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# 1NC

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### 1NC – CIL CP

#### The United States federal government should substantially increase prohibitions on anticompetitive conduct by private vessel-operating common carriers by expanding the scope of its interpretive obligations under customary international law.

#### Competes and solves – it renders the same conduct equally unlawful but expands CIL rather than antitrust statute. That signals U.S. adherence to international economic law.

Banks ’12 [Ted; 2012; Scharf President, Compliance & Competition Consultants; Denver Journal of International Law & Policy, “40th Anniversary Edition: The International Law of Antitrust Compliance,” 368]

Introduction

It was not so long ago that the concept of international criminal law was an idea with which lawyers struggled. In 1987, Ved Nanda and M. Cherif Bassiouni put together what may have been the first one-volume compendium of information on antitrust, securities, extradition, tax, and other subjects that made up the developing area of international criminal law. Today, it is well-accepted that there are certain standards of behavior that are the norm in practically all nations, and through national laws and multinational treaties, these principles are entering the realm of customary international law.

Developments in the area of competition law, or antitrust as it is known in some countries, have been particularly dramatic. Countries understand that the encouragement of competition is a key to economic development, and national laws have been enacted where they did not exist before, along with enforcement cooperation agreements among increasing numbers of countries. 1 Enforcement of criminal antitrust laws takes place against both individuals and businesses, 2 and while it is clear that there are situations where business entities must be held responsible for actions of their employees, there are other situations where the intent of the corporation may be contrary to the actions of the employee. Throughout the world, in competition law, as well as in other areas of law, there is a consensus that it is appropriate for companies to adopt compliance and ethics programs to utilize management techniques to foster compliance with law. So, as standards of corporate [\*369] conduct become more universal, they reflect adherence to what is essentially an international law - the international law of competition. At the same time, more national authorities recognize that companies are expected to have compliance programs, and that a bona fide compliance program reflects a corporate intent not to violate the law, and therefore should be a positive factor in how authorities treat such companies, including as a mitigating factor for any penalty that might be imposed based on the ultra vires act by an employee.

It is well accepted that compliance and ethics programs are an expected part of corporate activity, and while no program can always guarantee human behavior, these programs do work to mitigate violations of law. Indeed, it can be said that it is now a standard for companies to have compliance programs or at least some elements of such programs such as codes of conduct. We submit that this growing recognition of the purpose of compliance and ethics programs has reached broad-based acceptance and should now be recognized in the competition law field by the United States and other governments as a standard of international law.

The Concept of Organizational Liability

Under many legal regimes, a corporation cannot be criminally punished for the actions of its employees, and until relatively recently (at least if you consider a century relatively recent), under the common law, a corporation was viewed as a legal fiction, 3 which could not be held liable for the criminal conduct of its employees. In the United States, it was not until 1909, in New York Central & Hudson River Railroad v. United States, 4 that the Supreme Court ruled that because the great majority of business transactions were conducted by corporations, it was time to abandon the "old and exploded doctrine" that a corporation was not indictable. 5 The Court reasoned that, as a matter of public policy, because a corporation could be held civilly liable, criminal liability should also follow. 6

This concept of corporate liability has been extended to the point where the business is often held liable for acts of employees even if the [\*370] company was not aware of the violation, 7 prohibited the conduct that led to the violation, 8 or there was no actual benefit to the corporation through the acts of the employee. 9 So even if none of the three justifications for corporate liability are present, i.e., knowledge, benefit, or authority, corporate liability for the acts of an employee - in addition to the liability of the employee - may still be found. A number of reasons have been given for this approach, but a consistent argument is that this type of liability will have an in terrorem effect on the corporation and force the entity to make certain that employees obey the law. 10 As a practical matter, it also reflects the reality that employees working through a corporation, whether or not their actions are authorized, can cause harm far beyond the abilities of one person. Therefore, according to this line of reasoning, it is appropriate that the entity be punished criminally (and pay civil damages).

The usual rule in the United States and other common law countries is that a corporation is liable for acts of agents and employees acting within the scope of their employment and, in most cases, with the intent to benefit the company. 11 This approach derives from the common law doctrine of respondeat superior, which held that a master is generally liable for the actions of servants, but may escape liability if the servant acts outside the scope of employment (i.e., takes action for [\*371] which there is no actual or apparent authority). 12 The concept of apparent authority, the authority that outsiders would normally assume the agent to possess judging from his or her position in the company and the circumstances surrounding previous instances of conduct, is often the foundation for a finding of corporate liability. 13 Employees are assumed to be acting within the scope of their employment 14 if they are doing acts on the corporation's behalf in the performance of their general line of work. 15 An agent must be "performing acts of the kind which he is authorized to perform, and those acts must be motivated - at least in part - by an intent to benefit the corporation." 16 It is not necessary that the acts actually benefited the corporation, only that they were intended to do so.

The court decisions and statutes that led to these multiple bases for finding enterprise liability grew up in an era where there was recognition of the power of the "faceless" corporation and the need to control its activities. Courts would impute knowledge or intent to the corporation, even where there was no benefit to the enterprise by the wrongful acts of the employee and the activities did not benefit the corporation, although some courts are willing to consider whether the violation was foreseeable. 17 In other situations, liability might be imputed to a corporate officer or director for failure to exert their authority to ensure that the corporation (i.e., acting through employees) did not do wrong. 18

But it is also an inescapable fact of our human existence that people are fallible, and that in some cases people will ignore instructions and do things that they were expressly forbidden to do. By holding a corporation liable for virtually anything that any employee does, a situation of strict liability is created that may, in fact, be outside the scope of many laws that require an intent to violate the law. [\*372] Notwithstanding the desire to control the power of the corporation, there are limits to what it can do. The efforts of the corporation to control the actions of employees are a valid consideration in determining whether the corporation should be held liable for the actions of an employee, as was noted in the instructions to the jury after the trial of Arthur Andersen in connection with the Enron debacle:

If an agent was acting within the scope of his or her employment, the fact that the agent's act was illegal, contrary to the partnership's instructions, or against the partnership's policies does not relieve the partnership of responsibility for the agent's acts. A partnership may be held responsible for the acts its agents performed within the scope of their employment even though the agent's conduct may be contrary to the partnership's actual instructions or contrary to the partnership's stated policies. You may, however, consider the existence of Andersen's policies and instructions, and the diligence of its efforts to enforce any such policies and instructions, in determining whether the firm's agents were acting within the scope of their employment. 19

The key here is "diligence." Was a compliance program something that existed only on paper, 20 or were there indicia of sincerity on the part of the corporation that showed that it legitimately tried to enforce its policy of compliance? The diligence of the corporation in enforcing its policy should be a key factor in determining if it is the kind of program that should entitle the corporation to some measure of mitigation from legal penalties imposed as a result of the actions of an employee that disobeyed the policy. 21

[\*373] Competition law imposes certain standards of behavior that are accepted because of an understanding that society benefits from competition. Therefore, in most cases, cartels are prohibited, as is abuse of market power or dominance. There is a recognition in many areas of law that transparency is beneficial, and thus bribes or secret rebates are prohibited for their disruptive impact on competition, as well as their inherent corruptness.

But how do these standards become accepted? It is not sufficient only to implement national laws and multinational agreements. Enforcement authorities recognize that there must also be private action to enforce policies within corporations and to demonstrate that noncompliance with law will not be tolerated. As will be discussed below, there are benchmarks of what is an "effective" compliance and ethics program that have received broad-based acceptance. Standards of international competition law cannot have their desired impact without international standards and efforts for compliance. Companies need to be able to know that what they do to implement compliance standards does matter so that they will make a diligent effort to prevent cartel behavior from happening. If a company has taken serious action to enforce its standards, such as by discharge of employees who violate the law, 22 this level of corporate compliance, which is expected by enforcement authorities, should be recognized when deciding how to treat corporations, including charging and penalty decisions.

So, there is a combination of factors at work here. Competition law standards are virtually universal in their acceptance. 23 To get those standards to actually be implemented by corporations, there need to be corporate compliance and ethics programs in place. Standards of culpability recognize that factors such as intent, knowledge, and benefit are relevant to findings of corporate liability. A number of countries do specifically encourage compliance and ethics programs, including in the antitrust area. 24 Therefore, this growing, worldwide acceptance, combined with universal necessity, has established an international law not just for antitrust, but for antitrust compliance. The countries that do not formally recognize the value of bona fide compliance programs as relevant to corporate liability, perhaps seduced by the possibility of collecting huge fines from a corporate piggy-bank, are out-of-step with the reality of what is necessary to truly promote the principles of competition law.

#### U.S. commitment prevents the disintegration of international economic law – extinction.

Arcuri ’20 [Alessandra; 2020; Full Professor of Inclusive Global Law and Governance at the Erasmus School of Law, Journal of International Economic Law, “International Economic Law and Disintegration: Beware the Schmittean Moment,” vol. 23]

Introduction

There was a time when national sovereignty was out of fashion. In the nineties, international lawyers were engaged in imaging the global order beyond the nation-state. Theories to make this order possible were proliferating: from Global Administrative Law to global constitutionalism.1 International Economic Law (IEL) played an important role in the journey toward the global order. Our markets could be integrated through an almost brand new organization, the World Trade Organization (WTO). The WTO was created and endowed with a powerful set of new agreements, promoting the harmonization of health and safety law—through the Sanitary and Phytosanitary (SPS) Agreement—and technical regulation—Technical Barriers to Trade (TBT) Agreement—and establishing (relatively uniform) Intellectual Property Rights regimes worldwide (the TRIPS Agreement). The WTO also included a brand new dispute settlement system, considered by many as a manifestation of the rule of law at the international level. Similarly, organizations such as the World Bank and the International Monetary Fund (IMF) were indirectly spreading (de-)regulatory policies throughout the developing world.2 Globalization, nudged by a global technocratic elite, was alive and kicking, back then.

Today we face a crisis of the regime of international economic law and, more broadly, global economic governance. The system appears broken for its incapacity to face some of the most daunting challenges of our time: the widespread and dramatic process of environmental degradation and the unacceptable inequalities between poor and rich. On its face, the phenomenon of far-right populists, partly reflected in Brexit and Trump politics, and spreading across the Atlantic is shaking the system of international economic law, by hailing nationalist policies. The idea that the nation-state may be a desirable source of disintegration of the global (legal) order is gaining traction across the political spectrum. It appears clear that the answer to the legitimacy crisis of the system of international economic law and governance offered by progressives3 resorts also to entrusting the nation state with more political space—a space that allegedly has been unduly constrained by the global economic order.

Not only politicians but also progressive academicians, such as Professor Dani Rodrik, have defended the importance of national sovereignty,4 as one of the necessary paradigms to fix our broken world order. The gist of the reasoning is simple: global institutions went too far in eroding national sovereignty, which is the real basis for democratic liberal regimes. Without the nation-state, environmental, industrial, and redistributive policies cannot be realized. As Rodrik put it: ‘So, I accept that nation-states are a source of disintegration for the global economy.’5

This article critically engages with the idea that the nation-state is a legitimate force of disintegration of the international economic order, with particular attention to trade and investment agreements. There are disparate circumstances, from the realm of food safety regulation to the regulation of capital flows,6 in which it is arguably desirable that domestic institutions (re-)gain more power. Most importantly, the nation-state is today an important site of democracy and, only for that reason, it is worth defending. Yet, in times of raising authoritarianism, it is crucial to reflect on some of the limits of the nation-state and on the necessity to develop alternative paradigms for integrating economies and societies.

This article presents a two-fold critique of the idea that an expansion of national sovereignty is going to achieve a better socio-economic world order per se. The first critique is internal, showing that the nation-state does not possess intrinsic characteristics to facilitate democracy, equality, and sustainability. The second is external and focuses on the necessity to look reflexively at the goals of the system of international economic law, to re-imagine it as capable to address questions of inequality and environmental degradation.

In a more pragmatic fashion, this article posits that more nation-state may be a misleading and possibly dangerous response to today’s daunting challenges. It is misleading in so far as it promises solutions that nation-states alone cannot deliver. It is dangerous in so far as the rhetoric of the nation-state paradoxically facilitates the turn toward an expansion of the ‘rule of exception’ and, eventually, authoritarianism. Above all, in advocating for disintegration through the nation-state, we need to reckon with our haunting past where economic autarchy has been deeply intertwined with the ascent of fascism and Nazism. If today the nation-state may appear as a beacon of democracy, the role of nationalism in generating the nemesis of democracy should not be neglected. In short, and at the risk of oversimplification, ‘America first’ echoes too closely fascist slogans.7

I. A PROGRESSIVE DEFENSE OF THE NATION-STATE AND THE RISK OF A ‘SCHMITTEAN MOMENT’

Let me start by rehashing the two interconnected and equally formidable challenges we are facing today: the question of environmental degradation and the unacceptable level of inequalities whereby a large part of the population in the world lives in poverty (both in developing and developed countries, but still overwhelmingly concentrated in so-called developing countries) vis-à-vis a small elite enjoying incredible wealth. Economic integration that does not deal with these challenges is not only doomed to fail; it is a type of economic integration that we should not aspire to.

It is plausible that Brexit and the disintegrationist economic policy of Trump have been partly enabled by the growing inequalities in the Anglophone nations. It is no brainer that a large fraction of Brexiteers and Trump voters are the ‘left behind.’8 In wealthy countries, the working class often felt left behind by thriving globalization, which has benefited only the elites. The—often labelled—‘populist turn’ rests on the idea that the ‘other’, the ‘foreigner’ has stolen ‘our’ welfare and a more nationalistic policy is needed to protect the losers of the current state of affairs. This is evident from Trump’s slogan ‘Buy American, Hire American.’ It is worrying how this type of nationalism is entrenched in racism and in the othering of the non-American.

However, as mentioned earlier, the case for more nation-state has also been made by ‘progressive’ politicians and intellectuals. Among progressive economists, Dani Rodrik stands out for having defended the nation-state with compelling arguments. Let me quote him at length: ‘When it comes to providing the arrangements that markets rely on, the nation-state remains the only effective actor, the only game in town. Our elites’ and technocrats’ obsession with globalism weakens citizenship where it is most needed—at home—and makes it more difficult to achieve economic prosperity, financial stability, social inclusion, and other desirable objectives.’9 Not only is the nation-state the only game in town, when it comes to issues of redistribution, social security and safety, the nation-state is also desirable because it can deliver institutional diversity which is needed to realize the social contract: ‘Developing nations have different institutional requirements than rich nations. There are, in short, strong arguments against global institutional harmonization.’10 The nation-states can meet different preferences, and ‘[i]nsufficient appreciation of the value of nation-states leads to dead ends.’ Rodrik also concedes that international market liberalization is the offspring of well-functioning nation-states rather than international institutions: ‘Domestic political bargains, more than GATT rules, sustained the openness that came to prevail.’11 Against this background, Rodrik defends ‘economic populism’ in so far as it constitutes a form of resistance to ‘liberal technocrats’ imposing undue restraints on domestic economic policy.12 The rigid focus on price stability in low-inflation environments is a clear example of global or EU-driven policies largely insensitive to the effects on employment and paradoxically even growth.13

Many of Rodrik’s arguments are compelling, such as his critique of the economic profession’s misleading analysis of trade and investment agreements. Some of his reform proposals, such as the strengthening of green industrial policy,14 are arguably desirable. Most crucially, the nation-state may be at present one of the most developed sites of democracy, albeit an imperfect one. When global institutions constrain nation-state policies formed following democratic decision-making, this may legitimately be seen as a threat to democracy. Rodrik’s work has had a wide echo in legal circles, as evidenced by the publication of a book with the goal of reimagining trade and investment law, 15 which is opened by several chapters all commenting—in overwhelmingly positive terms—on Rodrik’s Straight Talks on Trade. The nation-state and, more generally, sovereignty is (re-)gaining traction also among progressive political theorists. In times of economic and existential uncertainties, sovereignty is there to offer protection ‘from unfettered markets and from permanently incumbent austerity’ and it constitutes a ‘refusal of a “liquid society” and of its very solid … inequalities.’16 Some of the most lucid analyses of the current international economic order point at the dramatic consequences of an increase of capitalist power that has incapacitated states to act in defense of its own people.17 The attention on sovereignty is also partly reflected in recently negotiated provisions of new trade and investment agreements, where states are explicitly endowed with a ‘right to regulate.’ Despite the unclear practical implications of such jargon, its symbolic value is unambiguously bearing witness to the shared view that states ought to maintain (or regain) political space. Against this background, Trump’s claims to defend the Ohio steel workers by whatever trade measures it takes may appear more acceptable. Could we then read in this reinvigorated faith in sovereignty a ‘Grotian moment’?18

Without indulging on this question, this article posits that we should beware the ‘risk’ of entering a ‘Schmittean moment’.19 This term is here used to refer to a major shift toward an ideal of unfettered national sovereignty as the chief paradigm to re-orient the international (economic) order. Under such ideal, any international normative benchmark is brushed away by an allegedly more intellectually honest ‘political’ dimension, which can find its realization only in the decisionist state.20 To understand the risk of a ‘Schmittean moment’, it is important to recognize that the move toward more nation-state is partly animated by the legitimate concerns over the existing international legal order; legitimate concerns, which have eloquently been articulated by Schmitt himself.

Carl Schmitt’s work offers a lucid critique of the ‘exclusionary character of liberal universalism.’21 His critique exposes the hypocrisy underpinning many universalisms, most prominently the legal canon of ‘just’ war.22 In fact, it is the very core of the contemporary international legal project that gets questioned: ‘The concept of humanity is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form, it is a specific vehicle of economic imperialism. Here, one is reminded of a somewhat modified expression of Proudhon’s: whoever invokes humanity wants to cheat.’23 This argument has direct relevance for the domain of international economic law. In an endnote to this claim—discussing the extermination of Indians in North America—Schmitt explains the danger to use certain moral canons as exclusionary devices: ‘As civilization progresses and morality rises, even less harmless things than devouring human flesh could perhaps qualify as deserving to be outlawed in such a manner. Maybe one day, it will be enough if people were unable to pay its debts.’24 This consideration is of extreme actuality in relation to the current international legal order, which seems to have crystallized structures of annihilation of debt states, and their very peoples.25 In decrying how the economical is rescinded by the political, Schmitt unveils the absent ‘presence’ of (mostly American) politics in the economy. In short, Schmitt’s analysis cogently engages with the problem of depoliticization that the international liberal order yields.26 It is at this juncture that the thoughts of Schmitt and Rodrik may intersect. In some sense, Schmitt’s critique resonates with the critique of ‘hyper-globalization’ articulated by Rodrik:27 ‘one type of failure arose from pushing rule making onto supranational domains too far beyond the reach of political debate and control.’28

Before elaborating on this intersection, it is key to rehash some flaws of Schmitt’s analysis. While he has certainly a point in showing how liberal universalism can be used to arbitrarily exert hegemonic power in the name of humanity (and has so been used in such way by the US and other predominantly Western countries), the alternative he implicitly propounds rests on a nostalgia for a mythical past—a golden age based on the jus publicum Europaeum. Regrettably, this age has been golden only for some; the jus publicum Europaeum for all its glory was made of colonial relations, exploitation, and violence. It has also been noted how Schmitt’s historical analysis, which portrays the times of the jus publicum Europaeum as times where war gets domesticated by the modern state eclipses the fact that the ‘development of the modern state apparatus … helped bring about unprecedented capacities for organized state violence, even if such violence was no longer typically unleashed against fellow Europeans.’29 His conception of sovereignty, which finds essential realization only in the ‘unlimited jurisdictional competence’ normalizes the rule of exception. A related trouble with Schmitt’s core normative ideas is the totalizing enemy-friendship antithesis: ‘the distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation.’30 This is particular fatal to an ideal of nonviolent international law, as it denies even the aspiration of solidarity beyond borders.31 In other words, Schmitt conceptualization of the international legal order crystallizes nation-state borders in deeper existential structures, leaving no hope for common projects of different communities inhabiting the earth. In exposing the violence of allegedly humanitarian projects, Schmitt is de facto hollowing out the concept humanity, reducing its essence to violence in potentia: ‘the entire life of a human being is a struggle and every human being symbolically a combatant. The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing.’32 In denouncing the hypocrisy of moralism, Schmitt seems to negate the possibility of morality altogether. The Nomos of the earth, starting with the act of appropriation—nehmen (take)—and continuing with dividing the land—nemein (divide)—does not engage with the morality of the first act of appropriation nor with its division. And this is also what Hanna Arendt contests to Schmitt: ‘to remove justice from the content of the law.’33

### 1NC – Advantage CP

#### The United States federal government should:

* substantially increase domestic shipbuilding capacity and investment in the commercial naval industry;
* provide a port security grant program to the highest amount for large scale security upgrades to harden critical maritime infrastructure and supply;
* fully staff and fund the CBP and port staff.

#### Port security grant program solves cyber resiliency.

Testimony of Christopher J. Connor, President and CEO American Association of Port Authorities, 1-19-22, U.S. House Committee on Homeland Security Subcommittee on Border Security, Facilitation, and Operations Assessing the State of America’s Seaports January 19, 2022

Maritime Cybersecurity

Another vulnerability compounded during the pandemic has been maritime cybersecurity. Cyber-attacks against maritime targets in the U.S. has increased a staggering 400% over the past year. As port staff shifted to working from their home networks, and cargo backups and a stalled cruise industry meant that ship systems remained on port networks for much longer than usual, opportunities grew. At the same time, our country relied even more heavily on the maritime supply and crippling strikes laid bare the efficacy of attacking critical infrastructure, providing even greater incentives to bad actors.

The pandemic revealed what was already a growing problem. The 4 largest shipping companies in the world have been hit by ransomware in the last 4 years. Through the proliferation of the Industrial Internet of Things, more and more ship and port systems are connected to each other or the internet. A critical attack on any of these systems could have devastating economic consequences or even lead to the loss of life. The maritime transportation system needs resources to harden their IT systems to prevent attacks and to respond appropriately when an attack does occur.

The Port Security Grant Program (PSGP) is the main method by which ports and related groups can make large scale security upgrades. PSGP was created shortly after 9/11 as Congress realized that ports – as critical infrastructure – were vulnerable to threats. In the ensuing years, PSGP funding has dwindled to a fourth of its highest appropriated amount and much of that funding does not go to public port authorities, as originally intended. While the nature of threats has changed since 2001 the magnitude of those threats has not. We ask Congress to return PSGP to its highest level and ensure that ports are the main recipient of PSGP award

#### Solves the aff AND COVID/labor shortage is an alt cause.

Testimony of Christopher J. Connor, President and CEO American Association of Port Authorities, 1-19-22, U.S. House Committee on Homeland Security Subcommittee on Border Security, Facilitation, and Operations Assessing the State of America’s Seaports January 19, 2022

Ports are hubs of commerce. As such, a wide range of activities converge on the port. Ships arrive and depart, cargo is loaded and offloaded, passengers embark and disembark, trains and trucks move goods around the port and to and from destinations outside. All these elements must work together, or our supply chain will falter, putting millions of jobs and trillions of dollars of economic activity at risk. Because of this, ports are natural targets for those who wish to disrupt our way of life.

Over the past two years, as people shifted their spending from travel and dining out to ecommerce, the importance of a well-functioning supply chain was made even more evident. Between an explosion in Lebanon, a ship stuck in the Suez Canal, and cargo congestion here at home, the maritime transportation system has been in the news frequently and the world has seen the consequences of a breakdown in that system. The global pandemic not only highlighted the importance of our supply chain, but it also exposed the vulnerabilities and exacerbated existing problems. I am proud to say, however, that throughout the pandemic America’s seaports never closed and today they are moving more cargo than ever before. As we grapple with new, fast-spreading variants, we must continue to prioritize critical infrastructure – like ports – to make sure that issues like testing shortages don’t impact our ability to move goods.

As waterborne trade continues to grow, ports are eager to make the necessary upgrades to their facilities to alleviate some of our current challenges and make investments in the future. While traditional infrastructure is dominating the headlines, the importance of improving security at our maritime gateways must also be a focus of this Congress. It is important to note that while ports have a vested interest in secure cargo and passenger movement, it is the duty of the Federal Government to fund and staff customs inspection facilities. The brave men and women of our law enforcement agencies are vital partners in port security. We are grateful to them for their commitment throughout the challenges of this pandemic and we continue to advocate that they have the resources they need to carry out their missions.

Screening Staff Shortages

Even before the pandemic, shortages of Customs and Border (CBP) officers and agriculture specialists was a chronic problem at seaports of entry. CBP’s own Workplace Staffing Model shows a deficit of 1,700 officers. This deficit can have a significant impact on processing times, adding an additional bottleneck to already overloaded ports, and limiting our ability to keep up with long term growth in trade and travel.

As with everything else, the pandemic added another layer of complexity to cargo screening. Social distancing rules meant that only a limited number of officers could work in each processing facility at one time while quarantine protocols restricted swaths of officers from working if they had been exposed to the virus. CBP was also not immune from the pandemic’s deadly effects and, tragically, over 30 CBP officers lost their lives.

To help alleviate some of the screening congestion, officers were reassigned from cruise and airport screenings but with the resumption of cruising and foreign travel, coupled with increased levels of trade, we are concerned about processing capacity. With our major gateway ports full, shippers have looked to smaller ports as a “relief valve” of sorts. These ports have reported difficulties getting officer coverage when they need it most.

CBP also allowed ports to enter into reimbursable services agreements to pay for officer overtime. This was intended to be a temporary fix but is becoming the norm at more and more ports around the country. Last year one medium sized port in California paid over $1 million for overtime out of a budget of roughly $20 million. These overtime expenses represent a significant portion of our ports’ already tight budgets and limit their ability to make long-term capital investments. This also puts a strain on CBP officers. As you can imagine, consistently working 12-to-16-hour shifts leads to fatigue and increases in human error which leave our ports of entry more exposed to bad actors.

We ask Congress to fully staff CBP to ensure an effective workforce and efficient cargo movement.

### 1NC – Sunsets CP

#### The United States Congress should:

* impose a general sunset on shipping antitrust immunity after five years, indexed to begin 4 years and 9 months prior to date.
* order the GAO to report on the continuing need for shipping antitrust immunity.
* require the Senate and House Judiciary Committee to hold hearings on the exemption if the GAO finds its continued existence warranted
* require that the congress forward a law, signed by the president, to establish that the exemption should be renewed

#### Solves the aff.

Anne McGinnis, JD Michigan, ’14, "Ridding the Law of Outdated Statutory Exemptions to Antitrust Law: a Proposal for Reform," University of Michigan Journal of Law Reform 47, no. 2 (Winter 2014): 529-[vi]

Once in place, exemptions are rarely revisited,112 and powerful industries continue to lobby for new ones.113 For example, regardless of whether the McCarran-Ferguson Act remains warranted or not, every attempt to repeal the Act has failed. In fact, every recent attempt to reform any current statutory exemption has failed.114 The harm, or, at the very least, the ineffectiveness of many of these statutory exemptions is neither partisan nor heartily contested by antitrust experts.115 But efforts to repeal exemptions rarely gain traction. Interest groups advocating for an exemption may be powerful and strongly motivated, but groups advocating against an exemption are often fragmented and have little stake in pursuing repeal."'1

Any effective solution must do two things. First, it must provide a way to review the statutory exemptions currently in place to determine whether they are still necessary and beneficial to society. Second, it must switch the default from one where a statutory exemption, once enacted, remains on the books until Congress acts affirmatively to repeal it to one where a statutory exemption is presumed to expire after a short period of time unless Congress believes that it is still necessary. Further, any solution must be an efficient use of congressional time and must break the institutional stagnation that has prevented the review and repeal of statutory exemptions to date.

This Note's proposed solution is a federal law containing four provisions. Specifically, this Note urges Congress to adopt legislation that (1) imposes a general sunset on all statutory exemptions after five years, (2) orders the Government Accountability Office (GAO) to prepare a report on the continuing need for each statutory exemption currently in place, (3) requires the Senate and House Judiciary Committees to hold hearings on any exemption that the GAO finds still warranted, and (4) provides that, if the committees find that an exemption should be renewed after the hearings, they forward a law overriding the sunset provision for that exemption to the floor of each house to be voted on, signed by the President, and put into effect.117

A. The Sunset Provision

Perhaps the most critical aspect of this Note's proposed reform is the five-year general sunset provision that would apply to all statutory exemptions currently in place.118 This provision switches the default from one where every exemption remains in effect indefinitely to one where irrelevant and harmful exemptions are automatically stripped from the law absent an affirmative act by Congress. This provision will force the proponents of a statutory exemption to once again make their case for why the exemption is appropriate.

B. The GAO Report

The provision requiring a GAO report on each existing exemption is also critical. Few, if any, hearings have been held on the vast majority of exemptions currently in place. Many exemptions have not been reconsidered in decades, and no one knows how effective most statutory exemptions actually are in accomplishing their stated goals. To reform this area of the law, more information is desperately needed. The purpose of the GAO report is to uncover this information.

The GAO report should ask and answer several questions. First, it should determine whether the conduct immunized by a given statutory exemption could result in antitrust liability today. As explained in Part I, antitrust law has changed immensely over the past sixty years in response to evolving economic theory and market conditions. Many behaviors that were once per se illegal are now firmly analyzed under the rule of reason and rarely, if ever, found to violate antitrust laws." 9 Even many behaviors formerly deemed anticompetitive under the rule of reason are, when explained through modern economic theory, likely to be found legal.120 If the conduct exempted would not actually violate modem antitrust law, then the exemption is unnecessary and should not be renewed.121 Second, the GAO should determine if the behavior covered by the exemption actually occurs today, regardless of whether it would be subject to antitrust liability. Some amendments, like the Anti- Hog Cholera Serum Act'2 2 and parts of the Defense Production Act, 23 are irrelevant today not because the conduct would be permissible under contemporary antitrust laws but because the problem they were designed to address no longer exists. 24 Conduct that does not occur does not deserve an exemption, and any existing exemption should be allowed to lapse. Even if future conduct might warrant an exemption, it is better to repeal the current exemption and require Congress to enact a new one that is tailored to the circumstances at that later date.

Third, the GAO should ask what justifications were given for the exemption's original passage. Was the exemption passed to remedy some apparent market failure? Was it designed to protect conduct that Congress deemed socially desirable, despite its anticompetitive effect? Was it designed to replace antitrust regulation with direct governmental regulation? Was it purely a reaction to an administrative or court decision finding liability where Congress believed the behavior was in fact procompetitive? To appropriately judge the success or failure of any given exemption, it is essential to know the intent behind its enactment.

Fourth, the GAO should ask, in light of the findings made in the third inquiry, whether the exemption has served its intended purpose and whether it is still needed today. Has the exemption successfully achieved the aims that it was ostensibly enacted to achieve? Has it actually fostered the socially desirable behavior that it was designed to encourage? Has the exemption enhanced or harmed consumer welfare? What does the affected market look like today in comparison to when the exemption was passed? If the exemption was enacted to enable direct regulation, is there still a regulatory scheme providing oversight?

C. Hearings and Renewal of Recommended Exemptions Only

The GAO would then compile this information in a report and clearly recommend whether or not to renew the given exemption. This report would be submitted to the Senate and House Judiciary Committees. If the report recommends that a given exemption be extended, then both committees must, under this Note's proposed law, hold a hearing on the exemption. If, after the hearing, the committees find that the exemption should be renewed, then the committees must forward a provision overriding the sunset for the exemption to the floor of each house to be voted on and signed by the President. In contrast, if the report recommends that the statutory exemption be allowed to expire, and Congress does not decide on its own to hold hearings or override the sunset provision, then the exemption will expire at the end of the five-year sunset period.

D. Summary of the Reform Proposal

This reform is not perfect. It requires Congress to act-a requirement not easily fulfilled in today's era of partisan deadlock. Moreover, it places a heavy burden on the GAO and undoubtedly comes with costs, some of which will go toward studying exemptions that, for all practical purposes, cause no harm today. However, many statutory exemptions currently in effect are undermining the competitiveness and efficiency of the United States economy and, to date, no piecemeal reform has worked. Therefore, this Note suggests a bolder, most holistic approach.

This reform allows non-partisan experts in antitrust law to examine existing exemptions and make recommendations regarding their continued utility. It then places the burden on supporters of an exemption to demonstrate, to the GAO and to Congress, why the exemption is still necessary. Because this solution requires minimal congressional action, it will hopefully limit the risk of political deadlock. Further, because it would mandate full committee hearings only on exemptions that remain useful, it would allow the docket of exemptions to be cleared with little wasted congressional time. Additionally, because the solution would require Congress to act affirmatively to retain a statutory exemption, the default would switch from perpetuating every exemption-regardless of effectiveness- to automatic sunset of all exemptions absent clear congressional intent to preserve specified ones.

Overall, this reform is designed to jump start the debate on whether the more-controversial exemptions currently in effect, like the McCarran-Ferguson Act, should be repealed. At the same time, this reform eliminates less controversial, irrelevant exemptions from the United States Code without wasting Congressional time or expense on an exemption-by-exemption repeal.

CONCLUSION

Antitrust law is designed to be an overarching check against anticompetitive conduct that harms the free market system. Statutory exemptions to antitrust laws are supposed to provide some relief from this check in cases where natural monopolies or market failures make the application of antitrust law to a specific industry or to particular conduct harmful to competition, or where Congress has decided that some social policy goal is more important than robust competition. However, many of the statutory exemptions currently on the books no longer serve their intended purpose. Some are merely irrelevant, while others actively harm society by transferring wealth to private individuals and hampering beneficial competition. It is time for holistic reform. If enacted, this Note's four-part legislative solution would make significant progress toward ridding the law of such stale or harmful exemptions, bringing antitrust law back to its bedrock principle of protecting economic liberty by preserving competition.

#### The plan crushes rule of law and democracy promotion, the counterplan revives it – lack of congressional review is nontransparent, unaccountable and technocratic.

Spencer Weber Waller, Chair of Competition Law @ Loyola University of Chicago, ’19, "Antitrust and Democracy," Florida State University Law Review 46, no. 4 (Summer 2019): 807-860

Professor Harry First and I examined the democratic underpinnings of antitrust law in our 2013 article Antitrust's Democracy Deficit.35 In that article, we explained how the dramatic decrease in "antitrust's political salience," until very recently, affected the "antitrust enterprise," and "connect[ed] this shift to our concern for the political values that we believe underlie" all forms of competition law.3 6 "We connect[ed] free markets with free people, favoring open markets, . . . the opportunity to compete, ... [and] ... the connection between free markets and democratic values and institutions."3 7 We also argued that "a balance of institutional power is necessary to advance the goals that free markets embody."3 8

We characterize [d] the result of this shift toward technocracy as antitrust's democracy deficit . . . draw[ing] upon the concept of a democracy deficit from the literature analyzing and critiquing the European Union (EU) and the World Trade Organization (WTO). The term has generally been used to refer to policymaking by unaccountable and nontransparent technocratic institutions far removed from democratic (or national) control.... The concern for democratic decision-making has also been reflected in a new interest in global administrative law and the importance of basic principles of transparency and due process as a way to control the administrative state. This interest in administrative law principles has likewise led to a closer examination of how well antitrust conforms to due process and institutional norms.

Our concern over antitrust's move away from more democratically controlled institutions toward greater reliance on [unaccountable] technical experts [was] not just animated by a theoretical preference for democracy. . . . A preference for democratic institutions implicitly assumes that more democratically arranged institutions will, in general, produce preferable antitrust policies and outcomes. We think this is particularly true today, when the imbalance between democratic control and technocratic control has put antitrust on a thin diet of efficiency, one that has weakened antitrust's ability to control corporate power.39

"[C]oncern about a democracy deficit does not lead to a full-throated embrace of . .. populism" in either its historical or more contemporary form. 4 0 One scholar has recently characterized antitrust populism as emphasizing social divides by using exaggerated claims. 41 He goes on to describe both a historical liberal strain of antitrust populism that is pro small business, and a more recent dominant conservative populist strain that questions the efficacy of antitrust itself.4 2

In Antitrust's Democracy Deficit, Harry First and I express our favoring of antitrust enforcement conducted by knowledgeable and committed public servants deciding cases in accordance with the law and due process, rather than directly by public opinion or the ballot box. 4 3 "Rather, we think that by redressing the democracy deficit we can move the needle back toward policies that reflect more general political understandings and views of antitrust policy." 44 These policies would improve the institutions and outcomes for antitrust law in the process. 45

First and I began our Article, Antitrust's Democracy Deficit, by charting the democracy deficit as shown through the conduct of the major antitrust system institutions, such as the courts, Congress, and public enforcers and by comparing the state of antitrust enforcement in the United States with the evolving enforcement regime found in Europe. 4 6 Second, we examined the link between technocracy and ideology, in particular, how a technocratic approach supports a radical laissez-faire ideology for antitrust enforcement. 47 First and I concluded our article with our thoughts on why antitrust would benefit from increased democracy. 4 8

This article expands on that work in an important way. The question of whether and how the promotion of democracy is an instrumental goal of antitrust law is an important one. There is an equally important issue of how antitrust can be enforced in a democratic manner (reflecting the values of a democratic market based society, as is the case in the countries belonging to the Organization for Economic Co-operation and Development) regardless of which values any particular individual or society believes are paramount in the antitrust laws themselves. That is the issue discussed below.

#### Key to broader participatory democracy and legitimacy.

Harry First, New York University School of Law, and Spencer Weber Waller, Loyola University Chicago, Charles L. Denison Professor of Law, New York University School of Law, ’13, “ANTITRUST’S DEMOCRACY DEFICIT” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

Redressing antitrust’s democracy deficit on the procedural side can be done with the tools of administrative law. Administrative law is the body of law that controls the procedures of governmental decision making.151 It allows interested persons to participate in decisions that affect their interests. Normally, it requires appropriate notice, the right to be heard, fair procedures, protection of fundamental rights, and judicial review of the resulting decision. These basic features are present in the administrative laws of most foreign legal systems and are part of a growing international consensus.152 The tradeoff is that the decisions of administrative agencies that properly follow these strictures normally are granted a degree of deference as to the interpretation of the laws they enforce.153 Frequently, but not inevitably, private parties also have the right to proceed with actions for damages against private parties who violate their regulatory obligations and even against the government itself when it acts unlawfully, either substantively or procedurally. These tools of administrative law are available to make antitrust enforcement decisions more transparent and more responsive to the interests that the antitrust laws were meant to serve, thereby promoting both better decision making and greater democratic legitimacy.

CONCLUSION

Free markets and free people cannot be assured by the efforts of technocrats. Ultimately, both come about through the workings of democratic institutions, respectful of the legislature’s goals and constrained from engaging in arbitrary action. Antitrust has moved too far from democratic institutions and toward technocratic control, in service to a laissez-faire approach to antitrust enforcement. We need to move the needle back. Doing so will strengthen the institutions of antitrust, the market economy, and the democratic branches of government themselves.

#### Extinction.

George Eaton 20. Senior online editor of the New Statesman. Citing Noam Chomsky, Laureate professor in the Department of Linguistics at the University of Arizona and professor emeritus at MIT, Ph.D. in linguistics from Penn. “Noam Chomsky: The world is at the most dangerous moment in human history”. The New Statesman. Sept 17 2020. https://www.newstatesman.com/politics/2020/09/noam-chomsky-the-world-is-at-the-most-dangerous-moment-in-human-history

Noam Chomsky has warned that the world is at the most dangerous moment in human history owing to the climate crisis, the threat of nuclear war and rising authoritarianism. In an exclusive interview with the New Statesman, the 91-year-old US linguist and activist said that the current perils exceed those of the 1930s.

“There’s been nothing like it in human history,” Chomsky said. “I’m old enough to remember, very vividly, the threat that Nazism could take over much of Eurasia, that was not an idle concern. US military planners did anticipate that the war would end with a US-dominated region and a German-dominated region… But even that, horrible enough, was not like the end of organised human life on Earth, which is what we’re facing.”

Chomsky was interviewed in advance of the first summit of the Progressive International (18-20 September), a new organisation founded by Bernie Sanders, the former US presidential candidate, and Yanis Varoufakis, the former Greek finance minister, to counter right-wing authoritarianism. In an echo of the movement’s slogan “internationalism or extinction”, Chomsky warned: “We’re at an astonishing confluence of very severe crises. The extent of them was illustrated by the last setting of the famous Doomsday Clock. It’s been set every year since the atom bombing, the minute hand has moved forward and back. But last January, they abandoned minutes and moved to seconds to midnight, which means termination. And that was before the scale of the pandemic.”

This shift, Chomsky said, reflected “the growing threat of nuclear war, which is probably more severe than it was during the Cold War. The growing threat of environmental catastrophe, and the third thing that they’ve been picking up for the last few years is the sharp deterioration of democracy, which sounds at first as if it doesn’t belong but it actually does, because the only hope for dealing with the two existential crises, which do threaten extinction, is to deal with them through a vibrant democracy with engaged, informed citizens who are participating in developing programmes to deal with these crises.”

Chomsky added that “[Donald] Trump has accomplished something quite impressive: he’s succeeded in increasing the threat of each of the three dangers. On nuclear weapons, he’s moved to continue, and essentially bring to an end, the dismantling of the arms control regime, which has offered some protection against terminal disaster. He’s greatly increased the development of new, dangerous, more threatening weapons, which means others do so too, which is increasing the threat to all of us.

“On environmental catastrophe, he’s escalated his effort to maximise the use of fossil fuels and to terminate the regulations that somewhat mitigate the effect of the coming disaster if we proceed on our present course.”

“On the deterioration of democracy, it’s become a joke. The executive branch of [the US] government has been completely purged of any dissident voice. Now it’s left with a group of sycophants.”

Chomsky described Trump as the figurehead of a new “reactionary international” consisting of Brazil, India, the UK, Egypt, Israel and Hungary. “In the western hemisphere the leading candidate is [Jair] Bolsonaro’s Brazil, kind of a small-time clone of President Trump. In the Middle East it will be based on the family dictatorships, the most reactionary states in the world. [Abdel al-]Sisi’s Egypt is the worst dictatorship that Egypt has ever had. Israel has moved so far to the right that you need a telescope to see it, it’s about the only country in the world where young people are even more reactionary than adults.”

He added: “[Narendra] Modi is destroying Indian secular democracy, severely repressing the Muslim population, he’s just vastly extended the terrible Indian occupation of Kashmir. In Europe, the leading candidate is [Viktor] Orbán in Hungary, who is creating a proto-fascist state. There are other figures, like [Matteo] Salvini in Italy, who gets his kicks out of watching refugees drown in the Mediterranean.”

### 1NC – Consent Decree CP

#### The United States federal government should bring antitrust action against anticompetitive conduct by private vessel-operating common carriers with a standing to settle via consent decrees.

#### Competes and solves.

Andreea Cosnita-Langlais, Economics @ EconomiX, UPL, Univ. Paris Nanterre, and Jean-Philippe Tropeano, Université de Paris 1 and Paris School of Economics, France, ’22, “Learning by litigating: An application to antitrust commitments” International Journal of Industrial Organization Volume 80, January 2022, 102795

Currently, two options are available for most competition agencies to address an antitrust violation from unilateral anticompetitive conduct: either rule on an infringement through formal litigation, or instead reach a negotiated settlement with the firm, also called commitments decisions (Europe) or consent decrees (US).1

These two enforcement tools lead to different outcomes. Litigation results in a formal prohibition of the practice together with the payment of a fine if the firm is eventually convicted. But litigation requires a robust theory of harm based on strong evidence. The alternative is to reach a settlement and fix the anticompetitive effect of the practice by negotiating commitments with the firm. Each procedure involves costs and benefits. The key social benefit of a commitments procedure is an earlier restoration of market competition for lower administrative costs. In contrast, the main benefits from a prohibition decision are the deterrence through monetary sanctions and the creation of precedents that may improve future enforcement. Indeed, when using commitments, the competition agency does not formally identify an infringement, and the firms admit no wrongdoing,2 which impedes the creation of precedents. Following Landes and Posner (1976, p. 250 and 251), legal precedents may be viewed as an investment to increase the stock of knowledge useful for the assessment of future cases: competition agencies and courts of justice learn from litigating. Several recent antitrust cases epitomize the implications of the lack of learning from commitment decisions. After filing a case against the major US studios and Sky UK for geoblocking agreements in 2015,3 the EC finally closed it in 2019 after all investigated parties had offered commitments. However, the main legal question raised by the case (copyright infringement and parallel trade within the common European market) was left unresolved. The latest decision of the European Court of Justice in this case emphasizes that a commitments decision only requires a preliminary assessment of the practice, whereas establishing the existence of an infringement must follow from a thorough examination.4 Formal rulings need a solid theory of harm, that may be used in future similar circumstances. After many years where the EC dealt with the abusive royalties in standard essential patent cases by means of commitments, a formal decision was eventually reached in the Motorola case that clarified the law and set a precedent.5 The European Commission openly acknowledged this potential for learning from formal rulings: it recently fined Google € 2.42 billion for breaching EU antitrust rules and stated that “Google has abused its market dominance as a search engine by giving an illegal advantage to another Google product, its comparison shopping service. [... ]Today’s decision is a precedent which establishes the framework for the assessment of the legality of this type of conduct”.6 Surprisingly, albeit planning to enforce prohibitions whenever there is significant need for “deterrence, punishment and legal precedent”,7 the European Commission issued only very few prohibition decisions in novel areas of intervention for which legal guidance is much needed.8 Since the entering into force on May 1 2004 of the Council Regulation No 1/2003 making room for commitments, the European Commission has heavily relied on such decisions to deal with antitrust violations: more than 60% of the antitrust cases (excluding cartels) did not formally sanction a violation, and more than 70% of the abuse-of-dominance cases were resolved with commitments (Mariniello, 2014).9

#### Turns all deficits and avoids all DAs.

Joshua D. Wright, Antonin Scalia Law School, George Mason University, Arlington, USA , and Douglas H. Ginsburg, United States Court of Appeals for the District of Columbia Circuit, Washington, USA, ’18, “The economic analysis of antitrust consents” Eur J Law Econ (2018) 46:245–259 https://doi.org/10.1007/s10657-018-9579-6

Allowing agencies to resolve cases more quickly is another plausible benefit of settlement. Litigation is a long, costly, and uncertain process. Consent decrees provide a quick solution for agencies interested in quickly resolving potential problems in the market. Pursuing litigation in highly dynamic markets risks producing an outdated final decision, as the market conditions that existed when the alleged anticompetitive conduct occurred may have changed by the end of a full investigation and court proceeding.46 The ability of agencies to intervene more quickly through settlement may increase the chance of successful enforcement by restoring effective competition in the market faster.

