare, Cyber, and Counter-Space Capabilities

Maintaining information dominance has been an essential element of the U.S. military’s post-Cold War operations. Superior command, control, communications, intelligence, surveillance, and reconnaissance (C3ISR) capabilities have enabled U.S. forces to possess greater situational awareness than their adversaries, act on that situational awareness quicker, and synchronize their operations more effectively across time and space. Having observed the effectiveness of the U.S. military’s information systems in operations in the Middle East and other theaters, Russia has invested heavily in counter-C3ISR capabilities in order to contest U.S. information dominance and to disrupt U.S. find, fix, track, target, engage, and assess (F2T2EA) kill chains. Russian counter-C3ISR capabilities in the EMS include jammers to interfere with radars and radios, decoys that create false targets for sensors, laser dazzlers to blind electro-optical and infrared (EO/IR) sensors, and camouflage that obscures potential targets to reduce their probability of detection.43 The vulnerability of U.S. and allied C3ISR forces to these countermeasures is compounded by the increasing range at which they may be forced to operate due to Russia’s area-denial capabilities. These distances could require NATO forces to use higher-power active sensors and countermeasures that would further increase their detectability and vulnerability to attacks.44

Russia has also fielded capabilities to contest space and exploit perceived vulnerabilities in U.S. and NATO space architectures.45 U.S. space capabilities are not concealed, often hosted in unprotected commercial and military satellites, and concentrated in a limited number of platforms, many of which could not be quickly replaced if damaged or compromised.46 The Russian military, on the other hand, has viable terrestrial and airborne alternatives to spacebased systems that can support operations near the Russian homeland. As a result, it is less dependent on space systems as a whole, and it would face less risk if it were to use kinetic and non-kinetic anti-satellite (ASAT) weapons during a conflict since the consequences would fall disproportionately on U.S. and NATO space systems.47

Finally, the Russian military could use cyber tools to disrupt and corrupt the NATO information flows by targeting digital data information networks that store, process, and disseminate data.48 Although the adaptation and integration of information technologies enhance the capabilities of U.S. and NATO forces, they also increase the size of their potential cybersecurity target set and create new vulnerabilities that Russia could seek to exploit.49 DoD’s Defense Science Board has warned that “major powers have a significant and growing ability to hold U.S. critical infrastructure at risk via cyberattack and an increasing potential to use cyber tools to thwart U.S. military responses.”50 Evidence suggests that the Russian government may be conducting cyber reconnaissance to collect data that would support operational planning for cyberattacks on U.S. or allied critical infrastructure in the event of a conflict with Russia.51 The U.S. Transportation Command and key civilian communications networks that support U.S. military deployment activities are especially vulnerable to Russian cyberattacks. Russia could take advantages of these vulnerabilities to non-kinetically disrupt key rail and port operations in the United States, delaying the arrival of vital U.S. reinforcements to Europe.

Russia’s Massed Conventional Artillery

Massed conventional artillery, which serves as the decisive arm of the Russian Army, may represent its greatest conventional threat to NATO ground forces.52 Unlike the U.S. military, which employs its indirect fires to allow its maneuver forces to close with and destroy enemy forces, Russia employs its maneuver forces to enable its indirect fires. As operations in Ukraine have shown, Russia uses its maneuver forces to drive adversary formations into positions of disadvantage where they can be destroyed by massed conventional artillery fire.53 Russian ground formations at all echelons include robust indirect fires that often out-range their U.S. and NATO equivalents.54 Russian motor rifle and tank regiments, brigades, and divisions place a greater emphasis on indirect fires relative to equivalent Western units. For instance, a Russian motor rifle brigade often includes two self-propelled artillery battalions and a rocket artillery battalion, whereas its rough U.S. equivalent, an ABCT, only contains one self-propelled artillery battalion.55

In a conflict with NATO, the maneuver units in a Russian main effort would likely be supported by an equal or greater number of artillery units. Russian artillery is capable of firing advanced area effects munitions including cluster munitions and thermobaric rounds, as well as artillery-delivered mines. Artillery units also possess organic ISR capabilities that include ubiquitous unmanned aerial systems and tactical signals intelligence.56 As a result, U.S. and NATO ground forces could be “out-ranged and out-gunned” by Russian forces, offsetting the traditional superiority of U.S. and allied maneuver forces.57 This could provide Russia a decisive advantage in close combat, particularly since the traditional advantage of Allied airpower could be greatly reduced, at least initially, by Russian IADS.

