## 1

#### Interpretation: Affirmatives must not defend the implementation of an action.

#### Resolved in context of the resolution is a statement of value.

UPitt n.d. – University Of Pittsburgh Communications Services Webteam, copyright 2015-21, "Basic Definitions," Department of Communication , <https://www.comm.pitt.edu/basic-definitions> CHO

Affirmative/Pro. The side that “affirms” the resolution (is “pro” the issue). For example, the affirmative side in a debate using the resolution of policy, Resolved: The United States federal government should implement a poverty reduction program for its citizens, would advocate for federal government implementation of a poverty reduction program. Argument. A statement, or claim, followed by a justification, or warrant. Justifications are responses to challenges, often linked by the word “because.” Example: The sun helps people, because the sun activates photosynthesis in plants, which produce oxygen so people can breathe. Constructive Speech. The first speeches in a debate, where the debaters “construct” their cases by presenting initial positions and arguments. Cross-examination. Question and answer sessions between debaters. Debate. A deliberative exercise characterized by formal procedures of argumentation, involving a set resolution to be debated, distinct times for debaters to speak, and a regulated order of speeches given. Evidence. Supporting materials for arguments. Standards for evidence are field-specific. Evidence can range from personal testimony, statistical evidence, research findings, to other published sources. Quotations drawn from journals, books, newspapers, and other audio-visuals sources are rather common. Negative/Con. The side that “negates” the resolution (is “con” the issue). For example, the negative side in a debate using the resolution of fact, Resolved: Global warming threatens agricultural production, would argue that global warming does not threaten agricultural production. Preparation Time. Debates often necessitate time between speeches for students to gather their thoughts and consider their opponent's arguments. This preparation is generally a set period of time and can be used at any time by either side at the conclusion of a speech. Rebuttal Speech. The last speeches in a debate, where debaters summarize arguments and draw conclusions about the debate. Resolution. A specific statement or question up for debate. Resolutions usually appear as statements of policy, fact or value. Statement of policy. Involves an actor (local, national, or global) with power to decide a course of action. For example, Resolved: The United States federal government should implement a poverty reduction program for its citizens. Statement of fact. Involves a dispute about empirical phenomenon. For example, Resolved: Global warming threatens agricultural production. Statement of value. Involves conflicting moral dilemmas. For example, Resolved: The death penalty is a justified method of punishment. Topic. A general issue to debate. Topics could be “The Civil War,” “genetic engineering,” or “Great Books.”

#### “Is” is a linking verb – no implementation since it’s a description.

GM n.d. – “Linking Verbs," Grammar Monster, <https://www.grammar-monster.com/glossary/linking_verbs.htm> CHO

What Are Linking Verbs? (with Examples) A linking verb is used to re-identify or to describe its subject. A linking verb is called a linking verb because it links the subject to a subject complement (see graphic below). Infographic Explaining Linking Verb A linking verb tells us what the subject is, not what the subject is doing. Easy Examples of Linking Verbs In each example, the linking verb is highlighted and the subject is bold. Alan is a vampire. (Here, the subject is re-identified as a vampire.) Alan is thirsty. (Here, the subject is described as thirsty.)

#### Violation: they defend a ban.

#### Negate for limits and ground – justifies infinite unpredictable advantages which overstretches research spiking generics. Precision outweighs – non-topical affs violate tournament rules so the judge doesn’t have the jurisdiction to vote on them and it controls the internal to pragmatic offense in a question of models.

#### TVA – read a whole res phil aff – creates better ethics and critical thinking and outweighs on uniqueness – Switch to policy and read the PTD aff on the water topic – solves all your offense

#### Drop the debater to deter future abuse and drop the argument is functionally severance which link turns any educational benefits

#### CI- Reasonability is arbitrary and we don’t know the brightline while prepping. Collapses since it uses an offense/defense paradigm to win it.

#### No RVIs- A] Illogical- you don’t win for being fair B] Encourages baiting theory which proliferates abuse C] Chills checking abuse for fear of the RVI

#### DTA on 1AR shells – they can blow up blippy shells in the 2AR but I split time and can’t preempt the 2AR causing intervention making it irresolvable so don’t drop me

#### Reasonability on 1AR shells – 1AR theory is aff-biased because the 2AR gets to line-by-line with new answers

## 2

#### The meta-ethic is procedural moral realism.

#### This entails that moral facts stem from procedures while substantive realism holds that moral truths exist independently of that in the empirical world. Prefer procedural realism –

#### [1] Collapses – the only way to verify whether something is a moral fact is by using procedures to warrant it.

#### [2] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents.

#### [3] Is/Ought Gap – we can only perceive what is, not what ought to be. It’s impossible to derive an ought statement from descriptive facts about the world, necessitating a priori premises.

#### Practical Reason is that procedure. To ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary. That hijacks their framework since you need reason to evaluate any relevant consequences.

#### Moral law must be universal—our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me – any non-universalizable norm justifies someone’s ability to impede on your ends.

#### Reject Extinction outweighs- aggregation is nonsensical since a] it impedes on one persons ends for another and b] assumes everyone values the same thing.

#### Thus, the standard is consistency with the categorical imperative.

#### Prefer –

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place.

#### [2] All other frameworks collapse—non-Kantian theories source obligations in extrinsically good objects, but that presupposes the goodness of the rational will.