The uncertainty of litigation can burden businesses and may lead them to allocate substantial resources to opposing agency action even where the ultimate judgment of a court is likely to be—that no antitrust violation occurred. The quicker a legal dispute is resolved, the less a business needs to spend on protecting itself from agency enforcement. Even though they do not lead to the development of legal precedents, consent decrees signal an agency’s enforcement goals. These signals can help an industry quickly understand the prevailing logic and inner workings of the agency. When the cost savings of a quicker resolution outweigh the benefits of a judicial infringement decision, agencies should consider consent decrees for their convenience and efficiency.

### 1NC – Court Clog DA

#### Federal courts are managing caseloads now.

Nekritz ‘12/15 [Alyssa; 12/15/21; “A look at pandemic backlog in court proceedings and resources”; <https://www.ncsc.org/information-and-resources/info-and-res-page-card-navigation/trending-topics/trending-topics-landing-pg/the-pandemic-caused-delays-in-many-court-proceedings.-what-are-states-doing-about-backlog>; NCSC; TV]

About one third of U.S. courts saw an increase of over 5% in backlogs. This increase would have been larger had courts not adapted quickly to online operations. Several types of court proceedings, particularly trials, were delayed. Some court professionals are optimistic that the existing backlogs will be resolved quickly. Others are worried backlogs will continue.

In order to avert for a growing backlog, some states have or are dropping non-violent criminal cases when courts reopen . Other prosecutors are prioritizing repeat offenders. Although it is important for the court system to manage the cases timely, there are staunch critics who believe dismissal is a bad idea. Critics argue adjournments and the associated delay can create access to justice concerns, placing courts in a tough position.

Other state courts, like Florida and Washington, have requested more retired judges to assist pulled judges out of retirement and temporarily increased staffing to help with backlogs. Some jurisdictions continue to look for effective ways of addressing their backlogs.

NCSC’s Effective Criminal Case Management Project conducted extensive data collection on felony and misdemeanor cases. The project built resources on case flow management to help courts process cases efficiently.

Courts continue to innovate and NCSC is tracking pandemic related backlogs. More data will be necessary to draw conclusions about future impacts. Revisit the 2020 CCJ/COSCA Pandemic Backlog Report for more resources on dealing with a surge in civil cases. Additionally, courts can access the ECCM’s Cost of Delay Calculator (PDF and Excel) to compute a simple estimate revealing how quickly and significantly the costs of delay accumulate across a court.

#### Antitrust cases are resource-intensive and intersect with other domains of law. Specifically, spills over to patent litigation.

Warren ’15 [Daniel R. Warren, JD from the Boston University School of Law, BS from Ohio State University, “Stress Fractures: The Need to Stop and Repair the Growing Divide in Circuit Court Application of Summary Judgment in Antitrust Litigation”, Review of Banking and Financial Law, 35 Rev. Banking & Fin. L. 380, Lexis]

In antitrust litigation, the value of summary judgment to mitigate discovery costs through shortening litigation is elevated to a special importance even greater than normal for three reasons. First, antitrust litigation normally involves large organizations, which magnifies the costs of those firms going through the discovery process. Large firms have a great number of involved employees and departments, all of which would likely be subject to the broad discovery that is characteristic of antitrust litigation. Summary judgment, though normally considered after discovery, is a procedural weapon available at nearly any point in this process, as "a party may file a motion for summary judgment at any time until 30 days after the close of all discovery." The existence of a stay for extension of discovery shows that summary judgment need not automatically wait for discovery's completion, and thus can be an invaluable safeguard against otherwise incredibly costly discovery. This safeguard allows summary judgment to be a powerful tool to radically lower discovery time and costs without "railroad[ing]" the other party.

Second, antitrust litigation is normally a slow process that takes a great deal of time. The amount of time necessary to process and review evidence produced by discovery leads to incredible legal costs, often disproportionately placed on the defendant firm. The plaintiff has the advantage over the defendant in deciding the scope of discovery costs, and may often tailor its claim in such a way as to avoid the discovery costs that a defendant's counterclaim may reflect [\*390] back on the plaintiff. These lengthy trials can be effectively truncated by summary judgment, and thus summary judgment's normal value is even greater in the world of antitrust litigation where protracted trials are the norm.

Finally, the vast amount of evidence necessary to prove the elements of an antitrust claim contribute to the large discovery costs tied to antitrust litigation by overwhelming judges' ability to reign in discovery costs. Currently, we rely on judges to limit the range of discovery requested, but in the context of antitrust litigation, judges have difficulty dealing with the broad variety of evidence that may be called for. One analysis of the power of discovery described it as a costly and potentially abusive force, and determined judges' abilities to limit discovery costs on their own as "hollow" at best:

A magistrate supervising discovery does not--cannot--know the expected productivity of a given request, because the nature of the requester's claim and the contents of the files (or head) of the adverse party are unknown. Judicial officers cannot measure the costs and benefits to the requester and so cannot isolate impositional requests. Requesters have no reason to disclose their own estimates because they gain from imposing costs on rivals (and may lose from an improvement in accuracy). The portions of the Rules of Civil Procedure calling on judges to trim back excessive demands, therefore, have been, and are doomed to be, hollow. We cannot prevent what we cannot detect; we cannot detect what we cannot define; we cannot define "abusive" discovery except in theory, because in practice we lack essential information. Even in retrospect it is hard to label requests as abusive. How can a judge distinguish a dry hole (common in litigation as well as in the oil business) from a request that was not justified at the time?

[\*391] Summary judgment can also reduce costs to both parties by reducing time and discovery costs to the parties, and to the judicial system itself, by cutting short lengthy litigation. Both sides often incur costs from employing experts in various areas, researching and producing evidence necessary to prove or disprove elements of antitrust actions, and in the great many legal hours necessary for both plaintiffs and defendants--not to mention costs to the state--during lengthy litigation that is often fruitless due to an "incentive to file potentially equivocal claims." Antitrust law is structured in such a way as to have a "special temptation" for what would otherwise be frivolous litigation. As antitrust law is, by its very nature, between competitors, there is significant motivation to force costs on to other firms, perhaps even through frivolous legal claims or intentionally imposing other large legal costs. Costs can also multiply in antitrust litigation because antitrust actions are often combined with other particularly complex areas of law, such as patent law or class actions. Class actions particularly in the antitrust context can make trials "unmanageable." Combining two already complex areas of law is a recipe for large legal costs and prolonged litigation. The value of cutting costs short cannot be overstated, as antitrust litigation takes place in the arena of business competition. This means that firms are already engaged in close competition for antitrust cases to be relevant, and thus unnecessary costs can further distort the market.

#### Efficient court review underpins patent-led innovation. That averts nuclear war and a host of existential threats.

Rando ’16 [Robert J; Founder and Lead Counsel of The Rando Law Firm P.C., Fellow of the Academy of Court-Appointed Masters, Treasurer for the New York Intellectual Property Law Association, Chair of the Federal Bar Association Intellectual Property Law Section, “America’s Need For Strong, Stable and Sound Intellectual Property Protection and Policies: Why It Really Matters”, IP Insight, June 2016, p. 12-14] [language modified] [abbreviations in brackets]

Robert F. Kennedy’s speech, which includes his reference to the oft-quoted “interesting times” curse, applies throughout history in many contexts and, indeed, with both negative and positive connotation. While he focused on the struggles for freedom and social justice, the requisite ascendancy of the individual over the state, and the institution and integration of those ideals for the greater good, he also promoted the goals of greater global unity, cooperation and communication, which were, and could be, achieved by advances in technology. And, as noted in the excerpt, he championed “the creative energy of men.”

Intellectual Property in “Interesting Times”

It is beyond question that starting with the last decade of the twentieth century and throughout the first two decades of the twenty-first century, when it comes to matters relating to intellectual property, we have been living in “interesting times.” Some may interpret these interesting times as defined by the curse and others may view it by the ordinary meaning of “interesting.” In either case, those of us that toil in the fields of patents, copyrights, trademarks, trade secrets, and privacy rights have experienced an unprecedented sea change in the way those rights are procured, protected and enforced. Likewise, and perhaps more importantly, even those of us that do not practice in these areas of law, as well as the general public, have been, and continue to be, impacted by the consequences of these changes (both positive and negative).

The Changes In Intellectual Property Law

Examples of some of the changes in intellectual property law are: the sweeping 2011 legislative changes to the patent laws under the America Invents Act (AIA), which impact is only beginning to be fully appreciated; the various proposals for patent law reform, on the heels of the AIA, beginning with the 113th and 114th Congress; the copyright laws Digital Millennium Copyright Act (DMCA) and numerous 114th Congressional proposed copyright law changes; the recently enacted federal trade secret law (Defend Trade Secrets Act of 2016 (DTSA))2; the impact of the internet, domain names and globalization on Trademark law; the intellectual property law harmonization requirements included in various global/regional trade agreements; and the proliferation of devices (both invasive and non-invasive) that defy any rational basis for believing we can still adhere to the republic’s libertarian understanding of the right to privacy.

Without engaging in “chicken and egg” analysis, it is sufficient to observe that technological advancement, societal needs, globalization, existential threats, economic realities, and political imperatives (or what James Madison referred to in the Federalist Papers No. 10 as factious governance), have combined to create the “interesting times” for the United States [IP] intellectual property laws.

What was said by Bobby Kennedy in 1966 remains true today. We live in dangerous and uncertain times. Many of the existential threats remain the same (nuclear war and proliferation, [genocides] ~~genocidal maniacs~~ and natural disease) and some are new ([hu]manmade disease, greater awareness of environmental changes and possibly human interrelationship factors, and the unintended consequences of genetic manipulation and robotic technologies). The danger and uncertainty that pervades changes in intellectual property laws, though not an existential threat of the same manner and kind, correlates with the threat and remains “more open to the creative energy of man than any other time in history.”

Apropos the creative energy of man, there is a non-coincidental congruence and convergence of activity across and among the three branches of government, occurring almost simultaneously with the congruence and convergence of the rapid developments of technological innovation across various scientific disciplines and the information age, reflected in the transformation of the [IP] intellectual property laws in the United States.

Patents

The passage of the AIA was a culmination of efforts spanning several years of Congressional efforts; and the product of a push by the companies at the forefront of the twenty-first century new technology business titans. The legislation brought about monumental changes in the patent law in the way that patents are procured (first inventor to file instead of first to invent) and how they are enforced (quasi-judicial challenges to patent validity through inter-party reviews at the Patent Trial and Appeals Board (PTAB)).

The 113th and 114th Congress grappled with newly proposed patent law reforms that, if enacted, may present additional tectonic shifts in the patent law. Major provisions of the proposals include: fee-shifting measures (requiring loser pays legal fees - counter to the American rule); strict detailed pleadings requirements, promulgated without the traditional Rules Enabling Act procedure, that exceed those of the Twombly/Iqbal standard applied to all other civil matters in federal courts, and the different standards applicable to patent claim interpretation in PTAB proceedings and district court litigation concerning patent validity.

The Executive and administrative branch has also been active in the patent law arena. President Obama was a strong supporter of the AIA3 and in his 2014 State Of The Union Address, essentially stated that, with respect to the proposed patent law reforms aimed at patent troll issues, we must innovate rather than litigate.4 Additionally, the USPTO has embarked upon an energetic overhaul of its operations in terms of patent quality and PTO performance in granting patents, and the PTAB has expanded to almost 250 Administrative Law Judges in concert with the AIA post-grant proceedings’ strict timetable requirements.

The Supreme Court, not to be outdone by the Articles I and II branches of the U.S. government, has raised the profile of patent cases to historical heights. From 1996 to the 2014-15 term there has been a steady increase in the number of patent cases decided by the SCOTUS5. The 2014-15 term occupied almost ten percent of the Court’s docket. Prior to the last two decades, the Supreme Court would rarely include more than one or two patent cases in a docket that was much larger than those we have become accustomed to from the Roberts’ Court6.

While the SCOTUS activity in patent cases is viewed by some as a counter-balance to the perceived Federal Circuit’s pro-patent and bright line decisions, it can just as assuredly be viewed as decisions rendered by a Court of final resort which does not function in a vacuum devoid of the social, economic and political winds of the times. In recognition of the effect new technologies have on the patent law, the politicization of intellectual property law matters, especially patent law (through factious governing principles of the political branches of the government), and the maturation of the Federal Circuit patent law jurisprudence, the SCOTUS has rendered opinions in cases that impact, and perhaps are/were intended to mitigate the concerns regarding, some of the vexing issues confronting the patent community today (e.g., non-practicing entities or in the politicized parlance “patent trolls,” the intersection of patent and antitrust laws in Hatch-Waxman so called “pay-for-delay” settlements between Branded and Generic pharma companies, and the fundamental tenets that comprise the very heart of what is patent eligible subject matter).

Copyrights

The advent and ubiquity of the internet, social media and digital technologies (MP3s, Napster, Facebook, YouTube, and Twitter) represents the impetus for changes in the Copyright laws. The DMCA addressed the issues presented by these advances or changes in the differing media and forms of artistic impressions. The proliferation of digital photos, graphic designs and publishing alternatives, as well as adherence to globalization harmonization have given rise to changes in the statutory law and jurisprudence in this area of intellectual property law. Additionally, there is an overlap of patent rights and copyrights for software driven by the ebb and flow of the strength of each respective intellectual property protection.

Notably, the Patent and Copyright Clause7, in addition to Author’s writings, has been viewed as discretely applying to two different types of creativity or innovation. When drafted the “sciences” referred not only to fields of modern scienctific inquiry but rather to all knowledge. And the “useful arts” does not refer to artistic endeavors, but rather to the work of artisans or people skilled in a manufacturing craft. Rather than result in ambiguity or confusion, perhaps the Framers were either quite prescient or, just coincidentally, these aspects of the Patent and Copyright Clause have converged.

For example, none other than the famous Crooner, Bing Crosby, benefited from both protections. Well-known as a prolific and popular recording artist he also benefited from his investments in the, then innovative, recording technologies. Similarly, the Beatles, Beach Boys, as well as many other rock and roll artists, experimental efforts in music performance, recording and production, helped to transform the music industry in both copyrightable artistic expression and patentable inventions. Similarly, film, literary and digital arts reap benefits at the crossroads of both copyright and patent protections.

Trademarks

Trademark laws have been impacted by numerous changes in the business landscape. They include the internet, Domain names, international rights in a global economy, different venues and avenues for branding, marketing and merchandising, global knock-offs from nations that have a less than stellar respect for intellectual property rights, and international trade agreements. More recently, politicization (or perhaps political correctness) has creeped into the trademark law arena pitting branding rights and protections against first amendment rights.

Trade Secrets

As with Copyright and Trademark law, trade secrets law includes some of the same issues related to trade agreements. TRIPS required members to have trade secret protection in place. Initially, the United States compliance with this requirement has relied upon the trade secret law of the individual states. That compliance may be supplanted by the recently enacted DTSA. Similarly, the Trans Pacific Partnership (TPP) trade agreement contains intellectual property rights provisions that will trigger required changes to United States statutory Intellectual Property Laws.

The proposed trade secret legislation also gives rise to several concerns. For instance, there is an absence of a specific definition for trade secret, as well as potential issues of federalism, conflict with state law precedent (despite no preemption), remedies, and the impact on employer/employee relations.

There is also a real concern that the strengthening of trade secret protection in conjunction with the perceived weakening of patent protection (e.g., high rate of invalidating patents in post-grant proceedings before the PTAB and strict limitations on what is patent eligible subject matter) may very-well have the unintended consequence of contravening the purpose behind the Patent and Copyright Clause: “to promote the progress of the sciences and the useful arts.” Moreover, the incentive to innovate may very well be usurped by the advantage of withholding patent law disclosure of highly beneficial scientific advancements that directly affect the human condition, alter life expectancies and the evolution of the human species (rather than by mere “natural selection”), and what is the very essence of a human being (for better or worse). Thus, crippling innovation and the progress of the sciences and useful arts.

Privacy Rights

It is increasingly more difficult to function “off the grid.” The invasive and non-invasive attributes of the internet, the reliance upon the multitude of devices, social media, and information age technologies, and access to big data, all contribute to the decrease in and dilution of the right to privacy. Wittingly or otherwise, the strong libertarian roots of the republic have been replaced by dependence upon these modes of an information-age life. Commentary on the benefits and deficits of this reality are beyond the subject and purpose of this writing. Suffice to acknowledge that the right to privacy has been significantly reduced. The laws that protect these rights are in a constant struggle to maintain those rights while yielding to the demands of the lifestyle and security concerns. Laws that relate to cybersecurity in the global and domestic space create interplay with privacy rights. Legislation, trade agreements and jurisprudence all impact this area of intellectual property. Cross-border theft of trade secrets, competitor espionage, and loss of control over personal data are all implicated in the intellectual property law arena.

America’s Need For Strong Intellectual Property Protection

The need for strong protection of intellectual property rights is greater now than it was at the dawn of our republic. Our Forefathers and the Framers of the U.S. Constitution recognized the need to secure those rights in Article 1, Section 8, Clause 8. James Madison provides insight for its significance in the Federalist Papers No. 43 (the only reference to the clause). It is contained in the first Article section dedicated to the enumerated powers of Congress. The clause recognizes the need for: uniformity of the protection of IP rights, securing those rights for the individual rather than the state; and, incentivizing innovation and creative aspirations.

Underlying this particular enumerated power of Congress is the same struggle that the Framers grappled with throughout the document for the new republic: how to promote a unified republic while protecting individual liberty. The fear of tyranny and protection of the “natural law” individual liberty is a driving theme for the Constitution and throughout the Federalist Papers. For example, in Federalist No. 10, James Madison articulated the important recognition of the “faction” impact on a democracy and a republic. In Federalist No. 51, Madison emphasized the importance of the separation of powers among the three branches of the republic. And in Federalist No. 78, Alexander Hamilton, provided his most significant essay, which described the judiciary as the weakest branch of government and sought the protection of its independence providing the underpinnings for judicial review as recognized thereafter in Marbury v. Madison.

All of these related themes are relevant to the Patent and Copyright Clause and at the center of the intellectual property protections then and now. The Federalist Papers No. 10 recognition that a faction may influence the law has been playing itself out in the halls of congress in the period of time leading up to the AIA and in connection with the current patent law reform debate. The large tech companies of the past, new tech, new patent-based financial business model entities, and pharma factions have been the drivers, proponents and opponents of certain of these efforts. To be sure, some change is inevitable, and both beneficial and necessary in an environment of rapidly changing technology where the law needs to evolve or conform to new realities. However, changes not premised upon the founding principles of the Constitution and the Patent and Copyright Clause (i.e., uniformity, secured rights for the individual, incentivizing innovation and protecting individual liberty) run afoul of the intended purpose of the constitutional guarantee.

Although the Sovereign does not benefit directly from the fruits of the innovator, enacting laws that empower the King, and enables the King to remain so, has the same effect as deprivation and diminishment of the individual’s rights and effectively confiscates them from him/her. Specifically, with respect to intellectual property rights, effecting change to the laws that do not adhere to these underlying principles, in favor of the faction that lobbies the most and the best in the quid pro quo of political gain to the governing body threatens to undermine the individual’s intellectual property rights and hinder the greatest economic driver and source of prosperity in the country.

It is also important to recognize that the social, political and economic impact of strong protections for intellectual property cannot be overstated. In the social context, the incentive for disclosure and innovation is critical. Solutions for sustainability and climate change (whether natural, man-made or mutually/marginally intertwined) rely upon this premise. Likewise, as we are on the precipice of the ultimate convergence in technologies from the hi-tech digital world and life sciences space, capturing the ability to cure many diseases and fatal illnesses and providing the true promise of extended longevity in good health and well-being, that is meaningful, productive, and purposeful; this incentive must be preserved.

In similar fashion, advancements in technologies related to the global economy and communications will enhance the possibilities for solutions to political and cultural conflicts that arise around the globe. Likewise, the United States economy has always benefited when it is at the forefront of innovation and achieves prosperity from its leadership role in technological advancements.

Conclusion

As was the case in 1966, how we move forward today, to solve the many problems facing our country and the broader global community in these “interesting times,” both within and without the laws affecting intellectual property rights, depends upon the “creative energy of man” which must prevail. An achievable goal, dependent on the strong, stable and sound protection of intellectual property rights.

## Economy

### 1NC – AT: Econ

#### Growth is unsustainable and biosphere destruction is existential – try-or-die for immediate economic collapse.

Marques 20 – associate professor at the Department of History, University of Campinas (Unicamp), Brazil (Luis, The Current Pandemic Occurs in the Most Important Year in Human History Will the Next Zoonoses Surface in Brazil? <https://www.unicamp.br/unicamp/noticias/2020/05/05/pandemia-incide-no-ano-mais-importante-da-historia-da-humanidade-serao-proximas#sdendnote1sym> May 5 2020)//gcd

The year 2020 will be remembered as the one in which the pandemic caused by the SARS-CoV-2 virus precipitated a profound rupture in contemporary societies’ ability to function. It will also probably be remembered as a moment of rupture from which our societies will never completely recover. The current pandemic has intervened at a point in which three structural crises in the relation between contemporary hegemonic societies and the Earth system are reciprocally reinforcing one another, converging towards a global economic regression, even though we may see sporadic conjunctural spurts of recovery. These three crises are, as science has reiterated, the climate emergency, biodiversity’s ongoing annihilation, and the collective sickening of organisms intoxicated by the chemical industry.1 The increasingly devastating impacts arising from the synergy among these three systemic crises will henceforth leave even the richest societies more unequal and more vulnerable. They, therefore, will be less apt to recoup their past performance. It is precisely these evermore frequent partial losses in functionality in societies’ relationship with the environment that essentially characterize the ongoing process of socioenvironmental collapse (Homer-Dixon et al. 2015; Steffen et al. 2018; Marques 2015/2018 e 2020). 1. The Year of the Pandemic is the Most Crucial Tipping Point in Human History Because of its global extension and the trail of death left in its wake, officially having more than 250 thousand victims in a little over four months, the current pandemic is an event whose gravity will be difficult to exaggerate, even more so as new outbreaks might still occur over the next two years, according to a report by the University of Minnesota’s Center for Infectious Disease Research and Policy – CIDRAP (Moore, Lipsitch, Barry & Osterholm 2020). Even graver still than the immense death toll is the moment the pandemic has inserted itself into human history. Other pandemics, including some even more deadly, occurred in the twentieth century without profoundly affecting societies’ ability to recover. What makes this pandemic unique is that it has brought together diverse systemic crises threatening humanity and has done so precisely at the point when we can no longer postpone decisions that will crucially, and very quickly, affect our planet’s inhabitability. Science has linked the possibility of stabilizing global mean warming to one inescapable fact: CO2 emissions must reach their peak in 2020 and begin to decline rapidly and immediately. The IPCC outlines 196 scenarios through which we may limit global mean warming to about 0.5°C above current global mean warming in relation to the pre-industrial period (1.2°C in 2019). Tom Rivett-Carnac and Christiana Figueres remind us that none of these scenarios allow for the peak in greenhouse gases to be put off past 2020 (Hooper 2020) – and none express that deadline more assertively than Thomas Stocker, IPCC codirector from 2008 to 2015:2 “Both delay and insufficient mitigation efforts shut the door on limiting global mean warming permanently. The year 2020 is crucial for the definition of global ambitions on emissions reduction. If CO2 emissions continue to rise beyond that date, the most ambitious goals will become unachievable.” In 2017, Jean Jouzel, former IPCC vice president, warned that, “to maintain some chance of staying below 2°C, the peak in emissions must be reached no later than 2020” (Le Hir 2017). In October of the same year, commenting on the release of the IPCC’s special report, Global Warming 1.5°C, Debra Roberts, codirector of its Work Group 2, reinforced that perception. “The next few years are probably the most important in our history.” And Amjad Abdulla, representative of the Small Islands Developing States (SIDS), added during climate negotiations, “I have no doubt that historians will look back at these findings as one of the defining moments in the course of human affairs” (Mathiesen & Sauer 2018). In The Second Warning: A Documentary Film (2018), promoting the Scientist’s Warning to Humanity: A Second Notice, a manifesto released by William Ripple and colleagues in 2017 and endorsed by almost twenty thousand scientists, the philosopher Kathleen Dean Moore makes the above mentioned declaration hers. “We are living in a hinge point. The next couple of years will be the most important years in the history of humanity.” In April 2017, a group of scientists coordinated by Stephan Rahmstorf released The Climate Turning Point. In its Preface, they reiterated the Paris Agreement’s most ambitious goal (“holding the increase in the global average temperature to well below 2°C above pre-industrial levels), clarifying that, “This goal is deemed necessary to avoid incalculable risks to humanity, and it is feasible – but realistically only if global emissions peak by the year 2020 at the latest”. That document gave birth to Mission 2020 (https://mission2020.global/), created by various scientific and diplomatic leaders. It defined basic goals in six milestones—energy, transport, land use, industry, infrastructure, and finance— to turn the greenhouse gas emissions curve downward and place the planet on a trajectory consistent with the Paris Agreement. “With radical collaboration and stubborn optimism we will bend the curve of global GHG emissions by 2020, enabling humanity to flourish,” wrote Christiana Figueres and colleagues at the presentation of the Mission 2020. At his side, Atónio Guterres, fulfilling his mission to encourage and coordinate the efforts of global governance, warned in September 2018 that “we are careening towards the abyss… We face a direct existential threat. If we do not change course by 2020, we risk missing the point where we can avoid runaway climate change, with disastrous consequences for people and all the natural systems that sustain us.”3 Well, 2020 has finally arrived. Taking stock in 2019 of progress made toward reaching Mission 2020’s goals, the World Resources Institute (Ge et al., 2019) wrote that “in most cases action is insufficient or progress is off track”. In short, none of the goals has been reached and, last December, COP25 definitively swept away our last hope of an imminent reduction in global GHG emissions, largely due to the US, Japanese, Australian, and Brazilian governments (Irfan 2019). 2. The Pandemic Enters the Picture But then along comes Covid-19, displacing, paralyzing, and delaying everything, including COP26. And in a little over three months it has solved, through chaos and through suffering, what more than three decades of facts, science, campaigns, and diplomatic efforts to reduce GHG emissions showed themselves incapable of doing (In 1988, the Toronto Conference had recommended “specific actions” in this regard). Instead of a rational, gradual, and democratically planned economic degrowth, the abrupt economic degrowth imposed by the pandemic now appears to be, according to Kenneth S. Rogoff, “the deepest dive on record for the global economy for over 100 years” (Goodman 2020)”. On April 15, Carbon Relief estimated that the economic crisis should provoke a shrinkage estimated at about 5.5% in global CO2 emissions in 2020. On April 30, the International Energy Agency’s Global Energy Review 2020 – The impacts of the Covid-19 Crisis on global energy Demand and CO2 Emissions goes even further and estimates that: “Global CO2 emissions are expected to decline even more rapidly across the remaining nine months of the year, to reach 30.6 Gt for the 2020, almost 8% lower than in 2019. This would be the lowest level since 2010. Such a reduction would be the largest ever, six times larger than the previous record reduction of 0.4 Gt in 2009 due to the financial crisis and twice as large as the combined total of all previous reductions since the end of World War II.” (<https://www.iea.org/reports/global-energy-review2020/global-energy-and-co2-emissions-in-2020>). Figure 1 indicates how this reduction in global CO2 reflects the drop in global primary energy demand, compared to previous drops. Figure 1 – Rate of Change of Global Primary Energy Demand, 1900-2020 Source: International Energy Agency (IEA), Global Energy Review 2020 The impacts of the Covid-19 crisis on global energy demand and CO2 emissions, Abril 2020, p. 11 The drop in global CO2 emissions projected by IEA for 2020 is equal to or even a slightly more than the 7.6% annual reduction the IPCC considers absolutely necessary to contain warming below catastrophic levels (Evans 2020). IEA’s report, however, quickly warns that, “as after previous crises (…), the rebound in emissions may be larger than the decline, unless the wave of investment to restart the economy is dedicated to cleaner and more resilient energy infrastructure”. (https://webstore.iea.org/download/direct/2995 Barring rare exceptions, the facts up to this point do not let us break with previous energy and socioeconomic paradigms. Despite the collapse in the price of oil, or precisely because of it, petroleum companies are moving at breakneck speed to take advantage of this moment, securing, for example, investments of US$1.1 billion to finance completion of the infamous Keystone KX pipeline that will link Canadian oil to the Gulf of Mexico (McKibben ). Examples of this type of opportunism abound, including in Brazil, where the ruralist caucus has taken advantage of these circumstances to benefit from Medida Provisória (Provisional Measure) 910 that gives amnesty to land-grabbers and raises the threat level against indigenous peoples even higher. As Laurent Joffrin has stated so clearly in his Lettre politique (Le monde d’avant, em pire?), published April 30 in the newspaper Liberation, the post pandemic world “runs the risk of furiously looking like the world before at least in the short term, but in an degraded version.” And Joffrin adds, “the ‘world after’ will not change by itself. As for the ‘world before’, its future will depend on patient and arduous political struggle”. Political and arduous, undoubtedly, but there is definitely no more time for patience. However, a reduction of almost 8% in global CO2 emissions in just one year has made no dent whatsoever in the cumulative curve of that gas’s atmospheric concentrations, as measured at Mauna Loa, Hawaii. Emissions broke another record in April 2020, reaching 416.76 particles per million (ppm), 3.13 ppm over 2019, one of the largest jumps since measurements began in 1958. This is not merely one more number in the jungle of converging climatic indicators. It is the decisive number. “It is worth recalling”, said Petteri Taalas, WMO Secretary-General of the World Meteorological Organization, “that the last time the Earth experienced a comparable concentration of CO2 was three to five million years ago. Back then, the temperature was 2-3C warmer [above the pre-industrial period], and sea level was 10 to 20 meters higher than now” (McGrath 2019). We are not only 35 ppm shy of reaching 450 ppm, a level of atmospheric concentration of CO2 largely associated with a mean global warming of 2 o C above the preindustrial period, a level that can be reached, maintaining the current trajectory, in little more than 10 years. What awaits us around 2030, maintaining the globalized capitalistic economic system’s mechanism – existentially dependent on its own expansive reproduction, is no less than a disaster for humanity as a whole, but also for innumerous other species. The word disaster is not hyperbole. The previously mentioned 2018 IPCC Report (Global Warming 1.5°) projects that the world at 2°C mean above the pre-industrial period will have almost six billion people exposed to extreme heat waves and more than 3.5 billion people subject to water scarcity, among many other hardships. Disaster is a word that more appropriately defines the world on the horizon to which we are headed in the next ten years (or twenty, it matters little), and it is precisely the word used by Sir Brian Hoskins, chair of the Grantham Institute for Climate Change and the Environment, at the Imperial College in London: “We have no evidence that a 1.9C rise is something we can easily cope with, and 2.1 is a disaster.” (Simms 2017)

#### Crisis now locks in the transition.

Schiller-Merkens 20 – Senior Research Associate at the Faculty of Management and Economics at Witten/Herdecke University, Germany (Simone, MPIfG Discussion Paper 20/11 Scaling Up Alternatives to Capitalism A Social Movement Approach to Alternative Organizing (in) the Economy  Max Planck Institute for the Study of Societies)// gcd

Signs of hope Despite these two major obstacles that will most likely arise in processes of scaling up alternative organizing, there are also signs of hope that an upward scale shift can happen, and that a social transformation toward a democratic, egalitarian and sustainable economy will not remain an utopian dream but the “real utopia” that Wright (2013a) had envisioned. As just mentioned, the formation of new collective identities associated with alternative organizing will certainly allow its further diffusion, thereby increasingly institutionalizing the underlying moral values within the economy. Furthermore, in several capitalist countries, we witness an increasing politicization of the youth, most visibly in the mass protest of the Fridays for Future movement. While this movement does not directly mobilize against capitalism, it addresses issues that are seen as severe outcomes of the current economic system (and it has recently started to also target corporations). Its more confrontational tactics of capitalist critique – as well as the protest actions of other movements – complement the constructive tactics of alternative organizing initiatives as they raise the public interest in and awareness for alternatives, or at least underscore the urgency to act. While not ofering alternatives themselves, protest movements produce important cultural work on which prefgurative initiatives can build in their own activism for alternative organizing. Furthermore, the current pandemic crisis can provide a chance for a more fundamental transformation of our economy – although in the face of people’s sufering, it appears rather inappropriate to speak of a crisis as a sign of hope. As mentioned above, crises are destabilizing events that can alter the political opportunities for social change (McAdam and Tarrow 2019; Wright 2019). We currently see many initiatives that perceive the crisis as such – as a chance for change – and mobilize accordingly through online meetings and debates on, for instance, transformative responses to the crisis, the need for a social transformation of the economy, or responsible capitalism. Many of them point to the role of neoliberal austerity policies in the severeness of the crisis, and also question the rudimentary public engagement when it comes to issues around education, unemployment, and care work. Social scientists also raise their voice and call for a fundamental rethinking of the state’s functions and duties, asking for rediscovering its role for creating value for society.14 And indeed, the public spending and injections into the economy since the Covid-19 pandemic have risen to a scale that has been formerly unthinkable. Even strong supporters of capitalism nowadays favor state interventions. We currently also witness an increase of collective action based on principles of solidarity and mutuality which demonstrates the crucial role of civil society mobilization for coping with deep crises (della Porta 2020). It reflects what already happened in the aftermath of the financial crisis, namely an increase of organizing relationships in alternative ways through direct social action (Bosi and Zamponi 2015; della Porta 2015). While the current collective action mostly develops in the private sphere of neighborhood relations, there are also campaigns in the economic realm that focus on supporting local commerce that sufers from the lockdown. In the long run, these immediate reactions to the crisis can be a basis for reforming economic relations around ideas of local production and consumption, and therefore an opportunity for prefgurative organizations and communities to raise awareness for such ideas and practices. However, it remains to be seen whether these troubled times will provide the window of opportunity for a greater social transformation. At least, the people now perceive the future as more uncertain than before, and this has already made state actors to also listen to the alternative claims and ideas of actors who challenge the capitalist system or, more moderately, call for far-reaching socialist interventions into the economy. Whether this political opportunity will lead into a greater social change toward a more just economy will depend on the potential of the alternative organizing initiatives to mobilize a broader movement and to efectively counter any countermobilization by opposing actors in the economy.

#### Growth drives unsustainable water and resource use – extinction – decoupling fails and is physically impossible

Hernandez 20 – Researcher at the Universidad de La Laguna in the Department of Applied Economics (Hernandez, Yeray; Naumann, Gustavo; Corral, Serafin; Barbosa, Paulo "Water Footprint Expands with Gross Domestic Product" Sustainability 12, no. 20: 8741. <https://doi.org/10.3390/su12208741> 2020)//gcd

The exponential increase in water demand has been a focus since the 1970s in the well-known report on the “Limits to growth” [1,2]. Today, freshwater availability is considered one of the nine planetary boundaries, along with biosphere integrity, climate change and ocean acidification, among others [3]. Water is essential not only to sustain life on Earth, but also for the provision of energy and food [4], in a context where four billion people are currently facing severe water stress for at least one month a year [5]. A guaranteed supply could be undermined due to the increasing population, shifting lifestyles towards more intensive water use and climate change [6]. Even though freshwater is seen as a local resource and its scarcity as a local concern, it is increasingly becoming a global resource, driven by the growing international trade in water-intensive commodities: around one fifth of the direct and indirect global water use is linked to production for export [7]. As a result, the use of water resources has become spatially disconnected from water users. For instance, for goods that will likely be consumed far from the origin of production, it is estimated that one kilogram of beef requires more than 15,000 L of water, while one kg of sugar requires 1700 L, one kg of bread 1600 L and one bottle of red wine 660 L [8]. Therefore, the idea of considering water use along supply chains has gained interest after the introduction of the ‘water footprint’ concept by Hoekstra [9]. The concept of a water footprint has been coined to address the interconnections between the direct and indirect use of freshwater by a specific consumer or producer. Indirect uses might include the quantity of water that has been used to produce goods and services, as well as the quantity of water that will be used to manage waste. In other words, the water footprint can be seen as a global indicator of the appropriation of freshwater resources, extending the traditional and restricted concept of water extraction. However, as a drawback, water footprint is not a good measurement of the severity of the local environmental impacts associated to water consumption and pollution. The links between indefinite economic growth and natural resource overexploitation have recently been highlighted. Since Malthus in 1798, we have been facing a debate about sustainability and the finite nature of natural resources. The debate about environmental limits developed into two schools of thought. Giampietro et al. [10] describe this on-going debate as a confrontation between the “Cornucopians” and the “Prophets of Doom”. According to the Prophets of Doom, resource scarcity and biophysical limits will eventually put an end to economic growth. On the other hand, the Cornucopians argued that environmental constraints could be overcome through technological progress and human ingenuity. Economic growth means that the economic system transitioned from existing in an empty world to a full world [11]. Daly [11] argues, as well as other authors [12–14], for the need to reach a steady-state economy, which should maintain its size and not exceed the carrying capacity of the Earth. In the recent literature, degrowth has been proposed as another alternative to the current mainstream economics posed by the “Cornucopians” [15–17]. For example, recently, 11,000 scientists have signed a communication letter in which the following statement can be read: “excessive extraction of materials and overexploitation of ecosystems, driven by economic growth, must be quickly curtailed to maintain long-term sustainability of the biosphere” [18]. In the same direction, a review paper highlighted that economic growth and biodiversity loss are closely linked as a consequence of increasing resource use [19]. In the case of water, the European Environment Agency projected that continued economic growth in Europe might increase the level of public water use [20], whereas other studies have considered endless economic growth as incompatible with the provision of clean, fresh water at the global scale [21]. In fact, looking at the global scale, the mentioned patterns are found for economic growth and water use indicators. For example, Duarte et al. [22] analysed the implications of Gross Domestic Product (GDP) per capita in water withdrawal at the global scale, from 1900 to 2000. Miglietta et al. [23] assessed the impacts of Gross National Income (GNI) on the water footprint for 94 countries, from 1996 to 2005, and Sebri [24] investigated the association between the water footprint and GDP per capita over the period 1996–2005. All of them stressed the strong relationships between indicators of water use with indicators of economic activity. Here, we have put together GDP in PPP and total water footprint for all countries of the world and we came across with the results plotted in Figure 1. As clearly shown in the left panel of Figure 1, the water footprint linearly expands with GDP (Pearson correlation coefficient, r = 0.71). Indeed, when using absolute numbers, no country has a large GDP and low water footprint. In fact, the largest economies in the world, the United States, China and India, present massive water footprints (the three points in the upper corner), while also being the major gross exporters and importers of virtual water [7]. The results given in per capita terms (right-hand side of Figure 1) provide, instead, a less clear correlation (but a correlation nonetheless) between GDP and water footprint (r = 0.41). In view of the presented evidence, it is apparent that a larger GDP implies a higher water footprint. One of the explanations found in the literature highlights the increasing consumption of water-intensive goods, such as meat, resulting in a significant increase in water withdrawal [22]. Urbanisation has also been reported to have a negative effect on water resources since urban areas exert pressure on water resources, and turn farming areas into degraded ones [24,25]. Population and economic growth, as well as the intensification of agriculture, which is one of the main causes of land degradation [26], have been identified as some of the main drivers for this growing trend [22]. What are the strategies proposed to manage the coupling between GDP growth and the increasing use of natural resources? At least two main approaches have emerged to focus on how to break up this correlation [27]. The first approach is represented by the green growers’ community and the second is formed by the non-green growers (the latter is, however, formed by three currents of thought: (1) eco-socialists who support degrowth from a top-down perspective, i.e., the state; (2) eco-anarchists who support degrowth from a bottom-up perspective instead, i.e., conscious citizens; (3) reformists (formed by two other groups, one is closer to green growers and the other is closer to eco-socialists and eco-anarchists). In-depth similarities and differences among non-green growers can be consulted here [27]. Over the past decade, green growth clearly dominated policy agendas on the assumption that decoupling environmental pressures from GDP could allow economic growth without end. The concept of decoupling is usually related to sustainable growth by environmental economics. Growth can be sustainable, that is, environmentally sustainable, when a sufficient decoupling takes place: “Green growth means that environmental and economic objectives can be combined by decoupling environmental pressures from aggregate output at a sufficiently rapid pace” [28]. Thus, green growers’ theses highlight that GDP growth can be decoupled from environmental impacts and natural resource use by means of technology and the reinforcement of capitalism [29]. Their main goal is to pursue high economic growth while decreasing environmental impacts, with resource efficiency and renewable energies being the engines of change. Green growers state that governments, financial institutions, voters and scientists are the actors who will lead the required actions. Green growers are, therefore, aligned with mainstream economics. In summary, the idea behind this current of thought is that a sufficient increase in the prices of natural resources would lead to the substitution of natural resources by other production factors, meaning a substitution through physical capital [30]. Non-green growers criticize green growth for having wobbly scientific evidence [29,31–36]. Several mechanisms counteract the substitution of natural resources by physical capital. In this direction, Daly and Farley [37] state something obvious but forgotten in the previous discourse, that natural resources are used in the production process of physical capital [37]. This implies that the increase in the amount of physical capital is intimately linked to the increase in the use of natural resources. They say that “substitutability is trivial compared to the overwhelming complementarity that must necessarily exist between that being transformed (resource) and the agent of transformation (capital)” [38]. Following this idea, some researchers [23,24] point out that there is no evidence for an inverted U trend, as suggested by the Environmental Kuznets Curve theory. The explanation is that enhancing GDP growth and consumerism tend to offset technology efficiency gains [18,32,39]. As a consequence of this evidence, Hickel and Kallis [29] stated that “the empirical data suggest that absolute decoupling of GDP from resource use (a) may be possible in the short term in some rich nations with strong abatement policy, but only assuming theoretical efficiency gains that may be impossible to achieve in reality; (b) is not feasible on a global scale, even under best-case scenario policy conditions; and (c) is physically impossible to maintain in the long term”. Thus, insisting on decoupling economic growth from natural resource use—defying thermodynamics laws—apart from being a “legend”, is “simply” a consequence of the “ignorance of the knowledge generated” so far [34]. Other authors have pointed out that even if absolute decoupling is produced, it would not guarantee sustainability whatsoever [36]. Hence, indefinite economic growth has been said to be environmentally inconvenient and unfeasible in the long term [31,40]. In fact, the water footprint “will continue to rise indefinitely as countries pursue economic growth policies and once the higher income levels ( . . . ) are reached” [24]. Non-green growers, as also revealed in [27], state that the absolute decoupling of environmental impacts (and natural resource overexploitation) from GDP is rather unlikely, whereas the necessary changes cannot be achieved within a capitalist system. The pursued goal of non-green growers is therefore to decouple wellbeing from GDP and reduce the environmentally associated impacts, even if GDP decreases. Non-green growers point out that the main drivers of change are civil society, grassroots initiatives and scientists, who would be in charge of changing lifestyles, cultures and consciousnesses by means of grassroots action. Hence, their alignment with mainstream economics is out of the question.