Consequences of the Eroding Credibility of NATO Deterrence and Defense

Collectively, these threats erode the credibility of NATO’s ability to deter and defend against Russia aggression, including aggression at the sub-conventional level in areas covered by Russian area-denial systems. Should this erosion continue, Russia may become less wary of conducting gray zone operations against Poland and the Baltic states. Even if Russian leadership believes such actions could escalate, they may not be deterred from undertaking them if they are confident Russian forces could quickly prevail in a short and limited conventional engagement against NATO.

The consequences of losing even a limited war with Russia on the European continent could prove fatal for the Alliance’s cohesion. A Russian fait accompli, especially in the face of an unsuccessful NATO military response, could reorder Europe geopolitically and greatly reduce the credibility of U.S. security commitments to its allies and friends in Europe and other regions, including in the Indo-Pacific. A Russian victory would also demonstrate NATO’s inability to defend its frontline states, which might incentivize both NATO member and nonmember European states to tilt more toward Russia’s political orbit. Moreover, although any conflict between nuclear-armed states carries with it the serious risks of nuclear escalation, this risk would likely be intensified should NATO undertake a massive conventional campaign to undo what Russia has accomplished. Russia’s asymmetric advantage in low-yield nuclear weapons and ambiguous doctrine surrounding their use in conventional conflicts could create the potential for miscalculation.58 The far better option would be to ensure that NATO has the capability and capacity to prevent Russia from achieving a fait accompli by a force of arms in the Baltic region in the first place.

Strengthening Deterrence and Defense in Europe

These challenges and threats are not insurmountable. To strengthen deterrence and defense against Russian aggression, NATO should adopt a strategy that focuses on blunting Russian aggression at the outset of conflict. This strategy could enhance deterrence by presenting a formidable defensive posture that would be difficult to overcome, demonstrating to Russia that any attack on NATO states would not be quick or painless and would likely not succeed. The prospect of a difficult, uncertain, and potentially prolonged conflict could create enough uncertainty in Russia’s decision calculus to undermine its confidence that it could realize its theory of victory. This strategy could convince Moscow that even when it feels compelled to act, de-escalation and negotiation are a better option than gambling on a risky and costly war.

If deterrence did fail, this strategy would strengthen NATO’s ability to defend against and ultimately defeat Russian aggression. At a minimum, it would raise the costs of Russian aggression, buy time for reinforcements to arrive, and put the Alliance in a more favorable position for an eventual counteroffensive to undo Russia’s temporary gains. Furthermore, it could reinforce Alliance resolve by increasing confidence among member states that NATO’s forces would ultimately prevail if Russia initiated a conflict.

The viability of this strategy would depend heavily on the ability of NATO to offset Russia’s time-distance advantage in order to negate Russia’s theory of victory. NATO’s initial defensive posture would need to be sufficiently lethal and robust to blunt Russian invasion forces at the outset of conflict in order to delay a decisive Russian victory and buy time for NATO to respond, as well as degrade Russian A2/AD capabilities to assure access and freedom of maneuver for reinforcements. Moreover, this posture would need to be sufficiently resilient to accomplish these tasks while persisting under intense and sustained multi-domain attacks. NATO would need to be able to reinforce its forward forces quickly to offset Russia’s initial advantage in the correlation of forces, counter Russian attempts to send in reinforcements, and demonstrate that each day the conflict continues, Russia would face a growing Alliance military force.