#### Negate:

#### Acquisition of property can never be unjust – to create rights violations, there must already be an owner of the property being violated, but that presupposes its appropriation by another entity.

Feser 1, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is a serious difficulty with this criticism of Nozick, however. It is just this: There is no such thing as an unjust initial acquisition of resources; therefore, there is no case to be made for redistributive taxation on the basis of alleged injustices in initial acquisition. This is, to be sure, a bold claim. Moreover, in making it, I contradict not only Nozick’s critics, but Nozick himself, who clearly thinks it is at least possible for there to be injustices in acquisition, whether or not there have in fact been any (or, more realistically, whether or not there have been enough such injustices to justify continual redistributive taxation for the purposes of rectifying them). But here is a case where Nozick has, I think, been too generous to the other side. Rather than attempt —unsatisfactorily, in the view of his critics—to meet the challenge to show that initial acquisition has not in general been unjust, he ought instead to have insisted that there is no such challenge to be met in the first place. Giving what I shall call “the basic argument” for this audacious claim will be the task of Section II of this essay. The argument is, I think, compelling, but by itself it leaves unexplained some widespread intu- itions to the effect that certain specific instances of initial acquisition are unjust and call forth as their remedy the application of a Lockean proviso, or are otherwise problematic. (A “Lockean proviso,” of course, is one that forbids initial acquisitions of resources when these acquisitions do not leave “enough and as good” in common for others.) Thus, Section III focuses on various considerations that tend to show how those intuitions are best explained in a way consistent with the argument of Section II. Section IV completes the task of accounting for the intuitions in question by considering how the thesis of self-ownership itself bears on the acqui- sition and use of property. Section V shows how the results of the previ- ous sections add up to a more satisfying defense of Nozickian property rights than the one given by Nozick himself, and considers some of the implications of this revised conception of initial acquisition for our under- standing of Nozick’s principles of transfer and rectification. II. The Basic Argument The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of justice, that is to say, simply does not apply to initial acquisition. It applies only after initial acquisition has already taken place. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that external resources are initially unowned. Consider the following example. Suppose an individual A seeks to acquire some previously unowned resource R. For it to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B (or perhaps a group of individuals) against whom A commits the injustice. But for B to have been wronged by A’s acquisi- tion of R, B would have to have had a rightful claim over R, a right to R. By hypothesis, however, B did not have a right to R, because no one had a right to it—it was unowned, after all. So B was not wronged and could not have been. In fact, the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. The same thing, by extension, will be true of all unowned resources: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer. It is impossible, then, for there to be any injustices in initial acquisition.7

## 3

#### Interpretation: Appropriation refers to sovereign claims of land.

Melissa J. **Durkee 19**, J. Alton Hosch Associate Professor of Law, University of Georgia, "Interstitial Space Law," Washington University Law Review 97, no. 2 423-482

Those answering this question in the affirmative have access to a strong textual argument. Article II of the Outer Space Treaty specifically references "national" **appropriation**.17 9 The context surrounding that appears to confirm that the prohibition of "national" appropriation is directed at nations, as only a nation could have a legitimate "claim of sovereignty." 180 Moreover, "occupation" refers to old international legal doctrines that once allowed nations to claim territory based on occupation. The historical context within which the treaty was drafted supports this position, as the concern of the time was colonization, not commercial use of space resources. As for private parties, they are specifically anticipated by the treaty: **Article VI states that States Parties bear international responsibility for activities by "non-governmental entities" as well as governmental agencies**.' 8 1 The fact that they are anticipated by the treaty but not included in the Article II prohibition on appropriation suggests that the treaty intended to prohibit only national appropriation of outer space resources.18 2 Those claiming that the treaty prohibits both national appropriation and appropriation by private parties can marshal their own textual argument. Article VI defines "national activities in outer space" to include both "activities . .. carried on by governmental agencies" and those carried on by "non-governmental entities." 8 3 This definition of "national" must inform Article II's prohibition on "national" appropriation and thus extend to a nation's citizens **and commercial entities** as well as governmental activities. Moreover, a contrary interpretation defies logic: **if nations themselves may not claim property rights to outer space objects, they have no power to confer those rights on their nationals.**184

#### Violation: they only defend lunar mining which is extraction – those are distinct – prefer rigorous legal analysis. This card is so good it ends the debate.

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Secondly, even if nations, businesses, and individuals are equally bound by the non-appropriation principle, the scope of that restriction is not entirely clear from the text of Article II.59 It is unlikely, however, that the non-appropriation principle is an absolute ban on the ownership of resources extracted in outer space.

An interpretation of Article II supporting a blanket ban on resource ownership is unwarranted by the text of the OST and illfounded on account of the international community’s common practices. Scholars have noted that the international community has never questioned whether scientific samples harvested from celestial bodies belong to the extracting nation.60 Furthermore, space-faring members of the international community rejected the Moon Treaty precisely because it prohibited all forms of ownership in resources extracted from celestial bodies.61 The space-faring nations’ support for the OST, coupled with their rejection of an alternative set of rules governing extracted resources, is at the very least an indication of what those nations believe the non-appropriation principle to stand for.

It is equally improbable that the international community drafted the non-appropriation principle to be merely idealistic rhetoric. The OST leaves no room for interpretations to squirm out from under its ban on sovereign claims of land.62 The following section illustrates, however, that the distinction between sovereign ownership of land, and the vestment of property rights in resources extracted from that land, is nothing new.