#### Downturn won’t cause war.

Walt ’20 [Stephen; Robert and Renée Belfer professor of international relations @ Harvard University; 5/13/20; "Will a Global Depression Trigger Another World War?"; Foreign Policy; https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/]

One familiar argument is the so-called diversionary (or “scapegoat”) theory of war. It suggests that leaders who are worried about their popularity at home will try to divert attention from their failures by provoking a crisis with a foreign power and maybe even using force against it. Drawing on this logic, some Americans now worry that President Donald Trump will decide to attack a country like Iran or Venezuela in the run-up to the presidential election and especially if he thinks he’s likely to lose. This outcome strikes me as unlikely, even if one ignores the logical and empirical flaws in the theory itself. War is always a gamble, and should things go badly—even a little bit—it would hammer the last nail in the coffin of Trump’s declining fortunes. Moreover, none of the countries Trump might consider going after pose an imminent threat to U.S. security, and even his staunchest supporters may wonder why he is wasting time and money going after Iran or Venezuela at a moment when thousands of Americans are dying preventable deaths at home. Even a successful military action won’t put Americans back to work, create the sort of testing-and-tracing regime that competent governments around the world have been able to implement already, or hasten the development of a vaccine. The same logic is likely to guide the decisions of other world leaders too. Another familiar folk theory is “military Keynesianism.” War generates a lot of economic demand, and it can sometimes lift depressed economies out of the doldrums and back toward prosperity and full employment. The obvious case in point here is World War II, which did help the U.S economy finally escape the quicksand of the Great Depression. Those who are convinced that great powers go to war primarily to keep Big Business (or the arms industry) happy are naturally drawn to this sort of argument, and they might worry that governments looking at bleak economic forecasts will try to restart their economies through some sort of military adventure. I doubt it. It takes a really big war to generate a significant stimulus, and it is hard to imagine any country launching a large-scale war—with all its attendant risks—at a moment when debt levels are already soaring. More importantly, there are lots of easier and more direct ways to stimulate the economy—infrastructure spending, unemployment insurance, even “helicopter payments”—and launching a war has to be one of the least efficient methods available. The threat of war usually spooks investors too, which any politician with their eye on the stock market would be loath to do. Economic downturns can encourage war in some special circumstances, especially when a war would enable a country facing severe hardships to capture something of immediate and significant value. Saddam Hussein’s decision to seize Kuwait in 1990 fits this model perfectly: The Iraqi economy was in terrible shape after its long war with Iran; unemployment was threatening Saddam’s domestic position; Kuwait’s vast oil riches were a considerable prize; and seizing the lightly armed emirate was exceedingly easy to do. Iraq also owed Kuwait a lot of money, and a hostile takeover by Baghdad would wipe those debts off the books overnight. In this case, Iraq’s parlous economic condition clearly made war more likely. Yet I cannot think of any country in similar circumstances today. Now is hardly the time for Russia to try to grab more of Ukraine—if it even wanted to—or for China to make a play for Taiwan, because the costs of doing so would clearly outweigh the economic benefits. Even conquering an oil-rich country—the sort of greedy acquisitiveness that Trump occasionally hints at—doesn’t look attractive when there’s a vast glut on the market. I might be worried if some weak and defenseless country somehow came to possess the entire global stock of a successful coronavirus vaccine, but that scenario is not even remotely possible. If one takes a longer-term perspective, however, a sustained economic depression could make war more likely by strengthening fascist or xenophobic political movements, fueling protectionism and hypernationalism, and making it more difficult for countries to reach mutually acceptable bargains with each other. The history of the 1930s shows where such trends can lead, although the economic effects of the Depression are hardly the only reason world politics took such a deadly turn in the 1930s. Nationalism, xenophobia, and authoritarian rule were making a comeback well before COVID-19 struck, but the economic misery now occurring in every corner of the world could intensify these trends and leave us in a more war-prone condition when fear of the virus has diminished. On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).” Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success. Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then. The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term. To be sure, I can’t rule out another powerful cause of war—stupidity—especially when it is so much in evidence in some quarters these days. So there is no guarantee that we won’t see misguided leaders stumbling into another foolish bloodletting. But given that it’s hard to find any rays of sunshine at this particular moment in history, I’m going to hope I’m right about this one.

#### No trade impact.

Victoria Pistikou et al. 21, Assistant Professor, International Political Economy, Democritus University of Thrace; Eftychia Tsanana, Lecturer, Economics, University of Macedonia; Thomas Poufinas, Faculty Member, Economics, Democritus University of Thrace, "A Financial Analysis Approach on The Impact of Economic Interdependence on Interstate Conflicts," Theoretical Economics Letters, Vol. 11, No. 5, 09/03/2021, Sci-Hub.

This indicates that the increase of economic interdependence does not lead to a decrease of the interstate conflict as captured by defense expenses. On the contrary the increase of exports of country 1 to country 2 leads to an increase of the expenses of both countries. Hence, both countries seem to consider the conflict as vivid even though some trade activity is built. This may be attributed to the fact that the defense expenses of these countries are not necessarily related to the particular interstate conflict with the investigated pair in the dyad. It could also be due to the fact that the economic crisis has potentially led to a decrease of both the economic activity and the defense expenses in some cases. This explains partially the results. Furthermore, country 1 is not always the stronger economy. In addition, it is not necessarily the country that has initiated the conflict. These findings indicate that the topic needs to be further investigated so as to incorporate more dyads and potentially additional proxies of interstate conflict and economic interdependence in order to realize whether the latter impacts the former.

[Table omitted]

The impact of the independent variables and their explanation is summarized in Table 4.

In political terms, policymakers may find these empirical results interesting as they show that they cannot rely solely on the strengthening of bilateral trade in order to end or reduce the conflict. In addition, according to other studies, establishing a free trade area may be the way for fostering economic ties and interdependence with potential rivals, however, it will be difficult to have a critical impact on conflict if this cannot happen in bilateral level without any degree of economic integration. Therefore, we cannot expect, at least for the mentioned cases, de-escalation or elimination of the conflict caused by increased economic activity between the rivals. Therefore, other routes need to be explored so that an interstate conflict can be reduced or eliminated through trade.

6. Conclusions and Further Research

In the present analysis, a study of the impact of economic interdependence on interstate conflict was attempted with the use of a sample that consisted of three dyads of countries facing a similar context of interstate conflict: India-Pakistan, Russia-Ukraine and Yemen-Saudi Arabia. The results show that only exports from country 1 to country 2 have an impact on the level of defense expenses either for country 1 or for country 2. This indicates that economic interdependence does not necessarily reduce interstate conflicts, since both countries 1 and 2 increase the defense expenses even though exports from country 1 to country 2 increase. Our contribution in the current literature relies upon the correlation between defense expenses and bilateral trade and is in the direction of the research of Seitz et al. (2015). There has been a big diversity of dependent variables employed in the relevant studies, such as trade expectations (Copeland, 1996), common interests (Li and Sacko, 2002), interaction between domestic politics and the international system (Kapstein, 2003), income ratio (Martin et al., 2008), Preferential Trade Agreements (Herge et al., 2010; Long, 2008), trade (Barbieri and Levy, 1999; Long and Leeds, 2006), Militarized Interstate Disputes (MIDs) (Copeland, 1996; Oneal and Russett, 1999; Gartzke et al., 2001; Powers, 2004; Martin et al., 2008; Li and Reuveny, 2011). As all studies, it has certain limitations that primarily stem from data availability; three dyads where analyzed and certain proxies were used. Consequently the results depend purely on the span of the dataset. Our future research venues include the extension to additional dyads to more variables that are relevant to the interstate conflict as well as the economic interdependence, provided data become available. Furthermore, as indicated by the anonymous reviewers, it is worth investigating whether the strength of defense can affect the mutual trade of two countries. In addition, as recommended by the anonymous reviewers it would be interesting to apply game theoretical approaches in order to establish the hypotheses around economic interdependencies prior to the investigation of the correlation of the latter to the interstate conflict.

#### No cyber impact.

Lewis ’20 [James Andrew; 8/17/20; senior vice president and director of the Strategic Technologies Program at the Center for Strategic and International Studies; "Dismissing Cyber Catastrophe," https://www.csis.org/analysis/dismissing-cyber-catastrophe]

More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are:

Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals.

There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.)

No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare.

State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war.

This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation.

The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability.

#### Decline strengthens international coop in the long run

Haftel et al 20 – Professor and the Giancarlo Elia Valori Chair in the Study of Peace and Regional Cooperation in the Department of International Relations at the Hebrew University of Jerusalem. Daniel F. Wajner is a Postdoctoral Fellow at the Leonard Davis Institute for International Relations at the Hebrew University of Jerusalem, while teaching at the Department of International Relations and the Rothberg International School. Dan Eran is a PhD candidate in the Davis Graduate School of International Relations at the Hebrew University of Jerusalem. (The Short and Long(er) of It: The Effect of Hard Times on Regional Institutionalization, International Studies Quarterly (2020) 64, 808–820 https://academic.oup.com/isq/article/64/4/808/5876951)//gcd

The implications of changing economic conditions for institutionalized regional cooperation have received little systematic scrutiny thus far. This is surprising given the prominence of these relationships in historical and journalistic accounts of regional integration. It is doubly puzzling considering the diametrically opposed expectations of scholars studying specific regions or the broad phenomenon of regionalism. While some of them argue that economic hard times strengthen regional institutions, others maintain that they are detrimental to them. This study begins to fill this gap. Theoretically, it identifies an important condition under which the contending perspectives are at work. Building on recent advances in research on the political economy of regional cooperation as well as historical accounts of several REOs, we posit that economic crises undermine regional institutionalization in the short run, but encourage it in the medium term. We test these expectations with a recently updated data set that includes numerous REOs from around the world and measures of their level of institutionalization over four decades. The empirical analysis offers ample support for the notion that the effect of hard economic times is contingent on the passage of time. They are consistent with the view that the immediate effect of an economic crisis is to increase economic volatility and political uncertainty, thereby forcing governments to shift their attention to the domestic arena. In addition, political instability and leadership turnover, which occasionally accompany economic crises, are likely to slow collective decision-making and implementation of regional policies. In the longer run, in contrast, our empirical results indicate that member states resume regional institutional building in order to boost sustainable economic growth and to improve their position vis-à-vis other regions and powers around the world. These findings suggest broader lessons for the politics of REOs as well as cooperation through international institutions in the current globalized world. First, they underscore the reality that international cooperation through institutions is a dynamic process that has tides and turns rather than a linear one. The theorization of this process, then, would benefit from greater attention to time and timing. This is doubly important given the stickiness of international institutions, because the visibility of their response to the push and pull of economic and political developments may be delayed. Here, this article joins a handful of recent studies that advance this research agenda (Jones, Kelemen, and Meunier 2016; Ballard-Rosa, Carnegie, and Gaikwad 2018). Second, from a more practical perspective, our results should be encouraging for those who view regional cooperation as a vehicle of economic prosperity and political stability. They show that economic hard times are unlikely to lead to a complete breakdown of REOs, only to temporarily halt or slow regional institutionalization down. In the long run, such crises tend to cement regional cooperation. Brexit is an interesting case in point. Even if Britain’s decision to leave the EU was motivated, at least in part, by economic hard times (Fetzer 2019), it is not at all clear that it weakened the institutionalization of this REO. In fact, it appears that the remaining members are determined to further strengthen the EU. Given that many countries around the world, especially developing ones, experience economic crises rather frequently, this conclusion can have considerable implications. For example, they suggest that REOs may be conducive for economic growth in the wake of such global shocks as the COVID-19 pandemic, at least in the longer term. This study points to promising avenues of future research. One issue that warrants greater scrutiny is the changing nature of regional cooperation. As we noted above, we examine the level of REO institutionalization rather than its commitment to economic liberalization. As REOs such as ASEAN and Mercosur illustrate, economic crises can potentially affect the preferred model of cooperation. In the case of Mercosur, for example, the pendulum has swung from neoliberalism to neo-developmentalism (and back to neoliberalism in the mid-2010s) in response to economic hard times. Whether this phenomenon is more widespread is not sufficiently clear and calls for further investigation of the relationships between institutionalization and political–economic orientation. It also points to the potential significance of ideological convergence (or lack thereof) among the governments of the REO’s members, a factor we were able to treat only cursorily in this study.

#### Financialization makes growth unsustainable.

Tim **Jackson 19**. Professor of Sustainable Development at the University of Surrey and Director of the Centre for the Understanding of Sustainable Prosperity (CUSP). 02/2019. “The Post-Growth Challenge: Secular Stagnation, Inequality and the Limits to Growth.” Ecological Economics, vol. 156, pp. 236–246.

A decade after the financial crisis, growth rates in advanced economies have still not returned to those experienced in the pre-crisis era. A long-term decline in the rate of labour productivity growth is one of the underlying factors contributing to this situation. Understanding that long-term decline is clearly vital. Debt overhang, shifting patterns of demand and the geo-politics of resource supply all play some contributing role. Perhaps the most troubling possibility is that the wide-spread technological advances facilitated by ready abundance of high-quality energy resources in the first seventy years of the 20th century are no longer available to advanced economies in the 21st. Evidence of a decline in the quality of some physical resources already exists. Sooner or later further declines are inevitable. As they arrive, they are likely to depress labour productivity growth still further. The critical question is how policy should respond to this not-so-new reality. The conventional response has been to look for conditions – technological, fiscal, monetary – to keep growth going, whatever the cost. The prevalent ‘rescue narrative’ relies on an assumption that with appropriate policy incentives, new technological breakthroughs will emerge and productivity growth will recover. Candidate ‘saviours’ in this rescue narrative are various. For some (NCE 2014 2017), innovation will arrive from investment in the same clean, low-carbon technologies that are needed to tackle climate change and offset resource depletion. For others (Ford, 2015; Avent, 2016), innovation will come from the emerging digital revolution: increased automation, robotisation, artificial intelligence. But to date, none of the productivity gains foreseen by these technologies have been manifest at the macroeconomic level and this latter world could lead to the ‘immiseration’ of labour (Susskind, 2017) and levels of inequality reminiscent of the worst scenarios outlined in the previous section. In historical perspective, it is clear that the advanced economies now stand at a distinct, and uncomfortable cross-roads. Two competing theories about how to maintain growth (Keynesianism and monetarism) have dominated macroeconomics over the last half century. Neither is adequate to the challenge of resolving current conditions. Developed in response to the Great Depression in the 1930's, John Maynard Keynes' macroeconomics saw a critical role for government in maintaining economic stability (Keynes, 1936). If supply potential was not enough to keep growth going (as Says had argued), governments could not rely on households and firms simply to go on spending during the hard times. They must play an active role in stimulating the economy to ‘kick-start’ growth again. The strategy worked, up to a point. It was exemplified in particular by Franklin D Roosevelt's ‘New Deal’ in the States. The subsequent ‘failure’ of Keynesianism to solve the problems of ‘stagflation’ during the oil crises led to a temporary disillusionment with the idea and in the early 1980s, western governments (predominantly led by the anglo-centric nations) abandoned Keynes and turned instead to monetarism – the brainchild of Chicago school economist Milton Friedman. Built on a neoliberal philosophy with a strong belief in the free market as the best regulator of human affairs, monetarism had no time for fiscal stimulus (or indeed with government intervention generally) and argued instead that the route out of low growth was to reduce the cost of money, so that firms would more easily invest in the productive capacity of the economy and households could fund any temporary constraints on spending through debt. These mechanisms for financial liquidity would free up the economy to grow again, allowing prices to fall and employment to bounce back. At first these policies seemed to be successful. In the wake of the oil crises, conditions improved. Greater liquidity spurred investment, restored levels of consumer demand and even (arguably) stimulated innovation in the energy sector which brought down the price of oil, for almost two decades. In the long run, however, things were not so simple. Loose monetary policy and tight fiscal policy were slowly creating increasing fragility in financial markets. Though they facilitated a continued reduction in public debt burdens, this only proved possible by transferring debt to the private sector. While interest rates were low and debt burdens were not too high, this didn't seem to matter much. But as more and more households accumulated more and more debt, the conditions for instability were accumulating. By the early 2000s, firms, banks and households had become ‘overleveraged’. The policy response was to pump more and more money into the system by lowering interest rates again and relaxing financial regulations even further. All it needed was a change in the rate of defaults on ‘subprime’ loans and the bubble would have to burst. This was the era of ‘easy money’, the ‘age of irresponsibility’ as then Prime Minister Gordon Brown called it, and it led inexorably to the financial crisis.8 ‘The question then arises,’ wrote Summers (2014, p68) ‘can we identify any stretch [in the last decades] during which the economy grew satisfactorily under conditions that were financially sustainable?.’ His answer, and indeed the answer of a number of other mainstream economists, was: no. Chasing growth through loose monetary policy in the face of challenging underlying fundamentals had led to financial bubbles which destabilised finance and culminated in crisis. Perhaps the most pernicious impact of this period of loose monetary policy – and indeed of the crisis itself – was the steady rise in inequality within advanced nations. There were several channels through which this acceleration occurred. In the first place, cheap money led to financial speculation. Those with access to capital could achieve substantial capital gains as asset prices rose. When wealth is already unequally distributed, this tendency leads directly to higher income inequality. As income inequality increases, it leads to excessive investment funds, because richer households tend to have a high propensity to save than poorer ones. This excess of savings leads to more speculation, pushing asset prices up again and accelerating inequality further. It is also likely to depresses growth, partly through the reduced spending power of poorer households and partly through the crowding out of investment in the real economy. Policy responses which attempt to stimulate investment by reducing the interest rate, end up making money cheaper and incentivising more speculation, fuelling a vicious cycle of rising inequality (Credit Suisse, 2014, p34). But this cycle of rising inequality was by no means inevitable. Nor is it inevitable in the future. More correct would be to argue that rising instability (both social and financial) is the result of our persistent attempts to breathe new life into capitalism, in the face of underlying fundamentals that are now beginning to point in the opposite direction. Reversing the trend by raising the labour productivity growth rate through selective technologies is a highly uncertain strategy that may well intensify the environmental and social problems of the 21st century. By privileging the interests of the owners of capital over the interests of those employed in wage labour in the economy, it may be possible for short time to keep a certain kind of economic growth going. But the end result is a somewhat frightening sense that, as the Institute for Public Policy Research (IPPR, 2018) recently pointed out, when the next crisis hits there will be neither fiscal nor monetary room for manoeuvre. Reaching beyond these potentially destructive conditions is clearly challenging, but by no means impossible. There is an emerging (and increasingly timely) interest in ideas around de-growth (D'Alisa et al., 2014; Kallis, 2015; Van den Bergh, 2015) and in the economics of a ‘post-growth’ society (Cassiers et al., 2017; Blewitt and Cunningham, 2014; Jackson, 2009, 2017). These approaches tend to accept that beyond a certain point, and for a variety of reasons, relentless economic growth may be neither desirable nor indeed feasible. Whether for secular reasons, or from a decline in resource quality, or from the need to curtail damaging environmental impact, proponents of these ideas attempt to envision the social conditions (and economic implications) of a world in which, for the advanced economies at least, it is necessary to ‘manage without growth’ (Victor, 2008/2018). Perhaps the most interesting avenue that emerges from this exploration relates to the fundamental challenge which lies at the heart of it, the decline in labour productivity growth. Amongst the potential causes of such a decline lies one which carries the seeds of a new way of thinking about the role of enterprise and work in a post-growth society. Structural changes from primary (extractive) and secondary (manufacturing) towards tertiary (service) sector industries may be partially responsible for the transition towards a lower productivity growth (Nordhaus, 2006). Though often presented in conventional economics as a problem – for instance as the source of Baumol's (2012) ‘cost disease’ – there are certain service-based sectors which are both lighter (more sustainable) in material terms and contribute particular benefits in terms of the quality of life. These human services – particularly those based around care, craft and creativity – might well provide the clue to a lighter (more sustainable) economy capable of delivering a lasting prosperity without the need for economic growth.9 The US writer Wendell Berry (2008) once remarked that ‘human and earthly limits, properly understood, are not confinements, but rather inducements… to fullness of relationship and meaning’. Nowhere is this observation more true than in the context of the post-growth challenge facing the advanced economies in the 21st Century. That challenge, properly conceived, is not to pursue ever more desperate policies to regain the lost footings of a fossil-fuel driven hyper-productivity, but rather to create the conditions for an economy that works for everyone, within the constraints of a finite planet. As I have argued extensively elsewhere (Jackson, 2017), that task is precise, definable, pragmatic and achievable.

## Ports

### 1NC – AT: Ports

#### No “ports = extinction impact” – their card is a word salad that just says ports are key to infrastructure development. Not tied to any existential threat.

#### COVID zeroes development.

UGLC ’21 [US Global Leadership Coalition; 8/12/21; “COVID-19 Brief: Impact on the Economies of Low-Income Countries”; <https://www.usglc.org/coronavirus/economies-of-developing-countries/>; AS]

The failure to control the COVID-19 pandemic has had far reaching impacts on the global economy, with global GDP falling by 3.3 percent in 2020. Even with the global economy projected to grow by 6 percent in 2021, recovery will depend on equitable distribution of the vaccine globally. Failure to do so could cost the world economy up to $9 trillion, according to the International Chamber of Commerce, with the costs born equally by wealthy and poor countries, causing more economic devastation than the 2008 financial crisis.

The COVID-19 pandemic erased the equivalent of 255 million jobs in 2020, losses were particularly high in Latin America and the Caribbean, Southern Europe and Southern Asia.

The global economic downturn is having a disproportionate impact on low-income and emerging economies. They will take the hardest hit, according to Kristalina Georgieva, Managing Director of the International Monetary Fund, as they have “less resources to protect themselves against this dual…health and economic crisis.” World Bank President David Malpass also warned that the global recession could set back decades of progress in low-income countries, stating that the COVID-19 pandemic would lead to higher infant mortality rates and stunted growth for children.

The United Nations Development Programme (UNDP) projects that developing economies will lose at least $220 billion in income.

An additional 95 million people are expected to have entered the ranks of the extreme poor in 2020 (80 million more undernourished than before) due to the average annual loss in per capita GDP, says the IMF.

An additional 207 million people could be pushed into extreme poverty by 2030, due to the severe long-term impact of the coronavirus pandemic, bringing the total number to more than a billion, according to a new study from the UNDP.

Failure to Distribute Vaccines Around the World

Vaccine access has emerged as the leading determinate of global economic recovery, particularly for low-income and emerging economies.

Low-income countries would add $38 billion to their GDP forecast for 2021 if they had the same vaccination rate as high income countries.

Rand Corporation estimates changes in real annual GDP for four scenarios:

Graph from Rand Corporation

Differences in ongoing financial support are degrading economic growth and recovery prospects for low-income countries.

Regional Assessments

The World Bank reports that sub-Saharan Africa experienced its first economic recession in 25 years, with the economy declining by 2.0 percent in 2020. Growth in the region is forecast to rise to between 2.3 – 3.4 percent in 2021.

For the first time in 60 years, East Asia’s economic growth stalled – growing by a mere 1.2 percent in 2020 – and the pandemic could drive 19 million people into poverty.

Latin America and the Caribbean experienced the worst economic contraction in the region’s history with the economy declining by 6.7 percent in 2020, with expected growth by 4.4 percent in 2021. Unemployment is expected to reach 13.5 percent, the economic downturn could push 28 million people into extreme poverty.

Foreign direct investment flows – a critical source of financing for emerging and developing economies – fell by 42 percent in 2020, with expectations FDI will remain weak due to pandemic related uncertainty. Low-income countries saw more than $100 billion flowing out from the region in early 2020 – more than three times the amount during the global financial crisis. The dramatic capital outflow led to major emerging market currencies depreciating by 15 percent and forcing people to pay more for imported goods. UNCTAD projects a 5-10% FDI slide in 2021.

Low-income countries debt burden may soar to between $2.6 trillion and $3.4 trillion over the next two years, according to UNCTAD. A significant share of low-income country’s public debt is mainly in U.S. dollars, the depreciation makes it difficult to pay their debts.

#### Structural economic issues hamper development

Sen ’21 [Kunal; October 2021; Professor of Development Economics in the Global Development Institute @ University of Manchester; “Least Developed Countries are facing five major challenges”; <https://www.wider.unu.edu/publication/least-developed-countries-are-facing-five-major-challenges>; AS] \*LDC = Least Developed Countries

Five main challenges

The challenges of the LDCs were widely discussed in the Future Forum. I would narrow the list down to five main problems.

The first one is weak economic growth. Average growth in LDCs stood at 4.7% during 2011–19, which was significantly lower than the average of 6.6% during 2001–10. This implies that the living standards of many LDCs will not converge to the levels of the fast-growing developing countries in North and South-East Asia. With the onset of the pandemic in 2020, economic growth has been particularly affected in 2020 and 2021, leading to sharp increases in poverty.

Second, there is a lack of productive capacity. The gap in productive capacity of LDCs and other developing countries has not narrowed in the last ten years. There has been very little diversification into manufacturing or high-value services. Agriculture still remains the major source of value added and employment.

Third, there is lack of diversification of exports and high commodity dependence. We see an excessive dependence on a few products in the export baskets of many LDCs. Many countries seem to specialise in one or two products with respect to exports. This means that they are vulnerable to trade shocks and the sudden loss of export markets when another developing country becomes competitive in that product.

Fourth, there is high vulnerability to environmental shocks. Extreme weather events have an adverse effect on LDCs. For example, Myanmar is the second most climate risk-affected country in the world. Climate change also poses serious threats to the Pacific Islands LDCs.

Fifth, there is the potential loss of preferential market access such as the EU’s ‘Everything But Arms’ (EBA) for the LDCs that are in the process of graduating. As most of the successful exporters among LDCs specialise in products that are price-sensitive such as apparel, the possible tariff increases may lead to big losses in competitiveness.

#### Weak healthcare systems and lock downs.

Schifferes ’20 [Steve; Honorary Research Fellow in City Political Economy Research Center @ University of London; “Developing countries are facing economic disaster: four ways western nations can support them to shore up the global economy”; <https://theconversation.com/developing-countries-are-facing-economic-disaster-four-ways-western-nations-can-support-them-to-shore-up-the-global-economy-139083>; AS] \*Edited

While attention in developed countries has been focused inward on the effects of the pandemic at home and the anticipated exit from lockdown, an economic and health disaster is emerging in developing counties that make up 85% of the world’s population.

Infection rates are now rising rapidly, overwhelming weak healthcare systems. Hot spots are appearing in the vast slums and favelas of sprawling cities from Sao Paolo to Capetown to Mumbai.

Even more worrying is the massive economic damage that has already been caused by both the pandemic and the widespread lockdowns that most developing countries have imposed. UN agencies estimate that 1.5 billion people – half the global labour force – will become unemployed, with 500 million thrust back into poverty while 250 million could face famine, reversing all the gains of the past two decades.

The collapse of the global economy will seriously damage our chances of recovery, hurting exports, disrupting supply chains and threatening the global financial system. The failure to contain the global spread of virus will also ensure that a reservoir of infection remains that could jump back to developed countries.

Read news coverage based on evidence, not tweets

A triple crisis

Developing countries are facing a hammer blow to their economies on three fronts:

1) Domestic economies have been severely affected by the lockdown.

The majority – who work in the informal economy without regular jobs, employment rights or social benefits – have immediately lost their livelihoods, and there are no government safety nets to pay their wages or prevent destitution. The result has been a rapid fall in economic output and a massive dislocation as millions are forced to return to the countryside.

2) The collapse of world trade has accelerated this decline.

Without enough income from exports, many developing countries are facing a balance-of-payments crisis where they haven’t earned enough foreign currency to buy the essential imports needed to keep their economies running, such as fuel, food and medicine.

In many cases this also causes a sharp fall in the value of their currency, making foreign imports even more expensive. Most of the good jobs in developing countries are in the export industries, and from garment workers in Bangladesh, to copper miners in Zambia, just as in the 2008 crisis, they are being laid off in large numbers.

3) The economic collapse is threatening the world financial system.

Emerging market countries owe US$17 trillion (£14 trillion) to western investors, and many are already on the verge of default. Capital is fleeing developing countries at a faster rate than in the 2008 global financial crisis. The emerging sovereign debt crisis could ~~paralyse~~ [hurt] foreign investment for decades and cause serious damage to global bond markets already reeling from the burden of corporate debt.

#### Poor working conditions, declining labor force participation, wage gap, climate change, and child labor.

AFD ’19 [Agence Francaise de Development; 5/10/19; “5 CHALLENGES FOR EMPLOYMENT IN DEVELOPING COUNTRIES”; <https://www.afd.fr/en/actualites/5-challenges-employment-developing-countries>; AS]

Between mass unemployment, poor working conditions, wage gaps, discrimination and other concerns, finding a job can be a challenge, and having one does not guarantee decent living conditions, particularly in low-income countries. There are 5 primary challenges that must be met to improve this situation and move toward decent employment for everyone.

1INCREASING DECENT EMPLOYMENT

Poor working conditions are the main global employment challenge, according to the International Labor Organization (ILO).So much so that the UN has made “decent work for everyone” one of its priorities for the next decade, as part of the Sustainable Development Goals (SDG No. 8).“Having a job does not always guarantee decent living conditions,” explains Damian Grimshaw, Director of Research at the ILO.“As proof, 700 million people live in extreme or moderate poverty even though they have a job.”

The scope of the problem is particularly demonstrated in the statistic that 61% of workers worldwide—i.e.. 2 billion people—currently hold an informal job, meaning one not governed by the rules that dictate the rights of employers and employees. This results in a number of problems, including lack of social protection, extended hours, the ability to be fired without notice or severance pay, and dangerous working conditions, amongst others.

“This constitutes a two-fold challenge; improving working conditions in the informal sector, which still accounts for the vast majority of jobs in developing countries, while also, as much as possible, encouraging the formalization of activities and developing social protection mechanisms to reinforce the application of labor laws and enable workers, self-employed workers included, to receive the allowances to which they are entitled depending on their situation regarding health, unemployment, family, retirement, etc.,” adds Céline Gratadour, who handles employment-related issues at Agence Française de Développement (AFD). Despite this, initiatives designed to improve the quality of work on a global scale remain limited.

2IMPROVING YOUTH EMPLOYMENT

Worldwide, more than one out of five young people (under the age of 25) are without an occupation, meaning that they are unemployed, with no training and not in school. At the same time, 145 million young workers live in poverty. This is a situation that is not expected to improve anytime soon, according to the ILO’s World Employment and Social Outlook - Trends 2019, which forecasts that the decline in the youth labor force participation rate over the past 25 years will likely continue.

This is particularly alarming because youth unemployment is a vicious cycle—those who remain excluded from the job market for a long time fail to acquire the skills that future employers will be looking for. There is, thus, an urgent need to recognize youth employment as a priority for both public policy and the private sector to offer young people more and better employment opportunities.That is the goal of the global Decent Jobs for Youth initiative. Sponsored by the UN, it aims to accelerate partnerships for action in this area, in part by disseminating the necessary information (studies, expert recommendations, innovations, etc.) to key players.

In Côte d’Ivoire, for example, AFD supports government authorities in geographically expanding and improving employment services targeting youths, including support for starting a business.In Morocco, AFD is currently preparing an ambitious project to implement Regional Employment Programs, which aim to reinforce the joint efforts of the entire chain of public and private players working on employment issues.

Another example is the French initiative Choose Africa, sponsored by AFD, to devote €2.5 billion by 2022 to 10,000 small and medium enterprises in Africa to encourage the entrepreneurial potential of young people.

3ACHIEVING GENDER EQUALITY IN THE WORKPLACE

The wage gap between men and women is one of today’s greatest social injustices. On average, a woman with the same skills and responsibilities earns 20% less than a man, according to the ILO.

This is compounded by another inequality—women are much more likely than men to be involuntary part-time workers, although many of them would prefer to work more hours. In combination with persistent stereotypes, these injustices result in much lower labor force participation rates among women (48%) than men (75%). “After a period of rapid improvement that lasted up until 2003, progress toward reducing inequalities in [labor force] participation between men and women has slowed,” states the ILO.

Facilitating women’s participation in economic life, however, is essential in helping them have control of their lives.And the community has everything to gain.“If women were to achieve the same labor force participation rate as men, our GDP [gross domestic product] would jump by 26 points globally,” Gratadour points out, citing a study by the McKinsey Global Institute.

“With that said, it is very difficult to change existing mindsets on this topic,” she continues. “We believe that the best way to reverse the trend is to devote ambitious resources to integrating gender issues, particularly gender equality in the workplace, into AFD’s projects and communicating about successful experiments that could inspire other projects.For example, AFD supported projects in Turkey to eliminate the obstacles faced by women trying to keep their jobs by supporting the development of daycare centers and breastfeeding rooms at the workplace.”

4RESPONDING TO THE ENVIRONMENTAL CRISIS

Climate change and the decline in biodiversity will affect millions of workers worldwide, particularly farmers whose crops are vulnerable to extreme weather events (intense precipitation, drought) or dependent on insect pollinators.The transition toward more environmentally respectful societies, will meanwhile destroy 6 million jobs globally, many in fossil fuels, according to ILO estimates.

“If we close coal mines, we leave people unemployed, which not only requires planning how to support those workers through professional retraining program but also anticipating green job opportunities in sectors of the low-carbon economy via appropriate measures for skill development and support for entrepreneurship.The ecological transition will benefit workers only if we anticipate these situations,” insists Gratadour. “In Africa, for example, we are working with electrical companies on the human resources implications, particularly in terms of training, of a transition to greener modes of production.”

Most economic sectors, along with America, Asia, Australia, and Europe, should enjoy a net increase in jobs.And this increase could be a significant one—by 2030, policies promoting a more environmentally friendly economy will create 24 million jobs, according to the ILO, particularly in the energy sector (renewable production, energy efficient buildings, electric vehicles) and the circular economy (recycling, repairing, renting, reusing).

However, the ILO report advises “training workers in the skills required by a greener economy and providing them with social protection to facilitate their transition into new jobs.”Otherwise, many workers could be left behind.

5BRINGING CHILD LABOR TO AN END

The figure is overwhelming;152 million children worldwide are still forced to work.Of those, 73 million are assigned to dangerous tasks.While these figures are decreasing, “the pace is too slow to reach the goal of ending all forms of child labor by 2025,” warns the International Labor Organization.

The majority of child labor results from a combination of a poor standard of living for the families and social norms that tolerate it, as well as a lack of decent jobs for adults and adolescents, migration, crisis situations, and discrimination against indigenous populations and lower castes, according to UNICEF.

This work not only threatens the health and education of children, but also deprives them of their childhood and opportunities for a decent life as adults.UNICEF has determined that ending child labor will require improving laws and regulations, enhancing advising and monitoring systems for companies, holding subcontracting firms accountable (as under the French law of March 27, 2017 on the duty of vigilance), reducing poverty in producing countries, ensuring high quality education, and better informing communities and families.

#### Renewables don’t solve warming.

Gunderson et al. ’18 [Ryan; Sociology @ Miami; Diana Stuart; PhD Environmental Studies and Earth Science @ Northern Arizona; Brian Petersen; PhD Environmental Studies, Sustainable Communities @ Northern Arizona; “Ideological obstacles to effective climate policy: The greening of markets, technology, and growth,” *Capital & Class* *42*(1), 133-160]

National climate policies and international climate agreements to reduce carbon emissions, exhibited by Article 10 of the Paris Climate Agreement, often focus on technological fixes that further extend the capitalist logic underpinning carbon emissions rather than the root causes leading to climate change. This represents an ideological, not a pragmatic, reasoned response because, as argued below, techno-optimists displace the technical potential-productive relations contradiction by viewing technology as neutral and disinterested, or, malleable and applicable independent of social context. In other words, techno-optimism in climate policy and its failure to reduce GHG emissions partially results from an assumption that displaces a cause of climate change – the use of technology to increase resource throughput for capital accumulation onto technology itself. Techno-optimism in environmental thought comes in at least three distinct variants. First, those supporting ecological modernization focus on technology and the shift in the responsibility for environmental outcomes from a command-and-control state to a more central role for the market and other non-state actors (Mol 1995). Second, reformists, namely environmentalists and environmental non-governmental organizations, seek solutions that fit within existing institutions (Demaria et al. 2013) rather than calling for alternatives to the reigning capitalist system. Regarding climate change, this means finding market approaches that facilitate and promote alternative technologies as a means to address climate change, a position captured by market logic that fails to see the futility in a platform predicated on growth-based alternative energy production. Finally, policy elites and corporatists favor a neoliberal approach to governance that privileges entrepreneurial motives to meet societal needs by diminishing or eliminating governmental regulation and oversight to the greatest extent possible. Unlike ecological modernization proponents who see a role for government in a shift to new technology, this perspective seeks to drastically reduce or even eliminate government intervention in the market and instead rely on technological solutions to address climate change that come from the private sector. Techno-optimists point to alternative energy, energy efficiency, and/or geoengineering as potential advancements that could help ameliorate the negative consequences posed by climate change. Although technological advances **theoretically** hold the potential to address the challenges posed by climate change, these approaches have **limited viability in contemporary societies.** By producing energy without fossil fuels, alternative energy appears as the most obvious means by which to reduce GHG emissions globally. However, alternative energy sources such as wind and solar do not **necessarily lead** to diminished fossil fuel derived emissions, at least at the levels needed to effectively address climate change. York (2012) shows that although alternative energy production has increased, it has not proportionally displaced fossil fuel emissions from energy production. In contrast, on average one unit of alternative energy production displaced only one-quarter of a unit of fossil fuel produced energy and only one-tenth of a unit of fossil fuel generated electricity. This does not bode well given energy demand projections. The US Energy Information Administration projects a 48% increase in global energy consumption by 2040 and that despite significant investment in renewable energy fossil fuels will supply greater than 75% of total energy (Showstack 2016). As energy demand increases, especially for electricity, renewable energy production would have to grow at a rate faster than any energy technology in history to meet climate stabilization goals (Hook et al. 2012). An additional problem relates to efficiency and energy use. As William Stanley Jevons identified in the 1860s, increased efficiency (coal-powered steam engines in this case) **can lead to an increase in total consumption.** This counter-intuitive outcome has come to be known as Jevons paradox. A rebound effect refers to situations in which energy efficiency gains are lost due to increased resource use due to those gains (Santarius 2012). There are different levels of rebound effects. Rebound effects above 100% are termed ‘backfire effects’ or ‘backfires’, which means total resource use is higher after the improved efficiency was implemented due to improvements in efficiency. Although the exact mechanisms that lead to this outcome remain unclear (Santarius 2012; Sorrel 2007; York & McGee 2016), **many empirical examples confirm the overall trend.** These include the findings that countries with high levels of efficiency tend to have higher rates of carbon dioxide emissions, electricity consumption, and energy use (York & McGee 2016; for reviews, see Alcott 2005; Polimini et al. 2008; Santarius 2012). These findings undermine the claims made by techno-optimists that greening technology alone can stabilize the global climate. Perhaps the strongest manifestations of techno-optimism in proposed climate policy are found in geoengineering strategies, which also fail to address or acknowledge the limitations of technological interventions for addressing climate change. Geoengineering represents a technological approach to alter the Earth’s climate system in an attempt to alleviate the impacts of climate change (Boucher et al. 2013). Geoengineering interventions include injecting aerosols (sulfur) into the atmosphere to reflect incoming solar radiation and fertilizing the ocean to sequester carbon, among many others. These and other geoengineering approaches have the potential to contribute to climate stabilization, but they also pose significant risks. For example, injecting sulfur into the atmosphere, modeled on volcanic eruptions, would reduce incoming solar radiation, but it would require continued effort (Keith 2013), has the potential to significantly affect weather patterns and agricultural production (Robock 2008), and could lead to prolonged droughts (Ferraro et al. 2014). More importantly, however, this intervention could prevent actions to reduce GHG emissions. Doing so would reduce the need to reduce GHG emissions, potentially leading to dramatic temperature rise should the intervention stop (Robock et al. 2010). Similarly, iron fertilization in the open oceans could detrimentally affect food webs and ecological functions (Strong et al. 2009) and lead to harmful algal blooms (Allsopp et al. 2007), among other serious risks. Proponents of renewable energy, energy efficiency, and/or geoengineering have put forth seemingly viable options to address the challenges posed by climate change. These approaches, however, are aligned with the current socio-economic order that created the climate crisis. They are not alternatives to it. The reliance on technology as the solution to the climate change problem comes in different variants, but all reflect an ideological position: they conceal the technical potential-productive relations contradiction. More specifically, they displace the contradiction by presupposing that technology is neutral and disinterested, free to be used and shaped by rational individuals uninfluenced by social-structural context. This assumption is problematic for a number of reasons (for review in environmental context, see Whyte et al. forthcoming). As Marcuse (2011) points out, the ends that technology serve are prepared by the ‘pregiven empirical reality’ (p. 152), or, ‘in line with the prevalent interests in the respective society’ (Marcuse 2001: 44). In other words, technology embodies the values and power of the society for which it functions. In world-system and ecological context, Hornborg (1992, 2001, 2009) uses the term ‘fetishism’ to describe the common illusion of the autonomy of productive technologies, which conceals various socio-ecological processes, such as unequal exchange and the Global North’s forgotten dependence on land. Techno-optimists wrongly view old technologies as the cause of climate change and can be reformed, rather than interpreting ‘dirty’ and ‘green’ technologies in social-structural context. The latter allows one to see that the potential of reducing GHG depends on changing the social structures and interests that condition them. For example, the Jevons paradox may partially result from capitalism’s aim to maximize profits through two routes: (1) reduce costs of production and (2) produce/ sell more, requiring resource use (York & McGee 2016). Improvements in efficiency reduce costs, thereby increasing profits, which are reinvested to expand production, requiring higher rates of resource use. By displacing the technical potential-productive relations contradiction in this way, climate policy that depends on the greening of technology reproduces existing systems to the exclusion of social alternatives. Focusing on technological solutions in a marketbased system omits consideration of both more effective alternatives (discussed below) and, perhaps more importantly, ignores the institutionalized social relations that led to the problems forming in the first place. In all cases, techno-optimist perspectives implicitly or explicitly rely on the market for solutions. Even if proponents are unaware, climate policy that depends on green technology represents a continuation of a larger project to serve capitalist interests. It does so by relying on technology rather than social change to reduce carbon emissions, thereby allowing the fossil-fuel-based economy to continue unfettered. Technological solutions devised to alter social processes that lead to reduced emissions hold great potential (Keary 2016) but simply focusing on technology as the solution to climate change represents an ideological rather than a practical solution. Few proponents of renewable energy, energy efficiency, and/or geoengineering prioritize total energy reduction or technologies that might guide social behaviors in a new direction. Instead, they focus on techno-fixes designed to increase economic growth and hold assumptions that displace the technical potential- productive relations contradiction. This represents an ideological approach orchestrated to fit ‘solutions’ into an existing economic paradigm rather than looking for effective, long-term alternatives.(11-13)

#### NETs are infeasible – economics, politics.

Honegger ’20 [Martin. Research associate with the Institute for Advanced Sustainability Studies, climate policy consultant with Perspectives Climate Research, and PhD candidate at Utrecht University. “Economic Pull or Political Push”. 8/21/20. <https://www.cell.com/one-earth/pdf/S2590-3322(20)30361-4.pdf>]

The biggest barriers to the deployment of NETs at scale are economic and political. Economically, removing CO2 from the atmosphere—contrary to the deployment of renewable energy—does not normally offer a direct business case and thus does not naturally lend itself to implementation via the market. Politically, interests do not align: there are presently hardly any businesses that would naturally lobby for ambitious goals and policies that would correspond to the requisite public spending or regulation. This is because CO2 could be removed by various actors, most of which still expect stringent targets of climate-change mitigation to harm rather than support business. The energy sector—still largely reliant on fossil-fuelrelated revenues—would, for example, need to lobby for stringent sectoral climate targets in order to argue the case for a policy supporting or mandating investment into bioenergy production with carbon capture and sequestration. To add insult to injury, environmental advocacy groups have long pushed back against such technologies by arguing that their mere existence would undermine the political case for drastic emissions reductions. So, the only hesitant supporters of policies for CO2 removal remain climate experts who are painfully aware of the cold hard math of dwindling carbon budgets and a handful of startup companies that are developing stand-alone NETs. The earlier that governments seriously attempt to implement net-zero emissions goals, the sooner policies for negative emissions will materialize.