### 1AC: Framing

#### The metaethic is consistency with synthetic a posteriori moral naturalism:

#### 1] The normative supervenes on the natural – natural facts like whether brains develop to permit rationality or subjectivity determine whether non naturalist moral facts can be premised on things like capacity for reason

**Lutz and Lenman 18.** Lutz, Matthew and Lenman, James, "Moral Naturalism", The Stanford Encyclopedia of Philosophy (Fall 2018 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2018/entries/naturalism-moral/>. //Massa

The first argument against normative non-naturalism concerns normative supervenience. **The normative supervenes on the natural; in all** metaphysically **possible worlds in which the natural facts are the same as** they are in **the actual world, the moral facts are the same** as well. **This** claim **has been called the “least controversial thesis in metaethics”** (Rosen forthcoming); **it is very widely accepted.** But it is also a striking fact that stands in need of some explanation. **For naturalists**, such an explanation is easy to provide: **the moral facts just are natural facts, so when we consider worlds that are naturally the same** as the actual world, **we will ipso facto be considering worlds that are morally the same** as the actual world. But for the non-naturalist, no such explanation seems available. In fact, **it seems** to be in principle **impossible for a non-naturalist to explain how the moral supervenes on the natural.** And if the non-naturalist can offer no explanation of this phenomenon that demands explanation, this is a heavy mark against non-naturalism (McPherson 2012).

#### 2] Non-natural moral facts are epistemically inaccessible

Papinau ’07 (David [David Papineau is an academic philosopher. He works as Professor of Philosophy of Science at King's College London, having previously taught for several years at Cambridge University and been a fellow of Robinson College, Cambridge], “Naturalism”. [http://plato.stanford.edu/entries/naturalism/](http://plato.stanford.edu/entries/naturalism/)) 2007)

Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If **all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world** (Harman, 1986). At first sight **this** may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it **has** **very awkward epistemological consequences.** For beings like us, **knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems. If moral facts cannot influence the physical world, then [we can’t] it is hard to see how we can have any knowledge of them.**

#### This connection between pain and pleasure and phenomenal conceptions of intrinsic value and disvalue is irrefutable – everything else regresses – robust neuroscience proves.

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**Pleasure** is not only one of the three primary reward functions but it also **defines reward.** As homeostasis explains the functions of only a limited number of rewards, the principal reason why particular stimuli, objects, events, situations, and activities are rewarding may be due to pleasure. This applies first of all to sex and to the primary homeostatic rewards of food and liquid and extends to money, taste, beauty, social encounters and nonmaterial, internally set, and intrinsic rewards. Pleasure, as the primary effect of rewards, drives the prime reward functions of learning, approach behavior, and decision making and provides the **basis for hedonic theories** of reward function. We are attracted by most rewards and exert intense efforts to obtain them, just because they are enjoyable [10].

Pleasure is a passive reaction that derives from the experience or prediction of reward and may lead to a long-lasting state of happiness. The word happiness is difficult to define. In fact, just obtaining physical pleasure may not be enough. One key to happiness involves a network of good friends. However, it is not obvious how the higher forms of satisfaction and pleasure are related to an ice cream cone, or to your team winning a sporting event. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure [14].

Pleasure as a hallmark of reward is sufficient for defining a reward, but it may not be necessary. A reward may generate positive learning and approach behavior simply because it contains substances that are essential for body function. When we are hungry, we may eat bad and unpleasant meals. A monkey who receives hundreds of small drops of water every morning in the laboratory is unlikely to feel a rush of pleasure every time it gets the 0.1 ml. Nevertheless, with these precautions in mind, we may define any stimulus, object, event, activity, or situation that has the potential to produce pleasure as a reward. In the context of reward deficiency or for disorders of addiction, homeostasis pursues pharmacological treatments: drugs to treat drug addiction, obesity, and other compulsive behaviors. The theory of allostasis suggests broader approaches - such as re-expanding the range of possible pleasures and providing opportunities to expend effort in their pursuit. [15]. It is noteworthy, the first animal studies eliciting approach behavior by electrical brain stimulation interpreted their findings as a discovery of the brain’s pleasure centers [16] which were later partly associated with midbrain dopamine neurons [17–19] despite the notorious difficulties of identifying emotions in animals.

Evolutionary theories of pleasure: The love connection BO:D

Charles Darwin and other biological scientists that have examined the biological evolution and its basic principles found various mechanisms that steer behavior and biological development. Besides their theory on natural selection, it was particularly the sexual selection process that gained significance in the latter context over the last century, especially when it comes to the question of what makes us “what we are,” i.e., human. However, the capacity to sexually select and evolve is not at all a human accomplishment alone or a sign of our uniqueness; yet, we humans, as it seems, are ingenious in fooling ourselves and others–when we are in love or desperately search for it.