II. Legal Regimes Distinguishing Resource Extraction from Appropriation

Although the OST does not provide a comprehensive guideline for resource extraction in outer space, its foundational logic provides a workable distinction between ownership and use. This part explores three property regimes developed under the same fundamental constraints as the non-appropriation principle: the United Nations Convention on the Law of the Sea (“UNCLOS”), the Antarctica Treaty System, and the prior appropriation doctrine as applied in United States water law.63 Under each regime, parties may establish some form of ownership in extracted resources despite being restricted from claiming sovereignty over the underlying land.

Each section includes a brief discussion of the property regime’s history, its major traits and their relationship to the overarching characteristics of the non-appropriation principle. This part further describes how each property regime fits within the non-appropriation principle’s prohibition on claims to land, while prohibiting waste, separating land ownership from rights to extracted resources, enforcing liability for destruction or damage, and establishing a simple regulatory system to manage claims.

A. The Law(s) of the Sea: UNCLOS and the Seabed Act

International and national maritime laws addressing resource extraction deal with many of the same obstacles present in outer space. Like outer space, “[t]he seabed is rich in minerals…[c]ollecting and mining these minerals is expensive and requires sophisticated technology capable of reaching the great depths.”64 Additionally, the international regulatory regime created to address seabed mining contemplates widely applicable issues including the “protection and preservation of the marine environment,” “promot[ing] the peaceful uses of the seas and oceans,” and the “efficient utilization” of the resources therein.65 Although international law forms the backbone of seabed mining regulations, individual nations have concurrently developed their own regulations.

The foremost international maritime law is the United Nations Convention on the Law of the Sea (“UNCLOS”).66 The current iteration of UNCLOS came into force in 1982, replacing decades of international treaties that had not addressed seabed mining.67 The 1982 UNCLOS established the International Seabed Authority (“ISA”), a body responsible for managing seabed mining through regulations and licensing.68 UNCLOS further established a dispute resolution system through the Seabed Disputes Chamber of the International Tribunal.69

The United States found some features of the 1982 UNCLOS objectionable. Originally, the ISA was empowered to create an entity called the “Enterprise”, which would conduct mining operations for the benefit of developing countries alongside private mining operations.70 Under this agreement, private businesses were compelled to provide the Enterprise with the location of discovered minerals and the technology necessary to extract them, all in addition to the funding from member states.71 Some of these requirements proved controversial.

Several developed nations subsequently rejected UNCLOS and signed the “Provisional Understanding Regarding Deep Seabed Matters” (“The Provisional Understanding”) in 1984.72 The Provisional Understanding established “…procedures to follow in order to avoid overlapping claims to seabed sites,” while encouraging reciprocal recognition of other party’s claims.73 The Group of 77—a coalition of developing countries—and the ISA, criticized the Provisional Understanding on the grounds that it established an illegal regime.74 As one critic concedes, however, the Provisional Understanding is probably legal because it “…neither claims sovereignty or ownership…nor grants exclusive rights…” to seabed areas.75

UNCLOS was renegotiated in 1994, in part due to the changes brought about by the end of the Cold War and decreased focus on deep-seabed mining.76 Among the changes, it secured permanent seats on the ISA Council for the United States and Russia,77 created a Finance Committee consisting of the five parties with the largest financial contributions,78 removed mandatory funding of the Enterprise,79 made technology-sharing optional,80 and made development plans a prerequisite for granting permits for resource mining.81 Despite these changes, the United States “remains the only major seafaring nation” that has not ratified 1994 Agreement.82

The United States’ disagreements with the 1982 UNCLOS led to the creation of an interim national law called the Deep Seabed Hard Mineral Resources Act (“Seabed Act”).83 While the Seabed Act is intended as a temporary regime, it acknowledges that a functional international regime may take some time to develop.84 Under the Seabed Act, companies are required to obtain licenses and permits to explore and extract, both of which expire after a period of years.85

The United States has not entirely abandoned UNCLOS. Addressing recent conflicts in the South China Sea, President Trump called for “…claimants to clarify and comport their maritime claims in accordance with the international law of the sea as reflected in the 1982 United Nations Convention on the Law of the Sea…”86 Additionally, several United States presidents have supported ratification of UNCLOS since the 1994 Agreement.87 And, although President Reagan was dissatisfied with the 1982 UNCLOS, changes incorporated into the 1994 Agreement have addressed those complaints.88

The laws regulating resource extraction in the sea share major traits with the non-appropriation principle, as UNCLOS and the Seabed Act allow parties to establish property rights in extracted resources without violating the non-appropriation principle. First, under both regimes, parties extract minerals without laying claim to underlying land.89 Secondly, UNCLOS’s requirement for development plans and the Seabed Act’s licensing-system place some pressure on parties to extract resources or forfeit their rights.90 This feature prevents parties from sleeping on a license, thereby encouraging productive use of land. In other words, the licensing system reduces waste and protects against de facto ownership of land resulting from inordinately long periods of occupation. The United States, by adopting both traits from UNCLOS, and voicing its willingness to enter into a robust international regime for resource extraction, indicates support for an international regime reflecting those features.