#### Renewables fail---technology, economic, and political problems

Robert Lyman 16, an energy economist and former public servant in Canda with 27 years experience in the field and a decade of experience as a diplomat"WHY RENEWABLE ENERGY CANNOT REPLACE FOSSIL FUELS BY 2050", Friends of Science, May 2016, www.friendsofscience.org/assets/documents/Renewable-energy-cannot-replace-FF\_Lyman.pdf

A number of environmental groups in Canada and other countries have recently endorsed the “100% Clean and Renewable Wind, Water and Sunlight (WWS)” vision articulated in reports written by Mark Jacobson, Mark Delucci and others. This vision seeks to eliminate the use of all fossil fuels (coal, oil and natural gas) in the world by 2050. Jacobson, Delucci et. al. have published “all-sector energy roadmaps” in which they purport to show how each of 139 countries could attain the WWS goal. The purpose of this paper is to examine whether the 100% goal is feasible. While a range of renewable energy technologies (e.g. geothermal, hydroelectric, tidal, and wave energy) could play a role in the global transformation, the world foreseen in the WWS vision would be dominated by wind and solar energy. Of 53,535 gigawatts (GW) of new electrical energy generation sources to be built, onshore and offshore wind turbines would supply 19,000 GW (35.4%), solar photovoltaic (PV) plants would supply 17,100 GW (32%) and Concentrated Solar Power plants (CSP) would supply 14,700 GW (27.5%). This would cost $100 trillion, or $3,571 for every household on the planet. Western Europe has extensive experience with investments in renewable energy sources to replace fossil fuels. By the end of 2014, the generating capacity of renewable energy plants there was about 216 GW, 22% of Europe’s capacity, but because of the intermittent nature of renewable energy production, the actual output was only 3.8% of Europe’s requirements. The capital costs of renewable energy plants are almost 30 times as high as those of the natural gas plants that could have been built instead; when operating costs are also taken into account, onshore wind plants are 4.6 times as expensive as gas plants and large-scale PV plants are 14.1 times as expensive as gas plants. Wind and solar energy is not “dispatchable” (i.e. capable of varying production quickly to meet changing demand), which results in serious problems – the need to backup renewables with conventional generation plants to avoid shortfalls in supply, and the frequent need to dump surplus generation on the export market at a loss. The current energy system in the United States, Canada and globally is heavily dependent on fossil fuels – they generally supply over 80% of existing energy needs in developed countries and over 87% in the world as a whole. Currently, wind and solar energy sources constitute only one-third of one per cent of global energy supply. The financial costs of building the 100% renewable energy world are enormous, but the land area needed to accommodate such diffuse sources of energy supply is just as daunting. Accommodating the 46,480 solar PV plants envisioned for the U.S. in the WWS vision would take up 650,720 square miles, almost 20% of the lower 48 states. This is close in size to the combined areas of Texas, California, Arizona, and Nevada. A 1000-megawatt (MV) wind farm would use up to 360 square miles of land to produce the same amount of energy as a 1000-MV nuclear plant. To meet 8% of the U.K.’s energy needs, one would have to build 44,000 offshore wind turbines; these would have an area of 13,000 square miles, which would fill the entire 3000 km coastline of the U.K. with a strip 4 km wide. To replace the 440 MW of U.S. generation expected to be retired over the next 25 years, it would take 29.3 billion solar PV panels and 4.4 million battery modules. The area covered by these panels would be equal to that of the state of New Jersey. To produce this many panels, it would take 929 years, assuming they could be built at the pace of one per second. The WWS roadmap for the U.S. calls for 3,637 CSP plants to be built. It would be extremely difficult to find that many sites suitable for a CSP plant. Packed together, they would fill an area of 8,439 square miles, about the area of Metropolitan New York. They would require the manufacture of 63,647,500 mirrors; if they could be manufactured one every ten seconds, it would take 21 years to build that many mirrors. A central component of the WWS vision is the electrification of all transportation uses. This is technically impossible right now, as the technologies have not yet been developed that would allow battery storage applicable to heavy-duty trucks, marine vessels and aircraft. Even in the case of automobiles, despite taxpayer subsidies of $7,500 per vehicle and up, the number of all-electric vehicles sold has consistently fallen far short of governments’ goals. The costs of electrifying passenger rail systems are so high that no private railway would ever take them on. Electrification of a freight railway system makes even less sense, and would cost at least $1 trillion each. The diversion of crops to make biofuels already is raising the cost of food for the world’s poor. The World Resources Institute estimates that if this practice is expanded, it will significantly worsen the world’s ability to meet the calorie requirements of the world’s population by 2050. Scientists and governments have been guilty of the “Apollo Fallacy”; i.e. of thinking that the space race is a model for the development of renewable energy. The Apollo program cost billions of dollars to demonstrate U.S. engineering prowess during the Cold War; costs, and commercial considerations, were secondary considerations, if they counted at all. The proponents of WWS grossly under-estimate  
  
  
 the costs of integrating renewable energy sources into the electricity system. The additional costs of backup generation, storage, load balancing and transmission would be enormous. The WWS scenario calls for 39,263 5-MW wind installations in Canada at a cost of $273 billion for the onshore wind generation alone. Building a national backbone of 735 kV transmission lines would cost at least CDN $104 billion and take 20 years to complete. The WWS includes a call to shut down all coal, oil and natural gas production. It implies the closing of all emissions intensive industries, such as mining, petrochemicals, refining, cement, and auto and parts manufacturing. The political and regional backlash against such policies in a country like Canada would threaten Confederation. In short, the WWS vision is based on an unrealistic assessment of the market readiness of a wide range of key technologies. Attaining the vision is not feasible today in technological, economic or political terms.

#### EKC is totally wrong. Consumption-based CO2 increases with growth, means no support for green growth

**Mir & Storm ‘16** [Goher-Ur-Rehman, Ecofys Consulting, and Servaas, Department of Economics of Technology and Innovation, Faculty TBM, Delft University of Technology, “Carbon Emissions and Economic Growth: Production-based versus Consumption-based Evidence on Decoupling,” Institute for New Economic Thinking Working Paper No. 41, pp. 23-25]

CKC = EKC

We estimated the relationship between CO2 emissions and economic growth using input-output- based production- and consumption-related CO2 emission inventories from WIOD’s environmental accounts for 39 different countries for a period of 13 years (1995-2007). **Our CO2 emissions data** include emissions embodied in international trade and along internationally fragmented commodity chains—and hence **represent the most comprehensive accounting of both production- and consumption-based GHG emissions to date.** While there is econometric evidence in support of a CKC pattern for production-based CO2 emissions, the estimated per-capita income turning point implies a level of annual global GHG emissions of 70.3GtCO2e, which is 40% higher than the 2012 level and not compatible with the COP21 emissions reduction pathway consistent with keeping global warming below 2oC. **The production-based inverted U- shaped CKC is**, in other words, **not a relevant framework for climate change mitigation.** In addition, **we do not find any support for a decoupling** between living standards and per capita consumption levels on the one hand and GHG emissions per person on the other hand. This means that the Annex-I countries (which are mostly the rich OECD countries) have managed to some extent to delink their production systems from GHG emissions by relocating and outsourcing carbon-intensive production activities to the non-Annex I countries—as is indicated in the growing carbon-import surplus of the former and the growing carbon-export surplus of the latter group of countries (Figure 2). The generally used production-based GHG emissions data ignore the highly fragmented nature of global production chains (and networks) and are unable to reveal the ultimate driver of increasing CO2 emissions: consumption growth (or “affluenza”) in the rich economies. What appears (at first sight) to be the result of structural change in the economy is in reality just a relocation of carbon-intensive production to other regions—or carbon leakage. In terms of consumption patterns, we find no noticeable structural change as (direct and indirect) consumption-based GHG emissions continue to rise with higher per capita GDP.

# 2NC

## CP

### 2NC – OV

#### The counterplan is definitively the most logical and direct policy option for resolving non-growth sources of external 1AC offense. The latter planks of the counterplan fiat out of their internal links – it directly invests in systemic protections against external cyberattacks via direct investment in resiliency and hardening to modernize port infrastructure.

### 2NC – CP

#### The United States federal government should:

* substantially increase domestic shipbuilding capacity and investment in the commercial naval industry;
* provide a port security grant program to the highest amount for large scale security upgrades to harden critical maritime infrastructure and supply and fund sustainable port infrastructure globally;
* fully staff and fund the CBP and port staff.

### 2NC – Solvency

#### Card just advocates for increasing investment in port infrastructure.

**1ac Asariotis 21**, [Regina Asariotis | Chief, Policy and Legislation Section, Trade Logistics Branch, UNCTAD, Climate change impacts on seaports: A growing threat to sustainable trade and development, June 4, https://unctad.org/news/climate-change-impacts-seaports-growing-threat-sustainable-trade-and-development]

Effective adaptation requires ‘fit-for-purpose’ risk assessment procedures (at local and facility levels), bridging of potential data and knowledge gaps, and the development of appropriate technical and management solutions that reduce vulnerability and allow for decision-making under uncertainty. It also requires **finance**, **tech**nology and **capacity-building**, as well as coordinated policy responses and supportive legal and regulatory approaches (UNCTAD 2020a; UNCTAD 2020b). Standards, guidance, and methodological tools also have an important role to play. Investment in energy **efficiency**, **decarbonization** and **renewables** may also provide major **co-benefits**, in terms of climate change **mitigation** and **adaptation**, as well as reduced dependency on energy imports and related expenditure.

Aiming for synergy and policy coherence in efforts at post-pandemic recovery and adopting more systemic, integrated approaches to climate change adaptation and **resilience-building** across sectors and networks could yield **major benefits**, especially for the most vulnerable communities. And investing in climate-resilience makes good economic sense: according to the World Bank, the overall net benefits of investing in resilient infrastructure in developing countries could amount to $4.2 trillion over the lifetime of new infrastructure – a $4 benefit for each dollar invested in resilience.

#### Reports confirm – increased funding is necessary to solve port resilience.

PTIM ’19 [Port Technology International Team; “Report: US Ports Need Security Investment”; <https://www.porttechnology.org/news/report_us_ports_need_security_investment/>; AS]

In its latest report, the American Association of Port Authorities (AAPA) has identified nearly $4 billion in crucial port and supply chain security needs over the next 10 years.

According to the organization, high levels of funding are needed to maintain and upgrade port facilities in the US, ensuring that they are capable of addressing and managing new security challenges.

By refocusing the Federal Emergency Management Agency’s “Port Security Grant Program” (PSGP), the AAPA believes that US companies will be able to better meet the security infrastructure needs of commercial seaports and related maritime operations.

[Chad Mercer discusses US ports and cybersecurity in a recent Port Technology technical paper](https://www.porttechnology.org/technical_papers/securing_future_ports_with_multi_level_cyber_security)

The renewed investment programme suggested by the AAPA includes an estimated US$2.62 billion in upgrades to port security equipment and systems, as well as $1.27 billion to help ports tackle cybersecurity, active shooter, drone mitigation, and other security threats.

Since the PGSP was first launched, following the 9/11 attacks, the US population has increased by 15%, with communities growing in metropolitan areas and around port authority facilities, emphasizing the need for new security measures.

Kurt Nagle, AAPA President and CEO, said: “In ‘The State of Freight IV’, we took a deep-dive to better understand the future security challenges of US ports, the communities that surround them and the supply chains that serve them.

“Not only did we find that Port Security Grant Program appropriations need to increase four-fold to $400 million a year, but the ratio of grant funds going to ports needs to at least double to 50 percent to properly mitigate for security threats.

#### Increased federal funding is key to make port infrastructure cost competitive and ensure private sector investment

Cook 11 – Counsel to Seward & Kissell LLP and a former General Counsel of the Maritime Administration. (H. Clayton, “Dead in the Water?” The Maritime Executive, July 8, 2011, <http://www.maritime-executive.com/article/dead-in-the-water>)

For more than a decade, Europe and the U.S. have witnessed increasing highway traffic congestion and considered the possible use of water transport as a highway supplement and alternative. The European Community has moved to embrace water transport for its container and ro/ro traffic using programs like the Marco Polo and Motorways of the Sea initiatives. In the U.S., there has been general agreement that our ocean coastal waters could provide additional transportation capacity and that a comprehensive federal program would be required to achieve it. But no such program has been initiated, and the multiple "choke points" and miles of bumper-to-bumper traffic that have characterized travel on major highways, such as I-95, I-10 and I-5, have simply grown more pronounced year by year. These issues remain unaddressed today. With the December 2007 enactment of the Marine Transportation sections of the Energy Independence and Security Act of 2007 (Act), Congress and the Bush Administration provided the Secretary of Transportation (Secretary) with the authority for a European-style Motorways of the Sea program to facilitate federal and local government collaborations and attract public and private sector investment for short sea transportation infrastructure projects to access the potential of our nation's ocean highways. The Short Sea Transportation Program The Act directed the Secretary to establish a short sea transportation program (SST) to mitigate landside congestion and provide a favorable legal regime for public and private sector investment to create the infrastructure necessary for new coastwise and other domestic waterborne services. The program was intended to expand the use of the Great Lakes/Saint Lawrence Seaway System as well as inland, intracoastal and coastal waterways for the transportation of freight loaded in containers and trailers to mitigate landside congestion. Section 1121 mandated actions to create an environment that would foster federal, state and local cooperation in the planning and financing of shore-side infrastructure and attract private sector investment to finance vessel fleet requirements. The House version of Section 1122 addressed the need for U.S. government-assisted financing for the vessels that would be involved by extending the Maritime Administration’s (MARAD) Capital Construction Fund’s (CCF) tax-deferral program to container and ro/ro services nationwide and authorizing $2 billion for MARAD’s Title XI loan guarantee program. Section 1123 mandated a report to be made not later than one year after the December 19, 2007 enactment to detail progress in the implementation of SST and provide recommendations for further administrative or legislative action as appropriate. Certain actions in the Act are mandated as "shall" while others are merely permitted as "may." The Act provides that the Secretary "shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion and encourage the use of short sea transportation through the development and expansion of: (1) documented vessels; (2) shipper utilization; (3) port and landside infrastructure; and (4) marine transportation strategies by state and local governments." In administering the program, the Secretary "shall": • Designate SST routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors; • Enter into memorandums of understanding with the heads of other federal entities to transport federally owned or generated cargo using program-designated SST projects when practical or available; • Consult with shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of SST in consultation with federal entities and state and local governments; • Develop strategies to encourage the use of SST for passengers and cargo; • Assess the extent to which states and local governments include SST and other marine transportation solutions in their transportation planning, and encourage state departments of transportation to develop strategies, where appropriate, to incorporate SST, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; • Encourage groups of states and multi-state transportation entities to determine how SST can address congestion, bottlenecks, and other interstate transportation challenges; • Establish a board to identify and seek solutions to impediments hindering effective use of SST, with representatives of the Environmental Protection Agency and other federal, state, and local governmental entities and private sector entities; and • Issue temporary SST program regulations for the implementation of the SST program not later than 90 days after December 19, 2007, and to issue final regulations not later than October 1, 2008. MARAD was assigned responsibility for implementation of SST, which it renamed America's Marine Highway Program. Two Years Late and $2 Billion Short The report to Congress on the implementation of SST and any recommendations for further legislative or administrative action, which was due not later than December 19, 2008, was finally issued on April 5 of this year. It addresses the "shall" tasking assigned under Section 1121 point by point and confirms – without noting DOT’s failure to meet the mandated deadlines of March 18 and October 1, 2008 for the publication of regulations or the December 19, 2008 deadline for filing the report – that the congressionally assigned tasks have been completed or are otherwise well underway. The report's organization and content are explained in an Executive Summary which commences: "The first section of this report provides the justification for expanding the utilization of Marine Highway services. It describes the interests of the federal government in encouraging greater use of Marine Highways and, through the example of Europe, shows that government policy can be successful in achieving this result. An important point of this section is that the full range of public benefits of Marine Highways services will not be realized based solely on market-driven transportation choices." The report confirms the Secretary's apparent compliance with the Act's directions. In the Conclusion it acknowledges that: "The private sector will ultimately be the key to the success of America's Marine Highway through innovation, outreach and investment,” and goes on to state: "Without strong leadership from the federal government, however, the nation's rivers and coastal waterways will continue to be underutilized for domestic container and trailer freight transportation. It is difficult for private operators to support the scale of investment needed to initiate large-scale operations. Private operators are particularly disadvantaged by the fact that many of the important public benefits of water transportation . . . cannot be captured in the form of higher revenues or lower costs . . . . Government action is required to help overcome these challenges and assist the expansion of Marine Highway services in a significant manner."

#### Federal funding solves private capacity

**McCormick 10** [Strengthening US Government US Secretary of Transportation Ray LaHood addressed the recent National Port Summit in San Diego. Wayne McCormick, of America’s Marine Highways, conducted the following interview Support of Marine Highways, http://americasmarinehighways.com/userfiles/Inland%20Port%20Mag%20-%20LaHood%20%282%29.pdf]

The private sector most always is the innovator and principle investor in new vessels. However, one of the challenges for vessel operators, especially new market entrants, is the high cost of getting their designs for more efficient vessels constructed or to finance innovations in fuel and “green” technologies. What can the federal government do to help stimulate those investments and a shift to greener vessels? Creating demand for water-borne transportation should be the first priority, as it effectively serves an incentive for vessel owners to build new ships, as well as providing incentives for the ports themselves. With increased demand, capacity will follow. And as we build new ships, they will meet or exceed today’s emissions standards, making them far more environmentally sustainable than our current fleet of older ships. Incentives for cargo owners and surface transportation service providers can be aimed at inducing the redirection of freight and passengers that better utilizes the excess capacity of our Marine Highways. We are looking at potential incentives that do this while we continue traditional programs, like Title XI loan guarantees, to help remove barriers to new vessel acquisition. Additionally, in 2007, Marine Highway vessel owners became eligible to utilize Capital Construction Funds for vessel construction, which also helps make new vessels more affordable. The Energy Independence and Security Act of 2007 also directs the Secretary of Transportation, in consultation with the Environmental Protection Agency, to conduct research on the environmental benefits of Marine Highways, including research on new technology and vessel designs. The goal is to reduce emissions, improve energy efficiency and lower transportation costs. While no specific funding has been provided to conduct this research, the Maritime Administration is incorporating Marine Highways into its overall research and development strategy and will make the most of existing resources and research relationships to advance this very important component of the Marine Highway.

## Adv 1

### 2NC – OV

1. Growth is terminally unsustainable – non-uniques every 1AC impact. Converging tipping points prove we’ve already hit peak growth and COVID has locked-in socioenvironmental collapse – it’s try or die to collapse now and spur a social transition.

2. Outweighs – climate change, bio-d loss, and ecological overshoot all render the planet uninhabitable. Every carbon molecule added to the atmosphere linearly increases the risk of a 6th mass extinction – vast scientific consensus proves – that’s Marques.

#### 3. Turns case – regrowth locks in reactionary nationalism that makes any global problem solving impossible – flips environmental sustainability and naval power.

Marques 20 – associate professor at the Department of History, University of Campinas (Unicamp), Brazil (Luis, Pandemics, Existential and non-Existential Risks to Humanity, <http://dx.doi.org/10.1590/1809-4422asoc20200126vu2020L3ID> Ambiente & Sociedade São Paulo. Vol. 23, 2020)//gcd

The current pandemic offers the chance for a civilizational turn, probably the last chance before environmental imbalances spin beyond societies’ control. The project of globalized capitalism, the only possible one for it, is to continue advancing blindly in its logic of destruction. Pollution and greenhouse gas emissions are already nearly within normal ranges in China again and James Temple (2020, p. 56) analyzed how: the threat of rapidly accelerating climate change will remain. And we’ll be living in a much poorer world, with fewer job opportunities, less money to invest in cleaner systems, and deeper fears about our health, our financial futures, and other lurking dangers. These are ripe conditions to further inflame nationalist instincts, making our global challenges even harder to solve. But it is still possible to choose another path and to abandon the ecocidal and suicidal logic upon which we have built our societies and our world views. Even though much more improbable, that choice is the only one possible if we wish to significantly increase our chances of adapting to a global warming of at least 1°C above the current level of warming, which will occur in the next quarter century. For that, we will need to redefine the objectives and the elementary way economic activities function, a redefinition based on three fundamental principles: (1) A low-carbon energy and food system, based principally on vegetable nutrients, produced by a varied organic agriculture, respectful of wildlife habitats. That new agriculture centered on food self-sufficiency for territories will reduce the recurrence of plagues and epidemics, as well as limiting their impact; (2) A new international juridical-political order, overcoming the retrograde and militaristic notion of absolute national sovereignty in favor of global governance, the only way to coordinate our struggle against the principal global emergencies: climate, destruction of biodiversity, pollution, and unsanitary conditions; (3) And, finally, a redefinition – of a philosophical and spiritual character – of humankind’s position in the biosphere, abandoning anthropocentrism in favor of biocentrism.

#### 4. Only climate change causes extinction – not nuclear war.

Miller-McDonald 19 – Sam obtained a Master of Environmental Management at Yale University studying energy politics and grassroots innovations in the US (“Deathly Salvation TFW nuclear war may be the only way to stop human extinction”, The Trouble, 1-4-19, <https://www.the-trouble.com/content/2019/1/4/deathly-salvation>, accessed 7-16-19)// kel$

We’ve tied ourselves in a perfect Gordian knot. The global economy is a vast machine, operating beyond the control of even the most powerful individuals, and it has a will of its own to consume and pollute. It’s hard to believe that this massive metal beast will be peacefully undone by the people who survive by it, and we all survive by it in some way, often against our wills; it bribes and entraps us all in ways large and small. But a wrench could clog the gears, and maybe only a wrench can stop it. One wrench that could slow climate disruption may be a large-scale conflict that halts the global economy, destroys fossil fuel infrastructure, and throws particulates in the air. At this point, with insane people like Trump, Putin, Xi, May, and Macron leading the world’s biggest nuclear powers, large-scale conflagration between them would probably lead to a nuclear exchange. Nobody wants nuclear war. Rather, nobody sane and prosocial wants nuclear war. It is an absolute horror that would burn and maim millions of living beings, despoil millions of hectares, and scar the skin of the earth and dome of the sky for centuries, maybe millennia. With proxy conflict brewing between the US and Russia in the Middle East and the Thucydides trap ready to ensnare us with an ascendant China, nuclear war looks like a more realistic possibility than it has since the 1980s. A devastating fact of climate collapse is that there may be a silver lining to the mushroom cloud. First, it should be noted that a nuclear exchange does not inevitably result in apocalyptic loss of life. Nuclear winter—the idea that firestorms would make the earth uninhabitable—is based on shaky science. There’s no reliable model that can determine how many megatons would decimate agriculture or make humans extinct. Nations have already detonated 2,476 nuclear devices. An exchange that shuts down the global economy but stops short of human extinction may be the only blade realistically likely to cut the carbon knot we’re trapped within. It would decimate existing infrastructures, providing an opportunity to build new energy infrastructure and intervene in the current investments and subsidies keeping fossil fuels alive. In the near term, emissions would almost certainly rise as militaries are some of the world’s largest emitters. Given what we know of human history, though, conflict may be the only way to build the mass social cohesion necessary for undertaking the kind of huge, collective action needed for global sequestration and energy transition. Like the 20th century’s world wars, a nuclear exchange could serve as an economic leveler. It could provide justification for nationalizing energy industries with the interest of shuttering fossil fuel plants and transitioning to renewables and, uh, nuclear energy. It could shock us into reimagining a less suicidal civilization, one that dethrones the death-cult zealots who are currently in power. And it may toss particulates into the atmosphere sufficient to block out some of the solar heat helping to drive global warming. Or it may have the opposite effects. Who knows? What we do know is that humans can survive and recover from war, probably even a nuclear one. Humans cannot recover from runaway climate change. Nuclear war is not an inevitable extinction event; six degrees of warming is. Given that mostly violent, psychopathic individuals manage the governments and industries of the world, it may only be possible for anti-social collective action—that is, war—to halt, or at least slow, our inexorable march toward oblivion. A courageous, benevolent ruler might compel vast numbers of people to collective action. But we have too few of those, and the legal, political, and military barriers preventing them from rising are immense. Our current crop of villainous presidents, prime ministers, and CEOs, whether lusting for chaos or pursuing their own petty ends, may inadvertently conspire to break the machine now preventing our future. When so bereft of heroes, we may need to rely on humanity’s antagonists and their petty incompetence to accidentally save the day. It is a stark reflection of how homicidal our economy is—and our collective adherence to its whims—that nuclear war could be a rational course of action.

#### 5. Growth alone causes extinction:

#### A) Chemical emissions.

Cribb ’17 (Julian Cribb 17, principal of JCA, Fellow of the Australian Academy of Technological Sciences and Engineering, former Director, National Awareness, CSIRO, “The Poisoner,” Surviving the 21st Century Chapter 6)

There are two essential points about the Earthwide chemical flood. First it is quite new. It began with the industrial revolution of the late nineteenth century, but expanded dramatically in the wake of the two world wars—where chemicals were extensively used in munitions—and has exploded in deadly earnest in the past 50 years, attaining a new crescendo in the early twenty-first century. It is something our ancestors never faced—and to which we, in consequence, lack any protective adaptations which might otherwise have evolved due to constant exposure to poisons. Second, the toxic flood is, for the most part, preventable. It is not compulsory—but is an unwanted by-product of economic growth. Though driven by powerful industries and interests, it still lies within the powers and rights of citizens, consumers and their governments to demand it be curtailed or ended and to encourage industry to safer, healthier products and production systems. The issue is whether, or not, a wise humanity would choose to continue poisoning our children, ourselves and our world. Regulatory Failure Despite the fact that around 2000 new chemicals are released onto world markets annually, most have not received proper health, safety or environmental screening—especially in terms of their impact on babies and small children. Regulation has so far failed to make any serious curtailment of this flood: only 21 out of 144,000 known chemicals have been banned internationally, and this has not eliminated their use. At such a rate of progress it will take us more than 50,000 years to identify and prohibit or restrict all the chemicals which do us harm. Even then, bans will only apply in a handful of well-regulated countries, and will not protect the Earth system nor humanity at large. Clearly, national regulation holds few answers to what is now an out-of-control global problem. Furthermore, the chemical industry is relocating from the developed world (where it is quite well regulated and observes its own ethical standards) and into developing countries, mainly in Asia, where it is largely beyond the reach of either ethics or the law. However, its toxic emissions return to citizens in well-regulated countries via wind, water, food, wildlife, consumer goods, industrial products and people. The bottom line is that it doesn’t matter how good your country’s regulations are: you and your family are still exposed to a growing global flood of toxins from which even a careful diet and sensible consumer choices cannot fully protect you. The wake-up call to the world about the risks of chemical contamination was issued by American biologist Rachel Carson when she published Silent Spring in 1962, in which she warned specifically about the impact of certain persistent pesticides used in agriculture. Since her book came out, the volume of pesticide use worldwide has increased 30-fold, to around four million tonnes a year in the mid-2010s. Since the modern chemical age began there has been a string of high-profile chemical disasters: Minamata, the Love Canal, Seveso, Bhopal, Flixborough, Oppau, Toulouse, Hinkley, Texas City, Jilin, Tianjin. Most of these display a familiar pattern of unproductive confrontation between angry citizens, industry and regulators, involving drawn-out legal battles that deliver justice to nobody. By their spectacular and local nature, such events serve to distract from the far larger, more insidious and ubiquitous, universal toxic flood. Chemists and chemical makers often claim that their products are ‘safe’ because individual exposure (e.g. in a given product, like a serve of food) is too low to result in a toxic dose, a theory first put forward by the mediaeval scholar Paracelsus in the sixteenth century. This ‘dose related’ argument is disingenuous, if not dishonest—as modern chemists well know—for the following reasons: Most chemicals target a receptor or receptors on certain of your body cells, to cause harm. There may be not one, but hundreds or even thousands of different chemicals all targeting the same receptor, so a particular substance may contribute an unknowable fraction to an overall toxic dose. That does not make it ‘safe’. Chemicals not known to be poisonous in small doses on their own can combine with other substances in water, air, food or your body to create a toxin. No manufacturer can truthfully assert this will not happen to their products. Chemical toxicity is a function of both dose and the length of time you are exposed to it. In the case of persistent chemicals and heavy metals, this exposure may occur over days, months, years, even a lifetime in some cases. Tiny doses may thus accumulate into toxic ones. Most chemical toxicity is still measured on the basis of an exposed adult male. Babies and children being smaller and using much more water, food and air for their bodyweight, are therefore more at risk of receiving a poisonous dose than are adults. Chemicals and minerals are valuable and extremely useful. They do great good, save many lives and much money. No-one is suggesting they should all be banned. But their value may be for nothing if the current uncontrolled, unmonitored, unregulated and unconscionable mass release and planetary saturation continues. Chemical Extinction Two billion years ago, excessive production of one particular poisonous chemical by the inhabitants of Earth caused a colossal die-off and threatened the extermination of all life. That chemical was oxygen and it was excreted by the blue-green algae which then dominated the planet, as part of their photosynthetic processes. After several hundred million of years, the planet’s physical ability to soak up the surplus O2 in iron formations, oceans and sediments had reached saturation and the gas began to poison the existing life. This event was known as the ‘oxygen holocaust’, and is probably the nearest life on Earth has ever come to complete disaster before the present (Margulis and Sagan 1986). Since it developed slowly, over tens of millions of years, the poisonous atmosphere permitted some of these primitive organisms to evolve a tolerance to O2—and this in time led to the rise of oxygen-dependent species such as fish, mammals and eventually, us. The takehome learning from this brush with total annihilation is that it is possible for living creatures to pollute themselves into oblivion, if they don’t take care to avoid it or rapidly adapt to the new, toxic environment. It’s a message that humans, with our colossal planetary chemical impact, would do well to ponder. While it is unlikely that human chemical emissions alone could reach such a volume and toxic state as to directly threaten our entire species with extinction (other than through carbon emissions in a runaway global warming event) or even the collapse of civilisation, it is likely they will emerge as a serious contributing factor during the twenty-first century in combination with other factors such as war, climate change, pandemic disease and ecosystem breakdown. Credible ways in which man-made chemicals might imperil the human future include: Undermining the immune systems, physical and mental health of the population through growing exposure to toxins Reducing the intelligence of current and future generations through the action of nerve poisons on the developing brains and central nervous systems of children, rendering humanity less able to solve its problems and adapt to major changes; and by increasing the level of violent crime and conflict in society, which is closely linked to lower IQ. Bringing down the economy through the massive healthcare costs of having to nurse, treat and maintain a growing proportion of the population disabled by lifelong chronic chemical exposure. By poisoning the ecosystem services—clean air, water, soil, plants, insects and wildlife—on which humanity depends for its own survival and thereby contributing to potential global ecosystem breakdown By augmenting the global arsenal of weapons of mass destruction and hence the risk of their use by nations or uncontrollable fanatics.

#### B) Methane.

Malcolm Light 19, PhD in Geology from the University of London, Earth System Scientist, 1-7-2019, "Global Extinction Within 18-34 Months," Artic News, https://arctic-news.blogspot.com/2019/01/global-extinction-within-18-34-months.html, Accessed 12-7-2021, LR + ao

Humanity is facing the final, western corporate capitalist, fossil fuel initiated, catastrophic Arctic methane hydrate destabilization and Permian style methane blowout - firestorm that will culminate in 1 to 4 years (2020 to 2023).

We will all be boiled alive like lobsters in a massively humid atmosphere and converted into stardust.

Recent data from the Arctic confirm an exponential rise in the temperature anomaly of the Arctic stratospheric methane which is now 65 degrees C above the normal, while it was only 20 degrees C above the normal, 6 to 8 years ago.

Using this data and the recent Piomas (2017) estimates of the minimum Arctic ice shelf volume it is now possible to estimate the timing of the Arctic - Permian style methane blowout firestorm more accurately and the events in the Figure 1. below and tabulated beneath it.

1. An Arctic blue oceanic event is possible in 2020 due to the fast rise in Summer temperatures (Piomas - Zhang and Rothrock, 2003, Wipneus, 2017, Carana, 2016)

2. The start of the Arctic Permian style methane blowout event can begin as early as July 15, 2020 at the end of Summer in the Northern Hemisphere if the Mean Yearly Global Warming Potential of Methane is used (119.3959 from Goddard Space Flight Centre Data, NASA 2012)

3. The Major Arctic Permian Style, Methane Blowout - Firestorm Event which will cause the release of some 50 Gt of methane from the Arctic shelf and slope (Shakhova, 2010), a 10 Degree Centigrade Rise in Mean Global Atmospheric Temperatures causing a Catastrophic Permian Style Global Extinction Event, is timed to begin on 4th September, 2021 using an Atmospheric Methane Global Warming Potential of 100. This is an end Summer event for the Northern Hemisphere.

4. There is a 95% Probability that the Arctic Ice Shelf will have Zero Volume by the 5th of September 2022 (Piomass - Zhang and Rothrock, 2003, Wipneus, 2017, Carana, 2016) which is an end Summer event and exactly one year after the Catastrophic Permian Style Global Extinction Event.

This indicates a total 12 month delay in the atmospheric heat being transferred to the tropical ocean currents (e.g the Gulf Stream) and then being conducted north to heat up the Svalbard current which then destabilizes the shelf and slope methane hydrates in the Arctic ocean releasing methane to the atmosphere.

The Goddard Space flight Centre Arctic shelf data (NASA 2012) indicate a 7 month delay in Summer ocean heating and the release of methane from the Arctic shelf and slope.

The Arctic ice shelf is being melted from below so the ocean needs to be heated first by the methane in the tropical stratosphere and this heat is then transferred by ocean current to the Arctic over at least 7 months. Ice also has a large latent heat of melting adding an additional several months to the delay time for the total Arctic ice shelf melt.

5. From the 24ᵗʰ of December 2022, Worldwide Catastrophic Weather Systems are now entirely controlled by the Arctic Atmospheric Global Warming Veil. The data is derived from the converging amplitude envelope of the 11 year moving average of the GISS maximum surface temperature anomalies from which the final mean convergence point being was determined (NASA GISS Data).

WHAT YOU NEED TO DO

The start date of the Permian style global extinction event may be only 18 to 19 months away. This says that you must complete your bucket list of unfulfilled dreams before July to August 2020. A bucket list is a list of unfulfilled actions you need to complete before you die ("kick the bucket").

Do not worry about dying as it comes to all of us in the end, only this time we will all be going together. The Earth will soon after this lose all its oceans and become "Venus Like".

Empathy is organic evolution's key to group survival in a uncaring inorganic universe. Enjoy yourselves and be excellent to each other in these last days and hours on the only remaining habitable planet in this solar system.

CONCLUSIONS

The Earth is a giant convecting planet, the underlying molten magma being heated by deep seated radioactivity and the oceans and atmosphere are its cooling radiator which allows the Earth the facility to vent this heat into open space (Windley, 1984; Allen and Allen, 1990). Mother Earth has carefully held the atmospheric temperature within a stable range necessary for oceans to exist for at least 4 billion years and nurtured the earliest bacteria to evolve into today's space faring humans (Calder, 1983).

The fouling up of the Earth's cooling radiator from Human emissions of greenhouse gases derived from fossil fuels will be counteracted by Mother Earth in her characteristic fashion by emitting vast volumes of deadly methane into the atmosphere from the Arctic regions. This will lead to the total extermination of all harmful biological species that produce greenhouse gases in the same way that Mother Earth did during the Permian and other extinction extinction events. In this case however we have totally tipped the balance with our extreme carbon dioxide and methane emissions so that there will be no chance of recovery for the Earth in this time frame, because the methane release will cause the oceans to begin boiling off between 115°C and 120°C (Severson, 2013) in 2080 and the Earth's atmosphere will have reached temperatures equivalent to those on Venus by 2096 (460°C to 467°C)(Wales, 2013; Moon Phases, 2013).

#### C) Phosphorus overconsumption causes extinction.

Faradji & De Boer ‘16 (Charly Faradji and Marissa De Boer, Doctor of Philosophy Student and  Researcher and European Project Manager of SusPhos at the VU University in Amsterdam, the Netherlands, “How the great phosphorus shortage could leave us short of food,” Phys.org. February 17, 2016, https://phys.org/news/2016-02-great-phosphorus-shortage-short-food.html) // S.Y.

You know that greenhouse gases are changing the climate. You probably know drinking water is becoming increasingly scarce, and that we're living through a mass extinction. But when did you last worry about phosphorus? It's not as well-known as the other issues, but phosphorus depletion is no less significant. After all, we could live without cars or unusual species, but if phosphorus ran out we'd have to live without food. Phosphorus is an essential nutrient for all forms of life. It is a key element in our DNA and all living organisms require daily phosphorus intake to produce energy. It cannot be replaced and there is no synthetic substitute: without phosphorus, there is no life. Our dependence began in the mid-19th century, after farmers noticed spreading phosphorus-rich guano (bird excrement) on their fields led to impressive improvements in crop yields. Soon after, mines opened up in the US and China to extract phosphate ore – rocks which contain the useful mineral. This triggered the current use of mineral fertilisers and, without this industrial breakthrough, humanity could only produce half the food that it does today. Fertiliser use has quadrupled over the past half century and will continue rising as the population expands. The growing wealth of developing countries allows people to afford more meat which has a "phosphorus footprint" 50 times higher than most vegetables. This, together with the increasing usage of biofuels, is estimated to double the demand for phosphorus fertilisers by 2050 Today phosphorus is also used in pharmaceuticals, personal care products, flame retardants, catalysts for chemical industries, building materials, cleaners, detergents and food preservatives. Phosphorus is not a renewable resource Reserves are limited and not equally spread over the planet. The only large mines are located in Morocco, Russia, China and the US. Depending on which scientists you ask, the world's phosphate rock reserves will last for another 35 to 400 years – though the more optimistic assessments rely on the discovery of new deposits. It's a big concern for the EU and other countries without their own reserves, and phosphorus depletion could lead to geopolitical tensions. Back in 2008, when fertiliser prices sharply increased by 600% and directly influenced food prices, there were violent riots in 40 different developing countries.

#### 6. So does complexity – systemic risk turns case.

Manheim 20— University of Haifa School of Public Health (David, The Fragile World Hypothesis: Complexity, Fragility, and Systemic Existential Risk, Futures, Volume 122, 2020, 102570, ISSN 0016-3287, <https://doi.org/10.1016/j.futures.2020.102570.)//> gcd

The key question so far is whether fragility increases over time as systems are built. The answer to that question depends on a combination of factors that can push in either direction. These include increasing complexity of systems, the economic incentives for efficiency over robustness and the resulting levels of investment in resilience, the failure rates of individual components and systems, as well as the way in which systems-of-systems (and systems-of-systems-of-systems) are interrelated, and the extent to which systems and their interdependencies are designed to be robust. Even the claim of inevitable fragility in individual systems makes several assumptions about how fragility increases. Before looking at the systemic question of how fragility could lead to collapse, we will outline these assumptions. Note that these are in fact assumptions, rather than claims - if any one of them is false in ways that are outlined, it would refute the hypothesis. The third assumption is particularly critical, and will be explored further in the next subsection. First, for fragility to matter, the current trend of efficiency-increasing and resilience-decreasing technologies must continue to apply to at least one critical system, such as agriculture, communication, or transport. If this is wrong, and future white-ball / safe exploration technologies are ones that favor robustness over efficiency in all such critical domains, the trend would reverse. For instance, distributed fault tolerant computing arguably increases both efficiency and robustness. Most new technologies move in the opposite direction, but if enough resilience increasing technology is found, the balance could shift. Second, the argument for increasing fragility assumes that economic growth continues to absorb human effort in a way that does not lead to overabundant resources. In Eric Drexler's ’Paretotopia‘ scenario, increased resources are unmatched by increased demand. Drexler (2019) In that future case, resources are abundant enough that robustness is easy to achieve. This second scenario also assumes the absence of supercharged competition that uses the newly abundant resources. This would not occur, for example, in Hanson's proposed default “Em” scenario, where human-based intelligences are simulated computationally, leading to a reduction rather than an increase in surplus that could be redirected to robustness for lack of other needs. Hanson (2016) Third, it assumes that fragility is relatively hard to identify, such that at least some failures will be unanticipated. This has been true historically, but it is possible that future developments would reverse this trend, making the search for increased robustness itself efficient enough to counterbalance the more general and destabilizing increased fragility that new technology allows. If failures do become easy to anticipate, more expensive general resilience can be replaced with more specific redundancies targeted to the exact failure modes identified. 4.1. Non-Obvious Fragility As mentioned, hard-to-identify fragility is a key assumption. Broadly speaking, non-obvious fragility is the result of planning for efficiency, instead of designing for redundancy, fault tolerance, or even provable safety. This is a fairly general fact about any control system. Paattilammi and Makila (2000) The concrete result of the current optimization shows clear signs of producing fragile results. One example is the proliferation of disposable technology, such as fragile smartphones designed to be replaced rather than fixed or upgraded. Failure of these optimized devices is normal, and while mitigating failure is important, it is often the case that risk must be accepted, rather than avoided. Perrow (2011) This type of fragility is obvious and anticipated, rather than non-obvious and worrying. For example, individual computers are fragile, and components fail frequently. For this reason, in high-reliability computer systems, a variety of mechanisms are in place to compensate, including redundant online systems for data storage, Chen, Lee, Gibson, Katz, and Patterson (1994) or methods to address other hardware failures. Wang, Zhang, and Xu (2017) The fact that computer networks are not fragile, and the fragility that does exist is well understood, seems to be a counterexample. But the resilience itself is planned, in contrast to ecological systems where it is emergent - as we will discuss in detail below. This means that fault-tolerant designs are built to be tolerant of expected faults. Not only that, but resilience itself is optimized, for example, to minimize the number of backups or other costs needed to have a planned level of reliability. Rodrigues-da Silva and Crispim (2014) This creates fragility to unexpected faults, and allows the systems to operate through anticipated contingencies, but not to anything beyond that point. 4.2. Sociotechnical Resilience Fragility of systems is not based purely on the lack of resilience of technical systems. In fact, fragility of optimized technical systems is compensated for by the greater robustness of sociological systems. The combined sociotechnical system, then, is the level at which fragility should be considered. To reduce the fragility of sociotechnical systems, organizations can attempt to build more resilience at the organizational level. This can involve information sharing, distributed decision making, and better risk assessment. If done well, these attempts provide a sociotechnical system that compensates for technical and operation risk, but is again very different from emergent resilience. Langeland, Manheim, Mcleod, and Nacouzi (2016) Unfortunately, the interaction between humans and technology can often multiply risks, rather than mitigate them. Yeo and Ren (2009) Another reason to think that sociotechnical resilience will not fully compensate for technological fragility is the reduced human involvement in technical systems. As automation increases, Danzig notes that humans are increasingly necessarily out-of-the-loop. Danzig (2018) He further argues that when there is competition, this dynamic is a necessary result of continued optimization. To conclude the discussion of single-system fragility, we note that inevitable fragility of systems is not actually required for the hypothesis presented. As this section argued, it does seem plausible that in expectation, new technologies will be more fragile than those they replace. However, systemic risk can exist given the much weaker claim that specific critical systems are relied upon, and technological improvements relevant to those systems alone exhibit sufficient fragility to cause a cascading collapse. Before discussing the interaction between systems, however, it is worth considering how these human, technical, or sociotechnical systems differ from naturally resilient biological systems.

### XT – Econ D

#### Downturns don’t cause wars.

Liao ’19 [Jianan Liao, Shenzhen Nanshan Foreign Language School, China. Business Cycle and War: A Literature Review and Evaluation. Advances in Economics, Business and Management Research, volume 68. Copyright 2019]

First, war can occur at any stage of expansion, crisis, recession, recovery, so it is unrealistic to assume that wars occur at any particular stage of the business cycle. On the one hand, although the domestic economic problems in the crisis/recession/depression period break out and become prominent in a short time, in fact, such challenge exists at all stages of the business cycle. When countries cannot manage to solve these problems through conventional approaches, including fiscal and monetary policies, they may resort to military expansion to achieve their goals, a theory known as Lateral Pressure. [13] Under such circumstances, even countries in the period of economic expansion are facing downward pressure on the economy and may try to solve the problem through expansion. On the other hand, although the resources required for foreign wars are huge for countries in economic depression, the decision to wage wars depends largely on the consideration of the gain and loss of wars. Even during depression, governments can raise funding for war by issuing bonds. Argentina, for example, was mired in economic stagflation before the war on the Malvinas islands (also known as the Falkland islands in the UK). In fact, many governments would dramatically increase their expenditure to stimulate the economy during the recession, and economically war is the same as these policies, so the claim that a depressed economy cannot support a war is unfounded. In addition, during the crisis period of the business cycle, which is the early stage of the economic downturn, despite the economic crisis and potential depression, the country still retains the ability to start wars based on its economic and military power. Based on the above understanding, war has the conditions and reasons for its outbreak in all stages of the business cycle.

Second, the economic origin for the outbreak of war is downward pressure on the economy rather than optimism or competition for monopoly capital, which may exist during economic recession or economic prosperity. This is due to a fact that during economic prosperity, people are also worried about a potential economic recession. Blainey pointed out that wars often occur in the economic upturn, which is caused by the optimism in people's mind [14], that is, the confidence to prevail. This interpretation linking optimism and war ignores the strength contrast between the warring parties. Not all wars are equally comprehensive, and there have always been wars of unequal strength. In such a war, one of the parties tends to have an absolute advantage, so the expectation of the outcome of the war is not directly related to the economic situation of the country. Optimism is not a major factor leading to war, but may somewhat serve as stimulation. In addition, Lenin attributed the war to competition between monopoly capital. This theory may seem plausible, but its scope of application is obviously too narrow. Lenin's theory of imperialism is only applicable to developed capitalist countries in the late stage of the development capitalism, but in reality, many wars take place among developing countries whose economies are still at their beginning stages. Therefore, the theory centered on competition among monopoly capital cannot explain most foreign wars. Moreover, even wars that occur during periods of economic expansion are likely to result from the potential expectation of economic recession, the "limits of growth" [15] faced during prosperity — a potential deficiency of market demand. So the downward pressure on the economy is the cause of war.

#### No impact to decline – it’s resilient and economic factors don’t indicate collapse of the liberal order.

Drezner ’19 [Daniel; Professor of International Politics in The Fletcher School of Law and Diplomacy @ Tufts University, BA in Political Economy @ Williams College, Econ MA and Political Science PhD @ Stanford; “Counter-Hegemonic Strategies in the Global Economy,” *Security Studies* 28.3, p. 505-531; AS]

The neoliberal economic order, as defined by the Washington Consensus, has endured for decades. Global governance structures successfully contained the damage created by the 2008 financial crisis. Nonetheless, concerns have been raised about the resiliency of the current hegemonic order and whether a rising great power could mount a revisionist challenge to the system. Debates about the AIIB and BRI have been distracting, however. Instead, it is better to sketch out an optimal path for actors to challenge the hegemonic order and then see how the candidate great powers are behaving in those areas. The evidence suggests that Russia has genuinely revisionist aims but is pursuing them in a radically inefficient manner. China, on the other hand, seems far less interested in revisionist strategies than many feared in 2009.

