# UK---Round 3---vs. Michigan MM

## 1AC

### 1AC---Plan

#### Plan: The United States federal government should prohibit anticompetitive business practices in the delegation of generic Top-Level Domains by the private sector.

### 1AC---Internet Freedom ADV

#### Advantage One is Internet Freedom---

#### ICANN, the body governing allocation of internet domain names, shifted its allocation of generic Top-Level Domains, or gTLDs, to allow companies to buy domain names that mirror their trademarks, allowing explicitly anti-competitive deal-making

Nelson Drake 18, J.D. from American University’s Washington College of Law and a B.A. in Political Science from Georgia College and State University, “Going Rogue: The National Telecommunications And Information Administration's Transfer Of IANA Naming Functions To ICANN”, 3 Admin. L. Rev. Accord 83, 2018, lexis

II. THE IANA TRANSFER AND WHY IT MATTERS

As noted above, one of ICANN's powers with respect to the DNS and the IANA functions is its ability to adjudicate disputes about the existence of trademark rights in a domain name via the UDRP. This power was relatively uncontroversial because the UDRP's standard for determining the existence of trademark rights mirrored the USPTO's. However, **ICANN's introduction of its new TLD program has created new problems** because it permits trademark owners to purchase TLDs that mirror their trademarks. This is an issue because the prevailing policy of both ICANN and the USPTO was that TLDs are, generally, generic. 69 For example, under the Legal Rights Objections (LRO) period of the TLD application process, most trademark owners are unable to prevent the delegation of a TLD that matches their trademark. 70 These LRO decisions have since been supported by courts intent on maintaining the current policy. As a result, **plaintiffs have been unable to successfully bring a case against ICANN regarding the delegations of gTLDs.**

A. Image Online Design and the Trademark Perspective

The non-trademarkability of gTLDs was a primary issue in the case *Image Online Design, Inc. v. Internet Corp. for Assigned Names and Nos.*, which revolved around the delegation of the ".web" gTLD. 71 Image Online Design (IOD) is the operator of a registry for the ".web" TLD on a non-authoritative DNS, which means that it is not readily searchable by users without preconfiguring  [\*95]  their web browser. 72 However, this reconfiguration can be problematic because alternative DNS roots are not authoritative for ICANN-delegated TLDs, which could result in domain names that are identical to those on ICANN's root and a "naming collision" as discussed in Part I. 73

IOD's claim stemmed from the fact that ICANN did not consider IOD's 2000 application, and when ICANN moved forward with the ".web" delegation process, IOD sued for trademark infringement under their registered and common law ".web" trademarks. 74 In its defense, ICANN argued that: (1) the .web would not cause confusion because TLD registry services are a different class of goods than those protected by IOD's registrations and (2) that TLD's are not subject to trademark protection because they are generic. 75 Ultimately, the court ruled in favor of ICANN and summarily dismissed all of IOD's trademark claims. 76

The IOD's claim under 15 U.S.C. § 1125(a)(1) 77 and its common law trademark was the most important part of the court's ruling. In its opinion, the court reiterated a long-held standard of trademark law that **"TLDs are not generally source indicators."** 78 The court further supported its ruling by citing the official policy of the USPTO that states "[g]enerally, when a trademark . . . is composed, in whole or in part, of a domain name, neither the beginning of the URL ('http://www.') nor the TLD have any source-indicating significance." 79 The IOD attempted to refute this portion of the ruling by pointing out that the USPTO altered its position to require consideration of "any potential source-indicating function of the TLD. 80 In response, the court stated that the **only marks available for protection as a TLD are famous**  [\*96]  **marks**, such as .apple for Apple, Inc., and that some marks would continue to remain generic even if they are famous. 81 In the court's view, ".web" fell under the latter category because it would indicate a genus of a type of website available on the World Wide Web and not a particular company or manufacturer. 82

Because of the court's decision in Image Online Design, **corporate stakeholders are susceptible to competitive harm if ICANN uses its powers unfairly**, particularly if the harm is propagated at the behest of another stakeholder. The effects of this limitation are particularly acute considering the ICANN's own regulatory policies, which take a similar position on the existence of trademark rights in gTLDs moving forward. 83 Both the UDRP and LRO, ICANN's current dispute resolution policies intended to protect the rights of trademark owners, reiterate the common proposition that gTLDs are generally ineligible for trademark protection. 84 However, both panels governing these decisions have articulated that this general rule may have an exception. 85

While this may indicate that the perception that gTLDs are generic is shifting, in application both policies strongly indicate that trademarkability is the exception, not the rule. The LRO decisions, for instance, demonstrate that to successfully assert legal rights in a gTLD, the trademark owner must either be particularly famous or be able to point to facts indicating bad faith on the part of the applicant. 86 While the UDRP has indicated a departure from this rule, panel decisions are **not subject to precedent.** This means that trademark owners should not expect any consistency between panel decisions, and that these decisions will be extremely fact specific.

B. The Consequences of Image Online Design

The presumably generic gTLDs, the uncertainty of how this rule will be applied, and the amount of fame a trademark owner must possess to state a claim have **created an environment where only the largest private stakeholders can successfully assert a violation** of their trademark rights against ICANN in court. Even then, the success of these claims remains in doubt, especially if ICANN's decisionmaking becomes clouded by undue influence from other stakeholders. For example, in a matter involving Amazon, [\*97]  ICANN denied delegation of the ".amazon" gTLD for reasons of "public policy" following strong objections by Brazil. 87 After failing to have the decision changed using ICANN's appeal processes, Amazon challenged ICANN's decision and requested an independent review that found **ICANN caved to pressure from the Brazilian government and**, more concerningly, attempted to abuse its internal processes to the detriment of Amazon. 88

#### Anti-competitive allocation of gTLDs exponentially increases internet privatization and decks internet freedom

Daniela Spencer 14, J.D. candidate at the UC Berkeley School of Law, “Trademark Law: Much Ado About Nothing: ICANN's New gTLDs,” 2014, lexis

C. ICANN's Section 1 Antitrust Violations

Since there are currently a small number of gTLDs, critics have alleged that ICANN is hindering competition not only among registries, but also among consumers. 120 Since ICANN has unlimited contracts with registries, critics allege that ICANN is assisting in an agreement amongst registries to restrain trade, which is illegal under Section 1 of the Sherman Act. 121 Consumers have limited choices among existing registries, especially since many of them are not open to the public. As such, they are limited to using registries like VeriSign, which are well known and open to the public.

As of September 2013, fifty-three percent of all registered websites had the gTLD of .com, owned by VeriSign. The next highest percentage of websites (5.7 percent) were registered under the TLD of .net, which VeriSign  [\*880]  also owns. 122 In 2006, the Ninth Circuit found that ICANN awarded VeriSign the contract for .com without any bidding. 123 As such, one private company is essentially controlling close to sixty percent of the market with collusion from ICANN. 124

There is no indication that there are any alternative products or possible substitutes to the favorite .com gTLD. 125 Additionally, unlike in a standard market, where the product is relatively elastic and responds to changes in price, in this system, sellers have little incentive to offer low prices in a market where demand is inelastic.126 ICANN has no incentive to discourage or prevent individual registry operators like VeriSign from charging high prices because consumers have nowhere else to turn. In the last few years, the demand for .com has increased, as demonstrated by its growing percentage of use while the prices have stayed stable. 127

 [\*881]  However, despite its prima facie appearance of restricting competition, the agreement between VeriSign and ICANN does not actually restrain commerce in the relevant market. Consumers do not choose .com due to a conspiracy between VeriSign and ICANN to reduce access to other gTLDs, but rather due to outside pressures to use .com. 128 As such, even the advent of hundreds of new gTLDs would not produce an appreciable or effective increase in competition. Despite its claim, ICANN's new program probably will not increase competition in any meaningful way. 129

D. Potential for Other Antitrust Violations Due to gTLDs

In a hearing to the House of Representatives in 2011, Federal Trade Commission chairman Jon Leibowitz said, "We worry that if ICANN goes broadly and doesn't ensure accuracy, it's going to be exponentially worse. There is going to be a burden on businesses, which will have to defensively register. We see a lot of cost but not a lot of benefit."130 Currently, there are a number of worries that big name players will monopolize the Internet. Donuts, Inc. 131 has applied for 307 gTLDs, Neustar has applied for 234, Google has applied for 101, and Amazon has applied for seventy-eight. 132 John M. Simpson, the director of Consumer Watchdog's Privacy Project, wrote to the chairman of Senate Commerce, Science, and Transportation Committee:

If these applications are granted, large parts of the internet would be privatised. It is one thing to own a domain associated with your brand, but it is a huge problem to take control of generic strings. Both Google and Amazon are already dominant players on the internet. Allowing them further control by buying generic domain [\*882] strings would threaten the free and open Internet that consumers rely upon. 133

#### Extinction---internet freedom solves every impact

Tony Blair 21, Former prime minister of Great Britain and founder and executive chairman of the Tony Blair Institute for Global Change, “The Progressive Case for Universal Internet Access: How to Close the Digital Divide by 2030,” 3/2/21, https://institute.global/policy/progressive-case-universal-internet-access-how-close-digital-divide-2030

Today, the internet is the beating heart of the world. And just as the roads, railways and canals provided the arteries for commerce in the Industrial Revolution, today’s network infrastructure is the circulatory system on which much of modern life depends. Without it, the ramifications of Covid-19 would have been far more severe.

That we have been able to use the internet to mitigate the impact of the pandemic is a small relief, but the Covid-19 crisis has emphasised the importance of everyone being connected in the future. Eradicating extreme poverty, solving the global education crisis, building better health-care systems and responding to pandemics effectively all require connectivity. For low-income countries, being largely excluded from the exponential potential of the internet means that they cannot transform their nations. It is extraordinary that today half the world remains offline.

Closing the digital divide by 2030 should be one of the primary global policy priorities. Accelerating internet expansion will drive economic growth and enable progress and – as this report from my Institute demonstrates – the benefits of investment vastly offset the costs. It outlines the urgent action required on stimulating demand, regulatory reform and greater global coordination, and how a new digital coalition needs to be formed to transform opportunity and access for billions of people.

But prioritising internet access is not only about poverty alleviation. During these past years of isolationist and unilateralist policymaking by Western governments, China has been taking a more dominant role in developing economies. It has been investing in digital hardware infrastructure, taking an active role within international bodies and influencing the standards and values that underpin the internet.

This requires strong global leadership. Collaborating with China, as well as competing. Stewarding the right global coalitions around investment to achieve universal internet access. Leadership with the vision, commitment and confidence to establish the internet for a prosperous and inclusive global society.

We’ve lost our way on this in recent years, but an open and connected world will be the lifeblood for our future growth. It’s time that we make it a reality.

#### Corporate control undermines internet connectivity and interdependence

Julius Genachowski & Lee C. Bollinger 13, Former Chairman of the U.S. Federal Communications Commission; President of Columbia University, “The Plot to Block Internet Freedom,” Foreign Policy, 4/16/13, https://foreignpolicy.com/2013/04/16/the-plot-to-block-internet-freedom/

The Internet has created an extraordinary new democratic forum for people around the world to express their opinions. It is revolutionizing global access to information: Today, more than 1 billion people worldwide have access to the Internet, and at current growth rates, 5 billion people — about 70 percent of the world’s population — will be connected in five years.

But this growth trajectory is not inevitable, and threats are mounting to the global spread of an open and truly "worldwide" web. The expansion of the open Internet must be allowed to continue: The mobile and social media revolutions are critical not only for democratic institutions’ ability to solve the collective problems of a shrinking world, but also to a dynamic and innovative global economy that depends on financial transparency and the free flow of information.

The threats to the open Internet were on stark display at last December’s World Conference on International Telecommunications in Dubai, where the United States fought attempts by a number of countries — including Russia, China, and Saudi Arabia — to give a U.N. organization, the International Telecommunication Union (ITU), new regulatory authority over the Internet. Ultimately, over the objection of the United States and many others, 89 countries voted to approve a treaty that could strengthen the power of governments to control online content and deter broadband deployment.

In Dubai, two deeply worrisome trends came to a head.

First, we see that the Arab Spring and similar events have awakened nondemocratic governments to the danger that the Internet poses to their regimes. In Dubai, they pushed for a treaty that would give the ITU’s imprimatur to governments’ blocking or favoring of online content under the guise of preventing spam and increasing network security. Authoritarian countries’ real goal is to legitimize content regulation, opening the door for governments to block any content they do not like, such as political speech.

Second, the basic commercial model underlying the open Internet is also under threat. In particular, some proposals, like the one made last year by major European network operators, would change the ground rules for payments for transferring Internet content. One species of these proposals is called "sender pays" or "sending party pays." Since the beginning of the Internet, content creators — individuals, news outlets, search engines, social media sites — have been able to make their content available to Internet users without paying a fee to Internet service providers. A sender-pays rule would change that, empowering governments to require Internet content creators to pay a fee to connect with an end user in that country.

Sender pays may look merely like a commercial issue, a different way to divide the pie. And proponents of sender pays and similar changes claim they would benefit Internet deployment and Internet users. But the opposite is true: If a country imposed a payment requirement, content creators would be less likely to serve that country. The loss of content would make the Internet less attractive and would lessen demand for the deployment of Internet infrastructure in that country.

Repeat the process in a few more countries, and the growth of global connectivity — as well as its attendant benefits for democracy — would slow dramatically. So too would the benefits accruing to the global economy. Without continuing improvements in transparency and information sharing, the innovation that springs from new commercial ideas and creative breakthroughs is sure to be severely inhibited.

To their credit, American Internet service providers have joined with the broader U.S. technology industry, civil society, and others in opposing these changes. Together, we were able to win the battle in Dubai over sender pays, but we have not yet won the war. Issues affecting global Internet openness, broadband deployment, and free speech will return in upcoming international forums, including an important meeting in Geneva in May, the World Telecommunication/ICT Policy Forum.

The massive investment in wired and wireless broadband infrastructure in the United States demonstrates that preserving an open Internet is completely compatible with broadband deployment. According to a recent UBS report, annual wireless capital investment in the United States increased 40 percent from 2009 to 2012, while investment in the rest of the world has barely inched upward. And according to the Information Technology and Innovation Foundation, more fiber-optic cable was laid in the United States in 2011 and 2012 than in any year since 2000, and 15 percent more than in Europe.

All Internet users lose something when some countries are cut off from the World Wide Web. Each person who is unable to connect to the Internet diminishes our own access to information. We become less able to understand the world and formulate policies to respond to our shrinking planet. Conversely, we gain a richer understanding of global events as more people connect around the world, and those societies nurturing nascent democracy movements become more familiar with America’s traditions of free speech and pluralism.

That’s why we believe that the Internet should remain free of gatekeepers and that no entity — public or private — should be able to pick and choose the information web users can receive. That is a principle the United States adopted in the Federal Communications Commission’s 2010 Open Internet Order. And it’s why we are deeply concerned about arguments by some in the United States that broadband providers should be able to block, edit, or favor Internet traffic that travels over their networks, or adopt economic models similar to international sender pays.

We must preserve the Internet as the most open and robust platform for the free exchange of information ever devised. Keeping the Internet open is perhaps the most important free speech issue of our time.

#### Internet connectivity prevents global war

Dr. Asma Iqbal & Muhammad Rafi Khan 21, Assistant Professor of Political Science, Government Graduate College for Women Samanabad; Lecturer/Research Officer at Minhaj University Lahore, “Power and Interdependence with Internet,” Pakistan Social Sciences Review, Vol. 5, No. 1, pgs. 1142-1153, 3/30/21, https://pssr.org.pk/issues/v5/1/power-and-interdependence-with-internet.pdf

Interdependence

Reflecting a softer image of power and extending its domains to global social structures, interdependence is a multidimensional term, that gained traction with the emergence of the concept of globalization. It refers to a state, or a condition, that compels two or more actors to seek cooperation. For such cooperation, the absence of enmity is not a requirement. There are many examples of interdependence between fierce enemies, like Pakistan and India, China and India, and Russia and the US. The goals of this interdependence are to fulfill domestic and international deficiencies for national interest, and sometimes, international interest. The presence of Russia and the US in the Security Council, where both take decisions together in international interest, and can also veto any move for their own or their ally’s national interest.

The world today has mostly been eradicating the threats of war and becoming increasingly interdependent. Their actions are mostly based on the cost- benefit ratio. For instance, if a state must choose between war and trade and applying the statistical models for a complete understanding of both before deciding, the trade will supersede in choice over the war in most cases. That is why even enemies are doing trade, while the war of words also gains traction. This is because the cost of war is higher, and the benefit of trade is higher. The democratic peace theory and the McDonald Peace theory exist in almost the same domains, where political relationship and economic connectivity, both are eradicating scenarios of a possible war.

As an effective tool of soft power, the interdependence has shattered the isolation of introverted peoples and merged them with vibrant, dynamic, and socially linked societies. It relies on multidimensional mediums to avoid conflicts, increase connectivity, and inculcates multilateralism. Among these, the Internet is the most obvious, effective and resourceful medium that “frees us from geographic fetters and brings us together in topic-based communities that are not tied down to any specific place. Ours is a networked, globalized society connected by new technologies” (Dentzel, 2014).

The internet, coinciding with matters related to power, is a world of unknown depth. It is the most effective tool of connectivity in this modern world. It can also be designated as a doorway between traditional unilaterality and a multilateral world. It boosted interdependence and opened new horizons of connectivity and cooperation. Therefore, the virtual age has cut the distances short and challenged the hardships of the physical world with a counterbalance, depicted in the figure below.

#### Internet privatization is increasing and displaces responsive and legitimate governance

Marietje Schaake 21, International policy director at Stanford University’s Cyber Policy Center, “Big Tech is trying to take governments’ policy role,” 1/27/21, https://www.ft.com/content/7f85a5ff-326f-490c-9873-013527c19b8f

Both events demonstrate an ever-growing trend: technology companies think they should be deciding public policy, not governments.

It is not just social media platforms, either. These days, all kinds of businesses set rules for how technology affects people’s lives. Encryption standards, for example, determine the extent of national security. Facial recognition systems deny the right to privacy.

Since all of society is touched by such digitisation, this puts companies in the position of policymakers — but without the governance mandate, independent oversight or checks and balances deemed vital in a democratic process.

In fact, tech groups’ governance powers are encroaching on the role of the state at ever greater speed. Minting digital currencies, verifying digital identities, even building cyberweapons — it is all under the direction of boardrooms, not parliaments.

One consequence of this private sector digitisation is that governments have, in effect, outsourced cyber security and personal data protection to companies — companies that do not always have duties of disclosure.

We witnessed as much in the hacking of SolarWinds’ networking software, to distribute malware. Had it not been for cyber security firm FireEye, we may never have learnt of the intrusions on companies and many US institutions. Software made by the likes of SolarWinds and Microsoft forms the backbone of digital operations globally, yet a decision to forgo proper security safeguards by SolarWinds was taken without anyone noticing. There are too few processes to ensure the public interest is systematically safeguarded.

That is why laws need to be updated fast. This is not about “regulating the internet” but rather about upholding existing principles, such as democracy — online or offline. And it is surely an erosion of democracy when the agency of an elected government is reduced proportionately to the pace with which private companies are empowered.

For technology groups wondering how they can avoid being accused of failing to protect democracy — as social media platforms have of late — there is a simple solution. Before the ink is dry on new rules granting regulatory oversight of digitised processes, such as search algorithms, companies can embrace the rule of law today.

Aligning with democratic and human rights principles can be done now.

The world over, the power of technology companies is becoming ever more apparent. That is why we must not limit our assessment of potential harms to democracy to just social media platforms or search firms. They may be the services that are most visible to internet users, but they are not the only ones in need of scrutiny. The privatisation of governance in the digital world is now a systems problem.

After the US Capitol riots of January 6, there is a growing awareness of the power of companies in providing a platform for the stagers of a coup. It should make us even more wary of that other coup: the privatisation of governance across the digital world.

#### Extinction---shoring up the US model of public governance is key

Joseph S. Nye 17, University Distinguished Service Professor at the Harvard Kennedy School of Government, January/February 2017, “Will the Liberal Order Survive?,” Foreign Affairs, https://www.foreignaffairs.com/system/files/pdf/anthologies/2017/b0033\_0.pdf

The order will inevitably look somewhat different as the twenty-first century progresses. China, India, and other economies will continue to grow, and the U.S. share of the world economy will drop. But no other country, including China, is poised to displace the United States from its dominant position. Even so, the order may still be threatened by a general diffusion of power away from governments toward nonstate actors. The information revolution is putting a number of transnational issues, such as financial stability, climate change, terrorism, pandemics, and cybersecurity, on the global agenda at the same time as it is weakening the ability of all governments to respond.¶

Complexity is growing, and world politics will soon not be the sole province of governments. Individuals and private organizations—from corporations and nongovernmental organizations to terrorists and social movements—are being empowered, and informal networks will undercut the monopoly on power of traditional bureaucracies. Governments will continue to possess power and resources, but the stage on which they play will become ever more crowded, and they will have less ability to direct the action.¶

Even if the United States remains the largest power, accordingly, it will not be able to achieve many of its international goals acting alone. For example, international financial stability is vital to the prosperity of Americans, but the United States needs the cooperation of others to ensure it. Global climate change and rising sea levels will affect the quality of life, but Americans cannot manage these problems by themselves. And in a world where borders are becoming more porous, letting in everything from drugs to infectious diseases to terrorism, nations must use soft power to develop networks and build institutions to address shared threats and challenges.¶ China is unlikely to surpass the United States in power anytime soon.¶

Washington can provide some important global public goods largely by itself. The U.S. Navy is crucial when it comes to policing the law of the seas and defending freedom of navigation, and the U.S. Federal Reserve undergirds international financial stability by serving as a lender of last resort. On the new transnational issues, however, success will require the cooperation of others—and thus empowering others can help the United States accomplish its own goals. In this sense, power becomes a positive-sum game: one needs to think of not just the United States’ power over others but also the power to solve problems that the United States can acquire by working with others. In such a world, the ability to connect with others becomes a major source of power, and here, too, the United States leads the pack. The United States comes first in the Lowy Institute’s ranking of nations by number of embassies, consulates, and missions. It has some 60 treaty allies, and The Economist estimates that nearly 100 of the 150 largest countries lean toward it, while only 21 lean against it.¶

Increasingly, however, the openness that enables the United States to build networks, maintain institutions, and sustain alliances is itself under siege. This is why the most important challenge to the provision of world order in the twenty-first century comes not from without but from within.