It is well established that modern biological theory conjectures that **organisms are** the **result of evolutionary competition.** In fact, Richard Dawkins stresses gene survival and propagation as the basic mechanism of life [20]. Only genes that lead to the fittest phenotype will make it. It is noteworthy that the phenotype is selected based on behavior that maximizes gene propagation. To do so, the phenotype must survive and generate offspring, and be better at it than its competitors. Thus, the ultimate, distal function of rewards is to increase evolutionary fitness by ensuring the survival of the organism and reproduction. It is agreed that learning, approach, economic decisions, and positive emotions are the proximal functions through which phenotypes obtain other necessary nutrients for survival, mating, and care for offspring.

Behavioral reward functions have evolved to help individuals to survive and propagate their genes. Apparently, people need to live well and long enough to reproduce. Most would agree that homo-sapiens do so by ingesting the substances that make their bodies function properly. For this reason, foods and drinks are rewards. Additional rewards, including those used for economic exchanges, ensure sufficient palatable food and drink supply. Mating and gene propagation is supported by powerful sexual attraction. Additional properties, like body form, augment the chance to mate and nourish and defend offspring and are therefore also rewards. Care for offspring until they can reproduce themselves helps gene propagation and is rewarding; otherwise, many believe mating is useless. According to David E Comings, as any small edge will ultimately result in evolutionary advantage [21], additional reward mechanisms like novelty seeking and exploration widen the spectrum of available rewards and thus enhance the chance for survival, reproduction, and ultimate gene propagation. These functions may help us to obtain the benefits of distant rewards that are determined by our own interests and not immediately available in the environment. Thus the distal reward function in gene propagation and evolutionary fitness defines the proximal reward functions that we see in everyday behavior. That is why foods, drinks, mates, and offspring are rewarding.

There have been theories linking pleasure as a required component of health benefits salutogenesis, (salugenesis). In essence, under these terms, pleasure is described as a state or feeling of happiness and satisfaction resulting from an experience that one enjoys. Regarding pleasure, it is a double-edged sword, on the one hand, it promotes positive feelings (like mindfulness) and even better cognition, possibly through the release of dopamine [22]. But on the other hand, pleasure simultaneously encourages addiction and other negative behaviors, i.e., motivational toxicity. It is a complex neurobiological phenomenon, relying on reward circuitry or limbic activity. It is important to realize that through the “Brain Reward Cascade” (BRC) endorphin and endogenous morphinergic mechanisms may play a role [23]. While natural rewards are essential for survival and appetitive motivation leading to beneficial biological behaviors like eating, sex, and reproduction, crucial social interactions seem to further facilitate the positive effects exerted by pleasurable experiences. Indeed, experimentation with addictive drugs is capable of directly acting on reward pathways and causing deterioration of these systems promoting hypodopaminergia [24]. Most would agree that pleasurable activities can stimulate personal growth and may help to induce healthy behavioral changes, including stress management [25]. The work of Esch and Stefano [26] concerning the link between compassion and love implicate the brain reward system, and pleasure induction suggests that social contact in general, i.e., love, attachment, and compassion, can be highly effective in stress reduction, survival, and overall health.

Understanding the role of neurotransmission and pleasurable states both positive and negative have been adequately studied over many decades [26–37], but comparative anatomical and neurobiological function between animals and homo sapiens appear to be required and seem to be in an infancy stage.

Finding happiness is different between apes and humans

As stated earlier in this expert opinion one key to happiness involves a network of good friends [38]. However, it is not entirely clear exactly how the higher forms of satisfaction and pleasure are related to a sugar rush, winning a sports event or even sky diving, all of which augment dopamine release at the reward brain site. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure.

Remarkably, there are pathways for ordinary liking and pleasure, which are limited in scope as described above in this commentary. However, there are **many brain regions**, often termed hot and cold spots, that significantly **modulate** (increase or decrease) our **pleasure or** even produce **the opposite** of pleasure— that is disgust and fear [39]. One specific region of the nucleus accumbens is organized like a computer keyboard, with particular stimulus triggers in rows— producing an increase and decrease of pleasure and disgust. Moreover, the cortex has unique roles in the cognitive evaluation of our feelings of pleasure [40]. Importantly, the interplay of these multiple triggers and the higher brain centers in the prefrontal cortex are very intricate and are just being uncovered.