This paper concludes that state-led efforts to create a counter-hegemonic system to challenge the US-created hegemonic order have been either ineffective or inefficient. At the same time, it offers two warnings about the future of the liberal economic order. The first is that US scholars, in assessing the future stability of the liberal international order, may also be focusing on the wrong signals. Too much attention is being paid to the financial dimensions of the order. The findings presented here suggest that finance is a laggard and not a leading indicator of threats to the system. Indeed, this would not be the first time that observers focused on the wrong structural pillar of the hegemonic order. In The Great Transformation, Karl Polanyi noted, “The true nature of the international system under which we were living was not realized until it failed. Hardly anyone understood the political function of the international monetary system; the awful suddenness of the transformation thus took the world completely by surprise … . when it broke, the effect was bound to be instantaneous.” 100 Focusing exclusively on the gold standard would have caused analysts in the early half of the twentieth century to have missed the decay and revisionism present in the security and information pillars. This paper concludes that the finance pillar should be the last to fall in any breakdown of a hegemonic economic order. The same problem afflicts analysts who focus on the dollar’s standing as the world’s reserve currency as a possible canary in the coal mine for any erosion of the hegemonic order. Their attention would be better directed at the ideational challenges to the open global economy. That is the true canary in the coal mine, and it is already starting to sing rather loudly.

### 1NC – Tech !

#### Growth-driven innovation causes extinction through emerging tech. Transition solves.

Pueyo 19 – Dept. Evolutionary Biology, Ecology, and Environmental Sciences, Universitat de Barcelona (Salvador, Limits to green growth and the dynamics of innovation. 3 May 2019 https://arxiv.org/pdf/1904.09586.pdf)//gcd

Albeit normally overlooked, the need to adapt the tempo of technological innovation to the tempo of institutional adaptation was already discussed in Meadows et al. (1972). These authors gave instances of geographic regions where the Green Revolution had improved people’s lives and others in which the social side effects had been clearly detrimental, which they attributed to preexisting institutional differences. In their words, such experiences show that social side-effects must be anticipated and forestalled before the large-scale introduction of a new technology (...). Such preparation for technological change requires, at the very least, a great deal of time. Every change in the normal way of doing things requires an adjustment time, while the population, consciously or unconsciously, restructures its social system to accommodate the change. While technology can change rapidly, political and social institutions generally change very slowly. Much more recently, even the literature on long-term implications of artificial intelligence (AI), which, in general, is extremely technophile and pro-growth (Pueyo, 2018), has been warning of the need to slow down the investment in AI development as compared to the investment in means to prevent its potentially irreversible impacts (e.g., Bostrom, 2014), which, however, are thought of as mostly technical means. Arguably, these would be useless in the absence of deep institutional changes (Pueyo, 2018). The very challenges that recipes such as green growth pretend to solve were created by technological innovations in combination with economic institutional arrangements, and the adequate institutional changes are indeed lagging behind, whether they are those promoted under the umbrella of green growth, degrowth or any other. Unfortunately, accelerating innovation is acceleratingly posing new challenges, from an exploding diversity of chemicals with deleterious or yet unknown impacts on health and the environment (UNEP, 2019) to new technologies usable for mass destruction, as was already the case of nuclear energy and appears to be the case of developments not just in AI but also in several other emergent technologies such as nanotechnology or new methods of genetic engineering (see, e.g., Sutherland et al. (2016) for a review of emergent threats, focusing on their significance for biodiversity). If the institutional capabilities to manage such risks does not evolve at a commensurate speed, there will be an accumulation of serious threats for civilization and the rest of the biosphere that will not be solved by increases in eco-efficiency or by new energy sources. Subtler social consequences of accelerating innovation are becoming ever more pervasive. Technological acceleration, combined with market competition, are motors of what sociologists call social acceleration (Rosa and Scheuerman, 2009; about the link to innovation, see, e.g., L¨ubbe, 2009, p. 169-170), leading some aspects of society to change at accelerating rates and forcing people to adapt. An example is the mounting pressure over workers to increase their adaptability and allied capabilities, collectively known as employability (Chertkovskaya et al., 2013). Due to what the economic literature refers to as bounded rationality, the human capacity to process change, to adapt and to become adaptable have limits which will be overcome if the pressure grows exponentially. As put by L¨ubbe (2009, p. 175), Processes of growing up, just like processes of growing old, become precarious if the quantity of cultural resources that have consistent validity over the short duration of an average life dissolves with disorienting consequences. This phenomenon holds some analogy to ecosystem degradation, which, in part, is due to limited capacities to track anthropogenic changes (e.g., Devictor et al., 2012) rather than the inherent implications of, say, a given temperature. The pressure over people’s lives is not just due to the speed of change in general but also to the fact that much cutting-edge innovation pursues efficiency in the absorption and use of a limited resource as is human attention. This phenomenon was already conceptualized by Simon (1971) as attention economy and it is becoming increasingly difficult to escape its influence8 . If models like the one in this paper apply, even approximately, in this case, exponential growth will be linked to a roughly exponential increase in efficiency in the use of this resource (up to saturation), i.e., efficiency in shaping preferences and behavior to the benefit of firms. Such considerations become all the most important when taking into account the incipient innovation in the very patterns of innovation. The disruption of traditional innovation curves is underway because of design automation, which has been already going on for some time (Lavagno et al., 2006). In the field of evolvable hardware there are instances of evolutionary algorithms developing highly effective devices whose functioning was elusive for human engineers (Bostrom, 2014, p. 154). The substantial progress that most experts expect for AI after some decades (M¨uller and Bostrom, 2016; Dafoe and Russell, 2016) is likely to result in deep changes in all aspects of society, including the generalization of such second-order innovation. When this occurs, the model in this paper and the ensuing results will no longer hold, because that transformation will open the doors to endogenous superexponential innovation. Superexponential innovation is the condition noted in sec. 3 to sustain absolute decoupling beyond some point, but only until the physical limit cf is reached, and if rebound (Schneider, 2008) is avoided. What this entails in terms of ultimate limits to growth will depend on the significance of such enhanced innovation for less clear-cut issues such as those dealt with in sec. 4.2. However, if this growth is to be green or, more generally, serve the human interest, the problems dealt with above in this same section become even more relevant. Even more important than human capacity to adapt to accelerated changes would be the human limited capacity to take complex decisions, which, in a system based of competition among economic units such as firms, is likely to mean, as noted in Pueyo (2018), an unavoidable, massive automation of decisions, which would become ever more unintelligible and could fully dissociate the directions taken by economies from human interests. This section points to some widely ignored but crucial aspects for any economic recipe intended to serve the human interest as green growth is supposed to (as well as for recipes intended to serve the interests of other sentient beings). The first suggestion that emerges is that innovation, however desirable it might be, would need to take place at some pace commensurate with the capacities of people to adapt and of institutions to pre-adapt. Given the strong two-way causal relation generally assumed to exist between innovation and growth, this is a reason to abandon the logic of indefinite growth. The second suggestion is that, given the formidable forces that technology is unleashing and their potential to produce mass destruction or mass dystopia, the most basic institutional change that is needed is a transition from a system based on competition and microeconomic growth imperatives (see Richters and Siemoneit, 2018) to a system that favors solidarity and sufficiency, as previously discussed in Pueyo (2018). Pueyo (2018) also suggests that the broad spectrum of the potentially affected by such impacts creates some hope for collective action in this direction. Such a radical change will also be a form of social acceleration, but transient and oriented by a common purpose, distinct from a state of permanently accelerated and largely meaningless change.

#### Growth AI will be used for resource extraction, ML requires massive emissions and is socially unsustainable – degrowth allows us to harness it for ecological innovations

Sætra 21 – political scientist working in the Faculty of Business, Languages and Social Science at Ostfold College (Henrik, AI in Context and the Sustainable Development Goals: Factoring in the Unsustainability of the Sociotechnical System. Sustainability 2021, 13, 1738. https:// doi.org/10.3390/su13041738)//gcd

5.7. SDG13: Take Urgent Action to Combat Climate Change and Its Impacts Climate change is increasingly perceived as a real and important threat to human (and nonhuman) livelihood. AI excels where it can optimize decisions in highly complex environments, and it could be argued that AI might potentially improve decision making related to climate policy. Some have even argued that a limited AI technocracy could be founded on the need to combat such changes that human politicians are neither willing nor able to face satisfactorily [65]. Indirectly, climate change might also be mitigated through AI powered innovation, infrastructure, and industry (SDG9). Another potential application of AI is in the development of controversial—but feasible—geoengineering solutions that allow people to sidestep the need for substantial and radical changes in economic and political systems [69]. Vinuesa, et al. [1] find a positive AI influence on 70% of the subgoals and a negative influence on 20% of the goals. However, Big Tech has thus far not seemed particularly green in the sense of promoting a green transition. AI is used just as much to make the extraction of oil and gas more efficient as it is in the planning of windmill parks. These are all indirect effects, and a more pressing concern is how modern AI directly creates increasing amounts of emissions from the data-intensive training of machine learning algorithms [70]. In fact, Timnit Gebru—a pioneer in critical AI research—recently departed (or was departed from) Google after a row over a paper she co-authored. Here, the authors argued that the current trajectory of AI, with natural language models trained on increasingly large data sets, are unsustainable and harmful in a number of ways—including its massive carbon footprint [71]. This relates to the efforts to develop green information technologies, as people are increasingly coming to the realization that mass use and production of technology entail significant environmental costs [72]. AI and Big Tech are parts of an economic system in which conventional growth is the driving force, and it seems likely that AI will have to be divorced from this system before the overall implications of AI can be considered a significant positive force for combatting climate change [70].

#### They’re far off.

Etzioni ’20 [Oren; CEO of the nonprofit Allen Institute for AI, Professor of Computer Science @ University of Washington; “How to know if artificial intelligence is about to destroy civilization”; July 2nd 2020; https://www.technologyreview.com/2020/02/25/906083/artificial-intelligence-destroy-civilization-canaries-robot-overlords-take-over-world-ai/]

And though the Turing test itself is not a good canary, limited versions of the test could serve as canaries. Existing AIs are unable to understand people and their motivations, or even basic physical questions like “Will a jumbo jet fit through a window?” We can administer a partial Turing test by conversing with an AI like Alexa or Google Home for a few minutes, which quickly exposes their limited understanding of language and the world. Consider a very simple example based on the Winograd schemas proposed by computer scientist Hector Levesque. I said to Alexa: “My trophy doesn’t fit into my carry-on because it is too large. What should I do?” Alexa’s answer was “I don’t know that one.” Since Alexa can’t reason about sizes of objects, it can’t decide whether “it” refers to the trophy or to the carry-on. When AI can’t understand the meaning of “it,” it’s hard to believe it is poised to take over the world. If Alexa were able to have a substantive dialogue on a rich topic, that would be a fourth canary.

Current AIs are idiots savants: successful on narrow tasks, such as playing Go or categorizing MRI images, but lacking the generality and versatility of humans. Each idiot savant is constructed manually and separately, and we are decades away from the versatile abilities of a five-year-old child. The canaries I propose, in contrast, indicate inflection points for the field of AI.

Some theorists, like Bostrom, argue that we must nonetheless plan for very low-probability but high-consequence events as though they were inevitable. The consequences, they say, are so profound that our estimates of their likelihood aren’t important. This is a silly argument: it can be used to justify just about anything. It is a modern-day version of the argument by the 17th-century philosopher Blaise Pascal that it is worth acting as if a Christian God exists because otherwise you are at risk of an everlasting hell. He used the infinite cost of an error to argue that a particular course of action is “rational” even if it is based on a highly improbable premise. But arguments based on infinite costs can support contradictory beliefs. For instance, consider an anti-Christian God who promises everlasting hell for every Christian act.  That’s highly improbable as well; from a logical point of view, though, it is just as reasonable a wager as believing in the god of the Bible. This contradiction shows a flaw in arguments based on infinite costs.

My catalogue of early warning signals, or canaries, is illustrative rather than comprehensive, but it shows how far we are from human-level AI. If and when a canary “collapses,” we will have ample time before the emergence of human-level AI to design robust “off-switches” and to identify red lines we don’t want AI to cross. AI eschatology without empirical canaries is a distraction from addressing existing issues like how to regulate AI’s impact on employment or ensure that its use in criminal sentencing or credit scoring doesn’t discriminate against certain groups.

As Andrew Ng, one of the world’s most prominent AI experts, has said, “Worrying about AI turning evil is a little bit like worrying about overpopulation on Mars.” Until the canaries start dying, he is entirely correct.

### 2NC – Transition

#### Hard landing is good – that’s Schiller-Merkens – collapse provokes a stable transition that solves environmental destruction:

#### 1. Mindset shift – once the inadequacy of cap is exposed, resistance crumbles – green activists have pre-figured policy so they quickly mainstream their narratives and alter societal patterns.

#### 2. Forced choice – people realize their options are to change or die, so their most basic psychological instinct for survival pushes them to reject consumerism and adopt a new way of living

#### Framing issues:

#### Try or die – 1 percent risk of transition is a win condition and capitalism is temporally transient – AND, transition towns prove it’s possible.

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Real-world degrowth

Due to the nature of degrowth as a largely macroeconomic process, implementing real-world experiments can be a challenge. The Transition Network, often referred to as Transition Towns, can be seen as a successful experiment in degrowth. The Transition Network is an organization of low-consumption communities, created in 2005, that has now spread throughout over 50 countries (Khmara and Kronenberg, 2020). Transition Towns are characterized by degrowth initiatives such as locally produced food, the use of renewable energy, engagement in collective community activism, and overall attempts to localize and socialize the economy (Khmara and Kronenberg, 2020). Transition Towns give us snapshots of what a degrowth society could look like, with Towns located in both the Global North and South. Alexander (2013) argues that to spread the practical skills needed to create post-capitalist communities and economies, grass-roots degrowth movements like the Transition Network must be mobilized and politicized, and thus global change may be initiated. This is just one way of formulating a plan for global transformation. A variety of real-world experiments in degrowth, accompanied by activism, research, and reform will be required to initiate structural change (Demaria et al., 2013).

The question of whether degrowth is feasible remains a contested one. The answer to this lies in whether growth itself is realistic. It is simply irrational to expect that humanity can continue to consume resources and emit greenhouse gases at the rate at which we do, and assume that the planet’s finite resources and delicate biosphere will not eventually reach a breaking point (Alexander, 2012; Koch, 2015). While entering a new economic era may seem unsettling or impossible, it is worth remembering that capitalism has existed for less than a few hundred years. In pre-capitalist societies, wage labor and profit were rare, so it is not so unthinkable that the macroeconomy may be dramatically changed once again – and for the better (Stanford and Biddle, 2008). If growth is not feasible, then degrowth must be our next goal. However, the question of how to reach this goal requires a convincing answer from the degrowth movement. The largest challenge may not lie in the creation of a functional degrowing economy, but rather in the overcoming and transformation of the persistent, dominant capitalist mindset. Degrowth has been criticized for its emphasis on the local economy, where experimentation is more likely to result in a positive outcome and overlooking the urgency of addressing global anthropogenic crises from a transnational political perspective (Schwartzman, 2012).

Arguments in mainstream economics remain supportive of economic growth as a main priority of governments, and as long as this is so, it may be difficult for degrowth to be taken seriously within mainstream economic debates (Davies, 2004). As capitalist beliefs pervade not only governments and corporations, but also global society as a whole, it seems improbable that degrowth will be adopted by governments and corporations willingly and soon. Despite this, it remains imperative that activists, researchers, reformists, and communities continue to work towards creating degrowth-based solutions and imaginaries. Efforts to create transformative post-capitalist frameworks and systems will increase the chance that the world’s economies will not only survive through the oncoming climate crisis but will be able to thrive in new and meaningful ways.

#### We don’t even need to win transition – decline eliminates capital necessary for ecological destruction.

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As transcendent as the notion is made to sound, the “economy” is not a god or a temple. It is the order that maintains these inequalities: a highly contingent network of relations among human beings and between humans and the rest of the planet. Like everything we might ever hope to make, it is transitory and eminently changeable. Homo sapiens have walked the earth for at least 300,000 years, but coal-fueled industrial capitalism is less than 200 years old. Its latest, fully globalized stage has been around for just a few decades, even if its roots lie in colonial dynamics that date back a few centuries. Our specific modern exaltation of “growth” dates only to the years that followed World War II. It is younger than Joe Biden, Mitch McConnell, Nancy Pelosi, and Donald Trump. Like them, it cannot survive much longer.

Last year, GDP growth in the United States fell 3.5 percent. Emissions tumbled, too. The only other time in the last three decades that they have dropped significantly was, not coincidentally, also the last time the economy contracted. But if it’s guided with intent, the cessation of endless growth does not have to mean impoverishment. The most recent [“Emissions Gap Report”](https://www.unep.org/emissions-gap-report-2020) from the United Nations Environment Program (UNEP) projects that warming could be successfully limited to 1.5 degrees Celsius if the richest one percent reduced “their current emissions by at least a factor of 30,” which would allow the poorest 50 percent of the planet’s population to increase their per capita emissions “by around three times their current levels.” For the latter, a threefold jump in consumption is the difference between constant want and a life of basic dignity. Billionaires who drop to 1/30th of their fortunes are still multimillionaires.

As innocuous as it may sound, “growth” should be understood to describe the frenzied ruination of nearly every ecosystem on the planet so that its richest human inhabitants can hold on to their privileges for another generation or two. Rejecting the idolatry of growth means tilting the organization of our societies toward other social goods—health, for instance, and the freedom to exist on a planet that is not on fire. This should not be unimaginable. There are infinite other ways to organize a society, and the fact that we are not widely and urgently discussing them is at this point nothing short of criminal. There are voluminous literatures on degrowth, on circular economies, on mutual aid, and, yes, on socialism, too. There is the 99.999 percent of human history during which we managed to not significantly alter the atmosphere or wipe out such an enormous portion of the species with whom we share the planet. There is the living experience of every indigenous community in the United States, and of others around the globe that have been forced to invent ways to resist and survive a system determined to erase them.

#### Recency – only our evidence prices in COVID – it produces latent transition networks AND crisis engenders societal momentum.

Kalantidou 21 – Head, EcoSocial Impact Lab at Griffith Centre for Design and Innovation Research (Eleni, Not Going Back to Normal: Designing Psychologies Toward Environmental and Social Resilience. Hu Arenas (2021). <https://doi.org/10.1007/s42087-021-00198-y>)//gcd

Bottom‑Up Governance and Conviviality As mentioned before, degrowth is a transition approach rooted in grassroots and movements’ initiatives while as an idea derives from the concept of conviviality envisioned by Illich (1973). For degrowth, conviviality ‘represents faith in the possibility of space for relationships, recognition, pleasure and generally living well, and thereby, reduces the dependence on an industrial and consumerist system’ (Deriu et al., 2014, p. 82). A lot of examples revolving around degrowth and conviviality share the same standpoints in terms of reclaiming practical knowledge and interdependence so as to contest destructive and unjust development. Self-governed schemes such as maker spaces, sharing and gift economies as well as cooperatives, become embodiments of micro-scale transition practices in action that in most cases exist within contemporary urban contexts. Schlosberg and Coles (2016) found three common aims connecting these initiatives: a collective reconstitution of systems of production and consumption and expectations from them, a deconstruction of governmentality as an imposition of behaviours and practices and a reconnection with nature. The responsive character of conviviality has brought to the fore the human side of the COVID-19 crisis, with citizen-led initiatives providing support to disadvantaged demographics that have been ignored by their respective governments. Actions such as financial aid provided to people who lost their jobs, food distribution to migrants, spaces and services for homeless people and lifelines for domestic abuse have been enabled by established and impromptu grassroot movements. In Brazil, a citizens’ council organised house visits so as to properly inform people about COVID-19, provide food and soaps and monitor infection patterns. In Europe, self-organised neighbourhood groups enabled neighbourly assistance, involving a friendly chat or running everyday errands for those who were unable to (Pleyers, 2020). These mostly impromptu initiatives have been exemplars of efective action and solidarity, revealing the opportunity for creating a new normal. Blueprints to establish peer-to-peer and commons frameworks so as to constitute a bottom-up input to local and state governance have become more visible with the COVID-19 crisis. Peer-to-peer stands for frameworks and networks, human and digital, enabling free exchange, collaboration and production of knowledge among people, without restrictions coming from economy, policy and industry (Bauwens et  al.,  2019). The commons as a term designates ‘shared, material or immaterial property that is stewarded, protected or produced by a community – in an urban context often by citizens’ collectives – and managed according to the rules and standards of that community’ (Bauwens & Onzia, 2017, p. 6). Despite being independent from state and market intervention, it acknowledges an inevitable interconnection and the necessity of collaboration. In 2013, Ecuador was the frst state to contract an independent body (P2P Foundation) to create a transition plan grounded in an active collaboration with the civil society and the principles of Buen Vivir2 (living well) so as to involve the commons in state decisions concerning education, social innovation, agriculture and collective life (Troncoso & Utratel,  2015). The city of Gent followed in 2017 by engaging members of the P2P Foundation in order to replace the prevailing top-down approach with a more interactive, commons-driven model, predicated on an active participation of citizen groups regarding city projects and governance (Bauwens & Onzia, 2017). The aforementioned representations of bottom-up governance epitomise expressions of transformation, relevant to contemporary problems and perspective crises. Not having a predominant presence in the world scene yet, they are considered experimental reactions against the status quo. Still, they hold the potential to redirect a system that appears to be without an alternative. The haunting problem attached to transformation is how to mobilise and organise large scale change. Schlosberg and Coles (2016) solution is stating the obvious: the current system does not work; therefore, it needs to be altered by people introducing community-governed modes of meeting their everyday needs. This calls for a disruption caused not by individual action but by a collective reaction against the ongoing disengagement of people from decision-making relevant to their livelihoods and futures.

### 2NC – AT: Decoupling

#### 1. Only absolute negative decoupling is sufficient – Jevon’s paradox, middle income growth and production shifts.

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Decoupling growth and resource use Historically, the growth of economic activity was accompanied by increasing consumption of natural resources, alongside rising negative effects on the natural environment.2 In more recent years, however, hopes have risen that it may be possible to “decouple” or “dematerialise” GDP growth from environmental harms. Decoupling may be absolute or relative. Relative (or weak) decoupling occurs when the rate of GDP growth is higher than the rate of growth in material and energy consumption and environmental impacts.6 Absolute (or strong) decoupling occurs when continued economic growth is accompanied by an absolute decrease in use of materials and energy and in environmental impacts.6 If humanity is to minimise the extent of future warming from climate change it must achieve sufficient absolute decoupling—sufficient to bring humanity back within the planetary “safe operating space.” 3 6 The United Kingdom has achieved an absolute decoupling of CO2 emissions from economic growth over the past decade, with emissions falling by 29% between 2010 and 2019 even while the economy grew. Yet this has not been sufficient to put the UK on track to meet its required carbon targets—a further 31% reduction is needed by 2030, but government projects only a further 10% cut.7 At a global scale, several planetary boundaries have already been breached.3 For example, the rate of species extinction is tens to hundreds of times faster than the average for the past 10 million years, with around 25% of animal and plant species at risk of extinction, breaching biosphere integrity and posing serious risks to food security.8 Other boundaries are also at significant risk of breaching, most notably climate and atmospheric CO2 concentrations.3Box 1 summarises three competing visions of a sustainable economy that might deliver sufficient absolute decoupling. Empirical studies provide strong evidence that many high income countries have already achieved relative decoupling of GDP growth from material throughput.6 12 13 Some high income countries may also have achieved absolute decoupling for short periods,7 although this seems to have been counterbalanced by strongly coupled growth in fast growing middle income countries, driving overall increases in material and environmental effects.9 Hopes that global greenhouse gas emissions had peaked in 2015 and 2016 were dashed when they resumed their upward trajectory in 2017. Recent studies suggest that absolute decoupling in high income countries was more illusory than real. Real material effects were hidden by moving industrial production to the developing world,6 inflation of GDP through growth of the non-productive financial sector,6 13 and “rebound” effects whereby improvements in resource efficiency allow greater quantities to be produced and consumed as costs decrease.12 14 Meanwhile, initial attempts to estimate how much material throughput needs to be reduced to remain within planetary boundaries are also not reassuring. Few countries satisfactorily meet basic needs without using natural resources at levels well beyond safe biophysical boundaries.15 Thus, several studies conclude that sufficient absolute decoupling of economic activity from environmental impacts is simply not consistent with continued GDP growth, whether “green” or otherwise.

#### 2. No uniqueness for decoupling – peer review consensus of 835 studies say success cherrypicks data.

Ehrenreich ‘21 [Ben Ehrenreich. Journalist, author of Desert Notebooks: A Roadmap for the End of Time. “We’re Hurtling Toward Global Suicide.” The New Republic. 3-18-21. <https://newrepublic.com/article/161575/climate-change-effects-hurtling-toward-global-suicide> //shree]

A strange sort of faith lies at the core of mainstream climate advocacy—a largely unexamined belief that the very system that got us into this mess is the one that will get us out of it. For a community putatively committed to scientific empiricism, this is an extraordinary conviction. Despite reams of increasingly apocalyptic research, and despite 25 years of largely fruitless international climate negotiations, carbon emissions have continued to rise, and temperatures along with them. We are at nearly 1.2 degrees Celsius of warming already—more than 2 degrees Fahrenheit over preindustrial averages—and three-tenths of a degree away from blowing the Paris accord’s aspiration to limit warming to a still-calamitous 1.5 degrees Celsius. Scientists now expect us to hit that threshold in about 10 years, and large swaths of the Arctic have been in actual flames for two summers running, but most governments with the option to do so are still feeding the beast that got us here.

Even with the grim opportunity presented by the Covid-19 pandemic, which slowed the economy so much that growth in fossil fuel production dropped an almost unprecedented 7 percent last year, governments—ours very much included—have so far dumped much more stimulus spending into high-carbon industries than into renewable energy. It’s as if our economic system, and the politics it breeds, will not allow us to diverge from the straight path to self-obliteration.

The faith nonetheless persists: The market will provide. It has not done so yet, but renewables are perhaps finally cheap enough—cheaper at last than conventional energy sources—that the transition is now inevitable. So the credo goes. The change that is coming will be largely technological: a bold new era of “green growth.” Modern societies erected on dirty coal and oil can be jacked up and shifted to cleaner forms of energy like an old house in need of a new foundation. Government may have a larger role in this transition than neoliberal dogma has recently allowed, but its primary task will still be to encourage innovation and feed the markets by shepherding the resulting growth.

It is no coincidence that some version of this faith, so all-pervasive now that it does not register as a piety, has been reshaping the planet for almost precisely as long as fossil energy—first coal, then oil—has been altering the atmosphere. Capitalism is guided by a carbon creed, an ecstatic vision of a market that chugs along eternally, needing only new inputs—the earth itself, commodified as minerals, or water, housing, health care, or almost any living thing—to spew out wealth that can be shoveled back into the machine, converting more and more of the biosphere into zeros in a digital account: more fleshless, magical money that can be invested once again. If appetites are bottomless, and apparently they are, shouldn’t growth be endless too?

The market’s grip on the political imagination so effectively blinds us to alternatives that we are unable fully to grasp that this is the basic script that the new administration is following. Even the Green New Deal does not substantively diverge from it. The climate crisis, an existential threat to planetary life, must be sold to Wall Street and the public at large as a growth opportunity. On January 31, John Kerry, acting as Biden’s new climate envoy, enthused to CNN’s Fareed Zakaria about “literally millions of jobs” that would soon be created, about all the “new products coming online,” and about oil companies’ newfound passion for “carbon capture and storage and so forth.” The private sector, he said, “has already made the decision that there is money to be made here, that’s capitalism, and they are investing in that future.” If that makes you nervous, it shouldn’t, Kerry insisted. The changes ahead would be like the analog-to-digital shift of the 1990s, only better: “the important point, Fareed, for people to really focus on is it’s a very exciting economic transition.”

If Kerry struck a cheerier tone than that of the doomsaying consensus in the scientific community, it wasn’t just a question of polishing a turd. “Green growth” is mainstream climate discourse. A “green transition” that does not significantly alter existing economic structures—or their vast inequities—is still, for most climate advocates, the only imaginable way forward. Kerry was speaking a made-for-TV version of the sole language available to him—one that in its most basic assumptions excludes the possibility of fundamental social transformation, and of any heresy that casts doubt on the Great God Growth. The one thing all those thousands of scientists agree on is our only hope—that the economic structures that mediate our relation to the planet must be profoundly altered—is the one thing that Kerry and Biden are quite careful not to consider at all.

In climate policy jargon, the crucial concept is “decoupling.” The notion lies deep in the hidden heart of the “sustainable development goals” held dear by international bodies such as the United Nations and the World Bank: Economic growth can be safely divorced from the ecological damage that it has heretofore almost universally wreaked. If the train of capital appears to be hurtling us toward the abyss, we can cut the engine loose and cruise someplace more comfortable: same train, same speed, different destination. Like millions of clean-tech jobs and a crisis-induced transition magically unlocking unimaginable wealth, it is an attractive and reassuring idea. The only problem is that there is next to no evidence that anything analogous has ever occurred, or that it is likely to occur in the future.

Examples of successful decoupling tend to involve shifts in the location rather than the nature of industrial production: Rich countries green their economies by offshoring the manufacture of the goods they consume to China and countries in the global south, which they can then chastise for their lax emissions standards. But Earth’s atmosphere is not divided by national boundaries. Greenhouse gases cause the same degree of global warming no matter where they are produced, and to the extent that this kind of decoupling is a meaningful measure of anything, it is only of the colonial relations that still set the terms for the shell game of global capital.

What policy wonks call “absolute decoupling”—the only kind that would do the climate any good—turns out to be a fantasy akin to a perpetual motion machine, a chimera of growth unhindered by material constraints. One recent analysis of 835 peer-reviewed articles on the subject found that the kind of massive and speedy reductions in emissions that would be necessary to halt global warming “cannot be achieved through observed decoupling rates.” The mechanism on which mainstream climate policy is betting the future of the species, and on which the possibility of green growth rests, appears to be a fiction.

This fiction is nonetheless fundamental to the very math used by international climate institutions. In 2018, the Intergovernmental Panel on Climate Change’s benchmark Special Report on Global Warming of 1.5oC—which announced in no uncertain terms that global emissions must be decreased by nearly half by 2030 and reach net zero by 2050 to avoid cataclysm at an almost unthinkable scale—set out a number of possible scenarios for policymakers to consider. It relied on algorithmic models linking greenhouse gas emissions and their climate impacts to various socioeconomic “pathways.” Whatever other variables they accounted for, though, all of the scenarios envisioned by the IPCC assumed the continuation of economic growth comparable to the past half-century’s. Even as they acknowledged levels of atmospheric carbon unseen in the last three million years, they were unable to conceive of an economy that does not perpetually expand. Fredric Jameson’s oft-cited dictum that it is easier to imagine the end of the world than the end of capitalism was baked into the actual modeling.

At the same time, all but one of the ­IPCC’s scenarios that envision us successfully limiting warming to 1.5 degrees Celsius rely on the use of technology to remove carbon from the atmosphere after the fact. (The one exception involves converting an area more than half the size of the United States to forest. None of the scenarios imagines that we can reach the 1.5 degrees Celsius target by cutting emissions alone.) But the technology in question is at this point largely speculative. “No proposed technology is close to deployment at scale,” the report’s authors concede, and “there is substantial uncertainty” about possible “adverse effects” on the environment. The international body, in other words, is more willing to gamble on potentially destructive technologies that do not currently exist than to even run the math on a more substantive economic transformation.

A version of this same wager animates the Biden climate plan, which, as Canada, the European Union, the U.K., and South Korea all have, commits to “net-zero emissions no later than 2050.” (China plans to reach the same goal by 2060.) This sounds like great news, and is without doubt worlds better than the status quo ante of no ambitions at all. But “net zero” is a slippery notion. It does not mean zero at all. To avoid exceeding 1.5 degrees Celsius of warming, emissions need to fall 7.6 percent every year for the next 10 years. Even with the pandemic-induced slowdown, global emissions shrank only 6.4 percent in 2020. Since, as Biden reassured a nervous oil industry during the campaign, “We’re not getting rid of fossil fuels for a long time,” net-zero calculations assume some degree of “overshoot”—i.e., they stipulate that we’re not going to be able to cut emissions fast enough, and that we’ll therefore have to rely on those same untested carbon removal technologies to eventually bring us to zero.

But a planet is not a balance sheet. The climate has tipping points—the collapse of the Antarctic and Greenland ice sheets and the Himalayan glaciers, the deterioration of Atlantic Ocean currents, the melting of the permafrost, the transition of the Amazon from rain forest to savannah. We are perilously close to hitting some of them already: In February, 31 people were killed and 165 went missing when a chunk of a Himalayan glacier broke off, releasing an explosive burst of meltwater and debris. In the most nightmarish scenario, which could be tripped with less than 2 degrees Celsius (3.6 degrees Fahrenheit) of warming, those tipping points could begin to trigger one another and cascade, locking us in, as one widely cited study put it, to “conditions that would be inhospitable to current human societies and to many other contemporary species.” Without major emissions cuts, we may reach 2 degrees Celsius of warming before 2050.

That’s a heavy risk to bet against, but there it is, pulsing away inside the net-zero promises that not only politicians but corporate boards have been proudly rolling out. Over the last two years, more and more corporations in fossil fuel–intensive industries—BP, Shell, Maersk, GM, Ford, Volkswagen, at least a dozen major airlines—have made similar pledges. Shell’s plan alone would require tree planting over an area nearly the size of Brazil. By the estimate of the NGO ActionAid, “there is simply not enough available land on the planet to accommodate all of the combined corporate and government ‘net zero’ plans” for offsets and carbon-sinking tree plantations. To save this planet, it appears we’ll need another one. This is what currently counts as pragmatism.

#### 3. Decoupling is incompatible with growth-based affluence – all studies prove strong correlative relationship.

Strand et al 21 – Strand, R., Kovacic, Z., Funtowicz, S. (European Centre for Governance in Complexity) Benini, L., Jesus, A. (EEA) ("Growth without economic growth," Resilience, <https://www.resilience.org/stories/2021-01-13/growth-without-economic-growth/> 1-13-2021)//gcd

Global-scale, long-lasting and absolute decoupling may not be possible

Globally, growth has not been decoupled from resource consumption and environmental pressures and is not likely to become so (Parrique et al., 2019; Hickel and Kallis, 2020; Wiedmann et al., 2020). The global material footprint, gross domestic product (GDP) and greenhouse gases emissions have increased rapidly over time, and strongly correlate (Figure 1). While population growth was the leading cause of increasing consumption from 1970 to 2000, the emergence of a global affluent middle class has been the stronger driver since the turn of the century (Panel, 2019; Wiedmann et al., 2020). Furthermore, technological development has so far been associated with increased consumption rather than the reverse.

Europe consumes more and contributes more to environmental degradation than other regions, and Europe’s prospects of reaching its environmental policy objectives for 2020, 2030 and 2050 are poor (EEA, 2019c). Several of Europe’s environmental footprints exceed the planetary boundaries (Sala et al., 2020; EEA/FOEN, 2020).

Figure 1. Relative change in main global economic and environmental indicators from 1970 to 2018

[Chart, line chart

Description automatically generated](https://www.eea.europa.eu/themes/sustainability-transitions/drivers-of-change/data-and-maps/figures/relative-change-in-main-global)

 Sources: Modified from Wiedmann et al. (2020). Reproduced under the terms and conditions of the Creative Commons CC BY 4.0 licence (https://creativecommons.org/licenses/by/4.0/).  
Data from Olivier and Peters (2020) for greenhouse gas (GHG) emissions; UNEP and IRP (2018) for material footprint; and World Bank (2020a) for GDP.  
[More info](https://www.eea.europa.eu/data-and-maps/figures/relative-change-in-main-global)

High-level policies (e.g. the European Green Deal and the United Nations Sustainable Development Goals, SDGs) propose decoupling of economic growth and resource use as a solution. However, scientific debates on the possibility of decoupling date back to the 19th century and there is still no consensus. Recent studies, such as Hickel and Kallis (2020) and Parrique et al. (2019), find no evidence of absolute decoupling between growth and environmental degradation having taken place on a global scale.

While some EU countries achieved a reduction in some forms of pollution between 1995 and the mid-2010s (e.g. acidification, eutrophication, greenhouse gas emissions), the decoupling between growth and environmental footprints (e.g. water, materials, energy and greenhouse gases) associated with EU consumption patterns is often relative and varies between countries (Sanyé-Mengual et al., 2019; NTNU, 2020).

Such changes are associated with a combination of factors (see EEA, 2020). These include structural economic change, which led to the outsourcing of significant shares of energy-intensive activities to non-EU countries and the financialisation of EU economies (Kovacic et al., 2018). An absolute reduction of environmental pressures and impacts would require fundamental transformations to a different type of economy and society — instead of incremental efficiency gains within established production and consumption systems.

100 % circularity is impossible

If economic growth cannot be decoupled from resource use, can the use of existing resources be extended within the economy? Circular economy policies aim to improve waste management and induce responsible production and consumption cultures. The circular economy, however, may not deliver the transformation to sustainability if circularity measures fuel a growth strategy that leads to increased material consumption. An economy downsized to match the material input that it can recycle would be a very slow economy (Kovacic et al., 2019a).

The concept of ‘circular economy’ suggests that material resources could be increasingly sourced from within the economy, reducing environmental impact by increasing the reuse and recycling of materials. However, this socio-technical ‘imaginary’ has a limited potential for sustainability, as revealed by biophysical analysis (Kovacic et al., 2019a). In fact, at the scale of the whole economy only around 12% of the material input was being recycled in the EU-27 in 2019 (Eurostat, 2020). Given current product design and waste management technologies, recycling rates of materials such as plastics, paper, glass and metals can — and should — be greatly increased in  line with EU policy ambitions. However, overall, recyclable material remains a meagre portion of material throughput.

The low potential for circularity is because a very large share of primary material throughput is composed of (1) energy carriers, which are degraded through use as explained by the laws of thermodynamics and cannot be recycled, and (2) construction materials, which are added to the building stock, which is recycled over much longer periods (Figure 2). This can be interpreted in the light of Tainter’s (1988) study of the collapse of complex societies: as complexity increases, there are diminishing marginal returns on improvements in problem-solving; hence, improvements at the local scale have a very small impact on the overall system.

### 2NC – Unsustainable

Growth is terminally unsustainable – that renders every conflict scenario inevitable. Each warrant structurally cannot be captured by case solvency and winning one alone is sufficient to foment collapse that’s unprecedented in scale.

1. Resource scarcity – we’re losing minerals, food, productive land, and energy sources at a rapid pace. We need the equivalent of 1.5 planets just to ensure survival given the current trajectory of population growth.

2. COVID – it ruptured societal instability and produced the deepest decline in recent history, producing the impetus for movements away from growth – that’s Marques.

#### 3. Zootonic disease, climate change, and ecological devastation.

Marques 20 – associate professor at the Department of History, University of Campinas (Unicamp), Brazil (Luis, Pandemics, Existential and non-Existential Risks to Humanity, <http://dx.doi.org/10.1590/1809-4422asoc20200126vu2020L3ID> Ambiente & Sociedade São Paulo. Vol. 23, 2020)//gcd

This article develops the conclusions of a previous one, published in the Jornal de Unicamp on May 5 of this year (MARQUES, 2020), as well as in the journal Cosmos e Contexto (also with a translation into English1 ). We should, therefore, recap its final paragraph before continuing on to the heart of what will follow: once the pandemic has passed, it will no longer be plausible to expect a new cycle of economic growth. Some will certainly occur, but it will be conjunctural and soon be truncated by the climatic, ecological, and health chaos generated by the three systemic crises befalling contemporary societies with ever greater force: the climate emergency, decline in biodiversity, and industrial pollution. The varied developmentalist agendas typical of twentieth century ideological clashes are no longer current, even though, zombie-like, they have persisted into the twenty-first century. We can and should applaud the 17 Sustainable Development Goals, but it is increasingly clear that none of them will be achieved by 2030. Given that our wildlife habitat-destroying, globalized food system foments zoonoses, it is very possible that the coming decade will be marked by other pandemics. It certainly will be marked by a deepening of all the socioenvironmental crises that were already afflicting us before the current health crisis. The unavoidable reality is that the global post-pandemic political agenda will be defensive, adaptive, and will gravitate around the survival of societies, in a world hereafter ever more hostile, as it will be hotter, more economically dysfunctional, more unequal, more biologically impoverished, much more polluted, and, for all these reasons, sicker, even in the improbable absence of other pandemics. In this context, survival is not a minimal program. Survival today requires us to struggle for something more ambitious than the twentieth century’s social democratic or revolutionary programs. It supposes redefining the very meaning and purpose of economic activity, which, in the final instance, is to say redefining our position as a society and as a species within the realm of the biosphere. We must insist upon these crises’ economic dimension: post-pandemic globalized capitalism will no longer grow – except briefly, locally, and always at lower rates –, impeded as it is by those growing imbalances in the Earth system caused precisely by that growth. An era of structural stagnation with crises of forced economic degrowth has begun. The 2007-2008 global financial crisis was its prelude and, since then, globalization’s brutal mechanism has begun to jam. There are many symptoms of this: the final dissociation between financial markets and the real economy; the spread of poverty even in industrialized countries; the Greek and Brexit crises; the ascension of extreme rightwing movements and governments with clearly fascist characteristics throughout the world, spreading from India to the USA, Europe, and, obviously, Brazil; the Sino-American trade war, with the growing risk of a war that is not just economic. Taking stock of the global economic recovery a decade after the 2008 financial crisis, an IMF working paper (CHEN; MRKAIC; NABAR, 2019, p. 2) rightfully recognized that: Output losses after the crisis appear to be persistent, irrespective of whether a country suffered a banking crisis in 2007–08. Sluggish investment was a key channel through which these losses registered, accompanied by long-lasting capital and total factor productivity shortfalls relative to precrisis trends. 1. An era of ecosystemic disservices That deceleration of the global economy is not only, nor above all, the result of internal dysfunctions of capitalism’s modus operandi. Since the end of the twentieth century, and even more clearly through the second decade of this one, the perception that we were approaching a threshold beyond which the planet’s so-called “ecosystemic services” will become “ecosystemic disservices” has forcefully emerged. The current pandemic is one of those disservices. That perception has shown itself, for example, in the 2013 manifesto, “Scientific Consensus on Maintaining Humanity’s Life Support Systems in the 21st Century,” proposed by Anthony Barnosky et al.2 (2012), and signed by more than 1,300 scientiwsts, researchers, members of NGOs, students, and the general public, in more than 60 countries: Earth is rapidly approaching a tipping point. Human impacts are causing alarming levels of harm to our planet. As scientists who study the interaction of people with the rest of the biosphere using a wide range of approaches, we agree that the evidence that humans are damaging their ecological life-support systems is overwhelming. The two manifestos promoted by William Ripple and colleagues in 2017 and 2019, with more than fifteen thousand signatures, as well as the “SOS of 700 Scientists,” published in 2018 by the newspaper Libération, point toward a global socioeconomic system that has turned against itself as a result of its suicidal relationship with the environment. In an interview given in 2017 to the NGO We Love Earth, Dennis Meadows insisted on the fact that various socioenvironmental imbalances caused by economic growth were guiding globalized capitalism to a process of collapse: We are in a period of collapse now, which will intensify. (…) When you have a physical growth in a finite planet, pressures are going to mount to stop the growth. And climate change is one of these pressures. (…) If we solved climate change, if we could somehow push a magic button and eliminate greenhouse gases, then, by continuing with our growth, we would just have to see bigger pressures in other sectors: water scarcity, or epidemics, or warfare... At this moment, the most evident pressure is the pandemic, but it is not, in itself, the most threatening. Far more lethal pandemics have occurred in the past. The so-called Spanish Flu from 1918-1919, left nearly fifty million dead; the 1957-1958 influenza A virus subtype H2N2, commonly referred to as the Asian flu pandemic, caused an estimated two million to four million deaths worldwide in a world with approximately one third of today’s population (CLARK, 2008); the 1968 flu pandemic, the Influenza A virus subtype H3N2, also known as Hong-Kong flu, killed an estimated one million people all over the world; and the HIV/AIDS has claimed the lives of more than 32 million people since 1981. However, none of these worldwide health crises profoundly affected societies’ resilience. There are three reasons why the current pandemic has struck the world more brutally and more enduringly than those previous ones. First, it is operating in a world in which extreme globalization of the economy, begun in the 1980s, has made its industrial, agricultural and livestock business, and service chains much more interdependent and, therefore, much more vulnerable to disruption. Second, the near real time global bombardment of information (and misinformation) via the internet about its impact and about the number of lives being cut short is a factor of emotional stress that is not irrelevant. Very few of today’s seniors still remember either the 1957-1958 or the 1968 pandemics. But the trauma of the pandemic begun in 2020 will probably be forever imprinted on the memory of those who survive it. And, third, the current epidemic is occurring at a moment in which the growing malfunctioning of the global machine alluded to above forces societies to expend much more of their energy just to minimally remain functional in a now extremely grave framework of socioenvironmental, political, and psychological systemic crises. 2. The concurrence of nine combined regressions These crises demand undelayable, globally orchestrated political reactions of our societies that are, at the same time, being divided into two evermore hardened and incommunicative groups. On one hand, the state-corporative establishment, determined to maintain the machinery of business as usual at all costs, is advancing its pawns on the international chessboard to guarantee that nothing changes in post-pandemic energy and food systems. On the other, the perception of scientists and growing sectors of society that we have reached a limit beyond which we can no longer advance, given that the harmful effects of globalized capitalism increasingly supersede their benefits. Observation of the concurrence of combined regressions in human security contribute to that perception: (1) after decades of progress in the struggle against food insecurity, the number of people battling acute hunger and suffering from malnutrition has been on the rise over the last four years (FAO, 2019, p. 6). According to the fourth annual Global Report on Food Crises (GRFC, 2020), around 183 million people in 47 countries were classified as being in Stressed (IPC/CH Phase 2) conditions, at risk of slipping into Crisis or worse (IPC/CH Phase 3 or above) if confronted by an additional shock or stressor. The current pandemic is precisely this additional shock; (2) the six most recent years (2014-2019) and the current one have been the hottest of the last twelve millennia; (3) the globalized food system drove the loss of 3.61 million km2 of tree cover between 2001 and 2018, according to Global Forest Watch; (4) the heavily subsidized industrial fishing system is now sacrificing the oceans’ future (PAULY, 2019); (5) the catastrophic decline in biodiversity is annihilating vertebrate populations (Living PIanet Index, 2018) and may lead to the extinction of one million species over the next few decades (IPBES, 2019); (6) acidification and eutrophication of the oceans and of various bodies of fresh water is creating marine dead zones and threatening ruptures of trophic chains in the aquatic environment; (7) industrial pollution poisons, sickens, and kills tens of millions of people worldwide each year (WHO Report on Cancer, 2020, for instance); (8) growing geopolitical tensions are seen, with the intensification of endemic conflicts focused on water and energy resources and the anguishing resumption of the nuclear arms race. The International Campaign to Abolish Nuclear Weapons (ICAN) estimates that the nine nuclear armed countries spent US$ 72.9 billion (US$ 35.4 billion was spent by the U.S. alone) on their 13,000+ nuclear weapons in 2019, an increase of US$ 7.1 billion compared to 2018 (ICAN, 2019); (9) democracy and tolerance are increasingly threatened by waves of more or less orchestrated fake and hate news, by flareups of fascism, irrationality, and physical and psychic violence.