Even if the United States’ framework under the Seabed Act were adopted as a model for resource extraction in space, it comports with the non-appropriation principle. The United States’ conceptual distinction between land ownership and resource extraction is a gauge for whether it would accept a similar arrangement for space law.91 And, while the United States is only one of many members of the international community, it is difficult to conceive of a successful international agreement without the involvement of the major spacefaring nations.

B. The Antarctic Treaty System

The Antarctic Treaty92 and the subsequent agreements collectively regulating the peaceful use of Antarctica form the “Antarctic Treaty System.”93 The first of these treaties was created in 1959 to preserve environmental integrity and prohibit violence in the region.94 Antarctica’s size, impenetrableness, and vast resource stores have made it a reoccurring model for outer space law.95 While the Antarctic Treaty System shares key features with the law of outer space, its development and subsequent legal regime is distinctive.

Several nations made property claims to Antarctica before the first Antarctic Treaty.96 Parties suspended those claims, however, in effort to moderate claims and prevent Antarctica from becoming a site of violent competition.97 Although the 1959 Antarctic Treaty does not directly address resource-mining, parties “…understood that the question of how Antarctic mineral activity was to be regulated…would not go away.”98

The international community originally attempted to establish a legal regime for Antarctica that distinguished between sovereign claims and resource extraction. The Convention on the Regulation of Antarctic Mineral Resource Act (“CRAMRA”) was the first venture to provide a foundation for an international property regime in Antarctica.99 CRAMRA defined, as a means to regulate resource mining, three categories of resource-related activity: “prospecting”, “exploration”, and “development.”100 The Regulatory Committee, one of several institutions established under CRAMRA, was responsible for considering permit applications for the “exploration and development” of mineral resources.101 Unlike exploration and development, prospecting does not require the authorization of any of the institutions.102

CRAMRA’s definition of “prospecting” is crucial for understanding the role of property rights under the regime. Prospecting includes the investigation of areas for potential exploration or development using a variety of sensing technologies.103 Dredging, excavation, or drilling, however, are defined as “prospecting” only if used for the purpose of obtaining small-scale samples or drilling less than 25 metres.104 Furthermore, activities defined as “prospecting” do not confer property rights to mineral resources.105 As a result, an operator gains property rights to mineral resources “…at the exact point where prospecting activities cease to be prospecting activities and become exploration or development activities.”106

The six years of negotiation that culminated in CRAMRA107 were not ultimately fruitful. Under its terms, CRAMRA could not enter into force unless all states with territorial claims to Antarctica were parties to it.108 Australia and France, while supportive of CRAMRA during negotiations, stated in 1989 that they would not ratify the Convention.109 Consequently, no nations have ratified CRAMRA.110

Antarctic resource extraction is currently regulated under the Protocol on Environmental Protection to the Antarctic Treaty, also known as the “Madrid Protocol”.111 Concluded in 1991, the Madrid Protocol prohibits “…[a]ny activity relating to mineral resources, other than scientific research…”112 Parties to the Madrid Protocol are able to reconsider the ban on commercial resource mining in 2048 and have reaffirmed the moratorium as recently as 2016.113

Although it was not ultimately adopted, CRAMRA’s negotiation provides insight into the international community’s willingness to create a resource extraction regime starting from a premise that ownership and use are distinct. Although CRAMRA permitted nations to extract resources, extraction explicitly could not amount to ownership of the underlying land.114 From that premise, CRAMRA does not grant property rights to parties who have merely used sensing technologies on the land, requiring more significant labor through activities like drilling or dredging.115

While the Madrid Protocol removes commercial resource extraction as an option, it allows nations to extract scientific samples without requiring—or permitting—claims of sovereignty.116 Because the Madrid Protocol “neither modif[ies] nor amends” the framework laid out by the Antarctic Treaty,117 extraction—whether scientific or commercial—remains separate from the ownership of underlying land. While the international community chose to restrict commercial extraction in Antarctica, that arrangement is a result of environmental concerns and not the failure to develop a property regime.118 CRAMRA’s successful illustration of a property regime remains instructive for the international community as it develops finer points of space law.

C. The Prior Appropriation Doctrine

The prior appropriation doctrine is a system developed in the American West to simplify miners’ water claims, granting rights to use the water to whoever made beneficial use of it first.119 The prior appropriation doctrine is useful for analyzing the law of outer space in both functional and abstract ways. First, scientists expect that water will be necessary for creating fuel and breathable air in outer space.120 Secondly, the prior appropriation doctrine evolved to resolve various claims in the water-scarce American West.121 The prior appropriation doctrine developed against the backdrop of commercial/private tension, embodies deeply-rooted American ethical assumptions, and contemplates the “public ownership” of underlying land.122 The prior appropriation doctrine is also “a rule of scarcity, not plenty,” and is therefore concerned with managing limited resources.123 These features of the doctrine make it a useful comparison to the demands of outer space resource extraction. Most importantly, the prior appropriation doctrine has resulted in an intuitive set of rules distinguishing between ownership and productive use.

The prior appropriation doctrine grew out of the chaos and grit that embodied the mining rush to the Western United States.124 The unpredictable availability of water, combined with the need for a simple adjudicative system, led early miners and farmers to adopt an “intuitive common sense” system of rules to resolve water claims.125 Essentially, the first claimant to make actual beneficial use of the water has senior rights to later users.126 Claimants do not own the land, however, but rather the right to use the water.127 Consequently, claimants may transfer their rights to the use but the public ultimately owns the water.128 Each of these features is explored below.