Desire and reward centers

It is surprising that many different sources of pleasure activate the same circuits between the mesocorticolimbic regions (Figure 1). Reward and desire are two aspects pleasure induction and have a very widespread, large circuit. Some part of this circuit distinguishes between desire and dread. The so-called pleasure circuitry called “REWARD” involves a well-known dopamine pathway in the mesolimbic system that can influence both pleasure and motivation.

In simplest terms, the well-established mesolimbic system is a dopamine circuit for reward. It starts in the ventral tegmental area (VTA) of the midbrain and travels to the nucleus accumbens (Figure 2). It is the cornerstone target to all addictions. The VTA is encompassed with neurons using glutamate, GABA, and dopamine. The nucleus accumbens (NAc) is located within the ventral striatum and is divided into two sub-regions—the motor and limbic regions associated with its core and shell, respectively. The NAc has spiny neurons that receive dopamine from the VTA and glutamate (a dopamine driver) from the hippocampus, amygdala and medial prefrontal cortex. Subsequently, the NAc projects GABA signals to an area termed the ventral pallidum (VP). The region is a relay station in the limbic loop of the basal ganglia, critical for motivation, behavior, emotions and the “Feel Good” response. This defined system of the brain is involved in all addictions –substance, and non –substance related. In 1995, our laboratory coined the term “Reward Deficiency Syndrome” (RDS) to describe genetic and epigenetic induced hypodopaminergia in the “Brain Reward Cascade” that contribute to addiction and compulsive behaviors [3,6,41].

Furthermore, ordinary “liking” of something, or pure pleasure, is represented by small regions mainly in the limbic system (old reptilian part of the brain). These may be part of larger neural circuits. In Latin, hedus is the term for “sweet”; and in Greek, hodone is the term for “pleasure.” Thus, the word Hedonic is now referring to various subcomponents of pleasure: some associated with purely sensory and others with more complex emotions involving morals, aesthetics, and social interactions. The capacity to have pleasure is part of being healthy and may even extend life, especially if linked to optimism as a dopaminergic response [42].

Psychiatric illness often includes symptoms of an abnormal inability to experience pleasure, referred to as anhedonia. A negative feeling state is called dysphoria, which can consist of many emotions such as pain, depression, anxiety, fear, and disgust. Previously many scientists used animal research to uncover the complex mechanisms of pleasure, liking, motivation and even emotions like panic and fear, as discussed above [43]. However, as a significant amount of related research about the specific brain regions of pleasure/reward circuitry has been derived from invasive studies of animals, these cannot be directly compared with subjective states experienced by humans.

In an attempt to resolve the controversy regarding the causal contributions of mesolimbic dopamine systems to reward, we have previously evaluated the three-main competing explanatory categories: “liking,” “learning,” and “wanting” [3]. That is, dopamine may mediate (a) liking: the hedonic impact of reward, (b) learning: learned predictions about rewarding effects, or (c) wanting: the pursuit of rewards by attributing incentive salience to reward-related stimuli [44]. We have evaluated these hypotheses, especially as they relate to the RDS, and we find that the incentive salience or “wanting” hypothesis of dopaminergic functioning is supported by a majority of the scientific evidence. Various neuroimaging studies have shown that anticipated behaviors such as sex and gaming, delicious foods and drugs of abuse all affect brain regions associated with reward networks, and may not be unidirectional. Drugs of abuse enhance dopamine signaling which sensitizes mesolimbic brain mechanisms that apparently evolved explicitly to attribute incentive salience to various rewards [45].