#### 5. Technological vulnerabilities AND systemic risk.

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C. Trends of Exposure Level and Nature An inspection of the examples allows reflection on the historical processes that have led to the current technological approaches, and also allows speculation on the possible future directions for the supply of these and similar goods and services. The technological systems described have arrived at their current configurations after progressive development arising from a range of drivers, rather than a single design step. It is important to describe and distinguish these drivers, since any realistic proposal for change needs to address them. Several drivers can be discerned, and more than one driver may contribute to the current approach to a particular technological system. 1) Minimum Capital Investment: For subsystems, such as an undersea fiber-optic cable, or a microprocessor fabrication plant, it could be argued that there is a minimum level of capital investment required to implement some moderately current capability. That level is likely to be vastly above what can be considered by an individual, and hence will only be undertaken by a corporate that envisages a competitive return on investment (ROI). 2) Compliance/Regulatory Requirements: Sewage treatment and the provision of potable water have been one of the most tangible contributions of professional engineering to the average lifespan of humanity. Both have evolved to the point where their outputs (treated waste in one case, drinking water in the other) are obliged to comply with internationally accepted quality standards. 3) Economies of Scale: Economies of scale are evident in many cases. At a large-city scale, a cogeneration system using methane from the digestion of sewage is often found to be economically viable, however, chemical and process engineers have found that plant capital and operating costs commonly rise at a rate equivalent to only about a 0.66 exponent of the scale ratio [22] and so a household-scale version faces significant hurdles. The scaling exponent for capital cost does, however, vary significantly for differing technologies, and for photovoltaic (PV) technologies small scales do not necessarily face the same hurdles. 4) Necessity for Standardization and Interoperability: We can observe cases in which designers of technological systems have, for a range of reasons not necessarily focused on end-user vulnerability, have acted to achieve a level of standardization and interoperability. Prominent examples are varied and include the standardization of motor fuel (petrol and diesel) specifications, agreement on shipping container dimensions and fittings [23], TCP/IP protocols [24] for Internet data, and to a lesser extent, agreement on voltage and frequency specifications for electric power. The agreement (with the notable exception of one major country) upon such fundamental issues as standard units of measurement (SI), and chemical symbols and written characters (ASCII) are also notable. Even the limited standardization of such mundane items as cell-phone charger plugs (microUSB) have contributed significantly to a decrease in end-user vulnerability. 5) Specific Need for Breadth of Cover: Cases can be identified where the breadth of applicability is essential: in a global marketplace the capability to complete a financial transaction regardless of geography requires an acceptance of a unit of value, and an assurance that a vendor (wherever located) can actual gain useful credit from a remote purchaser. Such requirements can be expressed in quite broad terms, but irrevocable transfer of value does imply a need for the breadth of cover. Information search systems (major Internet search engines) acquire value according to the breadth of resources that are indexed. Reviewing the historical issues that have led to current levels of exposure, it is possible to extrapolate these trends and examine some factors that would either advance or retard them. 6) Complex Proprietary Systems: Competitive pressures will create tensions in large companies (e.g., manufacturers of cellphones, PCs, and highly computerized cars) to use increasingly complex, undocumented systems. The potential consequences particularly for data storage, have been noted by authors such as [25]. 7) Depletion of Natural Resources: Increased dependence on rare resources is an issue affects items as diverse as genuine vanilla flavor, coffee beans, advanced CPU and RAM chips and rare-Earth metals [26]. Trends involving the depletion of natural resources have been extensively reported elsewhere, fossil fuels are a particularly significant example [27]. 8) Centralization Due to Regulatory Pressures: A trend to increase regulation of activities that affect others can be discerned and is arguably an inevitable result of higher density living. The disposal of rubbish in a town rubbish dump has become unacceptable and caused a transition to large, carefully designed, and remote dumps. Small-scale woodburning appliances have come to be prohibited in many locations. 9) Decreased Buffering Stocks: All stockpiles have capital value, and the cost of capital has driven an increasing dependence on just-in-time (JIT) supply chains and corresponding lack of buffer stocks. Examples include international foods, construction steel, and transport fuel. 10) Increase Contributory System Exposure Due to Incorporation of Features: A trend to include requirements for Internet connectivity in many systems is observed. This trend adds large exposure associated with the contributory system (Internet). Similarly, the trend to discourage the use of cash in favor of electronic transactions inevitably adds enormous contributory system exposure to any case where a financial transaction is required. 11) Practical Accessibility Issues: Commercial service providers including Internet search and social media services and also financial service institutions and public services, are increasingly able to mandate terms and conditions that are unacceptable to individuals. Where alternative services are not available (i.e., no technological alternative exists), such conditions make the service itself “practically unavailable” to a user. 12) Increase Local Capability: We must also note that some trends, including computing, 3-D printing, and solar PV systems represent trends toward decreased exposure, by bringing capabilities close to the point of need. V. DISCUSSION AND CONCLUSION A. Trends For the specific grouping studied in this article, most trends are toward increased exposure, inviting speculation that without change, urban populations will approach a situation of such high exposure that failures are almost inevitable. These trends also invite speculation on what a low-exposure society would look like, the possible pathways to such a state, and the approaches available to decision makers that would enable/facilitate exposure reductions. B. Reduced Exposure: Principles and Approaches The analysis of technological system vulnerabilities must be set alongside the observation that a large and increasing percentage of the population of Earth still seek levels of security for their life-necessities, and hold intuitively perceived concerns related to their vulnerability, while valuing the goods and services to which they have access. A trend toward higher exposure values and the associated loss of personal security for such a large and rising percentage of the world’s population, is a prospect that will not appeal to the human values of the urban-dwelling portion of that population.

#### 6. Carbon bubble, peak oil

Jeremy Rifkin 19. Honorary Doctorate in Economics at Hasselt University. Recipient of the 13th annual German Sustainability Award in December 2020. BS in Economics at UPenn – Wharton School. Founder of People’s Bicentennial Commission. The Green New Deal: Why the Fossil Fuel Civilization Will Collapse By 2028, and the Bold Economic Plan to Save Life on Earth. St Martin’s Press. P7-8. Google Book. //shree]

The Carbon Tracker Initiative, a London-based think tank serving the energy industry, reports that the steep decline in the price of generating solar and wind energy “will inevitably lead to trillions of dollars of stranded assets across the corporate sector and hit petro-states that fail to reinvent themselves,” while “putting trillions at risk for unsavvy investors oblivious to the speed of the unfolding energy transition.”19 “Stranded assets” are all the fossil fuels that will remain in the ground because of falling demand as well as the abandonment of pipelines, ocean platforms, storage facilities, energy generation plants, backup power plants, petrochemical processing facilities, and industries tightly coupled to the fossil fuel culture. Behind the scenes, a seismic struggle is taking place as four of the principal sectors responsible for global warming—the Information and Communications Technology (ICT)/telecommunications sector, the power and electric utility sector, the mobility and logistics sector, and the buildings sector—are beginning to decouple from the fossil fuel industry in favor of adopting the cheaper new green energies. The result is that within the fossil fuel industry, “around $100 trillion of assets could be ‘carbon stranded.’”20 The carbon bubble is the largest economic bubble in history. And studies and reports over the past twenty-four months—from within the global financial community, the insurance sector, global trade organizations, national governments, and many of the leading consulting agencies in the energy industry, the transportation sector, and the real estate sector—suggest that the imminent collapse of the fossil fuel industrial civilization could occur sometime between 2023 and 2030, as key sectors decouple from fossil fuels and rely on ever-cheaper solar, wind, and other renewable energies and accompanying zero-carbon technologies.21 The United States, currently the leading oil-producing nation, will be caught in the crosshairs between the plummeting price of solar and wind and the fallout from peak oil demand and accumulating stranded assets in the oil industry.22

#### 7. Ag collapse

Allinson et al ‘21 [Jamie Allinson is Senior Lecturer in Politics and International Relations at Edinburgh University and author of The Age of Counter-revolution. China Miéville is the author of a number of highly acclaimed and prize-winning novels including October: The History of the Russian Revolution. Richard Seymour is the author of numerous works of non-fiction, His writing appears in the New York Times, London Review of Books, Guardian, Prospect, Jacobin. Rosie Warren is an Editor at Verso and the Editor-in-Chief of Salvage. All are writing for the Salvage Collective. “The Tragedy of the Worker: Toward the Proletarocene.” Chapter 1: M-C-M’ and the Death Cult. July 2021. Verso EBook. ISBN: 9781839762963 //shree]

The Triassic-Permian ‘great dying’ was a megaphase change taking place through pulses lasting for tens of thousands of years, separated by interludes of hundreds of thousands of years, if not millions. The current mass extinction event is a megaphase change taking place in microphase time.

Mass extinction is punctuated by the production of what the environmentalist Jonathan Lymbery calls ‘dead zones’: the conversion of wild ecosystems into dead monocultures. In Sumatra, these dead zones are made by burning rainforest and, amid the stench of death, planting palm crop. The palm oil is used in foods and household items, while the nut is used in animal feed. It is secured with barbed wire, and treated with poison, to prevent the crop from being eaten. Surviving animal life, and surrounding human communities, are pushed to the edges, to the brink of extinction. Agricultural workers are abused, underpaid, even enslaved. This is an example of what Moore would call ‘cheap food’, where the ‘value composition’ of the goods, the amount of waged labour necessary to produce each item is ‘below the systemwide average for all commodities’. In this case, a ‘cheap nature’ is produced by a distinctly capitalist form of territorialisation, wherein forestry is converted through deforestation into palm monoculture, while ‘cheap labour’ is secured partly through the dispossession of neighbouring human communities. More calories with less socially-necessary labour-time is cheap food.

Cheap is not, of course, the same thing as efficient. Food production is, alongside fuel, a fulcrum of the capitalist organisation of work-energetics. It is one that, as with fossil fuels, wastes an incredible amount of the energy it extracts. According to the FAO (Food and Agriculture Organization of the United Nations), 30 per cent of cereals grown for human and animal consumption are wasted, along with almost half of all root crops, fruits and vegetables. To conclude from this grotesque squander that a ‘more efficient’ capitalism would ‘solve the problem’ of ‘the environment’ would be to fail to understand waste, capitalism and ecology: that the first is intrinsic to the second; that the second, whatever the degree to which it is inflected by the first, is inimical to the third.

Capitalism also directly undermines its own productivity, precisely through its industrially-produced biospheric destruction. According to the UN, for example, there are at most sixty harvests remaining before the world’s soils are too exhausted to feed the planet. This edaphic impoverishment is a product, not a byproduct. It is the predictable, and long-predicted, consequence of intensive agriculture, over-grazing and the destruction of natural features (such as trees) that prevent erosion. Likewise, the death-drop of insect biomass, the decline of pollinating bees, are hastened by the extensive use of pesticides and fertilisers. Capitalist food production can only evade the problem – a problem, in its terms, of accumulation – either by establishing new ‘cheap natures’ through such means as deforestation, or by extracting rent from competitor producers through such means as intellectual property rights. For instance, since 1994’s notorious TRIPS agreement (Trade-Related Aspects of Intellectual Property Rights), through the rules of UPOV (Union for the Protection of New Plant Varieties), particularly the notorious UPOV 1991, and in the face of local fightbacks from Guatemala to Ghana, the World Trade Organisation has enforced property agreements outlawing the saving of seeds from one season to the next, thus sharply raising costs for farmers producing 70 per cent of the global food supply.

### 2NC – AT: Nordhaus

#### Reject the breakthrough institute.

**Thacker 14**, Thacker received a BS in Biology, with an emphasis in Ecology/Evolution, from the University of California at Davis. Thacker's fellowship project was to write a book on work experiences in Congress based on interviews with Senate and House staffers. (Paul D., 4/14/2014, “The Breakthrough Institute's Inconvenient History with Al Gore,” *Edmund J. Safra Center for Ethics*, <https://ethics.harvard.edu/blog/breakthrough-institutes-inconvenient-history-al-gore> Date Accessed: 11/15/2021)

While sometimes functioning as shadow universities, think tanks have been exposed as [quasi lobbying organizations](http://www.newrepublic.com/article/112381/salary-inflation-beltway-think-tanks), with little [funding transparency](http://www.transparify.org/blog/2014/2/25/why-american-think-tanks-are-becoming-more-transparent). Recent research has also pointed out that think tanks suffer from [a lack of intellectual rigor](http://www.transparify.org/blog/2014/2/25/why-american-think-tanks-are-becoming-more-transparent). A case in point is the Breakthrough Institute run by Ted Nordhaus and Michael Shellenberger, which describes itself as a "progressive think tank."

If you’ve been following recent news on climate change, then you must have witnessed the recent meltdown happening over at the Breakthrough Institute. In a March 19 post at Nate Silver’s new FiveThirtyEight journalism site, [Breakthrough Institute Senior Fellow](http://thebreakthrough.org/voices/roger-pielke-jr) Roger Pielke wrote a piece titled “[Disasters Cost More than Ever—But Not Because of Climate Change](http://fivethirtyeight.com/features/disasters-cost-more-than-ever-but-not-because-of-climate-change/).” The article was highly criticized for cherry picking information on climate change impacts, with Slate labeling it an “[Unnatural Disaster](http://www.slate.com/articles/business/moneybox/2014/03/nate_silver_climate_change_denial_it_s_time_to_dump_fivethirtyeight_s_roger.html)” and an embarrassment to Silver’s new venture.

Responding to the outcry, Silver commissioned a counter piece written by Kerry Emanuel “[MIT Climate Scientist Responds on Disaster Costs And Climate Change](http://fivethirtyeight.com/features/mit-climate-scientist-responds-on-disaster-costs-and-climate-change/),” an article that essentially debunked Pielke’s original storyline on hurricanes and climate change. Since that catastrophe, the Breakthrough Institute has ramped up their PR, doing everything they can to protect their Senior Fellow through twitter and claims that he is [highly cited in the scientific literature](http://thebreakthrough.org/index.php/programs/energy-and-climate/ipcc-sides-with-roger-pielke-jr).

The Breakthrough Institute has a clear history as a contrarian outlet for information on climate change and regularly criticizes environmental groups. One writer describes them as a [“program for hippie-punching your way to fame and fortune.”](http://theweek.com/article/index/258254/nate-silvers-fivethirtyeight-and-the-dangers-of-being-ideologically-neutral) So it was not shocking to see their column last Wednesday in the New York Times [criticizing a new documentary on climate change](http://www.nytimes.com/2014/04/09/opinion/global-warming-scare-tactics.html?_r=0) that was put together by award-winning journalists. In their article, Ted Nordhaus and Michael Shellenberger state that the documentary will raise public skepticism about climate change because it uses scare tactics.

### 2NC – AT: Transition Wars

#### The transition is peaceful –

#### 1) Cross-apply the economy impact defense – if we win collapse doesn’t stoke conflict, we win no risk of transition wars.

#### 2) Empirics disprove – Cuba successfully transitioned a de-growth model after losing oil supplies – that’s all the transition evidence.

#### 3) Even if transition wars happen, they don’t go global – small rebellions don’t cause planetary extinction, so eco-collapse outweighs.

#### 4) Their evidence doesn’t assume social innovation, which ensures transition success.

Loorbach et al ’16 (Derk, with Flor Avelino, DRIFT, Erasmus University, Rotterdam, Alex Haxeltine, School of Environmental Sciences, University of East Anglia, Julia M. Wittmayer, DRIFT, Erasmus University, Rotterdam, Tim O'Riordan, School of Environmental Sciences, University of East Anglia, Paul Weaver, LUCSUS, Lund University, and René Kemp, ICIS, Maastricht University, “The economic crisis as a game changer? Exploring the role of social construction in sustainability transitions,” Ecology and Society 21(4):15; DOA: 7/11/17)

In this paper, we took a transition perspective to explore how the economic crisis might be understood in a broader societal context and what its implications might be. We showed how the economic crisis, having a clear factual basis, is also taken up through different perspectives in narratives about more fundamental changes (that are deemed necessary). Arguably, the economic crisis is mobilized through different discourses to create space for more disruptive changes. We also described two empirical examples of social innovations as part of a wide diversity of cases that clearly respond to the economic crisis and seek to put forward alternatives. Arguably such social innovations mobilize the economic crisis to legitimize the solutions they put forward and increase their visibility and added value. Our argument is therefore that the economic crisis is both helping to give rise to and to strengthen counternarratives or discourses, in that it helps to accelerate and diffuse social innovations. From a transition perspective, we can understand such dialectics as the coevolution between (perceived) landscape changes and emerging niches. Combined, these increase pressures on incumbent regimes that already struggle to deal with the economic crisis through optimization strategies. In this view, the current economic crisis might turn into a game changer in that it leads to a fundamental change in the dominant economic paradigm and visible concrete alternatives that will trigger structural changes at the regime level. These insights about such coevolving changes at different levels have been further conceptualized in terms of “five shades of change” (Avelino et al. 2014), but here we have mainly explored the concepts of game changers, narratives, and social innovation. Our interest lies in how qualitatively different types of change interrelate and interact. We do not presume a particular point of origin or causality, but rather see the different shades of change as a conceptual heuristic to guide our empirical and theoretical analysis of emergent deep change in society. In distinguishing between these different types of change, we focus on those processes that explicitly produce transformative alternative practices, structures, and cultures. In this way, we deepen the concept of landscape, which plays an important role in transition studies. So far, the landscape includes all those external macrofactors that influence the dynamics within a regime. We have alternatively conceptualized the economic crisis as a phenomenon internal to the system, coevolving with societal discourses and empowering transformative social innovation. In this way, the economic crisis is an example of a game changer: a macrophenomenon that pushes a complex societal system out of its dynamic equilibrium. To be a game changer, a macrodevelopment must thus change the dominant understandings, values, institutions, and social relationships through which society is organized and defined. This is likely to be a slow and gradual process, operating through narratives of change and developments on the ground. The economic crisis is a clear example of this, yet with quite uncertain consequences for the future course of development. Our contingency view on history prevents us from making predictions. We found, however, that the economic crises does offer scope for progressive developments, including (renewed debates about) a merging of the public, private, and civil spheres to support social innovation, opening up the possibility for all of these sectors to work together in creating/supporting social innovation based around new economic models. Under such conditions, the economic crisis in itself can be understood as accelerating the convergence of these developments and in this way becomes a game changer. However, empirical observations also suggest a more nuanced interpretation: whereas indeed the crisis has encouraged the search for alternatives, these seem still very diverse, fragmented, and small in scale to provide a full-scale solution. Although the legitimacy of capitalism has been questioned, this has not as yet proven to be a fatal blow. As Mark Fischer (2009) famously argued, it is easier to imagine the end of the world than the end of capitalism. The same pressures (and power relations) that led to the economic crisis not being foreseen (and/or allowed to happen) may likely affect the way in which the game changer is understood and acted upon by society. Actors have developed certain (**counter**)**narratives** in response to the economic crisis. Nevertheless, the search for new and adapted models of capitalism as well as for alternative, complementary, and blended approaches to how societies meet their needs, **has been boosted** and **given** **added urgency** by the tensions and contradictions that the economic and financial crises have brought to the fore (Rifkin 2014, Weaver 2014). Our perspective implies a more nuanced understanding of complex societal crises not only as temporary periods of stress in society but as symptoms and accelerators of deeper underlying processes of change. But our perspective also might have practical implications. It could, for example, imply that social innovators can increase the transformative potential of their social innovations by smartly playing into the societal game changers of their times, while simultaneously connecting to political (calls for) system innovation, as well as linking up with multilayered narratives of change in both mainstream and grassroots movements. By anticipating game changers and the inevitable tensions in perceived crises, actors can prepare for strategically proposing systemic alternatives when key opportunities open up (Rotmans et al. 2001, Loorbach and Lijnis-Hueffenreuter 2013). An example is social innovators smartly playing into societal game changers of their times, while simultaneously connecting to political (calls for) system innovation, as well as linking up with multilayered narratives of change in both mainstream and grassroots movements. CONCLUSION This paper set out to explore how we can understand the economic crisis from a transitions perspective. The persistency of problems associated with our currently dominant economic regimes (e.g., unemployment, inequality, ecological degradation) seems evident and reason for concern and action. We summarized a variety of alternative perspectives or discourses from which the argument for more fundamental systemic change is made. These debates combined with the perceived effects of the crises create space and agency for transformative social innovation. We argued that there is an increasing convergence among the transformative discourses, narratives, and practices, but also that it is impossible to foresee or predict future developments. In exploring the economic crisis this way, we also sought to unpack the concept of landscape and further develop our conceptual understanding of interacting different types of change. From a transition perspective, we argue that the combination of such different types of changes (crises internal to the presently dominant economic system, counternarratives, and a critical mass of concrete alternative practices and models) are the ingredients for a chaotic, nonlinear, and structural period of structural systemic change (Loorbach 2014). Game changers such as the economic crisis tend to give rise to (or at least coincide with) emerging social unrest, political debates, discussions about the dismantling/redefining of the state, and debates about the (re)scaling of governance mechanisms. Social innovation initiatives, such as time banks and transition movement, often go hand in hand with narratives on (re)localization (Bailey et al. 2010) and self-governance and self-organization (Boonstra and Boelens 2011, Eriksson 2012, Meerkerk et al. 2012). A pertinent question is how these narratives on new forms of governance relate to the role(s) of governments and intergovernmental institutions such as the EU, and how (the interaction between) different types of governance responses and approaches influence the dynamics of transformative social innovation. With this paper, we hope to encourage further analysis into the economic crisis as a game changer and stimulate further work on understanding societal transitions.

#### 5) New social innovations will solve every threat to a de-dev society.

Loorbach et al ’16 (Derk, with Flor Avelino, DRIFT, Erasmus University, Rotterdam, Alex Haxeltine, School of Environmental Sciences, University of East Anglia, Julia M. Wittmayer, DRIFT, Erasmus University, Rotterdam, Tim O'Riordan, School of Environmental Sciences, University of East Anglia, Paul Weaver, LUCSUS, Lund University, and René Kemp, ICIS, Maastricht University, “The economic crisis as a game changer? Exploring the role of social construction in sustainability transitions,” Ecology and Society 21(4):15; DOA: 7/11/17)

Social entrepreneurs, organizations, and networks across the world are working on a **wide range** of such social innovations, often through very context-specific and bottom-up initiatives. These are now experiencing a **new boost** in response to the **economic crisis** and to the emergence of narratives around a **new economy**. A **wide range** of transformative alternatives emerges, often related to specific guiding transformative visions: circular design, sharing concepts, complementary economies, value-based indicators, and alternative banking schemes. Many such alternatives have been developing for much longer, but have come back into the center of attention since the beginning of the economic crisis. In this section, we focus on two specific social innovations with transformative potential that have experienced accelerating levels of interest and activity since the beginning of the economic crisis: (1) time banking and (2) transition towns initiatives. Time banks **Time banking** is a **highly versatile** values-based mechanism for reciprocal service exchange. In time banking, the value of all services is equal. The unit of exchange and account is simply the hours spent giving or receiving services. The originator of time banking, Teruko Mizushima, advanced time banking as a response to failures she saw in the money system, government, and the market economy. Her initial idea was for people to make more effective use of time by enabling them to give and receive help at different stages in the life course. Starting from this point, she conceptualized time more generally as a complement to money as a medium of exchange. From its origin, there has been a **transformative intent** in time banking. Mizushima’s development of the idea was based on lived experience of political and **economic collapse** and hyperinflation in postwar Japan. Miller (2008) argues that “Mizushima’s firsthand experience of the impact of spiralling and unpredictable prices on people’s access to the basic necessities led her to believe that money could not be relied on as a guarantee for a secure life... and that... time savings could provide a more reliable system.” Lebra (1980:138–139) notes that the concept also contains “a potential to **reverse established value priorities** by placing a higher value on domestic labour than had previously existed in Japan, calling into question whether paid male work really was of more worth than women’s unpaid housework, which was concerned directly with human life.” In the United States, the first time bank was established by the Grace Hill Settlement in St. Louis, Missouri, stimulated by the call to action from the US War on Poverty. Although developed independently from the Japanese time banks, the core values of the Grace Hill service exchange were essentially identical to those set out by Mizushima. The potential to generalize the service exchange concept was seen by Edgar Cahn. He further theorized time banking and popularized it, founding TBUSA as a membership organization for time banks both in the USA and around the world. Cahn has been influential in drawing attention to the different economies (formal and informal) that contribute to delivering wellbeing in complementary ways and to the potential for the formal economy inadvertently to damage the informal economy, for example by disturbing the work–life balance, or by exclusion. From these roots, time banking has **spread to all continents**. Time banks now exist in at least 34 countries. Time banks are especially well represented in the UK and Spain, each of which has around 300 time banks. The locations, worldwide, of local time banks belonging to two of the main transnational networking organizations, TBUSA and hOurworld, are mapped on the hOurworld website (https://www.hourworld.org). This also gives real-time information on membership- and activity levels of hOurworld members. Time banking and the economic crisis are related because time banks are able to provide for many individual and community needs to be met **without recourse to money**, **markets**, or **state welfare arrangements**. Through the exchange mechanism, time banks also **build social relationships** and networks that **strengthen communities** and they provide individuals with opportunities to work, develop, and achieve recognition and reward for contributions made. As time banks are largely independent of mainstream systems, they are **less vulnerable to volatility** in these, such as **price inflation**, **financial crisis**, **recession**, or **austerity**. This gives time banking potential to be a **dependable complementary source** of economic and social wellbeing and security. In terms of its transformative potential, time banking has at times been framed both in the USA and the UK as a **response to recession**, unemployment, and exclusion from paid work. In Spain, it is currently framed as a response to austerity. In Spain and the UK, it is advanced as a means to promote a more inclusive society. In the UK, it is framed also as a response to the skills gap and to the failures and retreat of the welfare state. It is tied into discussions about the aging society, to the need to rescue the health service, and to the need more generally to provide a preventative infrastructure in areas such as mental and physical health, education, crime prevention, and employability. Across our studied cases, time banking is presented as a **cornerstone** in creating a **parallel sharing economy**. Transition town/transition movement Another pertinent example of social innovation can be found among the many local initiatives and networks joined in the **transition towns** movement (Seyfang and Haxeltine 2012). The citizen-led movement was launched in September 2006 in the town of Totnes in Devon, UK by Rob Hopkins and Naresh Giangrande to address peak oil, climate change, and the global economic crisis. It is made up by place-based Transition Initiatives in which local actors collaborate and organize various projects at the community level. Since its launch in Totnes, the model has spread across the UK and **internationally**, counting 1120 initiatives in 43 different countries in April 2014 (Longhurst and Pataki 2015). These initiatives empower citizens to **build community resilience** and pioneer **alternative economic** and **social solutions**. This includes the (re)discovery of new combinations of old and new skills and services to increase socioeconomic independence (e.g., permaculture design principles for urban farming and local food production). Several transition towns initiatives have also initiated and experimented with time banks and other complementary currencies (Seyfang and Longhurst 2013), illustrating how different social innovations can **spur** and **empower** one another. Interestingly, the concept of transition towns was initially formulated as a response to the game changers of peak oil and climate change, focusing on a guiding metaphor of energy descent (drastic reductions in levels of energy use) to prepare communities for a future where fossil-based energy would be absent or prohibitively expensive. After the economic crisis of 2008, the movement was, to a significant extent, reframed as a response to austerity and possible further financial and currency crises. It thus provides an illustration of how such an initiative can **adapt its narrative** in the face of **new game changers** (Longhurst 2013). Thus, whereas transition towns can be correctly interpreted as a social innovation network that facilitates and empowers responses to the game changer of the economic crisis, it can also be understood as the latest manifestation or wave in a long tradition of anticapitalist initiatives that can be historically associated with particular persons, places, and portrayals (narratives and discourses). The conditions for success of such movements beg further analysis, but they appear to relate to leadership, cohesive networks, progressive success, support from local government and community organizations, and an **underlying sense of frustration** with the old order. Should the circumstances of the economic dilemma shift **even more** into austerity and **economic grittiness**, then it is likely that transformative social innovation will **flourish in many manifestations**. The key will lie in moves to increase the financial autonomy of local governments and in the leadership qualities of motivated community-based actors.

### AT: LNG

#### No impact---technically impossible and the explosion is contained.

Chalk 10—Adjunct Political Scientists at RAND, Adjunct Professor at the Naval Postgraduate School in Monterey, and a PhD in political science from the University of British Columbia [Peter, “Assessing the Recent Terrorist Threat to the Malacca Strait,” *CTC Sentinel*, Vol. 3, Iss. 4, April, p. 9-11, Emory Libraries]

While there is little doubt concerning the economic salience of the Malacca Strait, carrying out decisive attacks against ships transiting through this corridor is somewhat more challenging than commonly portrayed. One of the most frequently postulated scenarios is that terrorists could attempt to disrupt the commercial viability of the Strait, either by detonating a hijacked oil or LNG tanker to shut down a prominent commercial terminal (such as the Port of Singapore) or by scuttling a large ship to block the through-passage of maritime traffic.8 Although theoretically possible, realization of both attack contingencies would be difficult to achieve.

Igniting pressurized LNG or oil is technically problematic. Unless these substances vent in their liquid form and mix with air in the correct ratio, the probability of either substance fully catching fire is extremely low. Even if this did occur, the lateral force of any subsequent explosion would likely be contained by the tanker’s hull, which would force the destructive energy upwards rather than outwards (thus minimizing its destructive potential).9 Sinking a major oceangoing freighter is equally as challenging and would, at a minimum, require the perpetrating group to have ready access to a large quantity of explosives, the time and means to transport this material and the expertise to know where to place the bombs to cause a critical breach. These logistical and knowledge barriers would pose formidable barriers for a single attack—much less an assault that targeted two or three ships (which would be required to truly block the Strait).10

### XT 6 – AT: Cyber

#### No cyber impact – entities lack capacities to cause damage. Uncertainty ensures credible attribution, which deters large scale attacks. At best, low-level espionage occurs which isn’t catastrophic. All adversaries have no interest in it – that’s Lewis. [AT: Miscalc] Miscalc has never occurred because of constraints and high degrees of control.

#### Won’t go nuclear.

Tucker ’18 [February 2, 2018 Patrick Tucker is technology editor for Defense One. He’s also the author of The Naked Future: What Happens in a World That Anticipates Your Every Move? (Current, 2014). Previously, Tucker was deputy editor for The Futurist for nine years. https://www.defenseone.com/technology/2018/02/no-us-wont-respond-cyber-attack-nukes/145700/]

The idea that the U.S. is building new low-yield nuclear weapons to respond to a cyber attack is “not true,” military leaders told reporters in the runup to the Friday release of the new Nuclear Posture Review.

“The people who say we lowered the threshold for the use of nuclear weapons are saying, ‘but we want these low-yield nuclear weapons so that we can answer a cyber attack because we’re so bad at cyber security.’ That’s just fundamentally not true,” Gen. Paul Selva, vice chairman of the Joints Chiefs of Staff, said Tuesday at a meeting with reporters.

It’s an idea that military leaders have been pushing back against since the New York Times ran a Jan. 16 story headlined, “Pentagon Suggests Countering Devastating Cyberattacks With Nuclear Arms.”

When would the U.S. launch a nuclear attack in response to a non-nuclear event? The Defense Department says the threshold hasn’t changed since the Obama administration’s own nuclear posture review in 2010, but a draft of the new review that leaked online caused a bit of drama in its attempts to dispel “ambiguity.”

The new review gives examples of “non-nuclear strategic attacks,” Robert Soofer, deputy assistant secretary for nuclear and missile defense policy, told reporters on Thursday. “It could be catastrophic attacks against civilian populations, against infrastructure. It could be an attack using a non-nuclear weapon against our nuclear command-and-control [or] early-warning satellites. But we don’t talk about cyber.”

In his own conversation with reporters, Selva broadened “early warning” systems to include ones that provide “indications of warning that are important to our detection of an attack.” He also emphasized, “We never said ‘cyber.’”

There’s a reason for that. While cyber attacks on physical infrastructure can be very dangerous, they are unlikely to kill enough people to provoke a U.S. nuclear response.

An National Academies of Science and Engineering analysis of the vulnerability of U.S. infrastructure makes that point. A major cyber attack could cut off electrical power, resulting in “people dying from heat or cold exposure, etc.,” said Granger Morgan, co-director of the Carnegie Mellon Electricity Industry Center and one of the chairs of the report.  “A large outage of long duration could cover many states and last for weeks or longer. Whether and how many casualties there could be would depend on things like what the weather was during the outage.”

It’s a huge problem but not an event resulting in tens of thousands of immediate deaths.

Contrast that with a nuclear attack on a city like Moscow, even one using a device of 6 kilotons, much smaller than the ones the United States used against Japanese targets in World War II. The immediate result: there would be 40,000 deaths, according to the online nuclear simulation tool NukeMap.

Russia has demonstrated a willingness to take down power services with cyber attacks, as they did in Ukraine on Christmas Eve 2015. But these attacks were brief and occured in the context of actual fighting.

In other words, the worst cyber physical attack that top experts believe credible likely does not meet the threshold that the Defense Department has set out for deploying a nuclear weapon.

#### No cyber impact.

Wirtz 18 James J. Wirtz, National Security Affairs professor at the Naval Postgraduate School, former Director of the Global Center for Security Cooperation at the Defense Security Cooperation Agency, Political Science PhD from Colombia, internally citing Cyber War versus Cyber Realities, a book by Brandon Valeriano and Ryan C. Maness. [Cyber War or Monkey Business? International Journal of Intelligence and CounterIntelligence, 31(2), Taylor and Francis]

Between 4 and 7 September 2001, I attended the First Biennial Threat Reduction Conference that was sponsored by the Defense Threat Reduction Agency in Norfolk, Virginia. One of the panels featured a debate about the likelihood of mass casualty terrorism in the United States. One panelist asserted that such an event was unlikely—the Aum Shinrikyo sarin attack being a case in point. Although well-funded and left relatively unmolested by the authorities, cultists managed to kill only 13 people when they released a nerve agent in the Tokyo subway. Thus, inflicting mass casualties, even with sarin, was not easily accomplished. The threat of mass casualty terrorism was being exaggerated by scholars and pundits alike, the panelist asserted, urging the conferees to instead focus on plausible threats. The other panelist agreed that Aum Shinrikyo was inept but offered the obvious counterpoint: just because something has not occurred in the past does not guarantee that it will not occur in the future. The next morning, I contemplated this wonderfully “academic” debate on a pleasant United Airlines flight from Dulles to San Francisco. Soon afterwards it occurred to me that when it comes to picking an itinerary or making observations about the future, timing is everything. DOUBTING THE THREAT HYPE Brandon Valeriano and Ryan Maness acknowledge the “timing” problem inherent in their well-reasoned and empirically based assessment of state cyber conflicts that occurred between 2001 and 2011. Nevertheless, in their view, cyber war is mostly hype, created by over-imaginative academics and a cyber security industry ready to profit from cyber anxieties. By contrast, their analysis reveals that, at least in the period considered, cyber conflict was limited in both scope and severity, and was largely characterized by espionage or hooliganism (defacement of government websites) that generally produced no lasting impact. They note that in the vast majority of cases the incompetence of the victim or the aid of a witting or unwitting accomplice had facilitated penetration of some system. Here the 2015 hack of the U.S. Office of Personnel Management, which compromised the personal information of just about everyone who had ever applied for or possessed a U.S. security clearance, comes to mind. The Stuxnet attack against Iranian centrifuges, an outlier in their database, is used to illustrate their fundamental point: that the use of cyber warfare to inflict real damage is a rare and extraordinarily difficult endeavor that is probably within the technical reach of only a few states. Valeriano and Maness also back up their empirical observations with some theoretical musings about why the reality of cyber warfare is out of step with the cyber hype surrounding the issue. Zero-day exploits (using heretofore unknown system vulnerabilities) are fleeting in their efficacy; once revealed, they are quickly rectified. Because they begin to lose their effectiveness soon after they are employed, the tendency is to keep one’s powder dry, so to speak. Moreover, aggressive viruses can either propagate uncontrollably across the Internet or be repackage

d and returned to the sender with unpredictable consequences. Because predicting the impact of more aggressive cyber attacks is difficult, states tend to exhibit restraint in their use of cyber weapons. Put somewhat differently, weapons that are likely to produce collateral damage or even fratricide are not readily embraced by military professionals. Although the authors do not mention it, attitudes toward the use of cyber weapons seem to mirror the history of biological warfare. Unleashing contagion is highly unpredictable; weapons with unknowable effects have little military utility. They might produce their intended impact, but there is no telling how far disease might spread. Because the same can be said for cyber weapons, restraint characterizes the way states engage in cyber conflict. Another theoretical insight offered by Valeriano and Maness is that cyber conflict is both profoundly political and strategic. Conflict is centered on a set of enduring rivalries: India and Pakistan, China and Japan, Russia and member states of the former Soviet Union, the United States and China, and the United States and Iran. With the exception of Stuxnet, these incidents tend to be limited, matching the “short-of-war” levels of acrimony present in these relationships. These observations are important because some policymakers and scholars tend to focus on what might happen in cyberspace, not why it might happen. For instance, it is theoretically possible to temporarily bring down the power grid in the United States, or to disrupt the stock market, or to cripple the banking system, creating significant disruption or even loss of life. But in focusing on these scenarios observers fail to stipulate the strategic purpose or the political setting that would motivate the launch of a highly devastating cyber attack. Admittedly, for those on the front lines of cyber defense, it might appear that the world has descended into a feral state of nature as they monitor thousands of attempts daily to hack into protected networks. Nevertheless, Valeriano and Maness correctly note that no one has yet died in a cyber attack, a requirement needed to turn an incident into a “war.” In a political and strategic sense, the world has not yet witnessed cyber war.

#### No attacks nor impact.

Lewis ’20 [James Andrew; 8/17/20; senior vice president and director of the Strategic Technologies Program at the Center for Strategic and International Studies; "Dismissing Cyber Catastrophe," https://www.csis.org/analysis/dismissing-cyber-catastrophe]

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack.

To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With man-made actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools—things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge.

It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted.

#### Prefer statistics.

Valeriano & Maness 18 – Brandon Valeriano, PhD, Chair of Armed Politics at the Marine Corps University, Cyber Security Senior Fellow at the Atlantic Council. Ryan Maness, an American cybersecurity expert, Defense Analysis Professor at Naval Postgraduate School. [How We Stopped Worrying about Cyber Doom and Started Collecting Data, Politics and Governance, 6(2), Cogitatio Press]

6. Expanding Cyber Security Data Our team has been coding cyber incident data since 2010 and serves as a unique example of how the process of collecting cyber security data and evidence can be done. Our first peer reviewed published work appeared in 2014 in Journal of Peace Research (Valeriano & Maness, 2014). In this article we note that cyber conflict is much more restrained than generally understood by popular discourse. Threat inflation is ripe in cyber security, and the real use of cyber tools seems to be to enhance the power of strong states.

The data that Valeriano and Maness (2014, 2015) have built challenges the cyber revolution perspective and does so with the tools of social science, and is a necessary turn given the general tone of the debate. We first determine that a viable data collection method in light of limited resources was to focus on states that are committed interstate rivals (Diehl & Goertz, 2001). This allows us to focus on those actors with an intense history of recent hostilities that should be the most likely users of cyber technology on the battlefield (Maness & Valeriano, 2018).

In our research (Maness & Valeriano, 2016; Maness, Valeriano, & Jensen, 2017; Valeriano & Maness, 2014, 2015), we have been able to marshal a massive amount of evidence that is useful in dissecting the actual trends on the cyber battlefield in a geopolitical context. We demonstrate that while cyber-attacks are increasing in frequency, they are limited in severity, are directly connected to traditional territorial disagreements, and mostly take the shape of espionage and low-level disruptive campaigns rather than outright warfare.

Given this data-based perspective, we question the dynamics of the cyber security debate and offer a countering theory where states are restrained from using more malicious cyber actions due to the limited nature of the weapons, the possibly of blowback, the connection between the digital world and civilian infrastructure, and the reality that any cyber weapon launched can be replicated and used right back against the attacker. Given all of these perspectives gleamed from the data, we must moderate our views about the transformation that is offered by cyber strategists who stress a more revolutionist tone (Lango, 2016).

Social science clearly matters for contemporary technological policy debates. Absent rigorous methods, much of what is in the field is basically guesswork. Our work really owes an intellectual debt to J. David Singer, who started the effort to quantify war at the University of Michigan with the Correlates of War (COW) project (Small & Singer, 1982). Our project builds on this methodology and uses many of the same coding strategies. We recognize that data is a work in progress and seek to build more and more knowledge through subsequent updates. By gathering the full picture, we can gain the perspective that really matters in these emerging policy debates regarding the cyber battlefield.

#### Err against catastrophe.

Lewis ’20 [James Andrew; 8/17/20; senior vice president and director of the Strategic Technologies Program at the Center for Strategic and International Studies; "Dismissing Cyber Catastrophe," https://www.csis.org/analysis/dismissing-cyber-catastrophe]

This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often?

Some of the explanation for the emphasis on cyber catastrophe is hortatory. When the author of one of the first reports (in the 1990s) to sound the alarm over cyber catastrophe was asked later why he had warned of a cyber Pearl Harbor when it was clear this was not going to happen, his reply was that he hoped to scare people into action. "Catastrophe is nigh; we must act" was possibly a reasonable strategy 22 years ago, but no longer.

The resilience of historical events to remain culturally significant must be taken into account for an objective assessment of cyber warfare, and this will require the United States to discard some hypothetical scenarios. The long experience of living under the shadow of nuclear annihilation still shapes American thinking and conditions the United States to expect extreme outcomes. American thinking is also shaped by the experience of 9/11, a wrenching attack that caught the United States by surprise. Fears of another 9/11 reinforce the memory of nuclear war in driving the catastrophe trope, but when applied to cyberattack, these scenarios do not track with operational requirements or the nature of opponent strategy and planning. The contours of cyber warfare are emerging, but they are not always what we discuss. Better policy will require greater objectivity.