Central to the prior appropriation doctrine, and exemplified in Colorado’s constitution, is that water is a publicly owned resource.129 This concept stands in contrast to the idea that ownership of land is tied to ownership of the land’s water.130 The prior appropriation doctrine severs those concepts from one another, justifying citizens’ right to appropriate water while nullifying riparian claims.131 This feature is a doctrinal cornerstone of the prior appropriation system, as it distributes ultimate decision-making authority to the public while protecting valid claims.

Not all claimants establish or retain valid claims to use diverted water. Prior appropriation requires a claimant to make actual beneficial use of the water to obtain and retain their right to continue that use.132 In the context of the doctrine’s development, this stipulation prevented vast, speculative hoarding of property for the purpose of a later sale.133 This emphasis on “antispeculation” is derived from the era’s intensely anti-monopoly sentiment, favoring the distribution of water rights to those who could make actual use of the land.134 Therefore, claimants must define the location and expected scope of their use to establish or transfer rights.135

Parties who establish valid claims are protected against other future users who seek to use the same water at the earlier claimant’s detriment. Parties who make actual beneficial use of water have “seniority” over later claimants who use the water for similar purposes.136 In this system of senior and junior claimants, the latter must yield their use to senior claimants in times of water scarcity.137 Although this arrangement protects senior claimants from losing their use in times of scarcity, one scholar notes that claims often avoid their seniority.138 Furthermore, some states simply prohibit senior claimants from enforcing their priority over junior claimants when doing so would be futile.139 Claimants may actually benefit from avoiding enforcement, especially when enforcement is sought solely to prove seniority at the expense of junior claimants.140

Because prior appropriation separates the ownership of land from rights to beneficial use of water, claimants can freely transfer their validly established water rights.141 The technology claimants use to divert water for “out-of-stream” uses, like mining and agriculture, helps make the use “measurable and enforceable,” and therefore identifiable for transfer.142 Although transfers require new users to satisfy the actual beneficial-use requirement, the arrangement is flexible enough to facilitate the temporary transfer of use rights.143 The prior appropriation’s system of senior and junior claimants is enforced and regulated by a centralized authority. Acting in a “trusteeship role,” the government is responsible for enforcing validly established water rights.144 Although enforcement is sometimes avoided, as noted above, the value of a senior claim is necessarily dependent on the enforcement of those rights, especially when water is in short supply.145 In addition to adjudicating claims, the government is responsible for the “conservation of the public’s water resources.”146 Here, the implications of the “public ownership” concept is significant:

…[T]he state assumed a trusteeship role to administer the waters of the state for the benefit of the public. As such, it became responsible not only for minimal administrative functions but also for administration of the kind a trustee owes to the beneficiary of the trust. Its responsibilities include, first and foremost, the conservation of the estate and avoidance of waste; second, the promotion of beneficial use by assisting the appropriator in achieving use objectives to the maximum extent feasible; third, the representation of beneficiaries in a parens patriae capacity and maintaining the use regimen on the river system; and fourth, the promotion of efficiency and prudence of the kind expected of a trustee.147

The prior appropriation doctrine serves as a unique example for space law because of how it conceptualizes land ownership. Underlying land is available for use not because it is “unowned,” but because it is owned by a community who has the right to make productive use of it.148 Because the community owns the land, claimants have an obligation to use the land properly and the government is responsible for stewardship.149 This framing fits neatly with proponents of the idea that outer space is collectively “owned” by the international community. Regardless, stewardship and government ownership do not necessarily displace the potential for productive use.

Parties do not violate the non-appropriation principle simply by extracting—or as here, diverting—resources from the land. At no point does extraction equate to a sovereign claim over the land. In instances where non-productive use or the like violates those principles, property rights disappear. Furthermore, the OST encourages the idea that outer space is to be used to benefit the broader international community.150 The prior appropriation doctrine illustrates that parties can establish and transfer robust property rights in resources independent from land-ownership, while promoting beneficial use

#### Standards:

#### 1] Precision outweighs – non-topical affs violate tournament rules so the judge doesn’t have the jurisdiction to vote on them and it controls the internal to pragmatic offense in a question of models because it decks predictable stasis.

#### 2] Limits – allowing extraction to equate to sovereign claims explodes limits by shifting the debate away from sovereign claims to celestial bodies to permutations of parts of celestial bodies that companies could extract – leads to unbeatable affs that just ban extraction of one resource which the neg can’t ever predict. Forcing the affirmative to defend sovereign claims to celestial bodies is net better.

#### 3] TVA – defend an aff that bans sovereign claims to celestial bodies – solves your offense since you still get property rights fight offense.

## 4

#### Permissibility and presumption negate

#### 1] Obligations – Unjust[[1]](#footnote-1) is “not morally right; not fair, but permissibility means we can’t prove something is morally wrong since nothing is morally wrong

#### 2] Falsity- Statements are more often false than true because proving one part of the statement false disproves the entire statement. Presuming all statements are true creates contradictions which would be ethically bankrupt.

#### The role of the ballot is to determine whether the resolution is a true or false statement – anything else moots 7 minutes of the nc – their framing collapses since you must say it is true that a world is better than another before you adopt it.

#### They justify substantive skews since there will always be a more correct side of the issue but we compensate for flaws in the lit.