#### Privatization enables large-scale attacks on critical infrastructure

Marietje Schaake 20, International policy director at Stanford University’s Cyber Policy Center, “The Lawless Realm: Countering the Real Cyberthreat,” November/December 2020, https://www.foreignaffairs.com/articles/world/2020-10-13/lawless-realm

THE WEAKENED STATE

For centuries, states enjoyed a monopoly on the use of force. Thanks to the asymmetric power facilitated by digitization and the proliferation of cyberweapons, that monopoly has slipped out of their grasp. Yes, many democratic countries—including the United States—have developed powerful tools to deploy in cyberspace, setting up sophisticated surveillance systems and launching attacks on adversaries. At the same time, developed countries wrestle with a private sector that exercises disproportionate power in the technological sphere, gobbling up data and taking on some key functions of the state, such as the protection of critical infrastructure.

Private companies both build the architecture of the digital world and largely govern its flows of data. They are often the victims of cyberattacks. But they are complicit in these attacks when they fail to protect databases and lose the personal information of their customers and clients. Worse, some companies are even developing and selling new technologies to adversaries around the world. Authoritarian (and several democratic) governments hire the services of hackers and buy commercially sold systems of digital surveillance and control. For instance, a U.S. company called Sandvine is alleged to have supplied the government of Belarus with the technology it used this past summer to shut down its citizens’ access to much of the Internet during antigovernment protests. Nonstate actors, such as militias or criminal gangs, can wreak disproportionate havoc through cyberattacks, hurting much more powerful states, companies, and international organizations.

Authorities often have a tough time understanding cyberattacks and identifying their perpetrators. As a result, attackers frequently act with impunity, using clever tactics and benefiting from a legal vacuum: there are few mechanisms that guarantee international cooperation and coordination in discovering and bringing to justice cyberattackers. “False flag” operations—in which actors conceal their identities and try to pin the blame on others—are common in the digital world. An intrusion directed from the other side of the world can be executed in milliseconds, almost invisibly. The speed of digital innovation outstrips the ability of states to prevent cyberattacks, hold perpetrators to account, and pass the necessary laws on encryption standards, data protection, and product liability (to hold manufacturers or sellers responsible for the goods they make or trade).

States are also unable to control private companies whose actions may imperil public safety; indeed, in some cases, a state finds itself dependent on just such a company. Earlier this year, a breach of a database belonging to the facial recognition company Clearview AI revealed that the firm was selling its technology and databases not just to vetted law enforcement agencies but also to a host of private companies. The breach showed how a private company can secretly share information about citizens without their consent and without transparency, as well as how such a company can be susceptible to hostile actors. And yet law enforcement agencies are increasingly reliant on the work of technology firms such as Clearview AI.

Society’s growing reliance on digitally connected devices creates more general vulnerabilities. A canny and willing attacker can exploit a software-powered fridge in a home or a street lined with data-collecting sensors in a smart city, finding multiple entry points to bring down a broader system. It is enough of a challenge for defense departments and intelligence services to man the ramparts and keep a lookout for such sophisticated adversaries. But the frontlines are now ubiquitous thanks to the pervasiveness of digital technology, and so doctors in hospitals, professors in university labs, and human rights activists in repressive countries—all must now contend with cyberthreats.

Such civilian targets are not always well prepared for this fight. Public institutions often employ poorly protected digital systems even when they process sensitive information. A clinic, for example, cannot be blamed for hiring an additional surgeon instead of a cybersecurity expert. A public university might choose to invest in computers for students but not acquire the more expensive protections to ensure that those new computer systems are safe. And an election board might decide to modernize electoral processes by installing voting machines and dispensing with paper ballots, without knowing the proper safeguards or having the means to invest in the requisite protections. Such well-intentioned efforts are understandable on their face, but they conspire to make societies vulnerable.

AIDING AUTHORITARIANS

The imbalance between the public and the private sector in democratic countries is obvious in another dangerous arena: the sale of cyberweapons to authoritarian regimes. Few laws limit how companies can trade in digital surveillance, blocking, and intrusion systems. Syria is a troubling case in point. As it wages civil war, the government of Bashar al-Assad has used operations in cyberspace to hit both adversaries abroad and opponents within the country. Hackers belonging to the so-called Syrian Electronic Army (which claimed to be acting independently of the Syrian government) gained visibility around the world for defacing the websites of Western media companies, such as The New York Times and the BBC, and for hacking the website of the U.S. Marine Corps. These brief propaganda victories were far less significant than the government’s digitally enabled attacks on domestic opposition figures and human rights defenders during the peaceful protests of 2011. That year, the Syrian government used sophisticated digital technology to collect communications between dissidents, which it then exploited to incriminate and detain the activists.

That one of the most violent regimes in the world engaged in such repression is not surprising; what is shocking is that European companies helped. The Assad government depended on technology and expertise from AREA, an Italian company. AREA sold technology to Syrian authorities that allowed them to monitor communications across the country, collecting and scanning Facebook posts, Google searches, text messages, and phone calls for key words or connections between particular individuals. The ensuing roundup of dissenting civilians led to torture and deaths.

Syria is not alone in receiving technological support from abroad for the purpose of domestic repression. Over the past few decades, companies based in Western countries have designed, marketed, and sold similar technology to a number of other authoritarian governments, including those of Egypt, Iran, Saudi Arabia, and the United Arab Emirates. When democratic countries fail to curb the sale of aggressive hacking systems by companies within their own borders to illiberal governments, they are undermining the worthy ambitions of their foreign policies. But the problem doesn’t seem to be going away. Some estimates predict that annual global sales of these systems will rise to hundreds of billions of dollars by 2021. China is now aggressively entering this market, too; it already is the global driver in developing and exporting technologies that enable repression, including facial recognition technology and predictive policing systems.

These technologies in the hands of nonstate actors is also a concern: such actors can [devastate] ~~cripple~~ far more powerful states, organizations, and companies through cyberattacks. In 2015, a hack of JPMorgan Chase compromised 83 million accounts; four individuals were eventually arrested. In 2017, “Rasputin,” a hacker who appeared to be operating alone, broke into databases of U.S. universities and government institutions, apparently hoping to sell access to the information. Earlier this year, a 17-year-old from Florida and two other hackers managed to take over 130 prominent Twitter accounts, including those of former U.S. President Barack Obama and former U.S. Vice President Joe Biden, and posted messages that convinced people to send money to a particular Bitcoin account. The hackers could have used that account access for far more sinister goals, including attempting to escalate geopolitical conflict or crash stock markets.

Some individuals with such exceptional skills sell their talents to the highest bidder. Among the most notorious companies hiring hackers is DarkMatter. This cybersecurity company, based in the United Arab Emirates, has hired former intelligence officials from the U.S. National Security Agency and the Israel Defense Forces, creating what amounts to a private intelligence service and blurring the lines of agency between companies and states. Such companies with top-grade skills may attract unsavory clients, including authoritarian regimes and even terrorist groups.

Democratic states have struggled to regulate the digital world and the market for cyberweapons, but some technology companies are beginning to take action. WhatsApp, through its parent company, Facebook, filed a lawsuit last spring against the NSO Group, an Israeli mobile surveillance company. The suit alleges that NSO covertly exploited a vulnerability in WhatsApp to illegally extract information from the phones of users. Facebook argues that NSO’s actions were unlawful. NSO is also the target of a lawsuit filed in Israel in 2018 by a Saudi dissident who claims that Saudi authorities used the company’s technology to spy on his communications, including those with Jamal Khashoggi, the journalist who was murdered in Turkey by Saudi operatives that same year. Forty-five countries are thought to be using the same NSO product, including democracies such as Mexico and Spain.

MAKING THE RULES

It shouldn’t be left to private companies and courts to determine the legitimacy of products and services that have the potential to compete with state intelligence services. Democratic countries must extend norms and rules to ensure safety in the digital world. Just as nations agreed to international laws governing the conduct of war and nuclear weapons, so, too, must they establish agreements to fend off threats in cyberspace. Perpetrators of cyberattacks have remained unaccountable for too long. Democratic governments especially need to take a number of steps to rebalance the power between states and private companies, which play too large a role in the digital world.

#### That goes nuclear, even if it fails

Vladimir Orlov 20, Founder & Director of the PIR Center, President of the Trialogue Club International, Head of the Center for Global Trends and International Organizations at the Diplomatic Academy, Ministry of Foreign Affairs of the Russian Federation, Co-Founder and Academic Supervisor of the International Dual Degree MA Program in Nonproliferation and Global Security Studies, MGIMO University, Professor at MGIMO University, author (or coauthor) of more than a dozen books and monographs and more than three hundred research papers, articles, and essays, publishes his views in Russian and foreign periodicals, “‘No Holds Barred’ and the New Vulnerability: Are We in for a Re-Run of the Cuban Missile Crisis in Cyberspace?,” SSRN Scholarly Paper, ID 3538078, Social Science Research Network, 02/14/2020, papers.ssrn.com, doi:10.2139/ssrn.3538078

Not hundred per cent of the dialogue has been frozen, fortunately. Certain informal, mostly offthe-record, meetings of US and Russian experts on cyber agenda continue taking place, both through Track 2 and Track 1.5. One of the most intellectually stimulating meetings, with frank exchanges, took place in Vienna in December 2018. The report produced after the meeting stressed “the significant risk […] that cyber-attacks could conceivably lead to a military escalation that may further trigger a nuclear weapons exchange, a fact that became more explicit with the adoption of the current Nuclear Posture Review. This issue gets complicated given that third parties may have the capabilities to invoke a cyber conflict between Russia and the United States. Whether a country or a non-state actor, they could put the two countries on the verge of an armed conflict by attacking critical infrastructure of either of them and making it look as if the aggressor were the other one”[22]. However, one should have no illusion: such informal meetings may be fully fruitful only when their reports and policy recommendations are utilized by the governments. And for that, a warmer climate in bilateral relations is a must. So far, we see exactly the opposite: mercury falling to freezing levels.

Risk of cyber clashes growing into a chaotic global cyber war has been emphasized by the UN Secretary-General Antonio Guterres in his Agenda for Disarmament: “Malicious acts in cyberspace are contributing to diminishing trust among States… States should implement the recommendations elaborated under the auspices of the General Assembly, which aim at building international confidence and greater responsibility in the use of cyberspace.[23]” However, as the members of the US-Russian Track 1.5 working group on strategic stability recently concluded, “without a constructive dialogue on cyber issues between the United States and Russia, the world would most likely fail to agree on any norms of responsible behavior of states in cyber space”[24].

Do we really have to survive a cyber equivalent of the Cuban Missile Crisis to realize the importance of achieving some kind of agreement on cyber issues, and on the broader agenda of international information security?[25] Or is that kind of talk plain old alarmism?

I don’t want to sound a fatalist, but I am even less keen on sounding like an ostrich that’s buried its head in the sand. We cannot ignore the obvious: whether the world’s most powerful actors like it or not, the world is sliding to another major crisis like the one in 1962. The cyber war is already raging. There are no rules of engagement in that war. The uncertainty is high. The spiral of tension is getting out of control. The cyber arms race is gaining momentum. And there are no guarantees that the next crisis will be controllable, or that it will result in a catharsis as far as international information security regulation is concerned. There’s no telling what will happen once the cyber genie is out of the bottle.

### 1AC---Multistakeholder Governance ADV

#### Advantage Two Is Multistakeholder Governance---

#### Two internal links---

#### First---Norms---the plan uniquely fosters ICANN accountability by establishing its presence within international human rights norms

Monika Zalnieriute 19, Research Fellow and Lead of 'Technologies and Rule of Law' Research Stream at the Allens Hub for Technology, Law, & Innovation, Faculty of Law, UNSW Sydney, Australia, “From Human Rights Aspirations to Enforceable Obligations by Non-State Actors in the Digital Age: The Case of Internet Governance and ICANN,” 21 Yale J. L. & Tech. 278, 2019, lexis

While profitability might not necessarily be the only reason driving corporations and private bodies to adopt human rights policies, it is nonetheless widely accepted to be the most influential. When human rights and profitability conflict, the latter will often prevail. This is well illustrated by the infamous  [\*316] strategic alliance between IBM and Nazi Germany, as well as by the recent complicity of U.S. tech giants, such as Microsoft and Google, in restricting free speech in countries like China. In the case of the latter, even an enormous public outcry has not been enough to reverse agreements made by Google to return to China to expand its customer base. While Google's commitment to human rights were questioned by many people, even a special "China search database" does not seem to prevent Google from branding itself as a defender of "Internet freedom."

Similarly, market forces have not been favorable for human rights protection within ICANN so far, not least because ICANN is not a traditional corporation--it is a non-profit corporation, which has no direct customers in the traditional sense, nor does it really compete with any other organization for market share in the assigned names and numbers of the Internet. Therefore, it seems unlikely that ICANN will pay attention to calls by human rights advocates, such as the CCWP-HR, to embrace its CSR obligations and to respect human rights by adopting new or modifying existing policies to ensure that they comply with human rights standards. ICANN does not have to worry that domain name registrants will no longer purchase domain names, because it is essentially a non-profit global policymaking monopoly that does not have any customers or competitors. It is precisely this non-profit status which has thus far successfully insulated ICANN from societal and regulatory pressure.

Given the lack of a profit motivation on the part of ICANN, it is difficult to see why a non-profit body managing global Internet  [\*317] resources and operating solely in the public interest should be subjected to a lower standard for human rights protection than a public body would be. Indeed, the discussion in Section II supra demonstrates that ICANN has qualities that are much more similar to those of public organizations and transnational policymaking networks than those of transnational for-profit corporations. Increasing involvement in ICANN by states--which are bound by both national and international human rights law obligations--points to the increasingly public dimension of this unique international body. This increasingly public dimension, in turn, suggests that the human rights duties of such a quasi-governmental international body must go well beyond those required of business corporations. While for corporations, it may seem reasonable to accept that there is a narrower scope of human rights obligations when compared to states, the narrower scope of obligations appears not as relevant when considering non-profit corporations such as ICANN, which operate solely in the public interest. Indeed, this unique status and operation for the public interest render ICANN's duties to respect human rights much stronger, because its social mission is not complicated by motivations for profit. Therefore, ICANN's human rights duties should be stronger than those of a standard for-profit corporation.

C. Public Confidence and CSR

As a non-profit organization, ICANN might uphold "soft commitments" and CSR not because of competition in the market, but rather to increase public confidence in its operations and create a better public image. Other factors beyond profit considerations, such as public "naming and shaming" and pressure by regulatory bodies and civil society, might therefore be more effective.

Thus far however, public confidence and public image have not proven to be strong factors for ICANN in embracing its CSR to respect human rights. A potential reason for this is that ICANN  [\*318] is not a widely known organization, and many people are unaware of the human rights implications of its activities. Pressure by NGOs or by data privacy commissioners and authoritative intergovernmental organizations (such as the EU Commission or Council of Europe ), have been ineffective in preventing ICANN from adopting certain policies that seem to strongly contradict human rights law. For example, an outcry from human rights activists over the .gay top level domain name has not motivated ICANN to pay more attention to the rights of freedom of expression and freedom of assembly of the LGBTI community. Similarly, dozens of letters to ICANN from the EU data protection authorities and various NGOS over violations of data privacy rights in the WHOIS policy and in the Registrar Accreditation Agreement of 2013 have seemingly done little to bother ICANN, in terms of any decrease in public confidence or in trust from regulatory authorities. Moreover, ICANN's main accountability mechanism of independent  [\*319] arbitration, which can be used to challenge its decisions, has been employed only once since 2005.

Therefore, public accountability and the informal multistakeholder structure of ICANN have had a limited effect in actually holding the organization to human rights values. Public confidence might, however, become increasingly important, as ICANN is in the process of the IANA transition and is no longer supervised by the U.S. government, with ICANN declaring in its own words that it is "officially accountable to the global multistakeholder community."

D. Voluntary Commitments and CSR as "Social Branding"

A widespread practice by private actors of upholding CSR norms solely for the purpose of increasing public confidence has led some scholars to argue that CSR policies have been captured by business interests and commodified, as these policies are often used as marketing or social branding tools. In the case of ICANN, such CSR commodification does not relate to the promotion of its products (as it does not sell any), but rather to the strengthening of its institutional image in the global Internet governance regime as a relevant, transparent, and accountable institution that respects human rights. While ICANN is a non-profit, quasi-governmental corporation, its income is generated from numerous for-profit entities, such as registries and registrars that it contracts with. Thus ICANN perhaps could be indirectly compared to what some scholars describe as "market-oriented NGOs." These are sponsored by  [\*320] businesses but aim to be associated with civil society organizations; they "disseminate and actualize corporate-inspired versions of 'social responsibility.'" An example of a market-oriented NGO is the International Chamber of Commerce (ICC).

Some have convincingly argued that a powerful platform for "corporate-inspired versions of social responsibility" was created by the UN Guiding Principles. For example, the organization Rights and Accountability in Development (RAID) uses empirical evidence collected during the five years since the adoption of the UN Guiding Principles to argue that corporations endorse the UN Guiding Principles because they "offer companies a way to manage human rights risks, thereby protecting their business reputation, insuring against claims, and managing problems to avoid their escalation. Ultimately, like any other risk management process, it is an approach which protects profits by reducing costs."

E. CSR as a Risk and Information Management Tool

Empirical research by RAID further suggests how corporations might adopt company-based grievance mechanisms to overcome barriers to accessing judicial review, while at the same time introducing numerous controls to monopolize information, such as legal waivers and confidentiality clauses. This essentially channels victims through a review mechanism of the company's own making, which is centrally devised and controlled.

This is relevant for ICANN, as its institutional structure is based on contractual agreements and memoranda of understanding, and is filled with numerous legal waivers and confidentiality clauses. Lack of compliance with human rights laws is often  [\*321] well hidden behind the numerous legal actions and waivers between ICANN and various parties. For example, as mentioned in Section II supra, ICANN is seeking injunctions to ensure that accredited registrars keep collecting and revealing personal information in WHOIS, as required under its contracts, which contravenes the EU data protection framework under the GDPR. Similarly, the incompatibility of the Registrar Accreditation Agreement (RAA) agreement with the EU data protection law is managed via the so-called "data retention waiver" system, exempting several registrars from the specified data retention requirements, so that they can comply with EU data protection law.

It is not yet clear how such "legal management" systems will be impacted (if at all), once the human rights Bylaw comes into effect. The Impact Assessment Evaluation of the new Bylaw by the ICANN staff states, "The area where ICANN will be most impacted is in bringing in tools so that the policy development takes into account human rights considerations." Does this mean that ICANN will adopt ex ante human rights impact assessments for each policy it is developing, and will not simply try to manage incompatibility ex post? It would be naive to expect that when implementing the human rights Core Value, ICANN would act fundamentally differently from other transnational corporations, and without resort to legal management mechanisms, such as the waivers which it has readily employed in the past.

 [\*322]  F. Would Regulatory and Punitive Action Help?

Given the limited ability of multistakeholder accountability mechanisms to hold ICANN to its self-imposed human rights commitments, regulatory action against private actors in Internet governance might provide lessons for holding ICANN accountable for its human rights commitments. In this regard, a relationship between influential Internet platforms and EU regulators (such as the EU Commission and the Article 29 Working Party) could provide such lessons for ICANN, as well as for the business and human rights movement more generally. In particular, Google's market dominance saga and Facebook's Cambridge Analytica scandal suggest that private actors will rarely change their policies and procedures unless threatened with direct legal and punitive actions by influential institutions, such as the EU Commission or the U.S. Department of Commerce, for disregarding and violating fundamental rights norms.

#### ICANN accountability cements international support for multistakeholder internet governance

Megan Stifel 17, Founder and Chief Executive Officer of Silicon Harbor Consultants, “Maintaining U.S. Leadership on Internet Governance,” 2/21/17, Council on Foreign Relations, Digital and Cyberspace Policy Program, https://www.cfr.org/report/maintaining-us-leadership-internet-governance

Challenges for Multistakeholder Governance

The reformed multistakeholder internet governance approach faces significant challenges. The sophistication of cybercrime continues to increase, as does the use of computer attacks for espionage, disruption, and influence by states. In October 2016, unknown actors used thousands of unsecured devices to launch a massive attack that limited many users’ access to Twitter, Amazon, and other major websites. Left unchecked, these growing threats and other technical vulnerabilities could ~~cripple~~ [destroy] the internet. Developing economies are only now beginning to grapple with these challenges as increasing numbers of their citizens go online. If the multistakeholder model is seen as ineffective in addressing the vulnerabilities that enable cybercrime, or being completely peripheral to the issue, developing economies could question its legitimacy and seek answers in the multilateral system.

In addition, authoritarian governments, many of which are increasing their efforts to control internet activity within their own borders, continue to challenge multistakeholder models of governance. These countries cherry-pick multilateral and other standards organizations to find those most likely to promote a state-centric approach to governance. Recent efforts to create a technical standard to catalogue all devices connected to the internet failed, but it can be expected that China, Russia, and others will find new opportunities to promote other standards that could frustrate innovation.

There are also worries that ICANN, the operator of the IANA functions, will abuse its authority and ignore the interests of internet users. In the past, ICANN has been accused of ignoring the views of governments, prioritizing private sector interests, and mismanaging its finances. ICANN recently implemented enhancements to address these and similar concerns. Nevertheless, ensuring that ICANN remains accountable will be critical to demonstrating that the multistakeholder approach works. It will also act as a bulwark against Russian and Chinese efforts at greater intergovernmental control over the internet.