#### Their evidence is hyperbole.

Valeriano & Maness 18 Brandon Valeriano, PhD, Chair of Armed Politics at the Marine Corps University, Cyber Security Senior Fellow at the Atlantic Council, & Ryan Maness, an American cybersecurity expert, Defense Analysis Professor at Naval Postgraduate School. [How We Stopped Worrying about Cyber Doom and Started Collecting Data, Politics and Governance, 6(2), Cogitatio Press]

Moderate and measured takes on cyber security threats are swamped by the recent flood of research and policy positions in the cyber research field offering hyperbolic perspectives based on limited observations. This skewed perspective suggests constant cyber disasters that are confronting humanity constantly. The general tone of the debate argues that cyber war is already upon us and our future will only witness more cyber doom. However, these hyperbolic perspectives are being countered by empirical investigations that produce the opposite of what is to be expected. It is generally observed that limited cyber engagements throughout the geopolitical system are the dominant form of interaction. Our task here is to offer a different path forward. We first posit what can be known about cyber security interactions with data as well as what cannot. Where is the water's edge in cyber security research? We then examine the known works in the field that utilize data and evidence to examine cyber security processes. Finally, we conclude with an offering of what types of studies need to be done in the future to move the field forward, away from the prognostication and generalizations so typical in the discourse in this constantly changing and growing field. Keywords cyber conflict; cyber security; cyber strategy; data collection; quantitative methods Full Text: 1. The Challenge of Cyber Security Threat Data Beginning in 2014, various news organizations began reporting on a particular cyber security firm, Norse Corporation, and their active cyber threat map (Walker, 2015). Mashable noted in 2016 that "the global cyber war is raging on, and this mesmerizing map shows just how serious it has become" (Gallucci, 2016). The map is dynamic, colorful, and gets the point across quickly, a criterion for any decent visualization of data. As late of August 2017, the Defense Intelligence Agency (DIA) tweeted out a link and photo of the threat maps suggesting it represented ongoing cyber-attacks (DIA, 2017). Yet this map is not a very clear representation of any real threats that nationstates face on a daily basis. Unfortunately, the Norse cyber threat map does not represent active threat data, but attacks, likely by bots, on preset honeypots. Honeypots are a method of providing data on fake targets to either distract the opposition from the real targets or to deter an aggressor from attacking in the first place (Gartzke & Lindsay, 2015). While sometimes a useful method to gather threat intelligence if presented a sleight of hand for an attractive target, honeypots as reported in popular discourse are not exactly an accurate representation of the cyber threat landscape. In this case, the goal was to demonstrate the ability to track global attacks to gain interest in the company and promote its capabilities. Nearly all active threat maps either present data tracking honeypots and various bot networks that are devoid of human agency, simply presenting what is in fact fake data. Active representation of the threat landscape is the goal, but the reality is that the picture of the cyber security threat landscape we currently have is incomplete, misleading, or outright fake. High profile data breaches have been consuming media narratives for at least a decade. With each act of cyber disruption or espionage, pundits as well as government officials and several academics declare that cyberwar-fare is upon us, is the future of warfare, and it is only a matter of time before a "Cyber Pearl Harbor" wreaks havoc on the American homeland (Gurdus, 2016). With this new revolution in military affairs, the battlefield, according to some, is forever changed and the next big war could very well be a cyberwar (Clarke & Knake, 2010; Kello, 2013). Politicians, pundits, and practitioners have jumped on this doomsday narrative and have promoted cyber arms races, offensive advantage, and deterrence strategies to stay one step ahead of would be adversaries in order to prevent them from infiltrating networks out of fear of massive retaliation. These revolutionists point to acts such as Stuxnet, Shamoon, Sony, and the Office of Personal Management (OPM) hack as the new norm of conflict between states, and that the US is losing ground with every tolerated cyber-attack on American networks.

#### It’s exaggerated and low-level attacks won’t trigger responses.

Jasmine Rodet 18, Master’s Degree in Cyber Security, Strategy, and Diplomacy from the University of New South Wales, Cyber Security Program Manager at Fortescue Metals Group, “The Threat of Cyber War is Exaggerated”, 11/11/2018, linkedin.com/pulse/threat-cyber-war-exaggerated-jasmine-rodet/

For the regular person on the street, the term ‘cyber war’ is more likely to bring to mind the 1983 movie “WarGames” and the doomsday articles that appear regularly in the media about the ‘cyber battlefield’ and an impending World War III. This essay argues that the threat of cyber war is exaggerated and although it can, by definition, be stated that we are already in a state of cyber war, the impact on states is negligible compared to conventional war domains. The argument is presented in 3 steps. The first step is to define cyber war and cyber weapons, referencing scholars and experts in the area of conventional war and the cyber domain. The second step is to explore who has been exaggerating the threat of cyber war and what their motivations might be. The third is to explore the evidence and quantify the probability and impact that cyberwar has had on states to date. ‘Cyber war’ is a term often used interchangeably in media with cyber-crime, cyber-attacks, cyber-conflict and cyber-incidents, creating confusion amongst the public and scholars alike. Clausewitz (1989, 75), in his book, On War, defines war as ‘an act of force to compel the enemy to do our will’. Rid (2012, 7) on the other interprets Clausewitz use of ‘force’ as meaning ‘violent’ force. According to Rid, if an act is not potentially violent, it is not an act of war. However, Stone (2013, 107) describes ‘cyber war’ as a politically motivated act of force, not necessarily lethal and not necessarily attributable. The definition by Powers and Jablonski states more simply that cyber war is the utilisation of digital networks for geopolitical purposes (Nocetti 2016, 464). Neither of the latter two definitions requires violence to qualify as cyber war. Under these definitions, the Stuxnet cyber-incident in 2010 and the Estonia incident in 2007 would constitute an act of cyber war, and as such we could say that nations have been at cyber war in the past and are likely to continue to engage in cyber war in years to come. For this essay, I will use Stones definition to argue that even though states may engage in cyber war, the concept of cyber war is exaggerated. It seems that cyber war is deliberately exaggerated in the media and by politicians for financial and political gains. There are countless examples in the media and in politics of the exaggeration of the threat of cyber war and the language used plays a big factor in creating a sense of fear in the community. The Four Corners report, Hacked, is a classic example where the reporter, Andrew Fowler describes the current situation in Australia as ‘… a secret war where the body count is climbing every day’ (Fowler 2013). The documentary reveals nothing violent or lethal about cyber incidents. The documentary is actually about hackers working from locations overseas, having targeted key Federal Government departments and major corporations in Australia. In another example, NATO may be interpreted as exaggerating the threat of Cyber War when they invited Charlie Millar to present at their Conference for Cyber Conflict at the NATO Cooperative Cyber Defence Centre of Excellence in 2017. Millar is an independent security evaluator, and his presentation was titled ‘Kim Jong-il and me: How to build a cyber army to attack the US’. He later presented similar content at Def Con 2018. His presentation described the steps he would take to mount a cyber war, including the types of people he would engage, how much he would pay them, what his strategy would be and how much it would cost in total. Who stands to gain from the exaggeration and hype? Logically, one group would be those that gain financially from the sale of cyber protective services and software. According to Valerino, 57% of technical experts surveyed said that we are currently in a cyber arms race and 43% said that the worst-case scenarios are inevitable (Valeriano and Ryan 2015). Translate this into sales and Gartner projects worldwide security spending will reach $96 Billion in 2018, up 8 Percent from 2017 and to top $113 billion by 2020 (Gartner 2017). Additionally, there may be political motivations to exaggerate the threat of cyber war. Cyberspace is not well understood by the general public and fear is natural. In the US’s cyber security debate, observers have noted there is a tendency for policymakers, military leaders, and media, among others, to use frightening ‘cyber-doom scenarios’ when making a case for action on cyber security (Dunn 2008, 2). There is some evidence to suggest that more recently in the political arena; we may be maturing in our understanding of the real threat of cyber war. The Tallinn Manual, an academic, non-binding study on how international law applies to cyber conflicts and cyber warfare, was written at the invitation of the Tallinn-based NATO Cooperative Cyber Defence Centre of Excellence. It was first published in 2013 with the title ‘The Tallinn Manual on the International Law of Cyber War’. In 2017, it was re-released with the revised title ‘Tallinn Manual 2.0 on the International Law of Cyber Operations’. The change in title from ‘war’ to ‘operations’ signifies a more moderate use of language from NATO and is an acknowledgement that cyber incidents generally fall below the threshold at which International Law would declare them to be a formal act of war. Experience over the 4 short years from 2013 to 2017 has demonstrated that cyber incidents tend to have a low-level impact on the target state. As the book’s authors put it ‘the focus of the original Manual was on the most severe cyber operations, those that violate the prohibition of the use of force in international relations, entitle states to exercise the right of self-defence, and/or occur during armed conflict’ while the new version ‘adds a legal analysis of the more common cyber incidents that states encounter on a day-to-day basis and that fall below the thresholds of the use of force or armed conflict’ (Leetaru 2017). To get a better sense if cyber war is exaggerated, we must also consider the probability of cyber war in the future. The probability of cyber war should be weighed up against the probability of conventional war. Where tensions are already high, for example, between North Korea and the US or Russia and Estonia, I would argue that cyber war is more likely than conventional war. This is due to factors including; cyber warfare is less costly than conventional warfare, states are less rational in their decision space in the cyber realm, states find cyber attribution very difficult to achieve so attacks can be undertaken covertly and cyber war is considered ‘a challenge’ and central to the hackers’ ethos (Junio 2013, 128). Further, Sanger describes in his book, The Perfect Weapon, cyber weapons (such as cyber vandalism, Distributed Denial of Service (DDOS), intrusions and advanced persistent threat (APT)) as the ‘perfect weapons’ for the following reasons; They are cheap: When compared to Nuclear weapons, there are only a handful of nations globally that can afford the technology to create a nuclear weapon. They are easily accessible: Unlike a Nuclear bomb that requires uranium, a highly protected metal, in the production process, a cyber weapon can be created with minimal investment and highly available IT infrastructure. They can be dialled-up or dialled-down relatively easily. A ballistic missile, the force of the explosion cannot be adjusted as easily as a DDOS attack. A DDOS attack can be adjusted to last an hour, a few days or a few weeks. They have a huge range in how they are used: Sabotage as with Stuxnet, Espionage as with the Chinese industrial spying on the US, North Korea’s infiltration of Sony, the Iranians attack on Las Vegas Sands Corp. casino operators. The significant factor is that cyber weapons can and are being used every day for discrete, low-level cyber conflicts to undermine and disrupt rivals, but historically it has not progressed to open conflict, nor has it warranted a military response (Sanger 2018). Additionally, massive cyber operations would necessarily impact the civilian population and violate the immunity of non-combatants. The conditions of war dictate that this is “taboo” and to date, rival states have shown restraint in their use of cyber weapons for this reason (Valeriano and Ryan 2015). It appears that the threat that cyber weapons represent to national security is overstated and the threat of cyber war is overstated. The US and likely other highly networked nations appear reticent about using cyber weapons for significant cyber conflict given their vulnerabilities. Ironically, NSA programs such as PRISM have made the US more of a target given the sheer volume of sensitive information stored in one place. Regardless of US defences, there is no way to make this information completely secure from intrusion, and as such, the very act of storing the information makes them more vulnerable. Rid (2012) is among some academics who argue that cyber war has never and will likely never eventuate. The benefits of being on this side of the debate mean that public funding can be allocated away from offensive cyber security initiatives to other, potentially more important initiatives, such as public health and housing. The government is constantly under pressure to prioritise public spending and it is imperative that they have realistic, accurate projections regarding the risk of cyber war, the probability and the impact, to allow them to focus spending on the most important areas.

## Adv 2

### XT ­– No Port Infra Impact

#### Port infrastructure impact is word salad – the closest it gets to a terminal is saying we need to “adapt” and make port infrastructure “resilient” to climate change – doesn’t say that solves extinction OR population growth – global trade is empirically not critical to the future survival of the human race, people can get necessities domestically like they did for the past several centuries – this impact is just silly and not really external from anything else.

### XT 2 – Emerging Economies D

#### Alt causes to emerging economies – COVID has crushed billions in income and FDI fell by 42% last year alone – UGLC. Schifferes ev says weak healthcare is an alt cause and AFD ev says poor working conditions and declining workforce participation structurally depress the ability for jursidictions to invest in local renewables or more sustainable port infrastructure – even if there is no exemption on the books! They do not have a card for their internal link between port investments and governments implementing broad emissions reductions to commit to SDGs or investing in local renewables.

#### Sustainable development goals are all bark, no bite

Ben **Deighton 19**, Postgraduate journalism degrees, Managing Editor of SciDev.Net, 2/18/19, “SDGs ‘failing to create transformational change’” https://www.scidev.net/global/news/sdgs-failing-to-create-transformational-change/

The Sustainable Development Goals (**SDGs**) are often **failing** to produce the **profound changes** needed to achieve their **ambitious** **objectives** due to a **lack of coordination** across the 17 separate goals, the American Association for the Advancement of Science (AAAS) annual meeting heard.

“The reality is that if they are just seen as **aspirational** goals what happens is — what is actually happening now — is that governments are just labelling what they are doing anyhow as **being in the obligation of the SGDs**,” Peter Gluckman from the University of Auckland, New Zealand, told a panel discussion during the event, held in Washington, DC from 14-17 February.

The SDGs were adopted by the United Nations in September 2015, and call for governments to achieve goals such as ending poverty, eradicating hunger and ensuring everyone has access to clean, affordable energy by 2030.

“It’s almost an order if you go to those meetings you have to wear the SDG badge, but the question is to what extent they really do understand the need of transformation, which is not the incremental approach anymore,”

Nakao Ishii, chief executive of Global Environment Facility

However, **global hunger** has risen for the third year in a row, according to the latest UN’s world food security report, while fewer than five per cent of countries are on track to meet childhood obesity and tuberculosis targets, according to a study published in The Lancet in 2017.

Global carbon emissions were also **set to rise** by two per cent in 2018 to hit an all-time high, according to a report by the UK’s University of East Anglia and the Global Carbon Project. The trend is driven by rises in the use of coal, oil and gas.

“Don’t get me wrong, those [the SDGs] are critically important and we are fully committed — but let’s be honest about **lots of words and** **lots of talk**, but perhaps **little action**,” Daan du Toit, deputy director-general for international cooperation at the South African Department of Science and Technology, said during a panel discussion.

#### SDGs unsustainable

Jason **Hickel** 15, 9-30-**20**, "The World’s Sustainable Development Goals Aren’t Sustainable," Foreign Policy, https://foreignpolicy.com/2020/09/30/the-worlds-sustainable-development-goals-arent-sustainable/

In 2015, the world’s governments signed on to the U.N. Sustainable Development Goals (SDGs) with a commitment to bring the global economy back into balance with the living world. Now, five years later, as the U.N. General Assembly convenes online to discuss the global ecological crisis, everyone wants to know how countries are performing. To answer this question, delegates and policymakers have referred to a metric called the SDG Index, which was developed by Jeffrey Sachs “to assess where each country stands with regard to achieving the Sustainable Development Goals.” The metric tells a very clear story. Sweden, Denmark, Finland, France, and Germany—along with most other rich Western nations—rise to the top of the rankings, giving casual observers the impression that these countries are real leaders in achieving sustainable development. There’s only one problem. Despite its name, the **SDG** Index **has very little to do with sustainable development** all. In fact, oddly enough, the countries with the highest scores on this index are some of the most environmentally unsustainable countries in the world. Take Sweden, for example. Sweden scores an impressive 84.7 on the index, topping the pack. But ecologists have long pointed out that Sweden’s “material footprint”—the quantity of natural resources that the country consumes each year—is one of the biggest in the world, right up there with the United States, at 32 metric tons per person. To put this in perspective, the global average is about 12 tons per person, and the sustainable level is about 7 tons per person. In other words, Sweden is consuming nearly five times over the boundary. There is **nothing sustainable about this kind of consumption**. If everyone on the planet were to consume as Sweden does, global resource use would exceed 230 billion tons of stuff per year. To get a sense for what this would look like, consider all the resources that we presently extract, produce, transport, and consume around the world each year—and all of the ecological damage that this causes—and triple it. Or take Finland, for example, which is **No. 3 on the SDG** Index. Finland’s carbon footprint is about 13 metric tons of carbon dioxide per person per year, similar to that of Saudi Arabia. This makes it **one of the most polluting countries in the world**, in per capita terms, **and a major contributor to climate breakdown**. For comparison, China’s carbon footprint is about 7 tons per person. India’s is less than 2. If the whole world were to consume as much fossil fuels as Finland does, the planet would be literally uninhabitable. This isn’t just a matter of a few odd results. Data published by scientists at the University of Leeds shows that all of the top-ranked countries in the SDG Index have significantly overshot their fair share of planetary boundaries, in consumption-based terms—not only when it comes to resource use and emissions but also in terms of land use and chemical flows like nitrogen and phosphorous. It is **physically impossible for all nations to consume and pollute at the level of the SDG top performers without destroying our planet’s biospher**e. In other words, **the SDG Index is**, from the perspective of ecology, **incoherent**. It creates the illusion that rich countries have high levels of sustainability when in fact they do not. So what’s going on here? Well, the SDG Index is directly linked to the Sustainable Development Goals. There are 17 goals, each of which include a number of targets. The SDG Index takes indicators for each of these targets (where data is available), indexes them, and then averages them together to arrive at a score for each goal. Then the 17 goals are averaged together in turn to come up with the final figure. All of this seems reasonable enough, on the face of it. But taking this approach means introducing a number of analytical problems. First, there is a weighting problem. The SDGs include three different kinds of indicators: Some focus on ecological impact (like deforestation and biodiversity loss), some focus on social development (like education and hunger), and some focus on infrastructure development (like transportation and electricity). Most of the SDGs contain a mix of these, but the **ecological indicators are** almost **always swamped**

, as it were, by the development indicators. For example, the SDG Index has four indicators for Goal 11 (on “sustainable cities and communities”); three of them are development indicators, while only one of them has to do with ecological impact. This means that if a country performs well on the development indicators, its score for that goal will look good even if it fails in terms of sustainability. This issue is compounded by a second problem, namely, that only four of the 17 SDGs deal mostly or wholly with ecological sustainability (Goals 12 through 15). The other 13 are mostly focused on development. Once again, this means that good performance on the development goals outweighs poor performance on the sustainability goals, so countries like Sweden, Germany, and Finland can rise to the top of the index (with the United States ranking in the top 20 percent) even though they have highly unsustainable levels of ecological impact. READ MORE The empty chamber of the U.N. headquarters Can the United Nations Survive the Coronavirus? In the absence of U.S. leadership, the U.N. is struggling to carve out a role in the face of what may be the greatest threat since its founding. REPORT | COLUM LYNCH The final problem is that the vast **majority of the ecological indicators are territorial metrics that do not account for impacts related to international trade**. For instance, take the air pollution indicator in Goal 11. Rich countries come out looking clean—but this is largely because they have offshored most of their polluting industries to countries in the global south since the 1980s, thus shifting the problem abroad. So too with the indicators on deforestation, overfishing, and so on: most of this damage happens in poorer countries, but it is disproportionately caused by overconsumption in richer countries, and quite often perpetrated by corporations or investors headquartered there. As a result, poorer countries get punished in the SDG Index for being harmed and polluted by richer countries. Of course, in many cases territorial metrics are appropriate; but there are a number of indicators in the SDG Index that should be reckoned as well in consumption-based terms and yet are not. In effect, **the SDG** Index **celebrates rich countries while turning a blind eye to the damage they are causing**. Ecological economists have long warned against this approach. It **violates the principle of “strong sustainability**,” which holds that good performance on development indicators cannot legitimately substitute for destructive levels of ecological impact. The SDG Index team are aware of this problem. It’s even mentioned (briefly) in their methodological notes—but then it’s swept under the rug in favor of a final metric that has little grounding in ecological principles. Ultimately, metrics of sustainable development need to be universalizable. In other words, the top performers on the index should represent a standard that all nations could aspire to achieve without this leading to a collapse of global ecosystems. That’s not the case with the SDG Index, where rich countries are held up as models when in reality, as the Leeds research shows, they are a big part of the problem. The **United Nations needs to redesign the index to correct these issues**. This can be done by rendering the ecological indicators in consumption-based terms wherever relevant and possible, to take account of international trade, and by indexing the ecological indicators separately from the development indicators so that we can see clearly what’s happening on each front. This way we can celebrate what countries like Denmark and Germany have achieved in terms of development while also recognizing that they are major drivers of ecological breakdown and need urgently to change course, with rapid reductions in emissions and resource use. Until then, we should **avoid using the SDG Index as a metric of progress in sustainable development, because it’s not**. Given the stakes of the crisis we face, we need to tell more honest, accurate stories about what’s happening to our planet and who is responsible for it.

### XT – Renewables Fail

#### Renewables can’t solve warming – they can’t diminish emissions at necessary levels. Jevon’s paradox means efficiency leads to an increase in total consumption, which prevents reductions in energy levels – that’s Gundersen.

#### Greening the economy is an illusion.

Gunderson et al. ’18 [Ryan; Sociology @ Miami; Diana Stuart; PhD Environmental Studies and Earth Science @ Northern Arizona; Brian Petersen; PhD Environmental Studies, Sustainable Communities @ Northern Arizona; “Ideological obstacles to effective climate policy: The greening of markets, technology, and growth,” *Capital & Class* *42*(1), 133-160]

Green growth – alternatively, the ‘green economy’ (UNEP 2011) or the ‘green transition’ (AASA 2011) – is a recent and increasingly popular (Jacobs 2013) addition to climate policy frameworks. Green growth is distinct from sustainable development as it casts off notions of social justice, democratization, and traditional regulation of industry central to the sustainable development narrative (Dale et al. 2016). Along with the belief that environmental pressure and GHG emissions can be decoupled from economic growth – familiar in similar ideas such as ecological modernization theory, the environmental Kuznets curve, and weak sustainability theories – the more distinctive claim of green growth is that there are a series of ‘synergies’ between environmental protection and economic growth, or, economic capital can benefit from the protection of ‘natural capital’ (Bowen & Frankhauser 2011; Hallegatte et al. 2011; Jacobs 2013; Jänicke 2012; Mathews 2012). Highlighting the economic benefits of environmental protection has gained traction through reports and recommendations from a number of international institutions: the EU Commission (2010), the Association of Academies of Sciences in Asia (AASA 2011), the United Nations Environmental Programme (UNEP 2011), the Organization for Economic Co-operation and Development (OECD) (e.g. 2011), and the World Bank (e.g. 2012) (for summary of some of these major reports, see Jänicke 2012). We argue that the green growth strategy dilutes both the capital-climate and technical potential-productive relations contradictions. Green growth is believed to be possible through three policy mechanisms: (1) green stimulus packages, (2) market-corrective or price-based policies (discussed in section ‘The ideological greening of markets via misunderstanding’), and (3) green industrial innovation (discussed in section ‘The ideological greening of technology via displacement’) (Jacobs 2013; for overlapping green growth strategy typologies, see Bowen & Frankhauser 2011; Hallegatte et al. 2011; OECD 2011). Green Keynesian stimuluses in environmental industries were adopted by a number of national governments following the 2008 financial crisis and recession (Jacobs 2013). The argument is that all three policy mechanisms are good for the economy and the climate. In short, ‘[g]reen growth is about making growth processes resource-efficient, cleaner, and more resilient without necessarily slowing them’ (Hallegatte et al. 2011: 3). When compared to other climate policy frameworks, what differentiates green growth is its ability to draw from nonclassical economic perspectives (e.g. Keynesian) (Bowen & Frankhauser 2011) and, as stressed above, framing environmental protection as an economic opportunity, rather than an economic burden. Additionally, green growth thinkers are less naïve than some climate change economists, from an ecological perspective: they argue for urgent and immediate action (Hallegatte et al. 2011; Jacobs 2013; OECD 2011) and ‘moderate’ growth rates (Jänicke 2012; UNEP 2011). Despite its unique and promising features as a policy framework, green growth has been met with criticisms (e.g. Dale 2015; Hoffmann 2011; Santarius 2012; Yun 2010; for collection of leading critics, see Dale et al. 2016). In the context of climate change, Hoffmann (2011) provides a number of reasons that green growth is an ‘illusion’ of ‘false hopes’. Greening growth at the scale and pace needed to limit global warming to 2°C by 2050 is unfeasible for a number of reasons, including (1) carbon intensity would need to be reduced by at least 21 times (assuming 2% gross domestic product (GDP) increases per year, a low estimate) and up to 128 times (assuming 2% GDP increases per year coupled with developing countries ‘catching up’ to developed countries) – reductions that seem unfeasible through green growth mechanisms; (2) efficiency increases in a given developed country often result from outsourcing environmentally destructive industries (cf. Santarius 2012); (3) it is highly unlikely that renewable energy will completely displace fossil fuels (cf. York 2012); (4) consumption habits will need to be radically altered; and (5) increased efficiency may increase the consumption of fossil fuel resources (i.e. the Jevons paradox discussed above; cf. Santarius 2012). Furthermore, since the implementation of South Korea’s National Strategy for Green Growth – the case study of green growth policy (Mathews 2012) – carbon dioxide emissions and energy use have increased (Bluemling & Yun 2016: 125; Gunderson & Yun 2017). These limitations of green growth stem from its masking over of the capital-climate and the technical potential-productive relations contradictions. Green growth is the union of the ideological greening of markets and technology, coupled with a supposedly environmentally conscious and exceedingly technocratic Keynesianism. Thus, all of the criticisms developed in the previous two sections also apply to the green growth strategy. It is ‘sustainable development without the tears’ (Dale et al. 2016: 6) and ecological modernization without appeals to other modern values beyond growth through technological progress and market expansion. Above, we highlighted Larrain’s (1982) concept of dilution as a form of contradiction concealment: a contradiction is recognized but there is an attempt to weaken the contradiction by reconciling irreconcilable elements. The common example of contradiction dilution in Marxist scholarship is the continually undercut and disappointed attempt by labor to improve relations with capital (i.e. to find ‘win–win’ policies). The claim is that these policies often fail to make long-lasting and significant changes, with capital usually triumphant because the interests of labor and capital are irreconcilable. We find a similar situation with the green growth strategy, which recognizes that there is a tension between capital and the climate, but attempts to conceptually weaken the contradiction by reconciling elements that are irreconcilable in reality (i.e. continued economic growth and adequate reduction in GHG emissions). Furthermore, it recognizes that the technical potential for a sustainable society exists, yet attempts to sustain the institutionalized social relations that block this potential. The very notion of ‘green growth’ epitomizes ‘a solution in the mind to contradictions which cannot be solved in practice; it is the necessary projection in consciousness of man’s practical inabilities’, that is, an ideology (Larrain 1979: 46). (13-15)

# 1NR

## Consent Decrees

### 1NR – Kick

Kick it not going for it

None of the solvency deficits are C/A bc Sunsets removes the exemptions, if the 1AR does, 2NR gets new answers

Enforcement CPs interp is totally arbitrary – what is an enforcement CP? Every CP competes off of changing enforcement, regulate CPs enforce prohibtions through non-antitrust statutes, states CP changes enforcement by not using the federal government – their interp regresses into no neg fiat

C/I – we get Enforcement CPs – key to neg flex – key to test “prohibit” and “antitrust key warrants. Key on this topic where there are limitless affs and no DAs besides tradeoff and clog which are impossible to win without a CP anyway.

Competition determines theoretical legitimacy – if we win the CP competes proves its an opportunity cost to the aff.

Other CP is not an “enforcement” CP – it sunsets exemptions, doesn’t change an enforcement action.

## Court Clog

### 1NR – Kick

Clog inev and no spillover to patents – not going for it

## CIL

### 1NR – Kick

Concede perm – not going for it

“world order reslinet” defense cant be C/A to dedev, if it is, it was implicitly answered in the 2NC

## Sunsets CP

### 1NR – O/V

#### They dropped the impact – participatory democracy outweighs on magnitude – 1NC eaton says it solves “extinction.” The plan’s process is undemocratic and technocratic and crushes the global signal of legitimacy – the counterplan’s sunset can reverse the needle. That’s First and Waller.

#### Turns the case – democratic transparency is a filter for every impact.

GANESH SITARAMAN, Law @ Vanderbilt, ’19, “Countering Nationalist Oligarchy” https://democracyjournal.org/magazine/51/countering-nationalist-oligarchy/

International engagement must therefore focus as much—if not more—on rebuilding unions, enforcing antitrust laws, closing tax havens, ensuring transparency, and restricting the ability of money to influence politics as it does on lowering barriers to trade. Without such policies, the pursuit of international economic power—and the building of international economic institutions and agreements—can indirectly undermine democracy. This is one reason why the proposed Trans-Pacific Partnership (TPP) was so problematic. While many of its proponents justified the deal on strategic grounds akin to those offered here, the substance of the agreement was not focused on addressing the grave threats to economic democracy at home—and arguably made some of them worse. For example, one of the sources of our current age of ever-growing monopolies is the “consumer welfare standard,” a weak approach to enforcing antitrust laws that is not part of existing statutory law and is now fiercely contested among antitrust experts. The TPP’s antitrust provisions, however, adopted this approach, which would make it harder to combat monopolies and promote economic competition. International agreements like the TPP, and international institutions more broadly, should not include policies that undermine the effort to advance economic democracy at home. Such actions do not strengthen American national security.

The third strategy is development. Democracies must have a coherent development policy—an internal policy to support and strengthen innovation and industry. This means massive investments in research and development and an active innovation policy that ensures the development of certain industries within the borders of the country, particularly those on the cutting edge of technology. Development increases resilience in the face of economic threats. But it cannot be implemented through a policy focused on supporting national “champions”—the country’s leading megacorporations. Because democracy requires dispersing economic power internally, so too must its strategy for development.

Democracy’s Allies

Democracies that work together will be stronger in the face of nationalist oligarchies. Alliances help us defend our democracy from internal and external threats. Consider NATO. Since its founding, NATO was based on two premises. The first was preserving security and stability in Europe. In the classic formulation by Lord Ismay, following two world wars that started in Europe, NATO’s goal was to “keep the Soviet Union out, the Americans in, and the Germans down.” The second was that NATO was designed on the premise that its member countries shared liberal democratic ideas and practices. In the post-Cold War era, the first premise lost much of its force, leading to endless discussions of whether NATO was still relevant. The second premise, perhaps unsurprisingly given the neoliberal character of the age, turned toward the promotion of a thin notion of electoral democracy combined with neoliberal market economics for the countries of the former Soviet bloc.

But the optimistic policies that followed the end of history are no longer advisable, if they ever were. Over time, three serious problems have become clear. The first, as Celeste Wallander has argued, is that “There is no price for violating NATO’s liberal democratic standards, and some weak links are indeed backsliding.” Countries like Hungary and Turkey are no longer robust liberal democracies, and their links to Russia, in particular, may make it harder for NATO to defend the democratic foundations of its other members. The second problem is that NATO’s vision of liberal democracy became relatively thin. With a goal of democracy promotion and the expansion of capitalism, countries could be admitted for making democratic reforms with respect to elections and political changes, and without regard for their degree of economic equality. The third problem is that the nature of the threat from Russia has changed. During the Cold War, the Soviet Union’s threat to Europe was largely understood to be a military threat—including the risk of invasion. Today, the Russian threat to democracy “operates through shadowy financial flows, corrupt relationships, bribes, kickbacks, and blackmail.” In this system, cronyism and corruption are not a bug but the central feature of the model.

Today, the central purpose of our alliances must be to defend democracy. We must recognize the existential threat to democracy that comes from hacking, election vulnerabilities, social media disinformation, and other forms of electronic and cyberwarfare. These are areas in which democratic countries can help one another by sharing intelligence and learning from attempted attacks across the West. For example, NATO countries that want to meet their 2 percent of GDP spending commitment, as President Trump has undiplomatically asked them to do, should be able to invest in cybersecurity, so long as the benefits can be shared. Our alliances can also do more to prevent the rise of nationalist oligarchs domestically, and the corrupting influence of financial flows internationally. International institutions, from the Organization for Economic Cooperation and Development to the European Union to NATO, should work together to disseminate data and information and to coordinate policies that help fight domestic and international corruption.

The boldest proposal might be to create a new alliance of democracies, something that John McCain once called for. As a path forward for defending democracy, this idea has merit, particularly if the Trump Administration succeeds in weakening the NATO alliance to the point of no return. But for it to work, its goals would have to diverge significantly from those of its original promoters.

Advocates for such an alliance came up with the idea following the 2003 intervention in Iraq. They were largely responding to the failure of the United Nations Security Council to intervene in a variety of conflicts and humanitarian crises with sufficient haste and attention. (And these advocates tended to be supporters of the Iraq War.) While proponents argued that a concert of democracies would cooperate on a wide variety of issues of common concern, they also believed that this new alliance would be able to engage in foreign interventions more easily than the United Nations. And far from being exercises of power by Western elite democracies, the alliance’s military and humanitarian interventions would be seen as more legitimate because the alliance would include upwards of 60 countries. As James Lindsay wrote in 2009, the Concert of Democracies “would be composed of a diverse group of countries from around the globe—small and large, rich and poor, North and South, strong and weak.” Some others, like Anne-Marie Slaughter and John Ikenberry, saw an alliance of democracies as updating the architecture of the international system for a new era, and hoped the alliance would form a bloc that could push for the reform of traditional international institutions, like the UN, World Bank, and IMF. Opponents of the idea primarily worried that an alliance would cause backlash. China, Russia, and other non-democracies would see the alliance as a threat, leading to a downward spiral of mistrust that could potentially end in conflict.

Today, the case for an alliance of democracies is stronger than it was in the post-Iraq context—but for different reasons. By now, it is clear to everyone that we were never at the end of history and that the United States and other democracies never had the time, money, and military power to spend engaging in adventures abroad. Even those who thought we might have been in that place recognize now that the global context has shifted. Today, the primary goal of an alliance of democracies would not be to engage in interventions and democracy promotion. It would not be offensive. It would be defensive. It would be to maintain democracy inside each of a small number of member countries.

An alliance today would also focus on deepening economic cooperation, in order to build collective economic power vis-à-vis nationalist oligarchies. The original proponents of an alliance of democracies argued for “eliminating tariffs and other trade barriers among member countries.” But as Trump’s election, Brexit, and new data on the “China Shock” suggest, a trade policy based on the liberalization of trade barriers without regard to the consequences is destructive for economic democracy and is a threat to social cohesion. Instead, the alliance’s international economic agenda should be to expand economic democracy within member countries: to enforce antitrust and antimonopoly rules across borders, prevent tax havens and simplify the financial system, regulate tech platforms, promote corporate democracy, and reinvigorate worker power. This cooperative effort is critical because, individually, each democracy is vulnerable to lucrative offers from nationalist oligarchs abroad—and from would-be oligarchs within. The enemies of economic democracy can play countries against each other, creating a race to the bottom that ultimately undermines democracy itself. Cooperation is critical to helping solve this problem.

### 2NC – AT: Perm do Both

#### CP mutually exclusive – can’t review something that doesn’t exist. The CP uses the plan as a lever to springboard democratic oversight.

#### Including the plan’s undemocratic process signal causes a drift away from antitrust’s democratic roots. The process of antitrust reform overdetermines its content – star this card.

Spencer Weber Waller, Chair of Competition Law @ Loyola University of Chicago, ’19, "Antitrust and Democracy," Florida State University Law Review 46, no. 4 (Summer 2019): 807-860

As Professor First and I stated in Antitrust's Democracy Deficit:

The institutional aspects of today's antitrust enterprise . . . are increasingly out of balance, threatening the democratic, economic, and political goals of the antitrust laws. The shift that [Richard] Hofstadter first described has led to an antitrust system captured by lawyers and economists advancing their own self-referential goals, free of political control and economic accountability. Some of this professional control is inevitable, of course, because antitrust is a system of legal ordering of economic relationships. But antitrust is also public law designed to serve public ends. Today's unbalanced system puts too much control in the hands of technical experts, moving antitrust enforcement too far away from its democratic roots.49

In that article, we began the conversation of what an expert, but democratic, form of competition would mean for the main institutional players in our field, namely:

1) the legislatures that enact and oversee the law;

2) the public agencies that investigate and enforce the law;

3) the executive branches that execute the competition laws as

part of a broader array of responsibilities;

4) private litigants and sub-federal enforcement agencies;

5) the judiciary, which decides trials and appeals of both public and private antitrust litigation; and

6) civil society. 0

This article expands that framework with a more in depth analysis of the institutions of competition law from the perspective of how these different institutions support or push back against democratic values. Two caveats before proceeding further. First, while most of the specific examples are drawn from the experience of the United States, and to a lesser extent the EU and its member states, the overarching principles remain applicable to analyzing whether any given jurisdiction's competition law system exhibits a greater or lesser democracy deficit. Second, while my co-author and I both believe that the promotion of democracy should be an express value of competition law, this portion of the article is agnostic to that debate. Whether one believes that democracy, wealth transfer, consumer choice, efficiency, or something else should be the sole goal, the primary goal, one goal among many, or a minor aspect of competition policy, there is a still a pressing need that the resulting law and policy are enforced in a democratic manner that ensures due process, non-discrimination, and transparency.

#### One instance spills over. The plan creates slippery slope for power shifts to democratically unaccountable institutions.

Spencer Weber Waller, Chair of Competition Law @ Loyola University of Chicago, ’19, "Antitrust and Democracy," Florida State University Law Review 46, no. 4 (Summer 2019): 807-860

Perhaps Congress simply does not care about, or actually approves of, the continued evolution of United States antitrust law and policy in all its complexity. However, this silence or indifference has important consequences. It shifts power from the most democratic elected institutions to the more distant, less democratic institutions of agencies and courts to craft fundamental economic policy free from all but the most macro-level interventions or corrections. No legislature can spend all of its time on competition policy. But when it does, one should ask:

Is the legislature addressing fundamental issues or minor matters at the fringe?

Is the legislature addressing matters of national importance or local concern of a small group of members?

Has the legislature proposed or explored actual improvements or is it primarily airing issues for which no action is likely to ensue?

How is the legislature ensuring that power is delegated subject to democratic controls and that the other institutional actors are acting in accordance with democratic norms?

If major changes have occurred elsewhere in the system, had Congress actually approved or merely not paid attention?

What non-mandatory hearings occur, how were they selected, and why do they matter?

Without such inquiries, power naturally migrates from the more democratic institutions to the less democratic portions of the system. If legislatures approve of the course of current competition law and policy, they should say so. If they do not approve, then their silence should not be used to justify self-interested actors shifting power in their favor, while the legislature chooses to turn its attention to other pressing issues and only nibble at the edges of competition policy.

#### The counterplan’s sunset is key to sunshine test legislation. Immediate fiat without public hearing crushes signal of participatory democracy in antitrust.

Steve Delbianco, The Hill, 1-11-2022, "Klobuchar needs to put her antitrust legislation to the sunshine test," TheHill, https://thehill.com/blogs/congress-blog/technology/589293-klobuchar-needs-to-put-her-antitrust-legislation-to-the

Winter is coming for America’s tech industry. Sen. Amy Klobuchar (D-Minn.) is marshaling forces to push antitrust legislation that would put Washington bureaucrats in charge of innovation and business decisions that have made Apple, Amazon, Google, and Microsoft so popular here and around the world. And as with the winter weather here in the capital, the best antidote is sunshine — in the form of an open hearing to air very real concerns about how Klobuchar’s bills would hurt consumers and undermine America’s competitive standing in the world. That kind of sunshine was absent last June when similar antitrust bills were marked-up in a closed House Judiciary Committee meeting that went all night long, without any input or testimony. But that’s the point of going straight to a closed markup — it lets the sponsors avoid a public hearing that puts sunshine on the proposed legislation. Still, that messy markup session tainted those antitrust bills to the point where Speaker Nancy Pelosi (D-Calif.) has held them back from the House calendar so far. But those bills could break loose if the Senate rams related legislation through, again without a hearing. What would we learn at an open hearing on Klobuchar’s antitrust bills, with testimony from economists and internet security and privacy experts? First, her American Innovation and Choice Online Act would prohibit innovation that has given American consumers so many choices online. In her own words, Klobuchar’s bill would “Prevent self-preferencing and discriminatory conduct.” That bars Amazon from showing its generic products as alternatives to products from big name brands. Amazon’s 150 million Prime customers would no longer see a Prime badge signaling next-day shipping, since that would “discriminate” against sellers who don’t have their products shipped from Amazon distribution centers. A hearing on Klobuchar’s bill would also reveal that Google search results may no longer default to showing a Google map and reviews if search results include a nearby destination. Klobuchar says that would be illegal for “biasing search results in favor of the dominant firm.” Perhaps most worrying for bill sponsors is that internet security experts would describe consequences when Klobuchar’s law stops a dominant platform from “preventing another business’s product or service from interoperating.” Apple could be penalized for blocking an app from its App Store, even when Apple believes there are risks of security or privacy breaches, whether from the app provider or from hackers who exploit access granted to the app. At a hearing, we’d learn that the bill’s mandated “interoperability” is precisely how a university researcher allowed Cambridge Analytica to steal the private data of millions of Facebook users. A hearing would give Americans the chance to hear Klobuchar explain how her bill could constrain politically driven prosecution by FTC and DoJ officials demanding that a company do more to stop global warming or to advance economic and social justice for their workers. If we’re lucky, the Senate hearing could also address Klobuchar’s second antitrust bill, the Platform Competition and Opportunity Act. That bill would bar the largest American companies from acquiring related businesses, putting the brakes on growth and innovation at Amazon, Apple and Google. The highlight of the hearing would be Klobuchar explaining why her bill would lock-in those few companies as the enforcement targets, while carving-out Walmart and her home-state retailer Target – even if they later grew beyond the size threshold in the law. Finally, an open Senate hearing puts sunshine on what will alarm Americans whose retirement savings are invested in Apple, Amazon, Google, Meta, and Microsoft. Those companies lead the world in R&D investment and innovation, yet would be prosecuted by a subjective and destructive antitrust regime untethered to traditional standards of consumer welfare. That would reduce America’s technological standing in the world, at a time when other nations are helping their own champions compete with us. Unfortunately, Senate leadership may bow to Klobuchar’s pressure to bypass hearings and move straight to a closed markup in a committee she chairs. All major legislation, particularly when it impacts America's world-leading tech industry, needs to pass the Sunshine Test – a fully open process of probing questions and debate. If there’s no Senate hearing, the concerning consequences discussed above would only be revealed when enforcement of the law begins. And that’s when winter really comes for American consumers.

#### Preventing the plan from happening key to democratic legitimacy. The plan appears as a closed door, backroom dealing because it is immediate and lacks meaningful opportunity for public participation.

Spencer Weber Waller, Chair of Competition Law @ Loyola University of Chicago, ’19, "Antitrust and Democracy," Florida State University Law Review 46, no. 4 (Summer 2019): 807-860

Lastly, Warren cites Sunshine and Sunset legislation as allowing Congress to exercise control over administrative agencies. 87 Sunshine laws "allow the sun to shine" on meetings where important public policy decisions are being made.8 8 Preventing these meetings from happening behind closed doors can make administrative decision making more democratically accountable.8 9 Sunset laws require agency evaluation at set intervals in order to ascertain whether their financial support should be continued.90 This review allows legislators to scrutinize agencies at regular intervals to determine whether the agencies are performing satisfactorily, need to implement changes, or be terminated.9 1

### 2NC – AT: Perm do CP

#### The CP is functionally and textually competitive – it has congress review the exemption and then vote on whether it is worth preserving. If they vote yes it stays, if they vote no or don’t vote, the counterplan is off the books. The removal of the exemption is an uncertain effect not a mandate of the counterplan.

#### The counterplan is not an outright prohibition.

Fisch, Jill E. and Solomon, Steven Davidoff, Saul A. Fox Distinguished Professor of Business Law at the University of Pennsylvania Law School ‘19 "The Problem of Sunsets" (2019). Faculty Scholarship at Penn Law. 2032. https://scholarship.law.upenn.edu/faculty\_scholarship/2032

The latest policy proposal—so-called “sunset provisions”—offers a compromise position between an outright prohibition of dual class structures and allowing issuers freely to adopt a “perpetual” dual class structure. Sunset provisions provide that, under stipulated circumstances, an issuer’s dual class structure automatically converts into a single class structure in which all shares have equal voting power. The inclusion of sunset provisions in the charters of dual class issuers has been defended as a way of balancing the protection of the founder’s ability to innovate with the need to minimize agency costs. As CII explains in defense of its support of sunsets: “Since 2016 CII has supported sunset provisions if necessary to achieve alignment over a reasonable period of time.”13 SEC Commissioner Jackson stated that, unless the higher voting rights had a sunset provision, they were “antithetical to our values as Americans.”14 In support of his position that dual class companies should include sunset provisions, Commissioner Jackson reported the results of preliminary empirical analysis showing that the valuations of dual class IPO companies with sunset provisions diverged from and exceeded the valuations of those companies with perpetual dual class stock, beginning two years after the IPO.15 Similarly, Professors Lucian Bebchuk and Kobi Kastiel present empirical evidence that the adverse effects of dual class stock increase over time and advocate sunset provisions as a response to this problem.16

#### Prohibitions must have no exceptions. The counterplan excludes the instance where the congress votes to retain it.

Justice White, ’87, California v. Cabazon Band of Mission Indians, 480 US 202 - Supreme Court 1987

Following its earlier decision in Barona Group of Capitan Grande Band of Mission Indians, San Diego County, Cal. v. Duffy, 694 F. 2d 1185 (1982), cert. denied, 461 U. S. 929 (1983), which also involved the applicability of § 326.5 of the California Penal Code to Indian reservations, the Court of Appeals rejected this submission. 783 F. 2d, at 901-903. In Barona, applying what it thought to be the civil/criminal dichotomy drawn in Bryan v. Itasca County, the Court of Appeals drew a distinction between state "criminal/prohibitory" laws and state "civil/regulatory" laws: if the intent of a state law is generally to prohibit certain conduct, it falls within Pub. L. 280's grant of criminal jurisdiction, but if the state law generally permits the conduct at issue, subject to regulation, it must be classified as civil/regulatory and Pub. L. 280 does not authorize its enforcement on an Indian reservation. The shorthand test is whether the conduct at issue violates the State's public policy. Inquiring into the nature of § 326.5, the Court of Appeals held that it was regulatory rather than prohibitory.[8] This was the analysis employed, with similar results, 210\*210 by the Court of Appeals for the Fifth Circuit in Seminole Tribe of Florida v. Butterworth, 658 F. 2d 310 (1981), cert. denied, 455 U. S. 1020 (1982), which the Ninth Circuit found persuasive.[9]

We are persuaded that the prohibitory/regulatory distinction is consistent with Bryan's construction of Pub. L. 280. It is not a bright-line rule, however; and as the Ninth Circuit itself observed, an argument of some weight may be made that the bingo statute is prohibitory rather than regulatory. But in the present case, the court reexamined the state law and reaffirmed its holding in Barona, and we are reluctant to disagree with that court's view of the nature and intent of the state law at issue here.