#### Scalar methods like comparison increases intervention – the persuasion of certain DA or advantages sway decisions – T/F binary is descriptive and technical.

#### Negate because either the aff is true meaning its bad for us to clash w/ it because it turns us into Fake News people OR it’s not meaning it’s a lie that you can’t vote on for ethics

#### a priori's 1st – even worlds framing requires ethics that begin from a priori principles like reason or pleasure so we control the internal link to functional debates.

#### The ballot says vote aff or neg based on a topic – five dictionaries[[2]](#footnote-2) define to negate as to deny the truth of and affirm[[3]](#footnote-3) as to prove true so it's constitutive and jurisdictional.

#### Negate:

#### 1] the[[4]](#footnote-4) is “denoting a disease or affliction” but appropriation isn’t a disease

#### 2] of[[5]](#footnote-5) is to “expressing an age” but the rez doesn’t delineate a length of time

#### 3] private[[6]](#footnote-6) describes “belonging to or for the use of one particular person or group of people only” and an entity[[7]](#footnote-7) is “independent, separate, or self-contained existence”

#### **4]** Paradox of tolerance- to be completely open to the aff we must exclude perspectives that wouldn’t be open to it which makes complete tolerance impossible.

#### 7] Arrows Paradox- If time is divided into 0-duration slices, no motion is happening in each of them, so taking them all as a whole, motion is impossible.

## Case

### 1NC – Framing

#### Calc indicts:

#### 1] Induction fails – relies on past experiences to prove true, but that’s circular since it means induction relies on induction to be true

#### 2] inf consequences

#### 3] judges action after they occur

#### Lexical pre-req – hijacks, fallacy of origin

#### Modesty’s irresolvable and rights violations are infinite

#### Sinott armstrong – assumes consequentialism, hijacks

#### Pummer – freezes action, relies on consequentialism

### 1NC – Spark

#### Reject Robock/Toon et al studies – their models are inaccurate representations.

Walker 18 – Robert Walker, M.Hum in Philosophy from York University, BA in Mathematics from York University, Software Developer, March 6, 2018, [“Debunked: Nuclear Winter and Radioactive Fallout myths,” Debunking Doomsday] Recut Justin

The Robok et all paper is based on a model of a limited exchange of nuclear weapons (say for Pakistan and India) - and this model was 3D and quite detailed. However they didn't model the actual fires themselves, or the way the cities burn, or lofting of soot into the atmosphere or the interactions of the soot with water vapour in the atmosphere. They just started their model with the atmosphere pre-loaded with soot and then ran it forward. It gets its data about the soot in the upper atmosphere from those earlier pre-Kuwaiti fire simulations. See Local Nuclear War, Global Suffering It’s an accurate bit of research based on those assumptions. They did study what would happen if the atmosphere was pre-loaded in that way. What they don’t do is discuss whether or not a nuclear war could lead to such a scenario. That is the very point that lead Carl Sagan and the others to revise their models. So - it has been way over reported as saying more than it does. It just says what would happen if the early views on the soot in the upper atmosphere were correct. It is simply not relevant if those views are incorrect as the other scientists say. It does not attempt an explanation of what happened during the Kuwaiti oil fires. WHAT WOULD REALY HAPPEN? The situation is complicated. Though many fires would break out in cities, some of them may burn for only a short time. This section is based largely on remarks by William Cohen in his 2007 book Would they combine together to make a firestorm? They didn't for Nagasaki which was a city built largely of wood and paper, which would not be permitted with a modern city. That suggests that an airburst like the one for Nagasaki would not produce a firestsorm. They did for Hiroshima but that is probably for other reasons such as widespread use of charcoal burners, as noted in a report back in 1951. But then they might be ground burst weapons, so what difference does that make? What would the end result be in the atmosphere of the complex pattern of many different fires? What would the vertical distribution be? So, there might not even be extensive fires. If there are, then going by the example of the Kuwait fires then most of the carbon was distributed in the first few kilometers and did not reach the stratosphere. Also water vapour is another complicating factor. The fires themselves produce water vapour during combustion and more is taken in from the atmosphere and lofted high where it may form clouds, which then will tend to keep the surface warmer than it would be. Also once the fires stop - and unlike the Kuwaiti oil fires they would not burn for months but be over in a short while like any other large fire (weeks at most if forests catch fire) - the excess moisture rains out taking soot and dust with it. And if forests do catch fire - then it is like the forest fires we get every year - and they do not cause global winter, or indeed, have any widespread cooling effect at all, even when they are extensive and rage for weeks. The whole thing is very complex. Here is William Cohen talking about it in his 2007 book. He is one of the experts who started off by supporting Carl Sagan’s nuclear winter models but doesn't any more. (Many of the pages are made available for public viewing via google books through that link - enough to get a good idea of his main points). He mentions other information about large scale fires such as the Dresden bombing and forest fires which again do not inject large amounts of soot into the stratosphere. So in short it's a wide ranging debate. Some think that some form of a "nuclear autumn" is possible. Many think that there would be no global climate effects at all. The idea of a true nuclear winter, turning summer into winter, is no longer on the table, except for Alan Robok, who as far as I know has not given a good reason based on modern views of how fire plumes work for their pre-loading of the upper atmosphere, the main point at contention. It's still not a literal doomsday if there is a nuclear autumn. It's rather similar to the idea of a volcanic winter after a super volcano, where you'd need to grow different crops, adapted for a colder climate until the temperatures recover. I don't mean that in the sense it is easy of course, but it is possible. It is a very similar situation to the situation after a supervolcano, so I cover that in the section What really happens if Yellowstone erupts as a supervolcano, or if some other supervolcano erupts? But many would say that it wouldn’t even lead to a nuclear autumn. Just a local cooling for as long as the fires last, like the Kuwaiti case, and that as soon as the soot rains out, the whole thing is over.