#### Externally---ICANN responsiveness spills over globally, securing a rights-based framework throughout digital governance

Andi Wilson Thompson 17, Senior policy analyst at New America’s Open Technology Institute, “Protect the Free and Open Internet,” 1/19/17, New America, https://www.newamerica.org/weekly/protect-free-and-open-internet/

ICANN: The Internet Corporation for Assigned Names and Numbers (ICANN) is a little-known non-profit organization that helps manage the “inner workings of the internet.” Put simply, ICANN maintains a complex system of naming and numbering that directs people to the right website. The U.S. has had a veto over ICANN decisions since its creation—a responsibility it has never exercised—but the Department of Commerce recently completed the long-awaited process of relinquishing that role. ICANN has matured and can now function as an independent organization. This transition led to strong statements by President-elect Trump, who accused the U.S. of “surrendering control of the internet to foreign powers.” In reality, as our paper points out, the change will make it easier to fight for internet freedom around the world by removing the common complaint that the U.S. is in charge. Given Trump’s critical statements, there is concern that he could take steps to derail the progress that the United States has made toward more global internet governance. We strongly recommend that the incoming administration strengthen mechanisms that ensure the independence, accountability, and transparency of ICANN’s decision-making processes, and work with the private sector and other governments to build independent and accountable financial support mechanisms for diverse global participation.

Rebecca MacKinnon, director of the Ranking Digital Rights project (incubated at New America), said it best during the launch event for these recommendations: Internet freedom starts at home. Domestic policy influences international policy, U.S. policy influences global policy, and threats to internet freedom in the United States embolden governments that are looking to limit the access of their citizens to a free, open, and secure internet. The Trump administration has a duty to assert its unique leadership on policy issues, including those above, and to continue the decades-long, bipartisan support that internet freedom policy has previously held. Further, it must take steps to protect, promote, and strengthen freedom online—at home and around the world—through policies that align with our long standing international commitments to uphold human rights and the rule of law while also strengthening our economy and protecting us from threats to national security.

#### Solidifying human rights as a foundation for internet norms stops nuclear war AND builds capacity to respond to future existential threats

Dennis Pamlin 15, Entrepreneur and Founder of 21st Century Frontiers, Senior Associate at Chinese Academy of Social Sciences, Visiting Research Fellow at the Research Center of Journalism and Social Development at Renmin University, Advisor to Centre for Sustainable Development at Confederation of Indian Industries, Stuart Armstrong, DPhil from Oxford University, James Martin Research Fellow at the Future of Humanity Institute at Oxford University, “Global Challenges, 12 Risks That Threaten Human Civilization: The Case for a New Risk Category”, Global Challenges Foundation, February, https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf

2. Whether poor governance will result in a collapse of the world system.

3. How mass surveillance and other technological innovations will affect governance.

4. Whether there will be new systems of governance in the future.

5. Whether a world dictatorship may end up being constructed.

1. Global coordination between nations is essential for building a good global governance system – but also essential for building a bad one.

2. Global poverty is one of the important problems that are being only partially solved by current policies. In turn, it can contribute to global instability, worsening likely governance outcomes.

3. Smart sensors and mass surveillance can contribute to new systems of governance, but also to large-scale dictatorships.

4. The global system of governance consists of the UN and a wide variety of bilateral or multilateral agreements and norms, constructed mainly according to national self-interests. Thus significant improvements to global governance are currently possible.

5. General mitigation efforts against governance disasters are tricky – most mitigation efforts are the results of governance decisions! However, some efforts can be made – for instance, an increase in recognised human rights across the globe could militate against certain pernicious governance directions. These efforts are of a very different nature to mitigating other risks.

6. Some groups may deliberately seek to construct a world dictatorship, either through self-interest or because they believe it would be the best design for global governance.

7. Undesirable world systems (such as global dictatorships) could result from a worsening of global governance.

8. Many value systems do not distinguish between action and inaction, so a global system that didn’t positively encourage human flourishing would be almost as pernicious as one that blocked it.

9. Global pollution is a problem requiring solutions at the global governance level.

10. Climate change is a problem requiring solutions at the global governance level.

11. Various ethical systems have desirable goals that could be achieved in theory, but would not be achieved under suboptimal governance.

12. It would be a tragedy if absolute poverty were to endure over the generations to come, especially if this outcome were avoidable.

13. A collapse of the world system, for any reason (including revolution) is the most direct way a governance disaster could result in mass casualties.

14. Governance decisions taken at the global level have a high potential to cause disruptions to the world’s political and economic systems.

15. Bad governance at the global level may not be susceptible to improvements and could cause problems for a considerable amount of time.

16. Technological innovations could allow completely new models of government, but could also facilitate surveillance dictatorships.

17. Global instability could result in more pernicious systems of governance, as well as an increased failure to solve important problems.

18. New systems of governance could be developed, using modern communication technology for instance.

19. The political landscape after a disaster will be important in determining whether governance disasters could cause civilisation collapses or mass casualties.

20. How to compare enduring poverty, actual casualties, and repressive governance is a question of values and not just of direct comparison of lives lost.

– Research

In this paper Nick Bostrom, the director of the Future of Humanity Institute, lays out the case for making existential risk reduction a global priority. Existential risks (Xrisks) are the highest category of negative impact in this report, those that threaten the entire future of humanity. The policy implications of the paper are:

– Existential risk is a concept that can focus long-term global efforts and sustainability concerns.

– The biggest existential risks are anthropogenic and related to potential future technologies.

– A moral case can be made that existential risk reduction is strictly more important than any other global public good.

– Sustainability should be rethought in dynamic terms, as aiming for a sustainable trajectory rather than a sustainable state.

– Some small existential risks can be mitigated today directly (e.g. asteroids) or indirectly (by building resilience and reserves to increase survivability in a range of extreme scenarios) but it is more important to build capacity to improve humanity’s ability to deal with the larger existential risks that will arise later in this century. This will require collective wisdom, technology foresight, and the ability when necessary to mobilise a strong global coordinated response to expected existential risks.

– Perhaps the most cost-effective way to reduce existential risks today is to fund analysis of a wide range of existential risks and potential mitigation strategies, with a long-term perspective.

If this paper is right, a general lack of focus on existential risks by governments and other agents can be considered a governance disaster in itself.

19-Apr-13: Multidimensional poverty index diminishes in 18 out of 22 analysed countries 563 – Event

Of 22 countries for which the Oxford Poverty and Human Development Initiative analysed changes in MPI (Multidimensional Poverty Index) poverty over time, 18 reduced poverty significantly.

This confirms other studies, by the World Bank564 and others:565 poverty reduction is possible, and has been successfully implemented in many countries.

05-Jun-13: Guardian leaks NSA spying programme 566

– Initiative

A significant event was the revelation by Edward Snowden of the extent of the NSA’s surveillance programme. This included the mass recording and mining of data across the United States and the interception of foreign politicians’ data.

The revelations caused great controversy567 and raised questions about the NSA’s surveillance oversight.568 The episode established that discrete mass surveillance – an important component of potential totalitarianism – was already possible using current technology and political organisation.

– Policy

To reduce poverty in the future, it is important to maintain and extend past trends in poverty mitigation. The United Nations’ Poverty-Environment Initiative (PEI), launched in 2008, has had a number of success stories from Uruguay570 to Malawi.571 Due to increased demand from member states, the programme has been extended for another five years, 2013-2017, and may add countries such as Myanmar, Mongolia, Indonesia, Albania, Peru and Paraguay. Such programmes demonstrate that the bureaucratic/policy side of poverty reduction is supported by an international infrastructure with a strong emphasis on assessments. The effect of such approaches on overall poverty will depend on the interplay between these policies and the other side of poverty reduction: economic growth572 and trade.573

“We have some idea what might happen if, in the face of other pressing global challenges, we divert our focus from making systemic improvements in public health and veterinary services — and that prospect is frightening.” The World Bank 574

global risks

4. Relations between global risk and their potential impacts between global risks

4.1 General relations Two things make the understanding of the relation between the global risks particularly important.

1. Impacts: The global risks are interconnected in different ways. Often the situation can be described as a set of dominoes: if one falls, many others follow. Even small impacts can start a process where different challenges interact. Higher temperatures due to global warming can result in the spreading of pandemics which increase tensions between countries, and so on.

2. Specific measures to address a risk: Global risks often require significant changes in our current society, from how we build cities to how food is produced and provided. Such significant changes will result in situations where measures to reduce the risk in one area affect the probability and/or the impact in other areas. Depending on the measure chosen to reduce the risk, and other complementary measures, the effect can be positive or negative.

Relations between global risks is an area where surprisingly little work is being done. Most research focuses on individual or closely related groups of challenges. Organisations working on global challenges are almost always working on individual risks. The initial overview below is based on individual studies where different relations are analysed, but no work has been identified where the relations between all twelve challenges have been analysed.

A risk that is natural to start with is future bad global governance, as all other global challenges exacerbate governance disasters,575 and all other global challenges can potentially be exacerbated by governance disasters.

A well functioning global governance system is therefore a key factor to address global catastrophic risks. Conversely, avoiding governance disasters improves all risks, as better institutions are better able to mitigate risks. Governance disasters directly increase the problems of climate change (through a lack of coordination between countries), the risk of nuclear war (by stoking conflict between nuclear powers) and global system collapse (by weakening global responses to systemic risks). All risks exacerbate global system collapse, by putting extra stress on an interconnected system.576 Conversely, a resilient governance system is better able to cope with all risks, and a collapsed global system is more vulnerable to all risks.

#### Second---Foreign Capture---lack of domestic antitrust enforcement over ICANN incentivizes foreign actors to fill the gap---that causes litigation to discredit the body and prompts a shift to state-based multilateral governance

Szóka et al. 16, Berin Szóka is President of TechFreedom; Brett Schaefer is the is Jay Kingham Senior Research Fellow in International Regulatory Affairs at The Heritage Foundation; Paul Rosenzweig is a Visiting Fellow at The Heritage Foundation and formerly served as Deputy Assistant Secretary for Policy in the Department of Homeland Security, “ICANN Transition is Premature,” 9/8/16, http://docs.techfreedom.org/TF\_White\_Paper\_IANA\_Transition.pdf

To the extent that’s true, those who worry that ICANN may be subject to capture and used in anticompetitive ways actually should worry about the Transition, not necessarily because the Transition changes the legal analysis over whether ICANN can be sued, but because if U.S. antitrust law can’t provide an effective remedy (or deterrent), one could legitimately worry that the Transition means giving up the leverage the U.S. has now: the possibility of putting the IANA contract out for re-bid (to an organization other than ICANN) if ICANN misbehaves.

And what about foreign antitrust law? Foreign courts are, in general, not only more willing to allow suit against state actors but also to discount pro-competitive justifications and, frankly, to allow firms to bring suits against their rivals. So it’s entirely possible that, while U.S. antitrust law might under-enforce, ICANN could be vulnerable to antitrust suit in other jurisdictions.

One might think the two would balance out, and that foreign courts would allow valid suits that might fail in the U.S. for whatever legal reason. Maybe. But there are so many potential antitrust suits that could be brought. While they’d all, no doubt, be framed as protecting consumers, some may really have narrow corporate agendas or broader political agendas.

China and Russia have made no secret of their push to gain greater control over Internet governance. And there’s every reason to think they would use antitrust as a weapon to that end. It wouldn’t be hard for them to find (or create) plaintiffs to carry their water. Again, it’s hard to say exactly what the suits would look like, but it’s clear what their basic objective would be: to portray ICANN as a cartel dominated by, in particular, American companies. The fact that U.S. courts might have tossed out such suits would simply help with the political framing. The goal would be to say that the Transition isn’t enough, that Internet governance should be transferred to the ITU, where it would be “democratically accountable” (i.e., dictated by governments).

#### It’s likely---there’s a coming push to displace ICANN and dislodge its model

David Ignatius 21, Associate editor and columnist for The Washington Post, “Russia’s plot to control the Internet is no longer a secret,” 5/4/21, Washington Post, https://www.washingtonpost.com/opinions/2021/05/04/russias-plot-control-internet-is-no-longer-secret/

Russia’s campaign to control the Internet isn’t just a secret intelligence gambit any longer. It’s an explicit goal, proclaimed by Russian President Vladimir Putin as a key element of the Kremlin’s foreign policy.

Putin complained during his annual address to the Russian federal assembly on April 21 that the United States and other western countries are “stubbornly rejecting Russia’s numerous proposals to establish an international dialogue on information and cybersecurity. We have come up with these proposals many times. They avoid even discussing this matter.”

Asking for “international dialogue” takes some nerve, coming from the world’s biggest cyberbully — a country that notoriously meddled in the 2016, 2018 and 2020 U.S. elections, and has engaged in similar Internet mischief throughout the world. Controlling the “information space,” as the Russians sometimes call it, has long been an intelligence priority for Moscow.

Russia is waging its cyberdiplomacy offensive on two fronts: First, the United Nations has embraced Russia’s proposal to write a new treaty governing cybercrime, to replace the 2001 Budapest convention that Moscow rejected because it was too intrusive. And second, Russia is lobbying for its candidate to head the U.N.’s International Telecommunications Union (ITU) and use it to supplant the current private group, known as ICANN, that coordinates Internet addresses.

These international regulatory battles sound obscure, but they will help determine who writes the rules for Internet communications for the rest of the 21st century. The fundamental question is whether the governance process will benefit authoritarian states that want to control information or the advocates of openness and freedom.

Secretary of State Antony Blinken stressed on Tuesday the importance of this contest. “There are relatively few items that are ultimately going to have a greater impact on the lives of people around the world than the ITU post. It may seem dry and esoteric, but it’s anything but. And so we’re very, very actively engaged on this front,” Blinken said in an email message, elaborating on comments he made to me during an April 7 interview.

Russia outlined its ITU game plan in unusually forthright comments by Ernst Chernukhin, the foreign ministry’s special coordinator for political use of information and communications technology. He spoke on April 21, the same day Putin made his speech.

“The optimal option . . . would be transferring Internet management prerogatives specifically to the ITU, as it is a specialized U.N. body, which has the needed expertise on these issues,” Chernukhin said. “This strategic objective may be achieved by electing or promoting the Russian candidate to the position of the ITU Secretary-General in the 2022 elections . . . and by holding the 2025 anniversary U.N. Internet Governance Forum in Russia.”

Russia’s candidate for ITU secretary-general is Rashid Ismailov, a former deputy chief of the Russian communications ministry and a former executive at the Chinese telecommunications company Huawei. In announcing Ismailov’s candidacy on April 7, Maxim Parshin, the current deputy minister, underlined Moscow’s governance takeover plan: “We believe it is important to define an entity, within the U.N. framework, that would develop and implement legal norms and standards in the field of Internet governance. We think that the ITU could become such an entity.”

The Biden administration’s candidate for the ITU post is Doreen Bogdan-Martin, an American telecommunications expert who’s currently director of the ITU’s development bureau. The State Department, which has sometimes been lackadaisical in such international regulatory contests, is campaigning aggressively for Bogdan-Martin, and officials hope she’ll have sufficient support in Africa, Europe, Latin America and elsewhere to win the post. The election will take place at an ITU gathering late next year in Romania.

Internet technical governance today is managed by ICANN, which stands for Internet Corporation for Assigned Names and Numbers. This gathering of engineers and other experts was founded in 1998 to supervise domain names for the Defense Department’s ARPANET system, and it operated under a contract with the Commerce Department until 2016, when it went fully private.

The American roots of the Internet seem to both upset Putin and fuel conspiratorial talk. The Russian leader said during a 2014 interview translated by RT that the Internet “first appeared as a special CIA project . . . and the special services are still at the center of things.” Dmitry Medvedev, Russia’s former president, complained in a February interview: “The Internet emerged at a certain time, and undoubtedly the key rights to control are in the United States.”

Russia is ready to rumble over the rules that will shape the future of Internet communications. Fortunately, the Biden administration seems determined to fight back hard to maintain fair and open rules.

#### Multistakeholder governance is key to fend off authoritarian takeover but overzealous governmental intervention backfires

Joe Kane & Milton Mueller 18, Graduate research fellow at the Mercatus Center; Professor at the Georgia Institute of Technology School of Public Policy, “U.S. government should not reverse course on internet governance transition,” Brookings Institute, 2/7/18, https://www.brookings.edu/blog/techtank/2018/02/07/u-s-government-should-not-reverse-course-on-internet-governance-transition/

ICANN is an imperfect organization with politics and problems of its own. But the transition led to dramatic improvements in ICANN’s accountability and corporate governance. The relevant alternatives at this point are leaving IANA stewardship in the hands of ICANN or, if legally possible, transferring it back to the U.S. government. There are no perfect solutions here, only tradeoffs. Accepting stewardship by ICANN is still preferable to reverting to the NTIA, which would bring injurious consequences for global internet freedom. For those who value global internet freedom, the former is the only option.

The internet protocols are used globally, rendering internet governance a matter of global concern. A free and open internet run by the private sector and relatively free of geopolitics was the reason for delegating authority over IANA to ICANN in the first place.

As global commerce and civil society become increasingly reliant on the internet, committing to private governance, rather than government or intergovernmental control, is more critical than ever. If the U.S. wants to be a legitimate force in combating authoritarian regimes who seek greater control over the internet, it must hold fast to its principle of multi-stakeholder governance by non-state actors, and it must be able to keep moderate countries from abandoning the ICANN regime and embracing governmental control.Reversing the IANA transition would tell the world that we want governments to be in charge of the internet—and China and Russia would not hesitate to assert their respective claims.

The issue here is as much about rhetoric as it is about substance. The IANA functions themselves do not directly impinge on whether authoritarian governments gain more influence over the internet, but how the United States reacts to the transition will nudge diplomatic debates one way or another. If the U.S. government is seen to be grasping at more control over the internet, countries that would otherwise be on the fence might support a greater role for intergovernmental bodies in internet governance.

On the other hand, going through with the transition has improved the United States’ negotiating position. By committing to private governance of the internet, it has been and will be able to augment its credibility in arguing against more government control. Attempting to reverse the transition would undermine whatever influence the U.S. has gained since it took place.

This problem is now especially acute because of this November’s Plenipotentiary Conference of the UN’s International Telecommunication Union, a body that has notoriously sought to establish intergovernmental control over the internet in the past. Authoritarian governments want nothing more than to paint the U.S. as a hypocrite that touts internet freedom while secretly grabbing the controls. How far they seek to go at this year’s conference will partly depend on how far the U.S. goes in attempting to reverse the IANA transition and how many moderate-country votes they can swing to their side.

Of course, it might be that Redl’s promised “panel of experts” was a political ploy. It may never materialize or, if it does, it may return a verdict consistent with his original answer at the confirmation hearing, that “it’s very difficult to put the genie back in the bottle.” Either way, both Redl and Cruz should look ahead to address real internet governance threats from authoritarian governments, like an expanded role for the ITU and ICANN’s Government Advisory Committee, rather than trying to undo the privatization of the IANA functions.

We have been living in a post-transition world for over a year now, and nightmare scenarios of Russia and China somehow being empowered by this change have yet to materialize. Trying to undo the transition only makes these harmful outcomes more likely.

#### A transition fractures global ICT interoperability

* ICT: information and communications technology

Isabella Wilkinson 21, Research Associate at Chatham House’s International Security Programme, “Digital standards are key for protecting democracy,” 5/17/21, https://www.chathamhouse.org/2021/05/digital-standards-are-key-protecting-democracy

Geopolitical tensions in digital technical standards

And it could not have come at a better time. China has proposed a ‘new IP’ within key standards development organizations (SDOs) such as the International Telecommunications Union (ITU), dubbed by one expert as ‘the most important UN agency you have never heard of’.

Proposals for a decentralized internet infrastructure threaten global ICT interoperability and have serious consequences for human rights: China’s proposals may facilitate the implementation of its social credit scheme. And since the launch of its Belt and Road Initiative (BRI), and 2035 Standards Strategy, Chinese proposals to reshape standards have gained momentum, as well as some support from its trusted trade partners.

To complicate matters further, ITU secretary general Zhao Houlin is known to favour China-backed proposals and, with US candidate Doreen Bogdan-Martin likely pitted against Russia’s Rashid Ismailov in the ITU 2022 plenipotentiary, stakes have never been higher. Ismailov is a former Huawei executive and, for Russia, the ITU presidency offers a unique opportunity to champion its vision for closed, nationally-controlled internet; for example, by supplanting ICANN, the current group coordinating internet addresses.

But these threats run deeper than just Russia and China. Globally, there are a diversity of regimes with long-term, vested interests in shaping standards for their own benefit, willing to throw their weight behind China’s proposals. Like-minded democracies must urgently rethink their approach to standards – and a multi-stakeholder strategy could offer a solution.

What more stakeholders bring to the table

To assist G7 partners in their preparation for the Ministerial Declaration, experts at the Chatham House-DCMS workshop (held on 3 March 2021) recognized that multi-stakeholderism encourages coalition-building, nurtures local and cross-border innovation, and bolsters shared normative commitments to safeguarding the transparency, openness and interoperability of ICTs.

For years, industry has dominated efforts to shape digital technical standards, with everyday tech items and their standards, such as USB specifications, developed by coalitions of ICT companies. But new challenges demand new approaches. ICT giants offer technical expertise and digital leadership experience, but it is time to broaden the field.

Governments have always played a role in standards development, with the power to identify policy issues, facilitate partnerships, and provide financial incentives, but the G7 declaration signals a reimagining of government responsibilities vis-à-vis industry’s leadership. At a national level, governments can lead strategic coordination and invest in capacity-building for non-state actors, while internationally, governments can encourage coalitions between stakeholders.

The G7’s declarations on ICTs are steps in the right direction, as are national standards strategies such as Germany’s Standardisation Roadmap on AI, and the UK’s focus on standards in the Integrated Review. But non-state actors also have a legitimate, urgent role to play. In the past, knowledge gaps, financial barriers, and a lack of incentives have prevented sustained engagement from civil society and academia in SDOs.