There is surely a fair basis for its conclusion. California does not prohibit all forms of gambling. California itself operates a state lottery, Cal. Govt. Code Ann. § 8880 et seq. (West Supp. 1987), and daily encourages its citizens to participate in this state-run gambling. California also permits parimutuel horse-race betting. Cal. Bus. & Prof. Code Ann. §§ 19400-19667 (West 1964 and Supp. 1987). Although certain enumerated gambling games are prohibited under Cal. Penal Code Ann. § 330 (West Supp. 1987), games not enumerated, including the card games played in the Cabazon card club, are permissible. The Tribes assert that more than 400 card rooms similar to the Cabazon card club flourish in California, and the State does not dispute this fact. Brief for 211\*211 Appellees 47-48. Also, as the Court of Appeals noted, bingo is legally sponsored by many different organizations and is widely played in California. There is no effort to forbid the playing of bingo by any member of the public over the age of 18. Indeed, the permitted bingo games must be open to the general public. Nor is there any limit on the number of games which eligible organizations may operate, the receipts which they may obtain from the games, the number of games which a participant may play, or the amount of money which a participant may spend, either per game or in total. In light of the fact that California permits a substantial amount of gambling activity, including bingo, and actually promotes gambling through its state lottery, we must conclude that California regulates rather than prohibits gambling in general and bingo in particular.[10]

#### That means the CP PICs out of the plan’s expansion of “scope” of “antitrust laws.”

Spencer Weber Waller, John Paul Stevens Chair in Competition Law, Loyola University Chicago School of Law, ’20, “The Omega Man or the Isolation of U.S. Antitrust Law,” https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1682&context=facpubs

The United States defines the antitrust laws as the substantive provisions of the Sherman, Clayton, and Federal Trade Commission acts along with a small number of subsidiary statutes. This limits the scope of antitrust law to agreements between competitors, monopolization law, and the review of potentially harmful mergers and acquisitions. In contrast, the EU and other jurisdictions have led the world to a broader understanding of the meaning and reach of competition law that is only partially understood or appreciated in the United States.245 This Section explores that broader vision of competition including market studies and investigations; prohibitions against public anticompetitive conduct; state aids; and the use of public interest factors normally not part of the U.S. vision of the antitrust enterprise.

#### The CP is functionally distinct – sunsetted legislation is substantively different than legislation than permanent legislation.

JOHN E. FINN, Professor of Government, Wesleyan University. PhD. Princeton University, ’10, “Sunset Clauses and Democratic Deliberation: Assessing the Significance of Sunset Provisions in Antiterrorism Legislation” 48 Colum. J. Transnat'l L. 442 2009-2010

In sum, the benefits of sunset clauses as elements of statutory design generally fall into three categories-deliberative, informational and distributive. This suggests strongly we should expect to see sunset clauses in policy environments dominated by informational uncertainty, risk (both social and electoral) and typified by a high potential for political conflict regarding the allocation of power. In addition, because sunset clauses "allocate transaction costs differently than permanent legislation," 29 we should expect sunsetted legislation to be substantively different than legislation that would otherwise result. This is because "legislators perceive (accurately or not) temporary legislation differently. ' 30

#### Resolved means certain and durable. The counterplan is not durable because the congress could prevent the plan from happening in the counterplan.

Random House Unabridged 6 (http://dictionary.reference.com/search?q=resolved&r=66)

re·solved Audio Help /rɪˈzɒlvd/ Pronunciation Key - Show Spelled Pronunciation[ri-zolvd] –adjective firm in purpose or intent; determined.

#### Substantial means certain.

Words and Phrases ‘64 (40 W&P 759)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; **certain**; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive

#### Should means immediate and certain – the counterplan has the congress review the plan later and lets them decide whether the plan should happen.

Summers ‘94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling in praesenti.14 The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.16 [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, 802 P.2d 813 (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In* praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or immediately effective, as opposed to something that will or would become effective in the future *[in futurol*]. See Van Wyck v. Knevals, 106 U.S. 360, 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### Increase means immediate – the counterplan delays and conditions the increased prohibitions pending congressional inaction.

Dr. Howard Newby 4, BA and PhD from the University of Essex, Chair of the Higher Education Funding Council for England, Former Vice-Chancellor of the University of Liverpool, “Joint Committee on the Draft Charities Bill - Written Evidence”, Memorandum from the Higher Education Funding Council for England, 9/30/2004, http://www.publications.parliament.uk/pa/jt200304/jtselect/jtchar/167/167we98.htm

9.1 The Draft Bill creates an obligation on the principal regulator to do all that it "reasonably can to meet the compliance objective in relation to the charity".[ 45] The Draft Bill defines the compliance objective as "to increase compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity".[ 46]

9.2 Although the word "increase" is used in relation to the functions of a number of statutory bodies,[47] such examples demonstrate that "increase" is used in relation to considerations to be taken into account in the exercise of a function, rather than an objective in itself.

9.3 HEFCE is concerned that an obligation on principal regulators to "increase" compliance per se is unworkable, in so far as it does not adequately define the limits or nature of the statutory duty. Indeed, the obligation could be considered to be ever-increasing.

#### Our interpretation is key to neg ground – allowing noncertain and nonimmediate action would allow the aff to spike every DA by reading circumvention against themselves.

#### CP Pics out of USFG – only uses congress. “The” implies all parts

Merriam-Webster's Online Collegiate Dictionary, 5

http://www.m-w.com/cgi-bin/dictionary

the 4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### USFG is all the three branches

USLegal 9(definitions.uslegal.com/u/united-states-federal-government, September 23 2009, DA 6/21/11,)

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people

### 2NC – AT: Delay Deficit

#### The CP is fast – its resoundingly popular in the house, senate, and gets backed by the president.

Evers-Hillstrom 2-2, is a staff writer for The Hill. (Karl, 02-02-2022, “Shipping giants under fire for record profits, fees as pandemic continues,” The Hill, https://thehill.com/business-a-lobbying/592397-shipping-giants-under-fire-for-record-profits-fees-as-pandemic-continues)

Shipping giants have come under fire from U.S. business groups and watchdogs for raking in record-breaking profits on the backs of skyrocketing prices driven by unprecedented port congestion.

Each of the largest ocean carriers saw their profits more than triple over the last year, according to research from liberal watchdog group Accountable.US, which noted that all of the firms upped their prices substantially amid surging demand.

The industry, which is dominated by a handful of large freight companies, is currently lobbying senators to reject a bipartisan House-passed bill that aims to crack down on anticompetitive shipping practices, which carriers argue would only worsen supply chain issues.

“Many highly-profitable industries are using the pandemic as an excuse to gouge consumers or tack on sky-high fees, and the shipping industry is no exception,” Accountable.US President Kyle Herrig said in a statement.

“Despite shattering previous profit records last year, big shippers are trying to convince Congress that their abusively high fees are essential even as they fan the flames of inflation.”

New contracts with carriers to transport goods are roughly twice as expensive as they were in 2020, when the pandemic momentarily caused demand to drop off. With the U.S. now importing roughly three times as many goods as it sends out, and with clogged ports forcing ships to wait weeks to unload their shipments, there’s never been so much demand for ocean carriers.

Such circumstances have led to record profits.

Denmark-based carrier Maersk expects to report $24 billion in 2021 earnings before taxes and depreciation, triple its 2020 haul. Shanghai-based Cosco Shipping reported $14 billion in annual profits, nine times its 2020 earnings. Germany’s Hapag-Lloyd AG said Tuesday that its pre-tax income more than quadrupled to $12.8 billion last year.

Experts say that rising transportation costs contribute to soaring U.S. inflation because they get passed down to customers. Consumer prices climbed 7 percent in 2021, the largest increase in roughly four decades, according to Labor Department data.

The White House has bemoaned that the shipping industry is heavily concentrated and expressed concern that carriers could use their market power to charge higher prices. Today, just nine carriers control 80 percent of the global shipping market.

U.S. exporters, already angered by soaring prices, say that carriers are hitting them with unfair fees for failing to return cargo containers that they cannot deliver to ships due to intense congestion at ports. Exporters also claim that carriers are increasingly leaving U.S. ports without taking their goods back with them.

“In many cases, shippers are being charged through no fault of their own,” said Brian Whitlock, a logistics expert at consulting firm Gartner. “They can’t physically return the containers back to the ports.”

In response, agricultural and business interests are pushing lawmakers to prioritize the Ocean Shipping Reform Act, a bill that would empower the Federal Maritime Commission (FMC) to develop new rules to require carriers to take U.S. exports and prevent carriers from slapping exporters with unfair fees for failing to return containers.

The bill, sponsored by Reps. Dusty Johnson (R-S.D.) and John Garamendi (D-Calif.), sailed through the House with the support of more than 360 lawmakers in December.

The Senate is expected to unveil its own bill within the next two weeks.

Carriers are lobbying lawmakers to oppose the bill, arguing that it won’t do anything to remedy supply chain issues that are driving up prices. Port congestion is caused by a shortage of truck drivers and truck chassis, along with scarce warehouse space, among other issues.

“The problems that are causing the congestion are on the land side, not the ocean side, so the bill by its very structure isn’t capable of fixing the operational problems we’re facing,” said John Butler, president and CEO of the World Shipping Council, which represents large carriers.

“The sooner we return to more normal cargo flow and resolve those inland congestion issues, the sooner we’ll get that fluidity back, and that’s what is going to drive prices down,” he added.

The World Shipping Council spent nearly $222,000 on federal lobbying in 2021, up 150 percent from the previous year, according to OpenSecrets. The group paid Crossroads Strategies $50,000 in the fourth quarter to dispatch 13 lobbyists on the issue, including former Sen. John Breaux (D-La.).

Still, the council is competing with dozens of influential and better-funded lobbying groups that back the bill, including the National Retail Federation, American Farm Bureau Federation and Consumer Brands Association.

Some business and farming groups say the legislation doesn’t go far enough, arguing that lawmakers need to strip shipping giants of an antitrust exemption enacted by Congress more than a century ago that allows carriers to share vessels to deliver products to ports they might otherwise avoid on their own.

Gary Shapiro, president and CEO of the Consumer Technology Association, which represents tech and electronics firms such as Amazon and Samsung, said in a December statement that the exemption “gives foreign shippers a free pass to collude and raise prices to the detriment of U.S. consumers.”

The Justice Department has previously urged lawmakers to remove the exemption, arguing that the industry doesn’t need it to function properly, a request that Congress has largely ignored until recently.

Sen. Amy Klobuchar (D-Minn.), a member of the Senate Judiciary Committee who is pushing several anti-monopoly bills, is working on antitrust legislation related to the shipping industry, according to her office.

The Biden administration, meanwhile, has emboldened the FMC to go after anticompetitive shipping practices through executive action. The White House in November said that the agency can challenge antitrust agreements if they “produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost or … substantially lessen competition.”

#### Sunsetting is efficient – Congressional oversight is quick.

JOHN E. FINN, Professor of Government, Wesleyan University. PhD. Princeton University, ’10, “Sunset Clauses and Democratic Deliberation: Assessing the Significance of Sunset Provisions in Antiterrorism Legislation” 48 Colum. J. Transnat'l L. 442 2009-2010

The regulatory reform movement of the 1970s promoted the use of sunset clauses as a mechanism to improve legislative oversight of the bureaucracy and to increase regulatory efficiency. As Christopher Mooney has written, "[t]he contemporary concept of sunsetting dates from the idealistic political reform movement of the 1970s, which sought to transform a U.S. government considered bloated, in-efficient, and beholden to special interests. ' 16 In The End of Liberalism, Theodore J. Lowi favored sunsets as a mechanism to reinvigorate stagnant government bureaucracies. 17 To counteract the problem of interest-group liberalism, in which bureaucratic agencies were often captured by the interests they were meant to regulate, Mooney writes, "Lowi suggested a 'tenure-of-statutes act' that would set a 'Jeffersonian limit of from five to ten years' on the life of every law creating a federal agency."' 18 "The objective," Mooney notes, "was less to make these agencies disappear than to use the termination date to achieve what Lowi called a 'guillotine effect,' sparking effective legislative oversight and possible reorganization of agencies that had grown too big for their britches." 19 On this view, sunsets can advance the public welfare by ensuring that legislation creating regulatory agencies that have outlived their purpose expire or are replaced by more current public policy tools. The impetus behind the sunset movement was to improve democratic accountability by subjecting bureaucratic agencies to periodic legislative oversight and control.

### 2NC – AT: Capture

#### C/A above cards – plan is popular and congressional oversight prevents capture

#### GAO plank solves – if the exemption is a lobbyist safehaven, they would never recommend it for review. The congress only reviews instances that the GAO recommends.

#### Recent empirical evidence disproves proves congress is insulated from lobbying.

Jon Swartz, 1-20-2022, MarketWatch "Senate panel approves antitrust bill targeting Apple, Google and Amazon," MarketWatch, https://www.marketwatch.com/story/senate-panel-approves-antitrust-bill-targeting-apple-google-and-amazon-11642705698

Consumer groups and supporters of antitrust tech legislation hailed the vote as a first step toward reining in the economic power and market dominance of a handful of tech giants that also includes Facebook parent Meta Platforms Inc. FB, -0.95% and Microsoft Corp. MSFT, -0.57%.

“Despite millions of lobbying dollars by monopolists spent to influence lawmakers, a bipartisan group of Senators just stated with a clear voice that Big Tech is too powerful,” Sarah Miller, executive director of the American Economic Liberties Project, said in a statement.

“The bill will stop the largest online platforms from imposing their self-serving rules on markets and society,” Sumit Sharma, senior researcher for tech competition at Consumer Reports, said in a statement. “The bill will benefit consumers by making it easier to install, choose, and use alternative apps and online services. It will remove the roadblocks that the largest online platforms have put up to hinder innovation by competitors.”

#### Info gathering solves and the impact is overstated

Baker 13 – Professor of Law, American University Washington College of Law. (Jonathan, Antitrust Enforcement And Sectoral Regulation: !e Competition Policy Bene"ts Of Concurrent Enforcement In !e Communications Sector, CPI Vol. 9 | Number 1 | Spring 2013 https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2127&context=facsch\_lawrev)//gcd

II. CAPTURE the greater role of politics at the FCC does not necessarily mean that the agency’s performance is better or worse than that of the FTC. It may be sensible use of governmental resources, for example, for Congress in elect to delegate to an agency the identification and ratification of interest group bargains8 ; under such circumstances, the agency itself would be performing as intended, and any concerns about agency outcomes would properly be attributable to the legislature, not the agency.9 As with legislation itself, though, there is no guarantee that outcomes based on interest group bargains will serve the public good – most obviously if some a"ected groups are systematically underrepresented in political processes, but even if all groups are at the table.10 Still, single sector agencies like the FCC are often considered more prone to “capture” by regulated industries than generalist agencies with a broad cross-industry purview like the competition agencies. Agencies are described as “captured” when they appear to favor the interests of the regulated industries over public interest concerns like promoting competition.11 this charge has at times been leveled at the FCC.12 By contrast, when the FTC is criticized, it is generally not for capture but for other occasional failings, like lethargy,13 taking “cheap consents”14 or its general approach to antitrust.15 Agency capture is largely not about direct political in%uence.16 If an agency makes a bad decision because it has little insulation when the a"ected industry complains to Congress, the problem is the capture of the legislature, not the capture of the agency. Capture is also not mainly the product of the “revolving door” (the movement of personnel between regulatory agencies and regulated $rms, in both directions). In my experience, industry jobs go to agency veterans largely because they are seen as e"ective and have developed expertise, not because of the positions they took as agency o&cials.17 Moreover, the revolving door helps bring good people into agencies, both at the start of their careers, when they may value the option of leaving later, and later in their careers, when they can use skills and experience developed outside on behalf of the public interest. My sense is that capture is a threat at the FCC mainly when the regulated industry can manage the agency’s information.18 When an industry speaks with one voice, and has privileged access to the relevant information, it can shape how the agency sees an issue. the FCC’s engineering and economic expertise in critically reviewing the information submitted by industry only goes so far without data. Moreover, the competition agencies typically obtain more information using compulsory processes than the FCC obtains through voluntary submissions and routine data collection from regulated firms, particularly in a political environment in which the latter activity may be questioned as imposing unnecessary burdens on industry. Many FCC decisions are not subject to biases resulting from information asymmetry. In 2011, when the FCC reviewed AT&T’s proposed acquisition of T-Mobile, it was in a strong position to avoid regulatory capture notwithstanding AT&T’s extensive lobbying e"ort:19 the concurrent DOJ review gave it access to the type of information that the antitrust agencies obtain through use of compulsory process, and the industry did not speak with one voice (as one major wireless provider expressed concerns about the acquisition). To the extent capture is nevertheless a concern with the FCC today, it could be addressed in part by expanding the range of information the FCC requires regulated firms to submit on a routine basis. III. TAKING A LONG TERM PERSPECTIVE In the U.S. system, sectoral regulators have an advantage over the competition agencies in protecting potential competition, particularly when dealing with fast-moving markets. It is difficult for the competition agencies to take a long term focus in their enforcement actions because the generalist district court judges they must convince rarely have prior industry expertise and may in consequence tend to view predictions about industry evolution as speculative. By contrast, the FCC is the fact-finder in its decisions and can bring more expertise and sustained attention to understanding industry evolution. As a practical consequence, the FCC can take a longer view than the competition agencies. It has used that power to stop or impose conditions of some mergers that the Justice Department could not easily challenge because the firms involved were potential rivals rather than current competitors. $e FCC stopped the 1997 merger talks between AT&T, then a long distance company, and SBC, a large local telephone service provider and regional Bell operating company.20$e FCC also imposed competition-related conditions on the 1997 merger between Bell Atlantic and NYNEX, two local telephone service providers in adjoining territories, when the Justice Department declined to sue.21 $e Justice Department’s position on that matter was likely colored by the di#culty it would have faced in proving a potential competition case to a federal judge.22 Similarly, it likely would have been more di#cult for the Justice Department to address potential competition issues involving online video distribution raised by the recent Comcast/NBCU transaction had the FCC not also been involved.23 Moreover, the FCC was better situated than an antitrust agency to address the long-term potential competition issues that were the subject of the FCC’s Open Internet (net neutrality) rules.24 $e FCC rejected the alternative of relying solely on ex-post competition review, the approach that competition agencies would have taken,25 on the view that review after problems arise would be ineffective and too late.

### 2NC – AT: No Spillover

#### 1NC evidence is explicit – Waller says one instance can “move the needle” back. 2AC analytics are unwarranted and do not justify 1AR expansion.

#### Sunsets reinvigorate Congressional oversight of enforcement agencies. Key to democratize antitrust.

Harry First, New York University School of Law, and Spencer Weber Waller, Loyola University Chicago, Charles L. Denison Professor of Law, New York University School of Law, ’13, “ANTITRUST’S DEMOCRACY DEFICIT” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

This raises two different questions. Why is Congress afraid of antitrust and so focused on trivia, and why is the antitrust community afraid of Congress? One possible answer to the first question is that the technocratic wall that antitrust professionals have built around antitrust has simply scared Congress away from the area. In turn, the answer to the second question may be that the antitrust professional community fears that a breach of this wall could only lead to mischief, with untutored “business interest” legislators trying to dismantle antitrust law while “populist” legislators try to impose excessive restrictions on economic activity. Of course, it is possible that Congress has not been scared off, but is simply disinterested in antitrust or content with the status quo. The most jaded public choice advocates would contend that there is not enough payoff in the form of either electoral support or financial campaign support to justify more investment in the field versus other areas of the law. Under this theory the disinterest is perfectly rational. All we are left with, then, is an effort by the different congressional committees to protect their turf for self-aggrandizing reasons, an effort most on display in the “outrage” over the agencies’ efforts to fix the merger clearance process.

Putting such cynical explanations aside, as an institutional matter we should not assume that Congress is simply content with the status quo. The historic delegation of authority to the courts to develop a common law of antitrust never included carte blanche authority to make fundamental economic public policy in the guise of case decisions. Nor did it encompass the right for the agencies to increasingly make law in house through unreviewable decisions not to enforce the law, decisions to settle without effective relief, the issuance of advisory opinions, and the issuance of guidelines which effectively change the law, all without even resorting to the courts or Congress.88

The sad fact is, however, that Congress has acquiesced in its own marginalization. There is certainly a limit to the amount of attention that Congress can pay to any area of the law, and we do not claim that antitrust should be a top national priority. This trend is compounded by the judiciary, which has made antitrust overly technical and primarily dependent on economics in such a way that it is hard to discern whether or not an area of the law or an individual decision is consistent with the statutory scheme and current congressional desire.

Congressional distance from core antitrust policy is further compounded by the Court’s tendency to simply ignore the work of Congress even when it has expressed a view on any of these issues. For example, in the Leegin case, the Supreme Court gave no significance to Congress’s awareness of a consistent judicial interpretation of the per se illegality of resale price maintenance at the federal level, a repeal of the statutes that allowed states to form a contrary policy under certain circumstances, and a budget rider that came in response to an expressed goal of the Justice Department to change the law in the 1980s.89 Congressional failure to respond to the Court then just confirms the judiciary’s view that it can act free from democratic control.

Congress should be able to do better. As in other areas of the law, Congress tends to focus on short-term, partisan, and publicity driven activity that often results in gridlock and focuses on the minutiae. Instead of substantive legislation that would expand or restrict the antitrust laws in accordance with the will of the majority of the legislature, we are treated to the spectacle of sideshows like multiple hearings over the antitrust status of baseball,90 browbeating agency nominees over the perceived failures of the agencies in individual matters,91 and other oversight hearings about a particular merger (Universal-EMI) or high-profile industries (Google) that are newsworthy.92 In contrast, Congress remained entirely silent when (1) the 2008 Department of Justice report on unilateral conduct made important and wide sweeping changes to the interpretation and enforcement of section 2;93 (2) the Federal Trade Commission (FTC) refused to sign the report and issued policy statements in response;94 and (3) the Department of Justice (DOJ) report was withdrawn by the subsequent Administration.95

As a result, both agencies and courts have the best of both worlds and would oppose any change where Congress reasserts its fundamental role in setting the public policy to be enforced by the other branches of government. Agencies can proceed with fewer constraints in setting the agenda rather than executing one set by others. Most of their work can proceed behind closed doors and by negotiation with affected parties without external review.96 When the courts become involved because of settlement break down, they can establish their own view of sound public policy largely unconstrained by their coequal branches of government.97 A realistic and more democratic role for Congress in the formulation of competition policy, as a fundamental part of national economic policy, would involve a number of relatively small changes. The first principle should be establishing a norm of statutory interpretation that silence after a Court decision does not mean acquiescence. The fact that Congress does not specifically tee up a bill or resolution in each legislative session does not mean it has changed its mind on a particular subject or approves of a particular development in the antitrust world. Second, Congress should require the agencies periodically to report changes in enforcement or budget priorities and judicial changes in established precedent. Third, exemptions and immunities should be retrofitted to include sunset provisions so that Congress is required to take some action to preserve the status quo.98 Fourth, if Congress outsources big-picture studies to blue ribbon commissions, such action should be accompanied by a provision that the recommendations of the commission be introduced in the following legislative session. Fifth, nomination, oversight, and budget hearings should be better focused on the major themes of what agencies do and don’t do, rather than the minutiae of the moment.

The recommendation that Congress shift its focus to major issues is particularly critical to reinvigorating Congress’s role in antitrust policy. It is simply more important to probe whether merger enforcement has now been virtually limited to mergers to monopoly than to hold hearings into whether a particular merger in a particular industry is a good idea. Similarly, reasonable people can differ over whether a particular antitrust provision should be enforced more vigorously, less vigorously, or simply repealed, but we doubt any Congress since the passage of the Sherman Act would simply say, “We don’t care, do whatever you want.” We may not like the results of what Congress says on any particular issue, but it remains the only directly democratically accountable branch of government and the one most clearly charged with setting the broad parameters of fundamental public policy. It should speak, as it does in most other areas of our complex economy, and not have its silence used as an excuse for self-interested actors to shift power in their favor when the legislature chooses to turn to other pressing issues of the day.

#### Using the [plan’s immunity] as a guinea pig for sunsets greenlights for applications of sunset.

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D. Plan A: Towards a Legislative Framework

The glaring lack of clarity in the law of implied antitrust exemptions underscores the absolutely critical importance of developing a coherent and straightforward front-end roadmap for legislators. In a perfect world, all policymakers would draw upon a shared set of principles in generating authorizations to behave anticompetitively without the risk of antitrust liability. Such a group would also discuss and debate the contours of what would constitute meaningful active supervision. This would theoretically lead to less litigation. The Antitrust Modernization Commission (AMC), led by Professors Darren Bush, Stephen F. Ross, and economist Gregory K. Leonard, set out to provide a set of such principles for policymakers involved in developing potential antitrust immunities (as well as reviewing existing ones).49

1. General Goals

The AMC Report recognized the inherent dangers of subjecting competition policy to legislative development.50 Naturally, some special interest groups will curry more favor with legislators than others.51 If a benefit is conferred upon one group of private actors, policymakers must make diligent efforts to ensure that benefit is not outweighed by various negative effects upon the rest of the public.52 Otherwise, protective legislation may result that helps the few while harming the many.53 The AMC Report has three main aims: (1) it advocates a transparent and inclusive process for implementing such safeguards; (2) it suggests that those people seeking the immunity should have the burden of showing its necessity; and (3) it provides that when immunities are conferred, they should feature sunset provisions to control against “unintended consequences.”54

First, a transparent and inclusive process entails gathering information from a wide cross-section of people and sources, including public hearings.55 Once the information is gathered, it should be widely disseminated so that all interested parties are adequately informed and engaged.56 Second, placing the burden of proof on the proponent of the immunity requires an explanation of (1) why the contemplated conduct is “both prohibited and unduly inhibited” by antitrust, and why the conduct is in the public interest; (2) what the effects of the proposed immunity will be aside from its intended effect; and (3) how the requested immunity is “necessary to achieve the desired policy outcome.”57 Third, sunsetting provisions facilitate intelligent and informed periodic review of conferred immunities so that policymakers can fine-tune the ever-changing balance of social benefits and harms.58

2. Specific Stages

The AMC Report breaks its framework down further into five specific stages: (1) initial information gathering, (2) identification and analysis of justifications, (3) balancing costs and benefits, (4) tailoring the immunity to minimize anticompetitive effect, and (5) optional consideration for renewal.59

Stage 1 encourages policymakers to gather information “regarding the immunity and its effects” from a broad range of sources, including proponents of the immunity, relevant government entities, opponents, and other interested parties.60 This serves to make the ultimate decision-making process as thoroughly informed as possible.61 Whenever parties to the proposed immunity make formal filings, the public should have open access to them.62 This ensures thorough scrutiny and input from scholars, independent researchers, and the public at large.63 It also expands the volume of information available and guarantees that a diverse array of viewpoints could be presented in the lead-up to the policymakers’ final decision.64 Armed with this information, the policymakers are in a better position to make an informed judgment regarding the merits of the proposed immunity.65 Moreover, it is important that the reviewing powers subject the legislation to a hearing.66 This additional step has the benefit of clarifying the arguments for and against the immunity.67

Stage 2 advocates a focus on how the conduct being considered for antitrust immunity serves the public interest, and why immunity is necessary to facilitate it.68 Absent any justifications, immunity should be flatly rejected.69 In identifying and analyzing the justifications, the policymaker must examine “the tradeoff between the social goal achieved by the immunity and other economic or social goals.”70 Essentially, one should ask if there are less restrictive ways of achieving the desired social goal: namely, ways that do not entail an antitrust immunity.71

Stage 3 demands a cost-benefit analysis based on a robust body of information.72 This helps policymakers make good decisions because it makes it more likely that only immunities that have a net social benefit will be granted.73 Importantly, the key goal of transparency is served because “[o]utsiders to the decision-making process will be able to understand which benefits and costs were considered and how they were weighed in order to come up with the final determination.”74

Stage 4 entails tailoring an immunity so as to minimize anticompetitive effect.75 Policymakers should consider whether they could achieve the immunity’s asserted benefits by means that are less costly than conferral of antitrust immunity.76 If some other solution would alleviate the concern for the same cost but with added benefits, then the proposed immunity should not be adopted in its proposed form without embarking upon at least some degree of tailoring.77

Finally, Stage 5 advocates sunsetting of all immunities, as well as periodic review to ensure they are acting as they were intended to act.78 This stage takes into account the dynamic nature of the economy.79 Because an immunity could be socially-beneficial in X year but socially-harmful in Y year, policymakers should provide a built-in guarantee that archaic and outmoded exemptions will not fly under the radar screen.80 Periodic afterthe- fact review is the only reliable way to fine-tune the policy judgments made at the time the immunity was initially granted.81 Periodic reviews also have the advantage of allowing policymakers to review past legislation with a deeper level of sophistication (presuming that the policymakers track the successes and failures of the exemption during its existence).82

Thus, because the law of implied antitrust exemptions is short on clarity, a front-end legislative roadmap could prove extremely prudent. A transparent and inclusive process for implementing safeguards is critical, combined with a burden-of-necessity placed upon the advocate of the potentially-anticompetitive restraint. Ideally, all policymakers would draw upon a shared set of principles in generating authorizations to behave anticompetitively without the risk of antitrust liability. The authorizations could be either express or implied, depending on how the given unit of government’s review process comes out. In sum, the key is simply that an informed group of people get together to collectively decide what procedural requirements are necessary in terms of both authorization and active supervision of the proposed arrangement.

#### Sunsets key to democratic deliberation and rule of law.

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The regulatory reform movement of the 1970s promoted the use of sunset clauses as a mechanism to improve legislative oversight of the bureaucracy and to increase regulatory efficiency. As Christopher Mooney has written, "[t]he contemporary concept of sunsetting dates from the idealistic political reform movement of the 1970s, which sought to transform a U.S. government considered bloated, in-efficient, and beholden to special interests. ' 16 In The End of Liberalism, Theodore J. Lowi favored sunsets as a mechanism to reinvigorate stagnant government bureaucracies. 17 To counteract the problem of interest-group liberalism, in which bureaucratic agencies were often captured by the interests they were meant to regulate, Mooney writes, "Lowi suggested a 'tenure-of-statutes act' that would set a 'Jeffersonian limit of from five to ten years' on the life of every law creating a federal agency."' 18 "The objective," Mooney notes, "was less to make these agencies disappear than to use the termination date to achieve what Lowi called a 'guillotine effect,' sparking effective legislative oversight and possible reorganization of agencies that had grown too big for their britches." 19 On this view, sunsets can advance the public welfare by ensuring that legislation creating regulatory agencies that have outlived their purpose expire or are replaced by more current public policy tools. The impetus behind the sunset movement was to improve democratic accountability by subjecting bureaucratic agencies to periodic legislative oversight and control.

Sunset clauses can also improve public policy by increasing opportunities for, and by improving the quality of, legislative decision- making. Sunset clauses promote democratic oversight and accountability by providing the legislature with periodic opportunities to revisit questions with the additional information or experience necessary to adjust or to recalibrate public policy. Sunsets can also encourage policy innovation and legislative learning by creating incentives for policy makers to develop mechanisms for policy implementation and assessment. Moreover, sunsets may provide legislators with an institutional imperative to seek and develop improved informational resources. Some students of sunsets refer to these as "deliberative" benefits, which are elements or characteristics that improve second stage legislative decision-making by improving the quality and functioning of the deliberative process. 20

There are also "informational" and "distributive" advantages to temporary legislation.21 "From an informational perspective, temporary legislation provides .... windows of opportunity for policymakers to incorporate a greater quantity and quality of information into legislative judgments. By redistributing the decision costs of producing legislation [often by transferring or delaying costs to another time], temporary measures also facilitate experimentation and adjustment in public policy. '22 Sunset clauses are thus attractive in conditions where initial policy judgments are likely to be inaccurate and where those policy judgments may be expected to be informed by or revised when more or better information becomes available. 23 Consequently, sunsets are an especially useful tool when legislatures must act in conditions where information is limited or uncertain, but the perceived need for action is high.

#### Counterplan redistributes power between branches to improve administrative state transparency.

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A sunset clause may also possess a "distributive" advantage insofar as it allocates decision-making power between political actors. As Gersen notes, sunset clauses "also have important implications for the allocation of political power, costs, and risk, both within Congress ... and across branches of government. '24 A sunset clause can allocate power in several ways. First, it may transfer the power of agenda control "from the Congressional leadership in future Congresses to the current-period legislature. ' 25 Second, a sunset clause may allocate the burden of political risk and penalty between currenttime (LI) and future-time (L2) legislatures. 26 Third, a sunset clause may allocate (or distribute) power between legislatures and other political actors, including the executive branch and bureaucratic agencies. Indeed, it is widely agreed in the literature on counterterrorism regimes that security legislation often dramatically alters the balance of power between legislative and executive authorities, sometimes in ways that are said to compromise fundamentally the separation of powers doctrine. 27 A sunset clause may partially offset that shift by forcing the executive to make information and resources available to the legislature; without a sunset, the legislative branch may lack the authority (or political will) to compel the executive to disclose certain kinds of information. From a distributive perspective, then, sunset clauses may advantage the legislature "relative to the executive," as well as allocate agenda control between current (L1) and future-time (L2) legislatures. 28

In sum, the benefits of sunset clauses as elements of statutory design generally fall into three categories-deliberative, informational and distributive. This suggests strongly we should expect to see sunset clauses in policy environments dominated by informational uncertainty, risk (both social and electoral) and typified by a high potential for political conflict regarding the allocation of power. In addition, because sunset clauses "allocate transaction costs differently than permanent legislation," 29 we should expect sunsetted legislation to be substantively different than legislation that would otherwise result. This is because "legislators perceive (accurately or not) temporary legislation differently. ' 30

Together, these features are often claimed to facilitate democratic deliberation (and good public policy) by creating a process in which future or continued opportunities for legislative deliberation are a part of the default rule in legislative decision making. With permanent legislation, the default rule favors the status quo (the legislation remains in place unless the legislature chooses to act). In contrast, the default rule for sunset clauses is that legislation terminates on the date of the sunset without some kind of legislative reauthorization. In particular, sunsets improve or advance democratic deliberation in two ways. First, they improve legislative oversight because they force legislators to reassess public policy on a periodic basis and with superior information. This periodic characteristic of sunsets provides incentives for collecting data and information about the underlying policy problem and the efficiency of governmental efforts to deal with it. In other words, sunset clauses both increase opportunities for legislative decision making and the quality of decisional resources. Second, as Alexander Hamilton intimated, sunsets can improve public policy by focusing public attention on important and contentious policy choices, or by calling for a type of "public conversation." 31

### 2NC – AT: “Intrinsic Perm”

#### The democracy is external – crossapply links from do both. The perm does not shield or solve. Our argument the plan is bad AND the CP is good. Including the plan sends a signal that crushes the signal of participatory democracy.

#### The perm is functionally intrinsic because it adds sunsets and review over a condition that is not mandated by the counterplan. Functional intrinsicess is illegitimate – textual competition would allow the affs to strategically splice words to create new addons and makes advantage counterplans landmines. Functional competition also turns clash because textual competition allows the aff to permute to ban the plan and dodge net benefits. The impact on neg ground has a stronger internal link than the plan AND fairness outweighs education because debate is a game.

# 2NR

## CP

### 2NR – Spillover

#### Sunsets reinvigorate Congressional oversight of enforcement agencies. Key to democratize antitrust.

Harry First, New York University School of Law, and Spencer Weber Waller, Loyola University Chicago, Charles L. Denison Professor of Law, New York University School of Law, ’13, “ANTITRUST’S DEMOCRACY DEFICIT” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

This raises two different questions. Why is Congress afraid of antitrust and so focused on trivia, and why is the antitrust community afraid of Congress? One possible answer to the first question is that the technocratic wall that antitrust professionals have built around antitrust has simply scared Congress away from the area. In turn, the answer to the second question may be that the antitrust professional community fears that a breach of this wall could only lead to mischief, with untutored “business interest” legislators trying to dismantle antitrust law while “populist” legislators try to impose excessive restrictions on economic activity. Of course, it is possible that Congress has not been scared off, but is simply disinterested in antitrust or content with the status quo. The most jaded public choice advocates would contend that there is not enough payoff in the form of either electoral support or financial campaign support to justify more investment in the field versus other areas of the law. Under this theory the disinterest is perfectly rational. All we are left with, then, is an effort by the different congressional committees to protect their turf for self-aggrandizing reasons, an effort most on display in the “outrage” over the agencies’ efforts to fix the merger clearance process.

Putting such cynical explanations aside, as an institutional matter we should not assume that Congress is simply content with the status quo. The historic delegation of authority to the courts to develop a common law of antitrust never included carte blanche authority to make fundamental economic public policy in the guise of case decisions. Nor did it encompass the right for the agencies to increasingly make law in house through unreviewable decisions not to enforce the law, decisions to settle without effective relief, the issuance of advisory opinions, and the issuance of guidelines which effectively change the law, all without even resorting to the courts or Congress.88

The sad fact is, however, that Congress has acquiesced in its own marginalization. There is certainly a limit to the amount of attention that Congress can pay to any area of the law, and we do not claim that antitrust should be a top national priority. This trend is compounded by the judiciary, which has made antitrust overly technical and primarily dependent on economics in such a way that it is hard to discern whether or not an area of the law or an individual decision is consistent with the statutory scheme and current congressional desire.

Congressional distance from core antitrust policy is further compounded by the Court’s tendency to simply ignore the work of Congress even when it has expressed a view on any of these issues. For example, in the Leegin case, the Supreme Court gave no significance to Congress’s awareness of a consistent judicial interpretation of the per se illegality of resale price maintenance at the federal level, a repeal of the statutes that allowed states to form a contrary policy under certain circumstances, and a budget rider that came in response to an expressed goal of the Justice Department to change the law in the 1980s.89 Congressional failure to respond to the Court then just confirms the judiciary’s view that it can act free from democratic control.

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JOHN E. FINN, Professor of Government, Wesleyan University. PhD. Princeton University, ’10, “Sunset Clauses and Democratic Deliberation: Assessing the Significance of Sunset Provisions in Antiterrorism Legislation” 48 Colum. J. Transnat'l L. 442 2009-2010

A sunset clause may also possess a "distributive" advantage insofar as it allocates decision-making power between political actors. As Gersen notes, sunset clauses "also have important implications for the allocation of political power, costs, and risk, both within Congress ... and across branches of government. '24 A sunset clause can allocate power in several ways. First, it may transfer the power of agenda control "from the Congressional leadership in future Congresses to the current-period legislature. ' 25 Second, a sunset clause may allocate the burden of political risk and penalty between currenttime (LI) and future-time (L2) legislatures. 26 Third, a sunset clause may allocate (or distribute) power between legislatures and other political actors, including the executive branch and bureaucratic agencies. Indeed, it is widely agreed in the literature on counterterrorism regimes that security legislation often dramatically alters the balance of power between legislative and executive authorities, sometimes in ways that are said to compromise fundamentally the separation of powers doctrine. 27 A sunset clause may partially offset that shift by forcing the executive to make information and resources available to the legislature; without a sunset, the legislative branch may lack the authority (or political will) to compel the executive to disclose certain kinds of information. From a distributive perspective, then, sunset clauses may advantage the legislature "relative to the executive," as well as allocate agenda control between current (L1) and future-time (L2) legislatures. 28

In sum, the benefits of sunset clauses as elements of statutory design generally fall into three categories-deliberative, informational and distributive. This suggests strongly we should expect to see sunset clauses in policy environments dominated by informational uncertainty, risk (both social and electoral) and typified by a high potential for political conflict regarding the allocation of power. In addition, because sunset clauses "allocate transaction costs differently than permanent legislation," 29 we should expect sunsetted legislation to be substantively different than legislation that would otherwise result. This is because "legislators perceive (accurately or not) temporary legislation differently. ' 30

Together, these features are often claimed to facilitate democratic deliberation (and good public policy) by creating a process in which future or continued opportunities for legislative deliberation are a part of the default rule in legislative decision making. With permanent legislation, the default rule favors the status quo (the legislation remains in place unless the legislature chooses to act). In contrast, the default rule for sunset clauses is that legislation terminates on the date of the sunset without some kind of legislative reauthorization. In particular, sunsets improve or advance democratic deliberation in two ways. First, they improve legislative oversight because they force legislators to reassess public policy on a periodic basis and with superior information. This periodic characteristic of sunsets provides incentives for collecting data and information about the underlying policy problem and the efficiency of governmental efforts to deal with it. In other words, sunset clauses both increase opportunities for legislative decision making and the quality of decisional resources. Second, as Alexander Hamilton intimated, sunsets can improve public policy by focusing public attention on important and contentious policy choices, or by calling for a type of "public conversation." 31

### 2NR – AT: Capture

#### Sunsetting is efficient – Congressional oversight is quick.

JOHN E. FINN, Professor of Government, Wesleyan University. PhD. Princeton University, ’10, “Sunset Clauses and Democratic Deliberation: Assessing the Significance of Sunset Provisions in Antiterrorism Legislation” 48 Colum. J. Transnat'l L. 442 2009-2010

The regulatory reform movement of the 1970s promoted the use of sunset clauses as a mechanism to improve legislative oversight of the bureaucracy and to increase regulatory efficiency. As Christopher Mooney has written, "[t]he contemporary concept of sunsetting dates from the idealistic political reform movement of the 1970s, which sought to transform a U.S. government considered bloated, in-efficient, and beholden to special interests. ' 16 In The End of Liberalism, Theodore J. Lowi favored sunsets as a mechanism to reinvigorate stagnant government bureaucracies. 17 To counteract the problem of interest-group liberalism, in which bureaucratic agencies were often captured by the interests they were meant to regulate, Mooney writes, "Lowi suggested a 'tenure-of-statutes act' that would set a 'Jeffersonian limit of from five to ten years' on the life of every law creating a federal agency."' 18 "The objective," Mooney notes, "was less to make these agencies disappear than to use the termination date to achieve what Lowi called a 'guillotine effect,' sparking effective legislative oversight and possible reorganization of agencies that had grown too big for their britches." 19 On this view, sunsets can advance the public welfare by ensuring that legislation creating regulatory agencies that have outlived their purpose expire or are replaced by more current public policy tools. The impetus behind the sunset movement was to improve democratic accountability by subjecting bureaucratic agencies to periodic legislative oversight and control.

#### Recent empirical evidence disproves proves congress is insulated from lobbying.

Jon Swartz, 1-20-2022, MarketWatch "Senate panel approves antitrust bill targeting Apple, Google and Amazon," MarketWatch, https://www.marketwatch.com/story/senate-panel-approves-antitrust-bill-targeting-apple-google-and-amazon-11642705698

Consumer groups and supporters of antitrust tech legislation hailed the vote as a first step toward reining in the economic power and market dominance of a handful of tech giants that also includes Facebook parent Meta Platforms Inc. FB, -0.95% and Microsoft Corp. MSFT, -0.57%.

“Despite millions of lobbying dollars by monopolists spent to influence lawmakers, a bipartisan group of Senators just stated with a clear voice that Big Tech is too powerful,” Sarah Miller, executive director of the American Economic Liberties Project, said in a statement.

“The bill will stop the largest online platforms from imposing their self-serving rules on markets and society,” Sumit Sharma, senior researcher for tech competition at Consumer Reports, said in a statement. “The bill will benefit consumers by making it easier to install, choose, and use alternative apps and online services. It will remove the roadblocks that the largest online platforms have put up to hinder innovation by competitors.”