#### Isolated island populations repopulate.

Turchin and Green 18 [Alexey Turchin – Scientist for the Foundation Science for Life Extension in Moscow, Russia, Founder of Digital Immortality Now, author of several books and articles on the topics of existential risks and life extension. Brian Patrick Green – Director of technology ethics at the Markkula Center for Applied Ethics, teaches AI ethics in the Graduate School of Engineering at Santa Clara University. <MKIM> “Islands as refuges for surviving global catastrophes”. September 2018. DOA: 7/20/19. <https://www.emerald.com/insight/content/doi/10.1108/FS-04-2018-0031/full/html?fullSc=1&mbSc=1&fullSc=1>] Recut Justin

Different types of possible catastrophes suggest different scenarios for how survival could happen on an island. What is important is that the island should have properties which protect against the specific dangers of particular global catastrophic risks. Specifically, different islands will provide protection against different risks, and their natural diversity will contribute to a higher total level of protection: **Quarantined island survives pandemic**. An island could impose effective quarantine if it is sufficiently remote and simultaneously able to protect itself, possibly using military ships and air defense. **Far northern aboriginal people survive an ice age**. Many far northern people have adapted to survive in extremely cold and dangerous environments, and under the right circumstances could potentially survive the return of an ice age. However, their cultures are endangered by globalization. If these people become dependent on the products of modern civilization, such as rifles and motor boats, and lose their native survival skills, then their likelihood of surviving the collapse of the outside world would decrease. Therefore, preservation of their survival skills may be important as a defense against the risks connected with **extreme cooling**. Remote polar island with high mountains survives brief global warming of median surface temperatures, up to 50˚C. There is a theory that the climates of planets similar to the Earth could have several semi-stable temperature levels (Popp et al., 2016). If so, because of climate change, the Earth could transition to a second semi-stable state with a median global temperature of around 330 K, about 60˚C, or about 45˚C above current global mean temperatures. But even in this climate, **some regions of Earth could still be survivable for humans**, such as the Himalayan plateau at elevations above 4,000 m, but below 6,000 (where oxygen deficiency becomes a problem), or on polar islands with mountains (however, global warming affects polar regions more than equatorial regions, and northern island will experience more effects of climate change, including thawing permafrost and possible landslides because of wetter weather). In the tropics, the combination of increased humidity and temperature may increase the wet bulb temperature above 36˚C, especially on islands, where sea moisture is readily available. In such conditions, proper human perspiration becomes impossible (Sherwood and Huber, 2010), and there will likely be increased mortality and morbidity because of tropical diseases. If temperatures later returned to normal – either naturally or through climate engineering – **the rest of the Earth could be repopulated**. ‘‘Swiss Family Robinsons’’ survive on a tropical island, unnoticed by a military robot ‘‘mutiny’’. Most AI researchers ignore medium-term AI risks, which are neither near-term risks, like unemployment, nor remote risks, like AI superintelligence. But a large drone army – if one were produced – could receive a wrong command or be infected by a computer virus, leading it to attack people indiscriminately. Remote islands without robots could provide protection in this case, allowing survival until such a drone army ran out of batteries, fuel, ammunition or other supplies: Primitive tribe survives civilizational collapse. The inhabitants of **North Sentinel Island**, near the Andaman Islands in the Indian Ocean, are hostile and uncontacted. **The Sentinelese survived the 2004 Indian Ocean tsunami apparently unaffected** (Voanews, 2009), and if the rest of humanity disappear, **they might well continue their existence without change.** Tropical Island survives extreme global nuclear winter and glaciation event. Were a **nuclear**, bolide impactor or volcanic “**winter**” scenario to unfold, these islands would remain surrounded by Warm Ocean, and local volcanism or other energy sources might provide heat, energy and food. Such island refuges may have helped life on Earth survive during the **“Snowball Earth”** event in Earth’s distant past (Hoffman et al., 1998). Remote island base for project “Yellow submarine”. Some catastrophic risks such as a gamma ray burst, a global nuclear war with high radiological contamination or multiple pandemics might be best survived **underwater in nuclear submarines** (Turchin and Green, 2017). However, after a catastrophe, the submarine with survivors would eventually need a place to dock, and an island with some prepared amenities would be a reasonable starting point for rebuilding civilization. Bunker on remote island. For risks which include multiple or complex catastrophes, such as a bolide impact, extreme volcanism, tsunamis, multiple pandemics and nuclear war with radiological contamination, **island refuges could be strengthened with bunkers**. Richard Branson survived hurricane Irma on his own island in 2017 by seeking refuge in his concrete wine cellar (Clifford, 2017). Bunkers on islands would have higher survivability compared to those close to population centers, as they will be neither a military target nor as accessible to looters or unintentionally dangerous (e.g. infected) refugees. These bunkers could potentially be connected to water sources by underwater pipes, and passages could provide cooling, access and even oxygen and food sources.