These actors bring much to the table, such as technical expertise, existing networks, and under-represented voices, such as young adults and children. Plus, they already raise awareness about the importance of certain standards, and serve as barometers for their societal impact.

It may be easy to forget that the SDOs themselves are also stakeholders, setting the tone for inclusion, coordination, and engagement, so their leadership and norms matter. US Secretary of State Anthony Blinken noted there are ‘relatively few items that are ultimately going to have a greater impact on the lives of people around the world’ than the ITU leadership race.

Why multi-stakeholderism matters

From a technical standpoint, the more perspectives involved in determining technical interoperability, the better – especially with the onset of disruptive technologies such as quantum and AI which are likely to have a wide, societal impact. Building deeper knowledge-sharing networks between academia and SMEs can generate resilient standards that reflect policy principles.

But more importantly, multi-stakeholder approaches build cross-sector and cross-border coalitions rooted in normative commitments to open, democratic societies and enhancing shared prosperity. Meaningful engagement on standards with a variety of stakeholders at national and regional levels is even more urgent for technologies with far-reaching societal impacts – such as smart cities and autonomous vehicles – to avoid societal harms.

By championing open, transparent, consensus-based multi-stakeholderism in standards-setting, states bring home more than just majority votes on key proposals. Changing ICT culture by institutionalizing multi-stakeholderism and diverse representation would generate good practices which can be replicated in areas such as the UN cybercrime treaty deliberations proposed by Russia to supplant existing agreements, and negotiations on responsible state behaviour in cyberspace.

There is a long way to go, as states still need to develop effective outreach mechanisms and invest in coordination at all levels, and there are clear trade-offs between stakeholder inclusion and the efficiency of expert groups.

But faced with some states’ aspirations to shape the internet, telecoms, and emerging technologies, like-minded states interested in protecting open, democratic societies cannot afford to adopt a siloed approach to digital technical standards. Multi-stakeholderism is both urgent and necessary – before it is too late.

#### Global ICT interoperability prevents extinction from disease, food, and environmental collapse

N. Kishor Narang 20, Research Advisor at the Institute of Informatics and Communication at the University of Delhi, Member of the Academic Council at D Y Patil International University, Member of the Academic Committee at Electronics & ICT Academy at National Institute of Technology, ““Protecting the Planet with Standards” ... Mentor’s Musings on the World Standards Day 2020.”, LinkedIn, 10/14/2020, https://www.linkedin.com/pulse/protecting-planet-standards-mentors-musings-world-day-narang

It has been observed that the technologies developed by human beings in the last two to three centuries have had a major impact on the earth’s climate and our nature’s equilibrium. Some believe that we have reached a point of no return. This can have a huge impact on life on earth, especially on the human species.

However, while technology has been responsible for most of it, technology also seems to have a solution for it.

The COVID-19 pandemic, a humanitarian challenge, has caused widespread disruption in the global business community. The issues involved in the pandemic are both nuanced and complex. Global business dynamics are going to witness a sea change in the coming times.

The COVID-19 crisis has upended urban life, as we know it. Cities are on lockdown, and the once bustling streets of Paris, New York, London, Rome, Bombay and more now sit virtually empty. Technology and Standards have been critical to the way cities and society have coped with the crisis. Online delivery companies have been essential for getting food and supplies to residents, while their restaurant delivery counterparts have helped keep restaurants up and running during the lockdown. Urban informatics has helped track the virus and identify infection hot spots. As cities begin to reopen, digital technologies are being leveraged to better test and trace the virus as well as to ready urban infrastructure, like airports, public transportation, office buildings, and businesses, to open back up safely.

Safety in the interconnected world - As organizations across the world ramp up their operations and strive to serve their consumers, they are also faced with increased cyber security threat. Cybercriminals can exploit the weaknesses and vulnerabilities to exploit the connected devices and the network itself. This presents a challenge to the cybersecurity teams who must learn to evolve with the evolving threat perception.

As work from home increases, users who don’t have the same quality of security ecosystem as at their offices are finding themselves to be the targets of directed phishing, smishing, vishing and ransomware attacks. Home Wi-Fi systems usually suffer from a low degree of protection and are presenting opportunities for hackers. Since more and more people are working from home, there is a fear that the ever-increasing number of IoT devices in the household are easy targets for hackers, who can use them as gateways to undermine the security of the larger systems they connect to.

Managing disruption during a global pandemic - The current health crisis which has gripped the world can be seen as an inflection point between Digital Transformation and businesses. It has also impressed upon various stakeholders to invest more robustly in digital technologies. It is also a challenge to the security planners who have to guard against security threats and also ensure business continuity. Hospitals must have emergency backup systems which ensure seamless continuity of operations and databases. Rogue nations and intelligence agencies who attempt attacks on healthcare facilities must be warned of immediate consequences.

The question most people would ask is – What do STANDARDS have to do with all this?

Although most people do not realize it, standards and the methods used to assess conformity to standards are absolutely critical. They are essential components of any nation's technology infrastructure—vital to industry and commerce, crucial to the health and safety of citizens, and basic to any nation's economic performance. About 80 percent of global merchandise trade is affected by standards and by regulations that embody standards.

Standards enable us to pre-solve complex problems.

International standards enable and provide society with efficient ways to get work done while maintaining the safety of producers who create and provide goods and services, as well as the end-users receiving the benefits from these goods and services. International Standards are an important instrument for global trade and economic development. They provide a harmonized, stable and globally recognized framework for the dissemination and use of technologies. Standards provide people and organizations with a basis for mutual understanding, and are used as tools to facilitate communication, measurement, commerce and manufacturing. Standards are everywhere and play an important role in the economy by facilitating business interaction.

Standards: details of "Mega" importance - The topic of standards and the challenge of effective standards development can bewilder, by immersing the uninitiated in a blizzard of details. To some degree, this is unavoidable. After all, standards are details. They specify characteristics or performance levels of products, processes, services, or systems.

Standards are becoming increasingly important due to several intensifying trends:

· the pace of technological innovation is quickening;

· trade volumes are growing faster than national economies; and

· business operations are globally distributed.

There is extreme pressure for the standards community to reckon fully with the realities of the brutally competitive, extremely fast-paced global economy. This is because standards are necessary complements of modern products, processes, and services. Standards can:

· promote industrial and market efficiency;

· foster international trade;

· lower barriers to market entry;

· diffuse new technologies; and

· protect human health and the environment.

Hence, it is critical to achieve worldwide use of International Standards and Conformity Assessment Services that ensure the safety, efficiency, reliability and interoperability of electrical, electronic and information technologies, to enhance international trade, facilitate broad electricity access and enable a more sustainable world.

Standardized protocols and regulatory controls will allow seamless sharing of information and data between various devices. This will help in managing security breaches and dealing quickly with them. Adoption of universal standards will result in faster and more efficient response to any future disaster or pandemic.

Since Standardization is a collective churning, deliberation & collaboration process, we need to moderate, as well as, expand our individual thoughts on any subject to make it acceptable globally.

Innovation and technology development are accelerating. Strategic plans and roadmaps are needed to help ensure that the market is suitably served with best practices that is pertinent to the goals and context of this very large market.

Standards support our need to balance agility, openness and security in a fast-moving environment. Standards provide us with a reliable platform from which we are able to innovate, differentiate and scale up our technology development. They help us control essential security and integrate the right level of interoperability. Standards help ensure cyber security in ICT and IoT systems.

The world has never been as competitive as today, yet cooperation is a must to deliver solutions for increasingly complex systems. No technical committee and no standards organization are able to single handedly develop all the Standards that are needed. We all need to work together.

Given the scale, moving forward cannot be successfully, efficiently, and swiftly accomplished without standards. The role of standards to help steer and shape this journey is vital. Standards provide a foundation to support innovation. Standards capture tacit best practices and standards set regulatory compliance requirements.

Covid-19 has brought us face to face with systemic problems, we have long chosen to ignore collectively: Inequalities, environmental degradation, hunger, poverty, oppression, and the digital divide. In this age of technological progress, many of us are tempted by the promising thought of quick technological fixes to these deeply-ingrained issues. But technology alone will not save us. We must put the well-being of people, communities, and the planet back at the centre. We need to ask ourselves: What are the futures we want to create? What do we value? What kind of world do we want to live in?

The socioeconomic disruption caused by COVID-19 will be a lasting one and poses a challenge to planners and leaders globally; a number of fundamental changes in policy and mindset are necessary. As we have already witnessed, because of interconnected trade and business, any future pandemic may spread rapidly globally and infect millions. Some countries may be less geared to tackle the crisis than others. But with challenges come opportunities. Marrying Human Intelligence and labor with Disruptive Technologies to find solutions is the way to go. Necessity is the mother of inventions and hopefully, public-private partnerships can lead to many new innovations. Without a collaborative approach, any global approach to deal with any future pandemic will be compromised. And, Standards shall play a crucial role in providing INTEROPERABILITY, SAFETY, SECURITY, RELIABILITY and last but not the least a comprehensive TRUST in the minds of procurers, users and citizens.

This pandemic has catapulted two diametrically opposite paradigms to the focus of the mankind – ‘Sustainability’ and ‘Digitalization'.

Facing the global pandemic, multiple nations have seen lockdowns, changed social interactions and challenging isolations. But in these testing times, nature has been our constant friend. From our windows to the world, we have been comforted by nature’s presence all around us — we have been delighted by the birdsong we can now hear. We have finally seen the sheen on the wings of a delicately fluttering butterfly, the industriousness of ants as they march by, the green-gold of trees as they sway in a magical breeze, the pink glow of dawn, the night’s coverlet of stars.

However, alongside appreciating nature’s beauty, we must also understand the lesson it is offering us now. The Covid-19 pandemic has been brought about by humanity disturbing nature’s ecological cycle. Similarly, climate change is being driven by humanity’s exploitation of nature as a captive resource — our constant need to consume more and more is consuming the very planet we call our home. As global temperatures, driven by greenhouse gas emissions, rise, we see the science manifest before our eyes. There is no eliding the truth of melting glaciers now, or rising oceanic levels, increasing land desertification, droughts and unseasonal storms. If we persist in damaging the environment in this way, scientists state, the pandemic may look small compared to the impacts of climate change.

This pandemic is a way of the Earth saying she has had enough of years of exploitation and excesses and needs restoring. Then again, it can be seen through another moral lens. It is evident that the pandemic is a counterstrike to our collective human consciousness that has been corrupted by indifference and culpability in sufferings across the world.

We may not yet know how this story ends, but we already know for sure that this pandemic has brought the greatest reversal of our times, turning the world along with its wisdom on its head… This is our freak chance to unlearn and learn. Let’s not blow it. So, why not re-visit our history and re-learn. Maybe we shall get an opportunity to re-calibrate our approach for defining and developing our future ways of leading lives… And, we still have a chance. Indeed, nature has given us an epochal opportunity to transform ourselves. Such transformation is possible at multiple levels.

Be it a drop in pollution & GHG emission or self-healing of the Ozone layer; the last few months have amply demonstrated the resilience of Mother Nature by reversing the damage mankind has done to the planet’s climate in last many decades due to sheer arrogance and complacence. It is now evident that widespread adoption of nature-inspired solutions will catalyse a new era in design and business that benefits both people and the planet. Let’s make the act of asking nature’s advice a normal part of everyday inventing. We can create solutions inspired by nature that even address the United Nations ‘Sustainable Development Goals’ (SDGs).

We need to develop sustainable solutions for a balanced ecosystem by empowering people to learn and apply nature-inspired strategies in design. We need to develop repositories of resources and launch design challenges where people learn by practicing, provide comprehensive support for bringing solutions to market, and create a conducive environment & platform for a global network of innovators. In short, together, we need to learn about, teach, and practice a radically different way to build our world.

We need to change how we think about technology and innovation. Rather than allowing technological advancement to steer our narratives, innovation and technology should help us build bridges between the worlds we inhabit now and the ones we imagine for tomorrow.

#### Splintering ICT interoperability causes de-globalization, hostile economic blocs and hot and proxy wars that go global

Dr. Nouriel Roubini 19, PhD in Economics from Harvard University, BA from Bocconi University, Former Professor of Economics at New York University's Stern School of Business, Chairman of Roubini Macro Associates, “The Global Consequences of a Sino-American Cold War”, Project Syndicate, 5/20/2019, https://www.project-syndicate.org/commentary/united-states-china-cold-war-deglobalization-by-nouriel-roubini-2019-05

Regardless of which side has the stronger argument, the escalation of economic, trade, technological, and geopolitical tensions may have been inevitable. What started as a trade war now threatens to escalate into a permanent state of mutual animosity. This is reflected in the Trump administration’s National Security Strategy, which deems China a strategic “competitor” that should be contained on all fronts.

Accordingly, the US is sharply restricting Chinese foreign direct investment in sensitive sectors, and pursuing other actions to ensure Western dominance in strategic industries such as artificial intelligence and 5G. It is pressuring partners and allies not to participate in the Belt and Road Initiative, China’s massive program to build infrastructure projects across the Eurasian landmass. And it is increasing US Navy patrols in the East and South China Seas, where China has grown more aggressive in asserting its dubious territorial claims.

The global consequences of a Sino-American cold war would be even more severe than those of the Cold War between the US and the Soviet Union. Whereas the Soviet Union was a declining power with a failing economic model, China will soon become the world’s largest economy, and will continue to grow from there. Moreover, the US and the Soviet Union traded very little with each other, whereas China is fully integrated in the global trading and investment system, and deeply intertwined with the US, in particular.1

A full-scale cold war thus could trigger a new stage of de-globalization, or at least a division of the global economy into two incompatible economic blocs. In either scenario, trade in goods, services, capital, labor, technology, and data would be severely restricted, and the digital realm would become a “splinternet,” wherein Western and Chinese nodes would not connect to one another. Now that the US has imposed sanctions on ZTE and Huawei, China will be scrambling to ensure that its tech giants can source essential inputs domestically, or at least from friendly trade partners that are not dependent on the US.

In this balkanized world, China and the US will both expect all other countries to pick a side, while most governments will try to thread the needle of maintaining good economic ties with both. After all, many US allies now do more business (in terms of trade and investment) with China than they do with America. Yet in a future economy where China and the US separately control access to crucial technologies such as AI and 5G, the middle ground will most likely become uninhabitable. Everyone will have to choose, and the world may well enter a long process of de-globalization.

Whatever happens, the Sino-American relationship will be the key geopolitical issue of this century. Some degree of rivalry is inevitable. But, ideally, both sides would manage it constructively, allowing for cooperation on some issues and healthy competition on others. In effect, China and the US would create a new international order, based on the recognition that the (inevitably) rising new power should be granted a role in shaping global rules and institutions.

If the relationship is mismanaged – with the US trying to derail China’s development and contain its rise, and China aggressively projecting its power in Asia and around the world – a full-scale cold war will ensue, and a hot one (or a series of proxy wars) cannot be ruled out. In the twenty-first century, the Thucydides Trap would swallow not just the US and China, but the entire world**.**

#### Proxy wars spill over, draw-in outside powers, and escalate to World War III

David Kampf 20, Senior PhD Fellow at the Center for Strategic Studies at The Fletcher School, MA in International Affairs from Columbia University, BA in Political Science from Bates College, “How COVID-19 Could Increase the Risk of War”, World Politics Review, 6/16/2020, https://www.worldpoliticsreview.com/articles/28843/how-covid-19-could-increase-the-risk-of-war

And by focusing solely on interstate wars, the optimists miss half the story, at least. Wars between states have declined, but civil wars never disappeared—and these internal conflicts could easily escalate into regional or global wars.

The number of conflicts in the world reached its highest point since World War II in 2016, with 53 state-based armed conflicts in 37 countries. All but two of these conflicts were considered civil wars. To make matters worse, new studies have shown that civil wars are becoming longer, deadlier and harder to conclusively end, and that these internal conflicts are not really internal. Civil wars harm the economies and stability of neighboring countries, since armed groups, refugees, illicit goods and diseases all spill over borders. Some 10 million refugees have fled to other countries since 2012. The countries that now host them are more likely to experience war, which means states with huge refugee populations like Lebanon, Jordan and Turkey face legitimate security challenges. Even after the threat of violence has diminished in refugees’ countries of origin, return migration can reignite conflicts, repeating the brutal cycle.

A Yugoslav Federal Army tank.

Perhaps most importantly, recent research indicates that civil wars increase the risk of interstate war, in large part because they are attracting more and more outside involvement. In a 2008 paper, researchers Kristian Skrede Gleditsch, Idean Salehyan and Kenneth Schultz explained that, in addition to the spillover effects, two other factors in civil wars increase international tensions and could possibly provoke wider interstate wars: external interventions in support of rebel groups and regime attacks on insurgents across international borders.

Immediately after the Cold War, none of the ongoing civil wars around the world were internationalized. According to the Uppsala Conflict Data Program, there were 12 full-fledged civil wars in 1991—in Afghanistan, Iraq, Peru, Sri Lanka, Sudan, and elsewhere—and foreign militaries were not active on the ground in any of them. Last year, by contrast, every single full-fledged civil war involved external military participants. This is due, in part, to the huge growth in U.S. military interventions abroad into civil conflicts, but it’s not only the Americans. All of today’s major wars are in essence proxy wars, pitting external rivals against one another. Conflicts in Syria, Yemen and Libya are best understood not as civil wars, but as international warzones, attracting meddlers including the United States, Russia, Saudi Arabia, Turkey, Iran, France and many others, which often intervene not to build peace, but to resolve conflicts in a way that is favorable to their own interests. These internationalized wars are more lethal, harder to resolve and possibly more likely to recur than civil wars that remain localized. It is not that difficult to imagine how these conflicts could spark wider international conflagrations. Wars, after all, can quickly spiral out of control.

As Risks Increase, Deterrents Decline

To make matters worse, most of the global trends that explained why interstate war had decreased in recent decades are now reversing. The theories that democracy, prosperity, cooperation and other factors kept the peace have been much debated—but if there was any truth to them, their reversals are likely to increase the chance of war, irrespective of how long the coronavirus pandemic lasts.

Democracy is often considered a prophylactic for war. Fully democratic countries are less likely to experience civil war and rarely, if ever, go to war with other democracies—though, of course, they do still go to war against non-democracies. While this would be great news if democracy and pluralism were spreading, there have now been 14 consecutive years of global democratic decline, and there have been signs of additional authoritarian power grabs in countries like Hungary and Serbia during the pandemic. If democracy backslides far enough, internal conflicts and foreign aggression will become more likely.

Other theories posit that economic bonds between countries have limited wars in recent decades. Dale Copeland, a professor of international relations at the University of Virginia, has argued that countries work to preserve ties when there are high expectations for future trade, but war becomes increasingly possible when trade is predicted to fall. If globalization brought peace, the recent wave of far-right nationalism and populism around the world may increase the chances of war, as tariffs and other trade barriers go up—mostly from the United States under President Donald Trump, who has launched trade wars with allies and adversaries alike.

The coronavirus pandemic immediately elicited further calls to reduce dependence on other countries, with Trump using the opportunity to pressure U.S. companies to reconfigure their supply chains away from China. For its part, China made sure that it had the homemade supplies it needed to fight the virus before exporting extras, while countries like France and Germany barred the export of face masks, even to friendly nations. And widening economic inequalities, a consequence of the pandemic, are not likely to enhance support for free trade.

This assault on open trade and globalization is just one aspect of a decaying liberal international order, which, its proponents argue, has largely helped to preserve peace between nations since World War II. But that old order is almost gone, and in all likelihood isn’t coming back. The U.N. Security Council appears increasingly fragmented and dysfunctional. Even before Trump, the world’s most powerful country ratified fewer treaties per year under the Obama administration than at any time since 1945.

Trump’s presidency only harms multilateral cooperation further. He has backed out of the Paris Agreement on climate change, reneged on the Iran nuclear deal, picked fights with allies, questioned the value of NATO and defunded the World Health Organization in the middle of a global health crisis. Hyper-nationalism, rather than international collaboration, was the default response to the coronavirus outbreak in the U.S. and many other countries around the world.

It’s hard to see the U.S. reluctance to lead as anything other than a sign of its inevitable, if slow, decline. The country’s institutionalized inequalities and systemic racism have been laid bare in recent months, and it no longer looks like a beacon for others to follow. The global balance of power is changing. China is both keen to assert a greater leadership role within traditionally Western-led institutions and to challenge the existing regional order in Asia. Between a rising China, revanchist Russia and new global actors, including non-state groups, we may be heading toward an increasingly multipolar or nonpolar world, which could prove destabilizing in its own right.

Finally, the pacifying effect of nuclear weapons could be waning. While vast nuclear arsenals once compelled the United States and the Soviet Union to reach arms control agreements, old treaties are expiring and new talks are breaking down. Mistrust is growing, and the chance of an unwanted U.S.-Russia nuclear confrontation is arguably as high as it has been since the Cuban missile crisis.

The theory of nuclear peace may no longer hold if more countries are tempted to obtain their own nuclear deterrent. Trump’s decision to abandon the Iran nuclear deal, for one thing, has only increased the chance that Tehran will acquire nuclear weapons. It’s almost easy to forget that, just a few short months ago, the United States and Iran were one miscalculation or dumb mistake away from waging all-out war. And despite Trump’s efforts to negotiate nuclear disarmament with Kim Jong Un’s regime in Pyongyang, it is wishful thinking to believe North Korea will give up its nuclear weapons. At this point, negotiators can only realistically try to ensure that North Korea’s nuclear menace doesn’t get even more potent.

In other words, by turning inward, the United States is choosing to leave other countries to fend for themselves. The end result may be a less stable world with more nuclear actors.

If leaders are smart, they will take seriously the warning signs exposed by this global emergency and work to reverse the drift toward war.

If only one of these theories for peace were worsening, concerns would be easier to dismiss. But together, they are unsettling. While the world is not yet on the brink of World War III and no two countries are destined for war, the odds of avoiding future conflicts don’t look good.