Addictive substances are voluntarily self-administered, and they enhance (directly or indirectly) dopaminergic synaptic function in the NAc. This activation of the brain reward networks (producing the ecstatic “high” that users seek). Although these circuits were initially thought to encode a set point of hedonic tone, it is now being considered to be far more complicated in function, also encoding attention, reward expectancy, disconfirmation of reward expectancy, and incentive motivation [46]. The argument about addiction as a disease may be confused with a predisposition to substance and nonsubstance rewards relative to the extreme effect of drugs of abuse on brain neurochemistry. The former sets up an individual to be at high risk through both genetic polymorphisms in reward genes as well as harmful epigenetic insult. Some Psychologists, even with all the data, still infer that addiction is not a disease [47]. Elevated stress levels, together with polymorphisms (genetic variations) of various dopaminergic genes and the genes related to other neurotransmitters (and their genetic variants), and may have an additive effect on vulnerability to various addictions [48]. In this regard, Vanyukov, et al. [48] suggested based on review that whereas the gateway hypothesis does not specify mechanistic connections between “stages,” and does not extend to the risks for addictions the concept of common liability to addictions may be more parsimonious. The latter theory is grounded in genetic theory and supported by data identifying common sources of variation in the risk for specific addictions (e.g., RDS). This commonality has identifiable neurobiological substrate and plausible evolutionary explanations.

Over many years the controversy of dopamine involvement in especially “pleasure” has led to confusion concerning separating motivation from actual pleasure (wanting versus liking) [49]. We take the position that animal studies cannot provide real clinical information as described by self-reports in humans. As mentioned earlier and in the abstract, on November 23rd, 2017, evidence for our concerns was discovered [50]

In essence, although nonhuman primate brains are similar to our own, the disparity between other primates and those of human cognitive abilities tells us that surface similarity is not the whole story. Sousa et al. [50] small case found various differentially expressed genes, to associate with pleasure related systems. Furthermore, the dopaminergic interneurons located in the human neocortex were absent from the neocortex of nonhuman African apes. Such differences in neuronal transcriptional programs may underlie a variety of neurodevelopmental disorders.

In simpler terms, the system controls the production of dopamine, a chemical messenger that plays a significant role in pleasure and rewards. The senior author, Dr. Nenad Sestan from Yale, stated: “Humans have evolved a dopamine system that is different than the one in chimpanzees.” This may explain why the behavior of humans is so unique from that of non-human primates, even though our brains are so surprisingly similar, Sestan said: “It might also shed light on why people are vulnerable to mental disorders such as autism (possibly even addiction).” Remarkably, this research finding emerged from an extensive, multicenter collaboration to compare the brains across several species. These researchers examined 247 specimens of neural tissue from six humans, five chimpanzees, and five macaque monkeys. Moreover, these investigators analyzed which genes were turned on or off in 16 regions of the brain. While the differences among species were subtle, **there was** a **remarkable contrast in** the **neocortices**, specifically in an area of the brain that is much more developed in humans than in chimpanzees. In fact, these researchers found that a gene called tyrosine hydroxylase (TH) for the enzyme, responsible for the production of dopamine, was expressed in the neocortex of humans, but not chimpanzees. As discussed earlier, dopamine is best known for its essential role within the brain’s reward system; the very system that responds to everything from sex, to gambling, to food, and to addictive drugs. However, dopamine also assists in regulating emotional responses, memory, and movement. Notably, abnormal dopamine levels have been linked to disorders including Parkinson’s, schizophrenia and spectrum disorders such as autism and addiction or RDS.

Nora Volkow, the director of NIDA, pointed out that one alluring possibility is that the neurotransmitter dopamine plays a substantial role in humans’ ability to pursue various rewards that are perhaps months or even years away in the future. This same idea has been suggested by Dr. Robert Sapolsky, a professor of biology and neurology at Stanford University. Dr. Sapolsky cited evidence that dopamine levels rise dramatically in humans when we anticipate potential rewards that are uncertain and even far off in our futures, such as retirement or even the possible alterlife. This may explain what often motivates people to work for things that have no apparent short-term benefit [51]. In similar work, Volkow and Bale [52] proposed a model in which dopamine can favor NOW processes through phasic signaling in reward circuits or LATER processes through tonic signaling in control circuits. Specifically, they suggest that through its modulation of the orbitofrontal cortex, which processes salience attribution, dopamine also enables shilting from NOW to LATER, while its modulation of the insula, which processes interoceptive information, influences the probability of selecting NOW versus LATER actions based on an individual’s physiological state. This hypothesis further supports the concept that disruptions along these circuits contribute to diverse pathologies, including obesity and addiction or RDS.

#### Thus, the standard is consistency with hedonic act utilitarianism.