#### No nuclear winter – conservative models prove rainout.

Reisner et al. 18 [Jon, Atmospheric researcher at LANL Climate and Atmospheric Sciences; Gennaro D'Angelo, UKAFF Fellow and member of the Astrophysics Group at the School of Physics of the University of Exeter, Research Scientist with the Carl Sagan Center at the SETI Institute, currently works for the Los Alamos National Laboratory Theoretical Division; Eunmo Koo, scientist in the Computational Earth Science Group at LANL, recipient of the NNSA Defense Program Stockpile Stewardship Program award of excellence; Wesley Even, R&D Scientist at CCS-2, LANL, specialist in computational physics and astrophysics; Matthew Hecht is a member of the Computational Physics and Methods Group in the Climate, Ocean and Sea Ice Modelling program (COSIM) at LANL, who works on modeling high-latitude atmospheric effects in climate models as part of the HiLAT project; Elizabeth Hunke, Lead developer for the Los Alamos Sea Ice Model, Deputy Group Leader of the T-3 Fluid Dynamics and Solid Mechanics Group at LANL; Darin Comeau, Scientist at the CCS-2 COSIM program, specializes in high dimensional data analysis, statistical and predictive modeling, and uncertainty quantification, with particular applications to climate science; Randall Bos is a research scientist at LANL specializing in urban EMP simulations; James Cooley is a Group Leader within CCS-2. 3/16/18 “Climate Impact of a Regional Nuclear Weapons Exchange: An Improved Assessment Based On Detailed Source Calculations.” Journal of Geophysical Research: Atmospheres, vol. 123, no. 5] Recut Justin

The no-rubble simulation produces a significantly more intense fire, with more fire spread, and consequently a significantly stronger plume with larger amounts of BC reaching into the upper atmosphere than the simulation with rubble, illustrated in Figure 5. While the no-rubble simulation **represents the worst-case scenario** involving vigorous fire activity, **only a relatively small amount of carbon makes its way into the stratosphere** during the course of the simulation. But while small compared to the surface BC mass, stratospheric BC amounts from the current simulations are significantly higher than what would be expected from burning vegetation such as trees (Heilman et al., 2014), e.g., the higher energy density of the building fuels and the initial fluence from the weapon produce an intense response within HIGRAD with initial updrafts of order 100 m/s in the lower troposphere. Or, in comparison to a mass fire, wildfires will burn only a small amount of fuel in the corresponding time period (roughly 10 minutes) that a nuclear weapon fluence can effectively ignite a large area of fuel producing an impressive atmospheric response. Figure 6 shows vertical profiles of BC multiplied by 100 (number of cities involved in the exchange) from the two simulations. The total amount of BC produced is in line with previous estimates (about 3.69 Tg from no-rubble simulation); however, the majority of BC resides **below the stratosphere** (3.46 Tg below 12 km) and can be **readily impacted by scavenging from precipitation** either via pyro-cumulonimbus produced by the fire itself (not modeled) or other synoptic weather systems. While the impact on climate of these more realistic profiles will be explored in the next section, it should be mentioned that **these estimates are** still **at the high end**, considering the inherent simplifications in the combustion model that lead to **overestimating BC production**. 3.3 Climate Results Long-term climatic effects critically depend on the initial injection height of the soot, with larger quantities reaching the upper troposphere/lower stratosphere inducing a greater cooling impact because of longer residence times (Robock et al., 2007a). Absorption of solar radiation by the BC aerosol and its subsequent radiative cooling tends to heat the surrounding air, driving an initial upward diffusion of the soot plumes, an effect that depends on the initial aerosol concentrations. **Mixing and sedimentation** tend to **reduce this process**, and low altitude emissions are also significantly impacted by precipitation if aging of the BC aerosol occurs on sufficiently rapid timescales. But once at stratospheric altitudes, aerosol dilution via coagulation is hindered by low particulate concentrations (e.g., Robock et al., 2007a) and lofting to much higher altitudes is inhibited by gravitational settling in the low-density air (Stenke et al., 2013), resulting in more stable BC concentrations over long times. Of the initial BC mass released in the atmosphere, most of which is emitted below 9 km, **70% rains out within the first month**

1. https://dictionary.cambridge.org/us/dictionary/english/unjust

   [↑](#footnote-ref-1)
2. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-2)
3. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-3)
4. <https://www.google.com/search?q=the+definition&rlz=1C1CHBF_enUS877US877&oq=the+definition&aqs=chrome..69i57j69i64j69i61j69i60l2.1976j0j7&sourceid=chrome&ie=UTF-8> //Xu [↑](#footnote-ref-4)
5. <https://www.google.com/search?q=of+definition&rlz=1C1CHBF_enUS877US877&oq=of+definition&aqs=chrome.0.69i59j69i61l3.1473j0j7&sourceid=chrome&ie=UTF-8> //Xu [↑](#footnote-ref-5)
6. <https://www.google.com/search?q=private+definition&rlz=1C1CHBF_enUS877US877&oq=private+&aqs=chrome.0.69i59j69i57j69i60j69i61.1372j0j7&sourceid=chrome&ie=UTF-8> //Xu [↑](#footnote-ref-6)
7. <https://www.merriam-webster.com/dictionary/entity> //Xu [↑](#footnote-ref-7)