The pandemic is already degrading democracies, harming economies and curtailing international cooperation, and it also seems to be fostering internal instability within states. Rachel Brown, Heather Hurlburt and Alexandra Stark argue that the coronavirus could in fact sow more civil conflict. If this proves accurate, the increase in civil wars is likely to lead to more external meddling, and these next proxy wars could soon precipitate all-out international conflicts if outsiders aren’t careful. With the usual deterrents to conflict declining around the world, major wars could soon return.

#### The plan is goldilocks---antitrust enforcement over the gTLDs regulates ICANN without undermining its authority

Nelson Drake 18, J.D. from American University’s Washington College of Law and a B.A. in Political Science from Georgia College and State University, “Going Rogue: The National Telecommunications And Information Administration's Transfer Of IANA Naming Functions To ICANN,” 3 Admin. L. Rev. Accord 83, 2018, lexis

CONCLUSION

Since it was created and commercialized, the Internet, and more specifically the domain name space, has been a place for free thought and open competition. This environment was successfully maintained through quasi-governmental regulation by ICANN in conjunction with the NTIA. This model was problematic as the United States became increasingly pressured to relinquish its oversight role. 139 This pressure led to the NTIA relinquishing its control over the IANA functions and transferring them to ICANN, which was already administering them on a day-to-day basis. 140 Following this transfer, **ICANN became uniquely positioned to control the DNS** through one of these functions, specifically the power to delegate gTLDs to  [\*106]  DNS registries in the authoritative root zone. 141 These functions **made ICANN both the judge and jury regarding the delegation of gTLDs.**

This transition also marks the beginning of an era in which **ICANN behaves like a regulatory agency** and creates the potential for abuse by ICANN and its Board. Potential abuses would be difficult to prevent because **ICANN has removed itself from U.S. courts** by requiring disputes to be handled through arbitration. 142 In addition, with respect to trademark owners, trademark law would be an ineffective deterrent because of the USPTO's position that gTLDs are generic and inherently incapable of denoting source. 143

Antitrust law, under **Section 1 of the Sherman Act** or the essential facilities doctrine, could effectively regulate ICANN's power **without undermining ICANN's authority to regulate the DNS.** First, ICANN is not immune from antitrust liability because its actions play an important role in Internet commerce. 144 ICANN is also not immune from liability because of its agreement with the NTIA. Instead, a reviewing court must determine whether the actions at issue were necessary to meet the needs of that agreement. 145 Second, a review of relevant case law shows that a court could find that agreements involving the delegation of gTLDs could constitute an illegal restraint of trade under Section 1 of the Sherman Act. 146 Finally, although it has not been attempted, this paper theorized that ICANN could also be found liable under the essential facilities doctrine provided that a plaintiff could prove the factors laid out in MCI v. AT&T. 147

In addition, though a court can stop the delegation of a gTLD, it cannot force ICANN to award the gTLD to the complaining party. This means that **an antitrust claim would only prevent stakeholders from abusing ICANN's authority, not usurping it.** Thus, ensuring that a U.S. court does not simply replace the NTIA in its oversight capacity. Furthermore, it would not open ICANN to unnecessary lawsuits from corporate stakeholders seeking to unnecessarily challenge ICANN's authority at every turn.

Overall, the Internet is entering a new era of DNS regulation. This era  [\*107]  was entered suddenly and haphazardly, but that does not mean that it will yield negative results. There are upsides to having DNS management out of the hands of the United States government, although they are not discussed here. It would be foolish to allow this transfer to occur without examining possible regulatory alternatives in the absence of a body capable of overseeing ICANN's use of its authority. Thus, this paper concludes that one form of **regulation** would be **through antitrust law** to **ensure that the DNS continues to be a place of open communication, commercialization, and innovation into the future.**

## 2AC

### T Private Sector---2AC

#### ‘Private sector’ includes non-governmental non-profits like ICANN

Anne-Marie Buzatu 20, Vice President and Chief Operations Officer of ICT4Peace Foundation, Former Executive-in-Residence at the Geneva Centre for Security Policy (GCSP), LLM from the Geneva Academy of International Humanitarian Law and Human Rights, JD from Tulane Law School, “Global Cybersecurity and the Private Sector”, in Routledge Handbook Of International Cybersecurity, Ed. Tikk and Kerttunen, p. 313-314

This chapter aims to look at the specific challenges and opportunities cyberspace raises for the security sector through the lens of the private sector. It begins with a brief explanation of how cyberspace works, highlighting the important role of the private sector in bringing to life and shaping this medium. This is followed by a discussion of some specific challenges to traditional security situations that are particular to the cybersecurity sector. Some of the most recent responses to the challenges are then presented, highlighting the important role the private sector has taken to shape and drive these responses. The chapter finishes with a brief discussion about the current state of cybersecurity norms development, identifying emerging norms, and offering some suggestions for their effective implementation. For the purposes of this chapter, the term ‘private sector’ not only refers to commercial actors, but also includes all non-governmental participants in cyberspace including individuals, civil society, non-state armed groups, and other organizations and communities that are organized around identity or political affiliations.

Cyberspace: the nuts and bolts

For all of the wonders and dangers of this online, borderless virtual space, as many have pointed out, cyberspace does have an underlying physical component that is present in, and in most cases under the jurisdictions of, national authorities. For example, a physical server is under the jurisdiction and control of the country within which it is located, and therefore presumably subject to its laws and oversight. However, its connection to and role in sending and receiving information across the wider cyberspace clouds the notions of locality and territoriality. Without going into too much technical detail, it is worthwhile to consider the stuff which makes the Internet possible.

From a technical perspective, cyberspace is housed within physical and wireless pathways, routers, servers and endhosts (PCs, smartphones, IOTs), also commonly referred to as the link layer, through which data, or information, travels. The principal data pathways of this layer are known as the Internet backbone made up of long, undersea mostly privately-owned transnational fibre optic cables that connect core data routers and large, strategically-placed networks. Of note, the whistleblower Edward Snowden revealed in 2013 that the US and UK carried out ‘the largest programme of suspicionless surveillance in human history’ by ‘tapping directly into the Internet backbone’ (Davenport 2015, p. 58).

Data is shepherded through this interconnected labyrinth with assistance from the Internet Protocol (IP), also known as the network layer, and the Transmission Control Protocol (TCP) or transport layer, to help ensure the correct data get to the right destinations. Atop this resides the application layer, or the one users in cyberspace are most familiar with. It is the level from which users surf the web, participate in social media platforms, stream multimedia and save files to the cloud. As such, it is the layer in which a constant stream of new software and programs are being developed and released by mostly private actors, including private commercial companies, independent software and application developers as well as amateur programmers and hackers.

Addresses in cyberspace are managed by the Internet Corporation for Assigned Names and Numbers (ICANN), a non-profit corporation founded in 1998 in California, USA. One of the key functions of ICANN is to facilitate the translation of addresses from words [e.g., Facebook.com] to numbers that the network layer can understand, or the Internet Protocol address (IP address), such as 204.15.23.255. For many years, ICANN provided these services under a contract with the US government. However, in 2016 ICANN cut ties with the US government to provide these services under a multi-stakeholder governance framework.

#### 2---No limits explosion---it’s a tiny subset

Tim Zimmer 19, Writer at the Houston Chronicle, “The Difference Between Public & Private Non-Profit Organizations”, Houston Chronicle, 3/6/2019, https://smallbusiness.chron.com/difference-between-public-private-nonprofit-organizations-26366.html

Nonprofit organizations play a key role in the social and economic well-being of a country. They benefit society in ways that the private sector might not, which is part of the reason why a majority of nonprofit organizations are tax-exempt under Section 501(c)(3) of the Internal Revenue Code. The Internal Revenue Service (IRS) distinguishes nonprofit organizations primarily by the level of public involvement in their operations. As a result, nonprofit organizations generally fall into two distinct categories: public charities (public nonprofit organizations) and private foundations (private nonprofit organizations).

Public Charities or Public Nonprofit Organizations

Public charities, or public nonprofit organizations, are the most common type of nonprofit organization classified by the IRS and what people generally think of when they hear that an institution is a "nonprofit." Although public charities include entities such as churches, homeless shelters and hospitals, the definition is broad enough to include educational sites such as universities and medical research institutions, which are considered "statutory public charities."

In stark contrast with private nonprofit institutions, public charities must contain a diversified board of directors that represent the public interest. More than half of the board must be unrelated and unable to receive compensation as employees of the institution.

Public nonprofit institutions rely more heavily on public support and are less regulated than private nonprofit institutions. For an organization to become a bona fide public nonprofit institution, at least 33 percent of its income must come either from small donors, the government or from other charities. The collected funds must then be used to directly support the organization's initiatives. Since public charities rely heavily on public contributions, typically, they are more susceptible to public scrutiny than private foundations.

Private Foundations or Private Nonprofit Organizations

Under tax law, a section 501(c)(3) organization is initially considered a private foundation, or a private nonprofit organization, unless it requests, and is authorized to be, a public charity. As opposed to a public nonprofit institution, in which more than half of the board must be unrelated, a private nonprofit organization can be controlled by a family or a small group of individuals. Private foundations generally derive much of their income from a smaller pool of donors and from investment income, and are typically subject to more restrictions than public nonprofit organizations. Failure to comply with regulation can garner serious penalties for private foundations.

A fundamental reason as to why an individual might prefer to establish a private foundation, as opposed to a public charity, is the level of control. Since private nonprofit organizations mainly rely upon a small number of private donations, they can operate fairly independently. Typically, private foundations aren't held accountable by the public, but their actions are limited by stricter and more extensive federal regulation.

### T Subsets [Antitrust]---2AC

#### ‘Antitrust’ is broad and includes any instrument designed to make markets more competitive

D. L. Rubinfeld 15, Professor of Law at New York University, International Encyclopedia of the Social & Behavioral Sciences, Second Edition, p. 553

Antitrust Policy

The term antitrust, which grew out of the US trustbusting policies of the late nineteenth century, developed over the twentieth century to connote a broad array of policies that affect competition. Whether applied through US, European, or other national competition laws, antitrust has come to represent an important competition policy instrument that underlies many countries' public policies toward business. As a set of instruments whose goal is to make markets operate more competitively, antitrust often comes into direct conflict with regulatory policies, including forms of price and output controls, antidumping laws, access limitations, and protectionist industrial policies.

#### There’s no distinction between ‘antitrust’ and ‘regulation’

Marco Ricolfi 6, Professor of Intellectual Property Law, Torino Law School, LLM from Yale Law School, “The First Ten Years of the TRIPS Agreement: Is There an Antitrust Antidote Against IP Overprotection Within TRIPS?”, Marquette Intellectual Property Law Review, 10 Marq. Intell. Prop. L. Rev. 305, Lexis

What can one make out of this discussion? The careful reader who has been following may have been misled into believing that, by referring to the admissibility of a local working requirement, I intended to reach the promised land of ex ante generalized rules and to contrast their operation to ex post and ad hoc intervention through measures targeting restrictions in international transfer of technology discussed in the previous paragraph. The difficulty with this is that the distinction between ex ante rules and ex post measures is in some way germane to the distinction between regulation and antitrust intervention. It has been said that "unlike antitrust policies, which tell businesses what not [\*348] to do, regulation tells businesses what to do and how to price products." However, the distinction between affirmative and negative, between order and prohibition, is not always that clear-cut, as shown in the case of prohibition of refusals to deal on dominant or monopolistic firms, which may indeed be construed also as an affirmative duty to negotiate. Looking carefully at local working requirements, one will find a similar ambiguity. The requirement has an affirmative side to it: it mandates patentees to manufacture locally. But what happens in the event the patentee fails to do so? The remedy, compulsory licensing, is conceptualized as a consequence of failure to locally work so that we do not know exactly whether we are dealing here with an ex ante rule or an ex post measure. To link with the analysis proposed earlier, we should probably focus on a separate feature by asking whether the legal consequence envisaged by the applicable law is generalized or ad hoc. Here, the operational question is more straightforward. Are we talking about a self-enforcing feature that is automatic in its legal consequences and does not require for its actual implementation a specific intervention by a court or another decision-making body? Or are we talking about a rule that becomes effective only after a decision by the competent authority? In the former case, we are talking about a generalized rule; the latter is ad hoc intervention.

### T Ban---2AC

#### ‘Prohibitions’ means hinder and can contain exceptions---it doesn’t have to be all

Sandra L. Lynch 2, Judge on the United States Court of Appeals, First Circuit, “Second Generation Props., L.P. v. Town of Pelham”, 313 F.3d 620, 634, 2002 U.S. App. LEXIS 25904, 12/17/2002, Lexis

§ 332(c)(7)(B). We start with the fact that Congress used "services" and not "service." A straightforward reading is that "services" refers to more than one carrier. Congress contemplated that there be multiple carriers competing to provide services to consumers. That one carrier provides some service in a geographic gap should not lead to abandonment of examination of the effect on wireless services for other carriers and their customers. Next, the phrase "have the effect of prohibiting" may well refer to actions that mostly prohibit. For example, B.A. Garner, A Dictionary of Modern Legal Usage 256 (2d ed., 1995), gives as the first definition of effective "having a high degree of effect." (emphasis added). Accord B.A. Garner, A Dictionary of Modern American Usage 237-38 (1998). Moreover, a common reading of the word "prohibition" standing alone would apply to a situation of denial of services to the vast majority of users. See, e.g., Oxford English Dictionary (2d ed. 1989) (defining [\*\*33] "prohibit" as "to prevent, preclude, hinder") (emphasis added). Thus Congress may well have meant the effective prohibition clause to reach certain situations in which there is some coverage in a gap.

### States CP---2AC

#### State policy fails and isn’t perceived internationally

Daniel Abebe 12, Assistant Professor of Law at The University of Chicago Law School, “One Voice or Many? The Political Question Doctrine and Acoustic Dissonance in Foreign Affairs”, 2012, 2013 Sup. Ct. Rev. 233, Lexis

B. ONE VOICE AND CENTRALIZATION

The Supreme Court's emphasis on centralized decision making in foreign affairs is perhaps best exemplified in its foreign affairs federalism jurisprudence. The Constitution specifically limits the participation of states in foreign affairs 22 and, in the event of conflict between a federal statute and state law, the Supremacy Clause ensures that the state law is preempted. But the Supreme Court has also developed several preemption doctrines to ensure the primacy of the national government over the states on a range of foreign affairs questions, including field preemption, 23 obstacle preemption, 24 note dormant foreign affairs preemption, 25 and executive preemption. 26 In each of these areas, the Supreme Court's emphasis on speaking with one voice has resulted in the centralization of foreign affairs decision-making authority in the national government over the states.

What is the logic of this centralization? Much of it rests on general understandings of the merits of centralization in institutional design. The common functionalist account justifying centralization [\*243] of decision making in the national government focuses on collective action problems and the provision of public goods. National governments are best placed to coordinate public policy, determine national interests, and engage in the necessary trade-offs to promote national public welfare. Perhaps most central to the responsibilities of the national government is the provision of national security, the maintenance of a domestic market for trade, and the generation of economic wealth. For example, in the security context, the national government can act as a single, integrated institutional actor to determine the national interest; develop US foreign policy; coordinate the military, diplomatic, and intelligence resources of the nation; swiftly pursue national objectives; and prosecute wars. If the several states were tasked with such responsibilities, it does not take much to imagine the difficulties in coordinating among a large number of heterogeneous subnational governments, each with its own interests and desire to pass on the cost of national defense, when possible, to its co-sovereigns.

The same logic applies to the development and maintenance of a common economic market and the promotion of policies to encourage economic prosperity. The national government can aggregate information and coordinate policy to ensure that the US can benefit from international trade, encourage the production of goods for which it has a competitive advantage, protect the national market from foreign anticompetitive behavior, and redistribute wealth, if necessary, to ameliorate the unequal distribution of wealth across particular regions, states, or demographic groups. The states, by contrast, will tend to be focused narrowly on their own economic prosperity, and will produce economic policies that allow them to reap the benefits and externalize the costs. We can imagine Alaska, Texas, and Louisiana, for example, adopting policies with respect to resource extraction that might impose environmental costs on the US as a whole, just as we can imagine Massachusetts, California, and New York adopting regulatory policies that might limit the ability of the US as a whole to benefit from its resource endowment. In these contexts--national security, trade, and economic prosperity--the benefits of centralization over vast decentralization among dozens of subnational entities are clear.

Beyond this traditional account, there are less obvious but similarly [\*244] important justifications for centralization in foreign affairs. One is the clarity of the ensuing foreign policy. Even if there is substantive disagreement over policy, clarity ensures at least in theory that there is a clear communication of the US national interest to friend and foe alike. Another is the designation of a clear decision-making authority in foreign affairs. Among other things, it reduces the likelihood of constitutional impasses over key issues, provides an accountable governmental entity for the domestic voting public, and encourages specialization over time. Finally, to the extent the national government is working with other countries on an issue of global concern, centralization designates the US representative for international policy coordination.

#### Can’t solve either advantage---patchwork implementation muddies the plan’s signal, causes capture, and leads to duplication

Jacob P. Grosso 21, J.D. Candidate at the University of Richmond School of Law and B.A. from George Mason University, “The Preemption of Collective State Antitrust Enforcement in Telecommunications”, University of Richmond Law Review, 55 U. Rich. L. Rev. 615, Winter 2021, Lexis

A. Benefits of Preempting Collective State Action

Preemption would result in cognizable benefits to the regulatory and business spheres. These benefits would include clear guidance, increased enforcement efficiencies, and the ability to pursue nonenforcement agendas and broader policy goals.236 Businesses would receive clear guidance on the legality of their business choices. State antitrust enforcers would redeploy costs to state-specific issues. Federal enforcers would be able to effectively pursue broader policy goals.

Consolidated enforcement and regulatory schemes would provide clarity to businesses through more uniform regulations and decreased litigation concerns. This consolidation, in turn, would reduce costs for the government and the competitors while encouraging competition and unnecessary compliance costs.237 Clear regulations serving a common goal, without the inherent biases of individual state interests, can provide clarity to businesses and preserve the balancing of consumer welfare with the aggregate social welfare. Individual states make decisions based on their individual needs, as seen in the T-Mobile-Sprint merger.238 When federal law conflicts with state law, federal law controls.239 Despite this standard, multistate task forces continue to come forward as the interpreters of federal law.240 This approach poses problems because of the inherent state biases that underlie the enforcement actions. Preemption could decrease the effects of individual state biases on the guidance given to competitors.

Antitrust analysis considers geographic differences in determining the concentration of a market, meaning a one-size-fits-all approach does not work for aggregating individual state markets.241 This restructuring would reduce the effects of an individual state’s interests on collective action.242 While any individual state may be best served by one plan, the economy as a whole might suffer for that decision.243 “Divergent approaches to the exercise of enforcement discretion are not just possible, they are likely.”244 States likely face pressure from several groups that can influence their enforcement decisions, as well as the selfish motivation to protect their consumers regardless of the cost to national welfare.245 Uniform, clear guidance at the federal level, without state interference, will reduce opportunities for the individual motivations of states to negatively impact a clear enforcement scheme. Adding states as parties to a telecommunications antitrust lawsuit complicates the suit by increasing the number of parties that must agree to a settlement.246 The effects of the preemption and resulting enforcement system will create efficiencies for federal and state enforcers, as well as for businesses. For telecommunications antitrust enforcement actions, this will limit costs to the federal agencies, prevent the duplication of effort (in reviewing transactions), and eliminate the costs of coordination that NAAG multistate enforcement teams face.247 Extending even beyond telecommunications, this results in a net positive for the antitrust sections of state attorneys general offices to redeploy resources to monitor and combat anticompetitive behavior in the state-specific areas that these sections were designed to handle.248

The reduced litigation could represent a net positive for both state governments and competitors. Even responding to discovery requests from one state can cost two to nine million dollars.249 Dealing with multiple suits, as in the T-Mobile-Sprint merger, causes a compounding of these costs resulting from duplication of effort. For T-Mobile, the firm has now faced multiple reviews concerning the same issues that it believed it had resolved. The FCC review alone took 317 days.250 In total, from the initial merger review submission on April 28, 2018, until April 1, 2020, it took two years to close the transaction.251 The T-Mobile-Sprint merger exemplifies how further delays can slow the competitor’s ability to continue with business, as it must divert attention to compliance and litigation efforts. 252

### ADV CP---2AC

### FTC Tradeoff DA---2AC

#### No resources AND thumpers

Michael Kades 21, Director of Markets and Competition Policy, former attorney at the Federal Trade Commission; Equitable Growth Foundation, “Competitive Edge: Congress Needs to Restore the Federal Trade Commission’s Authority to Seek Monetary Remedies When Companies Break The Law,” 7/28/2021, <https://equitablegrowth.org/competitive-edge-congress-needs-to-restore-the-federal-trade-commissions-authority-to-seek-monetary-remedies-when-companies-break-the-law/>

As the report explains, “Rather than deter anticompetitive behavior, current legal standards do the opposite: They encourage it because such conduct is likely to escape condemnation, and the benefits of violating the law far exceed the potential penalties.” In the face of such warnings, it is a particularly bad time for the Supreme Court to unanimously reject 40 years of lower court rulings and conclude that the Federal Trade Commission can neither force companies to give up the profits they earned by violating the law nor compensate the victims of those violations. (The first remedy is called disgorgement, and the second remedy is called restitution.)

Whether the Supreme Court in April correctly interpreted the statute at issue in the case, AMG Capital Management LLC v. Federal Trade Commission, is less important than its implications. Professor [Andy Gavil discusses a potential silver lining](https://equitablegrowth.org/competitive-edge-the-silver-lining-for-antitrust-enforcement-in-the-supreme-courts-embrace-of-textualism/) in the Supreme Court’s decision—the glass-half-full approach. He argues that if the Supreme Court faithfully applies its approach to statutory interpretation, then it could open the door to broader application of the antitrust laws.

I look at the direct impact of the decision—the glass-half-empty approach. I argue that the decision deprives the antitrust agency of a critical, albeit imperfect, weapon that has deterred anticompetitive conduct particularly in the pharmaceutical industry. Although it has used disgorgement in competition cases sparingly, those awards have deterred the entire industry from engaging in the challenged conduct.

Before the recent Supreme Court decision, the disgorgement awards in competition cases went far beyond the impact in a single case. The savings include benefits from the conduct that did not occur. If the commission cannot seek monetary remedies, then companies will keep the rewards of their illegal conduct. Perversely, the companies causing the greatest harm will benefit the most from April’s decision.

The impact reaches even further. Without the threat of a disgorgement award, companies are more likely to drag out litigation and tax the FTC’s limited resources. Because the commission will spend more resources on egregious cases to reach weaker results, it will have fewer resources to challenge anticompetitive conduct in other areas and, for example, could affect enforcement in merger cases or in the high-tech industry.

#### Health enforcement increased last week

Nicole Wetsman 9/22, Health Tech Reporter at The Verge, “FTC Resurrects a Decade-Old Rule as a Guardrail on the Health App Explosion”, The Verge, 9/22/2021, https://www.theverge.com/2021/9/22/22688497/ftc-health-app-privacy-transparency-data

Health apps have to tell their users about any data breaches or risk a hefty fine, the Federal Trade Commission clarified in a policy statement last week. The rule that requires that transparency is a decade old, but it hasn’t been enforced before. The new guidance serves as a warning to the many companies elbowing into the health app space: the FTC is taking issues around health data privacy seriously — even if it won’t be able to tackle all the privacy gaps on its own.

The FTC’s Health Breach Notification Rule covers all organizations that aren’t subject to the Health Insurance Portability and Accountability Act (HIPAA), which covers things like doctors and insurance companies. HIPAA requires those groups to disclose any time they have a data breach. The FTC rule covers any other group that deals in health information.

Health apps often haven’t had strong data privacy protections, FTC Chair Lina Khan said in a statement about the rule. Apps often have poor data protection systems, or violate their own privacy policies by sharing data with outside groups without telling users. These apps weren’t a piece of the digital health picture when the rule was first written. But since then, there’s been an explosion in health apps — tens of thousands are released each year, and downloads increased during the COVID-19 pandemic. More and more people are trusting their health information to these products. The new guidance clarifies that the Health Breach Notification Rule applies to these platforms as well, even if they didn’t think it covered them before.

The breaches that could trigger a report don’t just include hacks or attacks. These organizations would have to disclose any information shared without users’ permission. That might apply to situations like the recent privacy breach by period tracking app Flo, which was sharing data to Facebook, Google, and marketing companies without users’ knowledge. The FTC didn’t cite Flo for breaking the Health Breach Notification Rule — it focused on false statements made by the company about its privacy policies — but two FTC members argued that it should have.

The FTC’s new focus on making sure companies follow the rule could trigger internal changes at health apps, says David Simon, a research fellow at the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School. “It’s going to force them to at least put systems in place, if they’re not already in place, to figure out when these breaches occur and then notify people,” Simon says. The rule says that groups have to report any data breaches that they should have known about, not just that they do know about — so they have to have ways to monitor data.

The penalties for breaking the rule are fairly significant: $43,792 per violation per day. “That can add up very quickly,” says Jennifer Wagner, an assistant professor of law, policy, and engineering at Pennsylvania State University. “I think they’re trying to signal that, ‘look, it’s in your best interest if you’re an app developer or a vendor of a connected platform that you pay attention to this rule, and that you have some kind of response mechanism in place.’”

#### No spillover between parts of the FTC

Spencer Weber Waller 5, Professor of Law and Director of the Institute for Consumer Antitrust Studies at the Loyola University Chicago School of Law, “In Search of Economic Justice: Considering Competition and Consumer Protection Law”, Loyola University Chicago Law Journal, 36 Loy. U. Chi. L.J. 631, Winter 2005, Lexis

Despite this more comprehensive mission, the FTC is organized in a way that tends to emphasize the separation of these fields, rather than the common elements of the agency's mission. The FTC has a Bureau of Competition and a separate Bureau of Consumer Protection, with a Bureau of Economics to support the work of both endeavors. The Bureau of Competition ("BC") primarily engages in the investigation and enforcement of mergers and complex civil antitrust cases with a recent emphasis on intellectual property and health care issues. The Bureau of Consumer Protection ("BCP") primarily investigates and challenges outright fraudulent conduct. 9 The FTC website details recent BCP activity involving Internet sales, telemarketing, false health and fitness claims, identity theft and similar issues. 10 These are all very different issues from the day-to-day focus of the competition staff. This basic split is further mirrored in the Bureau of Economics ("BE"), where the staff tends to specialize in either competition or consumer protection. Any crossover of staff and cooperation occurs primarily in competition advocacy before legislatures or regulatory agencies, and not in case selection and investigation.

#### ‘Gas’ investigations are just PR and involve no actual resources

Thomas Mulloy 21, Senior Editor at CStore Decisions Magazine, BA from Bowling Green University, “FTC Chair Pledges Greater Scrutiny on Retail Fuel Prices, Mergers”, CStore Decisions, 8/31/2021, https://cstoredecisions.com/2021/08/31/ftc-chair-pledges-greater-scrutiny-on-retail-fuel-prices-mergers/

Federal Trade Commission Chair Lina Khan this week said she is directing staff to examine retail fuel station deals as well as investigate possible collusion by national convenience store chains to push up prices.

According to the U.S. Department of Labor, overall energy prices are up 24% in the past year while pump prices have climbed 42%. Gas prices began the year at $2.24 per gallon and are now averaging $3.15.

That jump also may be due to increased demand in an economy rebounding from the pandemic. Other reasons behind increased fuel pump prices could be refinery closures, higher labor costs and shortages of drivers.

Khan made her comments in a letter to the White House, also citing what she called the FTC’s lax approach to fuel station mergers in recent years that resulted in heavy consolidation, resulting in “conditions ripe for price coordination and other collusive practices.”

Khan said that the FTC will determine whether there exists a power imbalance that favors large national chains, allowing them to force franchisees to raise their fuel prices – “benefitting the chain at the expense of the franchisee’s convenience store operations.”

In June, the FTC approved the sale of Marathon Petroleum Corp.’s Speedway c-store chain to 7-Eleven. But the companies closed the deal before it received the FTC’s blessing. Approval only came after both companies agreed to sell hundreds of locations deemed in competition with each other.

The new scrutiny could affect HollyFrontier Corp.’s agreement announced this week to buy Sinclair Oil Corp., a deal which includes refineries, a renewable diesel facility, a 300-distributor network and 1,500 convenience store locations.

Khan’s comments came shortly after Hurricane Ida made landfall in Louisiana after moving through the Gulf of Mexico, home to 48% of U.S. refining capacity and 16% of crude oil production. Ida disrupted about 12% of the nation’s total daily refining capacity.

Some industry analysts are skeptical of the FTC’s and Khan’s motivations, believing the crackdown is as much about politics as anything else, as the price hikes have come since the beginning of the Biden administration in January.

“I wouldn’t want to say this was about PR, but I don’t think the investigations are going to reveal much,” Tom Kloza, head of energy analysis at the Oil Price Information Service, told Washington-based The Hill, which covers Congress and politics.

#### A ton of alt causes---their author

David Koranyi 16, Chief Advisor of City Diplomacy for the Mayor of Budapest, former Director of the Atlantic Council's Eurasian Energy Futures Initiative, “A US Strategy for Sustainable

Energy Security”, Atlantic Council, March 2016, https://espas.secure.europarl.europa.eu/orbis/sites/default/files/generated/document/en/AC\_SP\_Energy.pdf

Pillar 1. Accelerate the Energy Sector Transition and Solidify the American Innovative Advantage

The unconventional hydrocarbon revolution fueled economic growth, significantly expanded the room for maneuver of US diplomacy, and contributed to GHG emission reduction through a massive replacement of coal with gas in electricity generation. The United States achieved impressive reductions in CO2 emissions in the past ten years, partly owed to market forces (cheaper gas pushing out coal and increasingly competitive renewables), and partly to the implementation of progressive energy and climate policies. The actions and efforts of both the Bush and Obama administrations, from increased vehicle corporate average fuel economy (CAFE) standards to renewable tax credits and increased funding for research, have been critical steps to the right direction.

Yet more resolute action is required if the United States wants to rapidly transform its energy sector. A sustained low fossil fuel price environment risks discouraging innovation and investment into low-carbon options, thus locking the US economy into a high-carbon path. The low oil price, coupled with the abundance of natural gas, provides a strategic opportunity to put in place measures and incentives that would accelerate the decarbonization of the US economy without putting too much strain on the system from an affordability standpoint or compromising the security of supplies with a hastened transition. This wealth must therefore be leveraged strategically to accelerate the transition to a low-carbon economy.

Political leadership is critically important to ensuring that a fundamentally market-driven energy

sector transformation takes place in an expeditious and most efficient manner. The social cost of all greenhouse gas emissions—measured as the discounted monetary value of damages current and future by anthropogenic climate change, such as the costs of adverse agricultural effects, health effects, rising sea levels, and damages by extreme weather—should be the basis of action.39 On that basis, and in line with the recommendation of the Carbon Pricing Leadership Coalition that includes the International Monetary Fund, the World Bank, key national and regional governments, as well as leading private sector players and NGOs, a well-calibrated and gradually increasing national carbon fee should be introduced to discourage carbon usage.40 Experience in Europe in particular shows that, though not immune from the possibility of design flows itself, an outright carbon fee is a preferable and more transparent option than a cap-and-trade system. An across-the-board carbon fee system with no exemptions would provide a technology neutral signal that could even out the playing field, while preserving market principles and generating revenue. Close to forty nations and more than twenty-six subnational jurisdictions in North America and elsewhere adopted some form of carbon taxation with encouraging results.41

A carbon fee—covering all sectors, not just power generation as the controversial Clean Power Plan proposed—would have several major advantages. It would further boost the competitiveness of cleaner-burning natural gas vis-à-vis coal in the short term. It could propel the upgrade and modernization of fossil fuel generation capacities to cut emissions during the transition, boost the competitiveness of carbon capture and storage techniques to provide a long-term future for gas, and propel energy efficiency investments across the whole value chain. It would go a long way in helping to revive the commerciality of nuclear power to provide essential zero-carbon baseload generation capacity to address seasonal intermittency issues that are likely to prevail in the long term even with significant development in storage technologies. It would also help to preserve a robust American nuclear industry that is critical in maintaining a technological edge.

Natural gas would play an even bigger role in electricity generation with the introduction of a carbon fee.42 Yet even though natural gas replacing coal in electricity generation provides a quick short-term pathway to lower emissions, it could hinder the long-term full decarbonization goal.43 Therefore, while recognizing the importance of gas as a bridge fuel to a low-carbon future, public policy must ensure that the switch to natural gas is not permanent, but allows for the power sector to transition beyond—and see to it that gas eventually cedes a leading role to carbon-free energy sources. Thus, the carbon fee must be progressively elevated over the course of the next decade to incentivize investment in zero-carbon energy instead of gas, parallel to technological development and cost reduction in energy storage solutions in particular.

Revenues from the progressively increasing carbon fee—a modest $25 per ton carbon fee could raise over $100 billion a year—should be used to fund six major programs:44

1. Provide effective assistance to those whose livelihood is disrupted by the energy transition through early retirement schemes, education and job training programs.

2. Provide targeted subsidies to those struggling to pay their energy bills, as introduction of a carbon fee to the tune of $25 per ton would result in an increase in electricity prices across the country between 3 and 25 percent, though higher increases will occur in states where electricity prices are the lowest.45

3. Boost public funding for energy technology research and early deployment through programs such as the Advanced Research Projects Agency-Energy (ARPA-E) and the Department of Energy’s (DOE) National Laboratories with special regard to grid scale storage and carbon capture and storage technologies.

4. Boost energy efficiency across the whole of the US economy by dismantling financial and institutional obstacles and providing public support, loan guarantees, and tax credits for upfront investment costs.46 This would dramatically improve its energy efficiency, securing up to $1.2 trillion in gross energy savings by 2020.47

5. Renew the crumbling transportation infrastructure of the United States through publicprivate-partnerships.48 Special regard should be paid to urban mass transportation systems, intercity high speed rail network, and investment into bridging the gaps left by the private sector in an emerging national infrastructure catering to electric vehicles.

6. Offset some of the potential decrease from corporate tax revenues from a reduced corporate tax rate in the context of a comprehensive US tax reform.49

In the absence of a carbon fee, another more politically challenging option would be to bring the US gasoline tax level in line with that of the rest of the developed world in order to finance the proper upkeep and modernization of transport infrastructure. Lower oil prices helped by the US boom offer a great political opening to introduce a significant and long overdue tax hike.

The federal excise tax has not been raised since 1993, and federal plus state and local gasoline excise taxes still only amount to an average of $0.48 per gallon for gasoline (compared to $4.19 in the Netherlands).50 A modest 50 percent gasoline tax increase (amounting to a less than 25 cents increase at the pump) would still result in lower gasoline prices than before the oil price collapse of 2014. The gasoline tax increase on such a modest scale would yield approximately $20 billion a year.51

As subsidies propel overconsumption and disincentivizes energy savings, all implicit and explicit fossil fuel subsidies should be phased out of the system.52 Parallel to the elimination of fossil fuel subsidies and the introduction of the carbon fee, the phasing out of renewable subsidies beyond 2021 should also be explored.

It is critically important to create a more conducive policy environment to the renewal of the aging US nuclear fleet and the potential expansion of nuclear power generation capacities to provide baseload electricity generation capacities in the long term to offset the effect of seasonal intermittencies of renewables. Special regard should be given to the provision of loan guarantees and the resolution of the longstanding political dispute over a permanent repository of spent nuclear fuel.

The electrification of the bulk of energy demand, with special regard to transport and heating systems, must be the priority in order to satisfy energy consumption with zero-carbon emissions. The US electricity grid will need to be completely revamped to adapt it to the requirements of a much more complex electricity system and make it more efficient and resilient against natural disasters and man-induced physical and cyber threats.

The transition will require an across-the-board decarbonization extending beyond electricity

generation and the transport sector. This must occur in industry, and in the buildings and appliances sectors in particular. Rapid and widespread consumer adoption, facilitated by government policies and incentives, is critical. The federal government will need to work with state and local authorities in charge of building codes to devise a system of stringent requirements for both new and existing buildings.

In order to create a more transparent, accountable and efficient governance system, the jurisdiction of and cooperation between key federal, regional, state, and municipal bodies responsible for energy policies and regulations must be streamlined, with special regard to the Department of Energy, the Environmental Protection Agency, the Federal Energy Regulatory Commission, and various regional, state, and local agencies.

#### Cushions will entirely fill in for even worst-case shocks

Dr. Eugene Gholz 18, Professor of Political Science at the University of Notre Dame, PhD in Political Science from MIT, “Primacy and Proliferation: Why Security Commitments Don’t Prevent The Spread of Nuclear Weapons”, in US Grand Strategy in the 21st Century: The Case For Restraint, Ed. Thrall and Friedman, p. 62-63

The market response to political-military shocks

Left to their own devices, buyers and sellers of oil have strong incentives to adapt to oil shocks, bringing new oil into the market to compensate for oil taken out by disruptions. This compensation mitigates economic damage and undermines the argument that military effort, as part of a grand strategy of deep engagement, is required to prevent unbearable economic harm.

Political-military disruptions that reduce oil production or inhibit the transit of oil through key chokepoints do not directly translate into reduced oil access for consumers in a global market: non-disrupted producers or other activities by consumers can add oil to the market to replace barrels lost in the disruption. The market itself is like “one great pool” or a “global bathtub” into which suppliers pump oil and from which consumers drain oil; economically, the market mixes different sources of oil together, allowing various producers to substitute for each other in sending oil to a particular consumer and making specific producer–consumer relationships essentially irrelevant (Griffin 2015). In a competitive market, an unexpected contraction in the amount supplied by one producer puts upward pressure on price, signaling other producers to increase their output, thereby restoring the pre-disruption equilibrium. This logic applies to OPEC members in times when the cartel’s political control is weak, and it always applies to non-OPEC oil producers, although their capacity to respond rapidly to disruptions with large output increases is generally limited.

In a market dominated by fewer suppliers (e.g., at times when the OPEC cartel is relatively cohesive), non-disrupted producers do not require the price signal to notice an opportunity to increase their output: they can watch specific other members of the oligopoly and respond directly to their changing output levels. They see another member’s under-production as an opportunity to increase their own output without over-supplying the entire market and disturbing the established oligopoly price. In studying oligopoly, economists describe the effect of reduced production by one supplier on the amount of output offered by other producers as the “reaction function.” That function intercedes between the disruption and the effect of the price elasticity of demand: as long as other oil supply compensates for the disruption, the price of oil will not rise, and even price-inelastic consumers will not have to suffer the cost of a price spike.

Separately from the incentive for non-disrupted suppliers to replace the “missing barrels” that drop out of the market in a political-military shock, a shock may also undermine cartel cohesion, leading to more replacement barrels being offered over time than the disruption removed from the market. Some shocks to the oil market result from conflict among oil suppliers themselves, and open warfare, proxy warfare, or “cold war” conditions within the potential cartel surely complicate the bargaining that is necessary for the cartel to decide on its preferred total oil production and to allocate quotas within the cartel, driving the equilibrium back towards the competitive market level based on greater total supply. But even in disruptions that do not politically split the oligopoly of leading oil producers, every non-disrupted producer would like to be the one that takes the opportunity to make up for the disrupted output – that is, each producer has an incentive to increase its production, and temporary quota modifications will have to be allocated (and followed) within the cartel, creating an opportunity for cartel bargaining to break down. Instability can have the direct effect of removing some oil production from the market, but at the same time it can also create conditions for more production overall.

In addition to the supply-side reaction to shocks, consumers can take advantage of a substantial cushion on the demand side to respond to supply disruptions (Gholz and Press 2008). Privately held inventories routinely absorb variations in oil supply of hundreds of thousands of barrels a day of production. They give the market, including non-disrupted producers, time to adjust, and since the total quantity of oil available to consumers will not drop, the rigidity implied by well-known price-elasticity estimates – those that suggest that even small supply disruptions might cause large price changes – need not kick in.

Beyond the private stocks, government-owned strategic reserves provide an additional resource. For years the world’s major consumers have bought extra oil to fill their emergency petroleum reserves – hundreds of millions of barrels that could compensate for any plausibly sized supply disruption, barrel-for-barrel, for months at a time. Even though the International Energy Agency agreement specifies that member countries should set the size of their oil stocks based on their total oil imports, in actual practice the reserves only need to supply enough to make up for the missing barrels, a much easier task. The biggest disruptions in history have taken several million barrels of oil per day off the market, and draws from consumer-country strategic supplies can readily match that rate. The most terrible scare scenario discussed in strategy debates, complete closure of the Strait of Hormuz to tanker traffic, would bottle up some 17 million barrels per day, if there were (implausibly) no shift at all to alternative transportation routes and no compensation from oil producers outside the Strait. In that very worst case and accounting for the limits on the rates at which consumer governments can pump oil from their strategic reserves, the government stockpiles in the United States, other IEA countries, and non-IEA consumers like China could make up a significant fraction of the disruption for months – though not enough to prevent a real price spike.

Whereas the world’s reserve supply once sat in relatively inaccessible pools, much of it now sits in easily accessible salt caverns and storage tanks where consumers control the spigots. Even if consumer governments manage their reserves imperfectly, not releasing at the economically optimal time, the combination of producers’ excess capacity, private inventories, and strategic stocks significantly reduces the need for activist energy security policies. Moreover, politicians’ real-world hesitancy to tap strategic stockpiles actually serves to protect the oil market: if governments were too aggressive about managing price variation, they would suppress private investors’ efforts, limiting the energy security value of the private inventories. But even politicians will take action in the largest, clearest disruption scenarios (e.g., civil unrest in Saudi Arabia) – precisely the scenarios in which the government stockpiles are needed to backstop the normal market response.

### Infrastructure DA [Short]---2AC

#### Infrastructure won’t pass

Emily Cochrane 9/30, Washington and Congress Correspondent for the New York Times, “Congress Races to Avert a Government Shutdown, With Biden’s Agenda in the Balance”, New York Times, 9/30/2021, https://www.nytimes.com/2021/09/30/us/politics/government-shutdown-congress-infrastructure.html

But a planned vote in the House on a $1 trillion infrastructure bill is in doubt amid an intraparty stalemate. Liberal Democrats have threatened to bring down the infrastructure bill unless Congress first acts on a much larger, $3.5 trillion social policy package that includes a vast climate change initiative, expansions of health care, public education, paid leave and child care programs and an array of tax increases.

Both are major priorities for Mr. Biden, who invested ample political capital in the infrastructure compromise and has staked his presidency on enactment of a transformational social policy package.

But centrists have resisted the $3.5 trillion plan, and given Democrats’ slim margins of control, there is currently no clear path for passing it.

Despite repeated entreaties from Mr. Biden and top White House officials, two crucial Democratic holdouts — Senators Kyrsten Sinema of Arizona and Joe Manchin III of West Virginia — have refused to specify their bottom line in negotiations. White House officials had hoped to extract a firm public commitment from them this week to eventually vote for the social policy measure, but their efforts have so far proved unsuccessful.

Instead, Mr. Manchin doubled down on his opposition to the $3.5 trillion package in its current form, issuing a blistering statement late Wednesday in which he criticized the ambitions of the bill as the “definition of fiscal insanity.” He did not rule out supporting a slimmed-down version, suggesting he would be willing to reverse some elements of Republicans’ 2017 tax law and expand some social programs — but only if they were subject to income thresholds to ensure federal aid only went to those most in need.

#### Biden has no PC, his agenda is shot, and other issues overwhelm

Rick Klein et al 9/29. Staff Writer at ABC News. “Biden takes credibility hit at critical time for agenda: The Note.” <https://abcnews.go.com/Politics/biden-takes-credibility-hit-critical-time-agenda-note/story?id=80285075>.

So much of the standoff over the Biden agenda is about Democrats' trust and lack thereof -- among and between progressives and moderates, leaders and rank-and-file members, outside groups and inside caucuses and between virtually everyone and the White House.

That makes this an inconvenient time for President Joe Biden's credibility to come into question. Top military advisers' testimony in the Senate Tuesday, with more to come in the House Wednesday, appears to contradict the president's previous assertions about the kind of advice he got before ordering the troop withdrawal from Afghanistan.

The White House is pushing back on any notion that the president hasn't been truthful about what he last month called a "split" in the advice he was getting. And Biden aides would like to separate Afghanistan from the domestic agenda entirely. A new ABC News/Ipsos poll published Wednesday shows how hard that might be, though.

Biden's approval rating is down across a range of issues compared to a month ago. People are unhappy about his handling of the COVID-19 pandemic, immigration, the economy, gun violence, crime and, yes, even infrastructure. The sagging numbers come after months of stability and relative popularity for the president. The figures started to drop right around the disastrous Afghanistan exit, and so far, they haven't shown signs of recovering.

With huge deadlines looming, it's notable not just how many Democrats are implicitly defying the White House, but how many are doing so while suggesting they know what Biden's agenda is better than he is.

Sen. Bernie Sanders' urging of House progressives to sink the bipartisan infrastructure bill unless the far larger social-spending package also moves along is a case in point. Republican opposition to Biden has long been unquestioned, but Democrats' commitment to him now very much is.

#### But ICANN regs are apolitical and under the radar

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Three months into Biden’s presidency, the new administration has already started to reverse many of Trump’s high profile exits from international institutions. The Biden administration has rejoined the Paris global climate accord and World Health Organization and looks poised to rejoin the UN Human Rights Council when it becomes eligible. While regaining America’s international stature may take some time, the Trump administration’s “Withdrawal Doctrine” appears to be more of a temporary blip than an important historical phenomenon.

However, there are important, albeit less flashy international arenas where the U.S. has lost ground to China, which transcend the Trump anomaly. Reversing China’s rise in these institutions cannot be accomplished with a simple executive pen stroke. Nowhere is this truer than the complicated world of digital standards and internet governance.

It is easy to think of the internet as simply working, but a great deal of work gets put into the standards, protocols, and rules which keep the World Wide Web running. In part because these debates are highly technical and seemingly apolitical in nature, internet governance institutions and standards development organizations often fly under the radar. In reality, considering how virtually every sector is increasingly reliant on the internet, the rules and standards of the Web have wide-ranging economic, political, and security implications.

The major digital innovations on the horizon – blockchain, 5G/6G, internet of things (IoT), AI – threaten to upend existing military, political, economic, and social paradigms. The direction of that impact is not predetermined. Blockchain, for instance, started with a promise of security, privacy, and independence, but has recently been put towards more Orwellian applications such as China’s social credit system. Internet governance institutions and standards organizations are becoming the battleground in determining how these digital technologies will be deployed and regulated.

The coming four years in internet governance will focus heavily on Huawei’s pitch to redesign the Internet, which it calls “New IP.” Huawei justifies this top-down redesign of the internet by arguing it is necessary to support these looming innovations. However, the political overtones of New IP are undeniable: if U.S. influence has eroded to the point where the proposal passes, it could create security backdoors for the Chinese government to exploit and codify Chinese censorship norms worldwide.

THE FREE INTERNET VS. CYBERSOVEREIGNTY

Having “invented” what eventually became the internet, the U.S. had a head start in determining the direction of the Web up until now. The U.S. government has generally supported a free, open internet while opposing censorship and excessive government regulation of the Web. The U.S. prefers to keep internet governance in the hands of multistakeholder organizations, where representatives from industry, academia, civil society as well as national governments have a say in decision making. By contrast, China supports multilateralism (national government-led governance, which is personified by the UN’s telecommunication arm, the International Telecommunication Union) and a more tightly regulated, censored internet. China’s general stance is that a national government should be able to control its domestic internet, which it calls “cybersovereignty.”

China has been pushing these norms for years, but only in recent years has it been able to pose a serious threat to U.S. interests. In recent years, America’s share of leadership and general participation in the ITU and ISO/IEC have dropped. In 2016, ICANN – the organization in charge of the Domain Name System (DNS) that therefore controls users’ ability to access URLs – left U.S. stewardship.

#### U.S. action alone fails

I&I 21, Issues & Insights Editorial Board, “There’s Nothing The U.S. Can Do To Affect Global Temperature”, Issues & Insights, 9/7/21, https://issuesinsights.com/2021/09/07/theres-nothing-the-u-s-can-do-to-affect-global-temperature/

“We simulated the environmental impact of eliminating greenhouse gas emissions from the United States completely,” Dayaratna said in testimony.

“Simulation results indicate that if all carbon dioxide, methane, and nitrous oxide emissions were to be eliminated from the United States completely, the result in terms of temperature reductions would be less than 0.2 degrees Celsius, 0.03 degrees Celsius, and 0.02 degrees Celsius, respectively. These temperature reductions would also be accompanied by minuscule changes in sea level rise (less than 2-centimeter reduction).”

This isn’t hard to understand when it’s put next to the fact that more than half of the world’s human greenhouse gas emissions are produced by 25 cities, all but two of them in China, none of them in the U.S.

It’s truly asinine to believe that Washington and our state lawmakers can do anything about greenhouse gas emissions when China and India have been busy building hundreds of coal plants and that, as of last year, 350 coal-fired power plants were under construction worldwide. China – which, we must point out, produces most of the solar panels installed in the West in factories powered by that country’s “mountain” of coal – is not going to yield to John Kerry’s embarrassing begging that it cut emissions. Beijing will do only what it wishes.

#### Warming won’t be catastrophic

Dr. Benjamin Zycher 21, Senior Fellow at the American Enterprise Institute, Doctorate in Economics from UCLA, Master in Public Policy from the University of California, Berkeley, and Bachelor of Arts in Political Science from UCLA, Former Senior Economist at the RAND Corporation, Former Adjunct Professor of Economics at the University of California, Los Angeles (UCLA) and at the California State University Channel Islands, and Former Senior Economist at the Jet Propulsion Laboratory, California Institute of Technology, “The Case for Climate Change Realism”, 6/21/2021, https://www.aei.org/articles/the-case-for-climate-change-realism/

Unable to demonstrate that observed climate trends are due to anthropogenic climate change — or even that these events are particularly unusual or concerning — climate catastrophists will often turn to dire predictions about prospective climate phenomena. The problem with such predictions is that they are almost always generated by climate models driven by highly complex sets of assumptions about which there is significant dispute. Worse, these models are notorious for failing to accurately predict already documented changes in climate. As climatologist Patrick Michaels of the Competitive Enterprise Institute notes:

During all periods from 10 years (2006-2015) to 65 (1951-2015) years in length, the observed temperature trend lies in the lower half of the collection of climate model simulations, and for several periods it lies very close (or even below) the 2.5th percentile of all the model runs. Over shorter periods, such as the last two decades, a plethora of mechanisms have been put forth to explain the observed/modeled divergence, but none do so completely and many of the explanations are inconsistent with each other.

Similarly, climatologist John Christy of the University of Alabama in Huntsville observes that almost all of the 102 climate models incorporated into the Coupled Model Intercomparison Project (CMIP) — a tracking effort conducted by the Lawrence Livermore National Laboratory — overstate past and current temperature trends by a factor of two to three, and at times even more. It seems axiomatic to say we should not rely on climate models that are unable to predict the past or the present to make predictions about the distant future.

The overall temperature trend is not the only parameter the models predict poorly. As an example, every CMIP climate model predicts that increases in atmospheric concentrations of greenhouse gas should create an enhanced heating effect in the mid-troposphere over the tropics — that is, at an altitude over the tropics of about 30,000-40,000 feet. The underlying climatology is simple: Most of the tropics is ocean, and as increases in greenhouse-gas concentrations warm the Earth slightly, there should be an increase in the evaporation of ocean water in this region. When the water vapor rises into the mid-troposphere, it condenses, releasing heat. And yet the satellites cannot find this heating effect — a reality suggesting that our understanding of climate and atmospheric phenomena is not as robust as many seem to assume.

The poor predictive record of mainstream climate models is exacerbated by the tendency of the IPCC and U.S. government agencies to assume highly unrealistic future increases in greenhouse-gas concentrations. The IPCC’s 2014 Fifth Assessment Report, for example, uses four alternative “representative concentration pathways” to outline scenarios of increased greenhouse-gas concentrations yielding anthropogenic warming. These scenarios are known as RCP2.6, RCP4.5, RCP6, and RCP8.5. Since 1950, the average annual increase in greenhouse-gas concentrations has been about 1.6 parts per million. The average annual increase from 1985 to 2019 was about 1.9 parts per million, and from 2000 to 2019, it was about 2.2 parts per million. The largest increase that occurred was about 3.4 parts per million in 2016. But the assumed average annual increases in greenhouse-gas concentrations through 2100 under the four RCPs are 1.1, 3.0, 5.5, and an astounding 11.9 parts per million, respectively.

The studies generating the most alarmist predictions are the IPCC’s Special Report on Global Warming of 1.5°C and the U.S. government’s Fourth National Climate Assessment, both of which were published in 2018. Both assume RCP8.5 as the scenario most relevant for policy planning. The average annual greenhouse-gas increase under RCP8.5 is over five times the annual average for 2000-2019 and almost four times the single biggest increase on record. Climatologist Judith Curry, formerly of the Georgia Institute of Technology, describes such a scenario as “borderline impossible.”

RCP6 is certainly more realistic. It predicts a temperature increase of 3 degrees Celsius by 2100 in the average of the CMIP models. But on average, those CMIP models overstate the documented temperature record by a factor of at least two. Ultimately, models with a poor record of successfully accounting for past data and highly unrealistic future greenhouse-gas concentrations should not be considered a reasonable basis for future policy formulation.

### Biz Con DA---2AC

#### Delta variant decks biz con AND recovery

Mark Zandi 8/18/21, Chief economist of Moody's Analytics, “Here's what the Delta variant means for the economic recovery,” CNN Business, 8/18/21, https://www.cnn.com/2021/08/18/perspectives/economic-recovery-delta-variant/index.html

Consumers are increasingly nervous about the variant, sparking concerns they will turn more skittish in their spending. Retail sales for July declined, while the University of Michigan's survey of consumer sentiment pulled back sharply in early August and is now lower than it was during the worst of the pandemic last spring. Spiking inflation isn't helping consumers' moods. The timing of the slump in sentiment and spending coincides with news stories of overwhelmed hospital systems in Florida and Texas, more serious illness among younger populations, and increasing breakthrough infections among those fully vaccinated.

Businesses have also suddenly become more nervous. According to Moody's Analytics weekly business confidence index, sentiment had significantly improved this spring when vaccinations ramped up and the pandemic was steadily winding down. But it has gone sideways since mid-June. Businesses' assessment of current conditions has turned particularly soft in the past few weeks, with more survey respondents saying conditions are weakening than those that say they are improving. This is the first time this has happened since the vaccines became widely available.

Businesses' expectations regarding the economy's prospects for the remainder of this year have also diminished significantly. The number of respondents that say the economy will continue to improve has declined from more than 60% to less than half, and those that say the economy will weaken has increased from near 30% to more than 40%. This hasn't impacted businesses' hiring and investment decisions yet, according to our survey, but it bears close watching, as the job market and broader economic recovery would be in jeopardy if businesses pull back on hiring and investments.

The Back-to-Normal Index Moody's constructs with CNN Business has wilted since peaking in late June. The index, a compilation of government statistics and third-party data, including Google mobility, the number of people going through TSA airport checks, and OpenTable restaurant bookings, measures how far the economy is from its pre-pandemic performance. In mid-August, the index fell from its late June high of 93.5% of normal to 92%.

Leading the decline are states with low vaccination rates and outsize increases in infections and hospitalizations, the most notable being Florida, which topped out at more than 101% of normal in late June but has since slipped to less than 97%. There is a clear divergence in recent weeks in the Back-to-Normal Index for states with high vaccination rates, where economies continue to get back to normal, and states with low vaccination rates that are struggling with more infections and hospitalizations and weakening economies.

The Delta variant should also serve as notice that there will likely be more variants that may be more contagious and virulent. The higher the percentage of the population that remains unvaccinated, the more likely this will happen. And it's not difficult to construct dark scenarios in which the next variant largely alludes our existing vaccines. This would be tough to bear, jeopardizing the economic recovery.

#### Antitrust increases business confidence and growth broadly

OECD 14, Organization for Economic Cooperation and Development, “Factsheet on how competition policy affects macro-economic outcomes”, OECD, October 2014, https://www.oecd.org/daf/competition/2014-competition-factsheet-iv-en.pdf

Most importantly, it is clear that industries where there is greater competition experience faster productivity growth. This has been confirmed in a wide variety of empirical studies, on an industry-by-industry, or even firm-by-firm, basis. Some studies seek to explain differences in productivity growth between industries using measures of the intensity of competition they face. Others look at the effects of specific pro-competitive interventions, particularly trade liberalisation or the introduction of competition into a previously regulated, monopoly sector (such as electricity).

This finding is not confined to “Western” economies, but emerges from studies of the Japanese and South Korean experiences, as well as from developing countries.

The effects of stronger competition can be felt in sectors other than those in which the competition occurs. In particular, vigorous competition in upstream sectors can ‘cascade’ to improve productivity and employment in downstream sectors and so through the economy more widely.

The main reason seems to be that competition leads to an improvement in allocative efficiency by allowing more efficient firms to enter and gain market share, at the expense of less efficient firms (the so called between-firms effect). Regulations, or anti-competitive behaviour preventing entry and expansion, may therefore be particularly damaging for economic growth. Competition also improves the productive efficiency of firms (the so called within-firms effects), as firms facing competition seem to be better managed. This can even apply in sectors with important social as well as economic outcomes: for example, there is increasing evidence that competition in the provision of healthcare can improve quality outcomes.

There is also evidence that intervening to promote competition will increase innovation. Firms facing competitive rivals innovate more than monopolies (although after such competition a firm may of course end up with a monopoly through a patent). The relationship is not simple: it is possible that moderately competitive markets innovate the most, with both monopoly and highly competitive markets showing weaker innovation. However, as competition policy does not focus on making moderately competitive markets hyper-competitive, but rather on introducing or strengthening competition in markets where it does not work well, this would still imply that most competition policies serve to promote innovation.

Because more competitive markets result in higher productivity growth, policies that lead to markets operating more competitively, such as enforcement of competition law and removal of regulations that hinder competition, will result in faster economic growth.

Is there evidence that pro-competitive policies are effective?

In addition to this evidence that competition promotes growth, there have been studies directly of the effects of competition law itself, and of product market deregulation. Although it is difficult to distinguish the effects of individual policy changes, there are some studies showing that introducing competition law raises productivity. Conversely, the selective suspension of antitrust laws in the USA during the 1930s seems to have delayed recovery.

Many studies of the effect of competition law use international comparisons of different countries’ experiences, to assess whether countries with competition laws (or longer-standing, or more effective competition laws) achieve faster economic growth. The task is a difficult one because of many other factors that affect the overall economic growth rate, including other policies introduced at the same time (e.g. Eastern Europe’s transformation after 1989). Some studies find no effect, but the overwhelming majority of such studies do find a positive effect of competition law on economic growth. Most ascribe this effect to increased productivity, although there may also be an effect on investment, especially in developing countries, perhaps because competition laws boost business confidence and reduce corruption.

#### FTC rule changes thump AND prove willingness for increased enforcement

Ausra Delard & Brian O’Bleness 21, JD Co-Chair of the U.S. Competition and Antitrust Group and Member of Dentons' National Health Care Practice Group; Co-Chair of the U.S. Competition and Antitrust Group and Member of Dentons' White Collar and Government Investigations Practice, “A New Day, A New Deal: The Biden Administration’s Antitrust Revolution”, JD Supra, 7/19/21, https://www.jdsupra.com/legalnews/a-new-day-a-new-deal-the-biden-8824526/

Section 5 of the FTC Act prohibits “unfair methods of competition” and “unfair or deceptive acts or practices.”16 The Section 5 Policy Statement on “unfair methods of competition” broadly provided that the Commission would be guided by the public policy of promoting consumer welfare and would balance the likely competitive harm against procompetitive justifications when enforcing “unfair methods of competition” under Section 5.17 The consumer welfare standard is premised on economic analysis. Many fear that the act of rescinding the Section 5 Policy Statement signals the FTC’s intention to move away from the predictable and administrable consumer welfare standard, resulting in politically motivated enforcement that would produce unpredictable outcomes. As a former FTC Chair had warned, the possibilities for expansive use of Section 5 appear vast and it could easily accommodate a host of controversial theories, including incipient violations of the antitrust laws and unfair competition through violation of various laws outside of the antitrust context, such as privacy.18 The courts had rebuffed the FTC when it last tried to reach beyond settled principles of antitrust law in asserting its Section 5 authority.19

The FTC majority also removed limitations on its rule-making ability under the Magnuson-Moss Warranty Act, recalling the FTC’s ability to promulgate “trade regulation rules” as it had with more than a dozen rulemakings in the mid-1970s. The changes include granting the FTC Chair the power to serve as or designate the Chief Presiding Officer in rulemaking proceedings. The Presiding Officer oversees the fair adjudication of the hearing process and makes independent recommendations to the Commission based on the relevant and material evidence. This role had been filled by the Chief Administrative Law Judge to help safeguard independence in response to public perceptions in the 1970s that the Presiding Officer was a puppet of agency management, and thus, that outcomes were biased and predetermined. The Chair was also granted the power to determine the list of disputed issues of material facts, which issues will be discussed at the hearing, and which parties will be permitted to testify.

The FTC majority also eliminated requirements for additional public comment periods, publication of a staff report containing their analysis and recommendations, and other opportunities for the public to weigh in on disputed issues of material fact. Other changes included allowing a single Commissioner, rather than majority vote of the Commission, to authorize compulsory process to initiate costly investigations.

The Republican Commissioners expressed strong words of caution - reminding the Commission that the FTC’s 1970s rulemaking spree had introduced “excessive ambiguity, confusion and uncertainty” and had caused significant backlash against the “national nanny.”20 The Republican Commissioners pled that the Chair’s “abrupt and chaotic” actions disregarded the wisdom of experience, especially as the rushed open meeting did not allow open dialogue between the Commissioners, their law advisors, or experienced staff attorneys. Commissioner Wilson urged Chair Khan to acknowledge the mistakes of the past. As an example, she pointed out that while Chair Khan repeatedly (12 times) pointed to railroad regulation as a model for Big Tech in her work in the House Judiciary Committee’s Report, nowhere “does the Report mention the fact of the bipartisan repeal of this regulatory framework because it harmed consumers and stifled innovation; neither does it mention the benefits that came from deregulation.” Commissioner Wilson warned that the changes provide for “aggressive, unbounded rule making that can transform entire industries without clear theories of law violations and empirical foundations for recommended regulatory burdens.”21 Commissioner Phillips noted his deep concerns “that the Commission’s action today unleashes unchecked regulatory authority on businesses subject to Section 5 while keeping those businesses in the dark about which conduct is lawful and which is unlawful.”22

Conclusion

As the Biden administration embarks on these reform efforts, it will need to grapple with how to provide the business community with sufficient guidance to assess the legal consequences of contemplated actions so as not to retard sound business planning. For example, to what extent can businesses re-invest in innovation without fear of allegations of predatory behavior? Could competitors free-ride on rivals’ superior business acumen and investments by weaponizing future restrictions on refusals to deal? As Commissioner Wilson points out, “regulations, even well-intentioned ones, impose costs that stifle innovation, raise the costs of doing business, limit consumer choice and increase the prices that consumers must pay, and ultimately undercut America’s global competitiveness.”24

An “I know it when I see it” approach would undermine business productivity and progress while a strict structural approach based on definition of a relevant market and calculation of market shares could fail to capture the economic complexities that may impact competition, especially where “dominance” may arise from overall corporate control rather than market power in a specific narrowly defined product or to the contrary, competition outside the relevant market (e.g., upstream or downstream) significantly constrains competitive decision-making in the alleged relevant market. Legislators, such as US Senator Amy Klobuchar (D-MN) and New York State Senator Michael Gianaris (D), have introduced, respectively, federal and state legislation that would remove the need to define relevant markets if direct evidence of anticompetitive effects is available. This approach is consistent with modern antitrust analysis as encapsulated in the 2010 Horizontal Merger Guidelines, but what constitutes anticompetitive effects if the consumer welfare standard is discarded?

It is a noble undertaking to try to improve that which one thinks is broken, but it must be done carefully with an unbiased analysis of the lessons learned through experience and respectful consideration of opposing viewpoints. Due process rights need to be respected and upheld. Opportunity for, and contemplation of, public comments could facilitate democratic reform with a lasting legacy. But, failure to address key concerns regarding the chilling effect on the economy of expansive and unpredictable enforcement could result in a future backlash that would unravel steps taken by the Biden administration.

One thing is clear for now: Businesses in all industries should evaluate business practices and potential transactions through a changed lens.

#### COVID thumps econ BUT it’s resilient

R. David Ranson 20, Research Fellow at the Independent Institute and the President and Director of Research at HCWE Inc., “Resilient US Economy Has Overcome the COVID-19 Recession”, Independent Institute, 10/9/20, <https://www.independent.org/news/article.asp?id=13290>

Though the president and first lady weren’t able to dodge the COVID-19 bullet, the U.S. economy, we now know, has adapted remarkably well to the pandemic and social distancing. As a result, the worst of the COVID-19 recession is over.

Fear pushed public and even professional opinion to be bearish about the prospects of economic recovery. On both sides of the aisle, it became commonplace to assume that economic vitality depended largely on financial aid from Washington.

Therein lies a Catch-22 that’s keeping us from paying attention to the economy’s rebound. If markets and the economy recover or perform well, the conventional wisdom attributes this to government “stimulus.” If they stagnate or perform poorly, it’s attributed to Washington’s sloth and stinginess. In short, we’ve been too focused on vulnerability—and the perceived need for artificial stimulation—and not focused enough on resilience.

Real GDP dropped like a stone in the second quarter (April-June) of 2020, at a record annual rate of 31.7%. The great majority of forecasters did not anticipate that we could recover from such a blow anytime soon—even taking into account unprecedented government largesse. Their predictions of sustained weakness are being overtaken by events.

Weeks ago the largest component of gross domestic product, consumer spending, already had bounced back to pre-pandemic levels, recovering twice as fast as employment or industrial production. Within just two months, May and June, retail sales had completed a full round trip. In July and August they rose further.

How well does this good news reflect the economy as a whole? That requires an estimate of GDP itself. With forecasters in broad disagreement, it might seem that we’ll have to wait until third quarter results are in.

Happily, thanks to the Center for Quantitative Economic Research at the Federal Reserve Bank of Atlanta, there’s now a more timely source of information, unavailable in past downturns, and derived from real-time hard data: the bank’s GDPNow estimate. As of Sept. 24 the GDPNow team calculated third-quarter annualized growth of 32%.

This figure exceeds all but three of the 62 forecasts in The Wall Street Journal’s September survey of forecasters, and reflects a huge upward revision from GDPNow’s earliest estimate at the end of July.

Such quarter-to-quarter growth would be twice the record set by the Korean War buildup. And it implies that the economy already had recaptured three-fourths of its second-quarter collapse in a single quarter.

The speed and vigor of the U.S. rebound can be interpreted in two contrasting ways. One is that federal intervention has been much more effective than expected. There will be no shortage of politicians waiting to take credit for that. The other is that, collectively, virtually all of the so-called experts underestimated the economy’s intrinsic resilience.

Back in the days when federal “stimulus” was puny by today’s standards, GDP already showed an ability to bounce back from drastic financial shocks, natural disasters, widespread strikes and global crises. To paraphrase Independent Institute senior fellow Richard Vedder, professor emeritus of economics at Ohio University, perhaps the most impressive example is the economic transition following demobilization at the end of World War II. Millions of military personnel became jobless within months and military spending plummeted. But the economy’s resilience came to the rescue and the predicted sharp rise in overall unemployment never occurred.

It’s not clear whether government “stimulus” funds add to or subtract from the economy’s resilience. Relief to those among the newly unemployed who are too pressed to fend for themselves may actually help them become more resilient. On the flip side, moderate deprivation may be a greater spur to self-reliance, encouraging the unemployed to seek work rather than temporary income from government.

Either way, the resilience of the U.S. economy is overpowering the COVID-19 recession, which soon could be history.

#### AND collapse doesn’t cause war

Dr. Stephen M. Walt 20, Robert and Renée Belfer Professor of International Relations at Harvard University, PhD in International Relations (with Distinction) from Stanford University, MA in Political Science from the University of California, Berkeley, “Will a Global Depression Trigger Another World War?”, Foreign Policy, 5/13/2020, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/

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).”

### Cap K---2AC

#### Growth is sustainable AND transition fails.

Kelsey Piper 21, Staff Writer, Vox. BS, Symbolic Systems, "Can we save the planet by shrinking the economy?" Vox, 08/02/2021, https://www.vox.com/future-perfect/22408556/save-planet-shrink-economy-degrowth/

Most of the world is very poor. Billions of people go hungry, can’t afford a doctor when they get sick, don’t have adequate shelter and sanitation, and struggle to exercise the freedoms essential to a good life because of material deprivation.

But for all the immiseration around us, one thing is undeniable: For the past several centuries — and especially for the past 70 years, since the end of World War II — the world has been getting much richer.

That economic boom means a lot of things. It means cancer treatments and neonatal intensive care units and smallpox vaccines and insulin.

It means, in many parts of the world, houses have indoor plumbing and gas heating and electricity.

It means that infant mortality is down and life expectancies are longer.

But an increasingly wealthy world also means we eat more meat, mostly from factory-farmed animals. It means we emit lots more greenhouse gases. It means that consumers in developed countries buy a lot and throw away a lot.

In other words, it means a lot of good things and certainly some bad things as well.

Mainstream climate and environmental policy has developed over the years with a certain assumption — that we can get rid of the bad things while still preserving the good things. That is, it’s sought to figure out how to reduce carbon emissions, preserve ecosystems, and save endangered species while continuing to improve material living conditions for everyone in the world.

But to a vocal slice of climate activists, that approach seems increasingly doomed. The degrowth movement, as it’s called, argues that humanity can’t keep growing without driving humanity into climate catastrophe. The only solution, the argument goes, is an extreme transformation of our way of life — a transition away from treating economic growth as a policy priority to an acceptance of shrinking GDP as a prerequisite to saving the planet.

At the core of degrowth is the climate crisis. Degrowth’s proponents argue that to save Earth, humans need to shrink global economic activity, because at our current levels of consumption, the world won’t hit the IPCC target of stabilizing global temperatures at no more than 1.5 degrees of warming. The degrowth movement argues that climate change should prompt a radical rethinking of economic growth, and policymakers serious about climate change should try to build a livable world without economic growth fueling it.

It’s a bold, even romantic vision. But there are two problems with it: It doesn’t add up — and it would be nearly impossible to implement.

Addressing climate change will take genuinely radical changes to how our society works. Stirring as it might be to some, though, degrowth’s radicalism won’t fix the climate. Degrowth is most compelling as a personal ethos, a lens on your consumption habits, a way of life. What it’s not is a serious policy program to solve climate change, especially in a world where billions still live in poverty.

The basics of degrowth

Pinning down what degrowth means can be tricky because degrowthers often differ on details. But there are some common threads to their thought.

In general, degrowthers believe that in the modern world, economic growth has become unmoored from improvements in the human condition.

Jason Hickel, an anthropologist at the London School of Economics and the author of Less Is More: How Degrowth Will Save the World, has emerged as one of the leading spokespeople for the movement. To Hickel, the case for degrowth goes like this: The world is producing too much greenhouse gases. It is also overfishing, is overpolluting, is unsustainable in a dozen ways, from deforestation to plastic accumulating in the oceans.

Scientists have made impressive progress on technologies that, he argues, should have been sufficient to address the climate crisis — think solar panels, meat alternatives, eco-friendly houses. But because wealthy societies are so focused on growing the economy, those gains have been immediately plowed back into the economy, producing more stuff for the same ecological footprint, yes, but not actually shrinking the ecological footprint.

Hickel argues that this problem is unsolvable within our current framework. “In a growth-oriented economy,” he writes in Less Is More, “efficiency improvements that could help us reduce our impact are harnessed instead to advance the objectives of growth — to pull ever-larger swaths of nature into circuits of extraction and production. It’s not our technology that’s the problem. It’s growth.”

His solution? To abandon the lodestar of economic policy in nearly every country, which is to aim for economic growth over time, increasing wealth per person and expanding the ability of their citizens to purchase the things they want and need. Instead, Hickel argues, rich countries should focus on getting emissions to zero — even if the result is a much-contracted economy.

If that sounds unappealing, he devoted much of the book — and much of our interview — to arguing that it wouldn’t be. He points out that some countries, like the United States, are rich but get very little for their spending, in terms of national well-being; poorer countries like Spain have better health care systems. He argues that current levels of well-being could be maintained at a tenth of Finland’s current GDP — assuming that society also adopted wide-scale redistribution and socialist labor policies.

At the heart of Hickel’s argument is an idea that divides degrowthers and their critics: the concept of “decoupling” growth from environmental impact. Hickel and his fellow degrowthers are skeptical that economic growth as we know it can ever truly be achieved without accompanying growth in emissions.

But critics argue that not only is it possible — it’s already been happening. For the past decade, as many countries have transitioned to green energy, they have successfully seen their emissions shrink while their GDP has grown.

“There have been really big changes since 2005,” when people were debating whether decoupling was even possible, Zeke Hausfather, a climate scientist at the Breakthrough Institute, told me. “Green energy has gotten cheap. Solar power is the cheapest energy at the margins in every country today. Global coal use has peaked.” His research finds evidence of “absolute decoupling” — emissions shrinking while GDP grows — in 32 countries, including the United States, the United Kingdom, and Germany.

Degrowthers I spoke to don’t dispute that decoupling is possible. But they argue it won’t be enough to shrink emissions as rapidly as they need to. And there’s a compelling bit of evidence for that view: Even as some countries have decoupled, others have increased emissions, and overall atmospheric carbon is at its highest level ever recorded.

Where an optimist might see, in the decoupling of the past few decades, signs that growth and climate solutions can coexist, a pessimist might find the degrowth diagnosis more persuasive: that our growth-focused society clearly isn’t up to the task of solving climate change.

The pessimists have picked up momentum of late. It’s true, in one sense, that degrowth is a somewhat fringe idea: No politician has endorsed it, and no serious policy proposals based on it have been put forth. But degrowth has nonetheless drawn sympathy in some quarters — including among prominent climate thinkers.

Steven Chu, who served as secretary of energy under President Obama, has endorsed it, arguing, “You have to design an economy based on no growth or even shrinking growth.”

More than 11,000 scientists signed William Ripple’s 2019 letter “World Scientists’ Warning of a Climate Emergency,” which argues “our goals need to shift from GDP growth and the pursuit of affluence toward sustaining ecosystems and improving human well-being by prioritizing basic needs and reducing inequality.”

And a recent paper in Nature explored how a “degrowth” of 0.5 percent of GDP per year might interact with climate and emissions targets, arguing that while “substantial challenges remain regarding political feasibility,” such approaches should be “thoroughly considered.”

The tension at the heart of degrowth: Can we fix global poverty without economic growth?

One big problem with degrowth is this simple fact: In the coming decades, most carbon emissions won’t be coming from rich countries like the US — they’ll be happening in newly middle-income countries, like India, China, or Indonesia. Already, developing nations account for 63 percent of emissions, and they’re expected to account for even more as they develop further and as the rich world decarbonizes.

Even if emissions in rich countries go to zero very soon, climate change is set to worsen as poorer countries increase their own emissions.

That will, of course, have deeply negative climate impacts. But the alternative is a nonstarter — should the world really prioritize curbing emissions and economic growth if it meant suppressing the growth of those countries?

Degrowthers see no dilemma here. What Hickel envisions is global movement in two directions: Poor countries could develop up to a certain level of prosperity and then stop; rich countries could develop down to that level and then stop. Thus, climate catastrophe could be averted, all while making the world’s poor more prosperous.

“Rich countries urgently need to reduce their excess energy and resource use to sustainable levels so our sisters and brothers in the global South can live well too,” Hickel put it. “We live on an abundant planet and we can all flourish on it together, but to do so we have to share it more fairly, and build economies that are designed around meeting human needs rather than around perpetual growth.”

From a climate change perspective, though, there’s a problem. First, it means that degrowth would do nothing about the bulk of emissions, which are occurring in developing countries.

Second, the global economy is more interconnected than Hickel implies. When Covid-19 hit, poor countries were devastated not just by the virus but by the aftershocks of virus-induced slowdowns in consumption in rich countries.

There’s some genuine appeal to the idea of an end to “consumerism,” but the pandemic offered a taste of how a sudden drop in rich-world consumption would actually affect the developing world. Covid-19 dramatically curtailed Western imports and tourism for a time. The consequences in poor countries were devastating. Hunger rose, and child mortality followed.

Covid-19, of course, wreaked direct economic havoc at the same time, with lockdowns having an especially negative impact on some poor countries; the effects of the pandemic and international demand shock were combined, and in some cases they’re hard to separate. But the United Nations, the World Bank, and expert analyses point to the decline in global consumption as a significant part of the picture.

Degrowthers reject this concern on two fronts: First, they argue that a sustained, deliberate reduction in consumption wouldn’t be anything like a recession.

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Recessions, they agree, are really bad, but that’s because consumption falls in affected sectors, instead of being targeted at things that don’t improve well-being. Degrowth, they say, would be different.

Second, they contend that there is some path to economic growth in poor countries that doesn’t rely on trade with rich ones — certainly some countries managed economic growth when the whole world was poor, after all.

Hickel’s perspective is that most trade between rich and poor countries is extractive, not mutually beneficial — and that maybe when that dynamic ceases, poor countries will have the chance for the catch-up growth they merit. That’s one take. But it means that degrowth’s case for not crushing the poor world is predicated on a speculative take on how those countries can grow — one that democratically elected leaders in those countries largely don’t share.

What GDP doesn’t capture — and what it can tell us

In a way, the debate over degrowth is a debate over the meaning of one economic indicator: gross domestic product (GDP).

GDP measures the transactions within an economy — all the occasions when money changes hands in exchange for goods and services. It’s not wealth, but it’s one of the primary ways we measure wealth.

It certainly doesn’t capture everything of value. When parents spend a quiet weekend at home teaching their children to read, for example, nothing GDP-generating has happened — but value has certainly been created.

Degrowth articles burst with such examples. GDP, they love to point out, includes the production of things like nerve gas, even though that has no social value. And it doesn’t include storytelling, singing, gardening, and other simple human pleasures.

“If our washing machines, fridges, and phones lasted twice as long, we would consume half as many (thus the output of those industries would decline), but with zero reduction in our access to those goods,” Hickel told me. If everyone worked half the hours they currently do, and made half the income, they might mostly be better off — at least, assuming that their basic needs were still met.

“We propose policies like a living wage, a maximum income ratio, wealth taxes, etc. to accomplish this,” Hickel told me. “Given all of this, the language of poverty really gets it wrong: longer-lasting products, living wages, shorter working weeks, better access to public services and affordable housing — we are calling for the opposite of poverty. Yes, industries like SUVs and fast fashion would decline, but that doesn’t mean poverty. We can replace them with public transportation and longer-lasting fashion, thus meeting everyone’s needs.”

There’s a lot of speculation here, and a lot of what degrowth’s critics would call hand-waving. Degrowth is fundamentally premised on the claim that we can cease to focus on growth while getting better than ever at addressing human needs. If that’s true, then that would certainly be great news.

But in many ways, it’s a vision more wildly optimistic — disconnected from actual policy results — than any of the more standard “sustainable development” models degrowthers criticize for being out of touch.

First, in the world today, there’s an extremely strong association between growth and welfare outcomes of every kind. GDP, while imperfect, is a better predictor of a country’s welfare state, outcomes for poor citizens in that country, and well-being measures like leisure time and life expectancy than any other measure.

“GDP does leave out non-commercialized activities that are welfare-enhancing,” economist Branko Milanovic writes in a rebuttal of degrowth:

It is, like every other measure, imperfect and one-dimensional. But ... it is imperfect at the edges while fairly accurate overall. Richer countries are countries that are generally better-off in almost all metrics, from education, life expectancy, child mortality to women’s employment etc. Not only that: richer people are also on average healthier, better educated, and happier. Income indeed buys you health and happiness. (It does not guarantee that you are a better person; but that’s a different topic.) The metric of income or GDP is strongly associated with positive outcomes, whether we compare countries to each other, or people (within a country) to each other.

The things degrowthers care about — leisure time, health care, life expectancy — are strongly correlated with societal wealth. The generosity of a welfare state and the availability of transfers to a state’s poorest people are also strongly correlated with societal wealth. Innovation, discovery, invention, and medical technology improvements are also strongly correlated with societal wealth.

The strong correlation between child mortality and GDP per capita is apparent on the above graph. There are some outliers — some countries outperform or underperform their GDP somewhat, in terms of preventing child deaths — but in general, wealth strongly predicts child survival. No single, simple medical intervention causes the difference. Wealthier societies on average get better health outcomes across the board.

This graph looks at child mortality not just by comparing rich countries to poor ones but also by comparing countries over time, as they get richer: Getting richer improves outcomes for children.

Leisure time, too, has increased — and hours worked have declined — as the world has gotten wealthier.

It might be possible in principle to do better — to decouple, if you will, health and well-being from access to material resources, so that everyone is well-off with many fewer resources.

But the examples degrowthers point to remain speculative ones; if we ought to be skeptical, as degrowthers argue we should be, about the decoupling of wealth from ecological impact, we ought to be at least as skeptical about the prospects of decoupling wealth from living standards.

“In the end, economic growth is about the production of stuff that people need and then the consumption of those things by the people who need it,” Max Roser at Our World in Data, a research institute focused on finding, visualizing, and communicating historical economic and health data, told me. He added:

The money aspect, and the abstract concept of GDP, distract us and make it less obvious what it’s actually about. People want to have enough food, they need to go to the doctor, they need childcare, they want a good education. People need lots of stuff, and one thing that people care about are goods and services, and they need to be produced, and economic growth is about an increase in the quality and quantity of the goods and services that people need.

There’s also the knotty problem of who gets to decide which goods and services people choose to spend their money on. Many of the climate scientists I spoke to shared Hickel’s impatience for many specific carbon-intensive modern industries. “I’m not going to defend bitcoin,” the Breakthrough Institute’s Hausfather told me. (The cryptocurrency has attracted intense criticism for being astoundingly carbon-intensive.)

But there is a lot in between bitcoin and basic subsistence needs. And “enough for everyone who needs it” inherently requires value judgments about what people really need, and what things they value that are frivolous luxuries. That’s why so many anti-poverty programs have moved away from giving people “what they need” toward just giving them cash — that is, giving them wealth, which they can choose to spend however they please.

“Even poor people have so many needs for goods and services that you can’t possibly put them on a list and say, ‘Now we’re done here,’” Roser told me. “That’s the beauty of money, that you can just go out there and get what you need rather than what some researcher determines are your needs.”

Degrowth is unrealistic — and gaining traction

As a policy program, degrowth suffers from being both too radical and not radical enough.

There’s a lot of broad-brush policy prescriptions in the degrowth lit, but those details never really add up.

While it’s not a short book, Less Is More feels surprisingly sparse when it comes to envisioning how the changes it recommends could be brought about. The chapter on solutions recommends cutting the workweek and changing tax policy — two solid proposals — but then rounds that out by recommending ending technological obsolescence, advertising, food waste, and student debt.

I’m not particularly opposed to those policies. But they seem laughably inadequate for the magnitude of the task at hand: confronting the climate crisis. Degrowth successfully persuades that guiding humanity and our planet through the 21st century will be really, really hard — but not in a way degrowth particularly solves.

Where degrowth literature is relentlessly pessimistic about the prospect of our problems being solved under our current economic system, it turns oddly optimistic about the prospect that they’ll be solved once we embrace a different way of viewing wealth and progress. If cutting carbon emissions fast enough to matter requires shrinking the global economy by 0.5 percent a year indefinitely, starting right now, as the Nature paper estimates, that’ll take policy measures much larger and more ambitious than any proposed in Less Is More.

“If we are to avert catastrophic warming, we have to lower carbon emissions by a factor of two within the next 10 years. I find it highly implausible that capitalism/market economics will be abandoned by the world on that time frame,” Pennsylvania State University climatologist Michael Mann told me. “That means we have to act on the climate crisis within the framework of the current system.”

In that sense, there’s actually something anti-radical about any climate plan so radical that it can’t be concretely brought about in the next decade.

And yet, implausible as it is, degrowth is gaining a foothold in intellectual and policy circles. What accounts for its seemingly growing popularity? This was a question that puzzled me until I heard the same answer from one degrowth advocate and one opponent: that it’s not, really, exactly about climate.

“It started in the 1990s in France, picking up on radical European politics in the 1970s,” Giorgos Kallis, a researcher studying degrowth at the Universitat Autònoma de Barcelona, told me. “There was an in-between political space there — radical greens, putting much more emphasis on localized production, emphasis on conviviality and autonomy. This is a discourse that comes from them. It wasn’t just about avoiding a particular environmental problem. It was a holistic proposal.”

That was also the diagnosis of Zion Lights, a former spokesperson for Extinction Rebellion, who has become one of the climate movement’s internal critics, arguing that the movement focuses too much on environmentalist-friendly proposals that have nothing to do with climate.

“It has become difficult to talk about making energy policies for combating climate change, for example, without being told that such thinking is actually irrelevant because it doesn’t involve system change,” she recently argued. “We need cheap, clean energy at scale and we need it now.”

In that sense, a good analogy for degrowth might actually be locavorism — the movement that focuses on eating food grown locally. It’s popular with environmentalists, both those whose convictions are about climate change and those who long for a return to the land. Its actual climate impacts are limited or even negative — for some products, it’s better for them to be grown in their optimal environment even with carbon-intensive shipping — and it definitely does less for the climate than, for example, going vegan. But it retains its allure.

How to fight climate change while building good human societies

Degrowth’s radicalism isn’t where I part ways with it: The future will almost certainly require us to eat much less meat, dramatically change land use, and potentially invest a significant chunk of society’s resources in mitigation indefinitely.

But I don’t tend to see such efforts as fundamentally futile. Degrowthers do — even when there have been significant successes.

Climate scientists have spent a long time warning the world about climate change, but they nonetheless tend to sound a more optimistic note than degrowthers like Hickel. “It’s undoubtedly a monumental challenge,” Mann told me. “We have the technology to solve the problem — renewable energy, smart grid technology, and existing energy storage. We just need the political will to act.”

Take solar panels. Two decades ago, cheap solar panels were just a dream. Now they’re everywhere and have become a crucial tool in the fight against climate change.

Not only that, solar panels have democratized electricity. Just one small-scale instance: In rural Kenya, you can see donkeys saddled with solar panels so that farmers can charge their phones. And there are many such examples that count as a win for both human progress and our fight against climate change.

It should go without saying that since rich governments got us into this climate mess, they should be at the forefront of getting us out of it. We need massive investments in carbon capture, green energy, plant-based meat, mitigation, and straight-up cash transfers to poor countries disproportionately affected by the climate crisis.

Many of the researchers I spoke to were open to the idea that in the long run, humanity would need to rethink many of our cherished assumptions about how economies work, in order to build a civilization that can flourish for thousands or millions of years. They didn’t reject degrowth as a philosophical contribution to the question of what future human civilizations should care about.

But such articulations of different philosophies of human flourishing should not be mistaken for public policy.

We don’t have very long, and we need to decarbonize quickly. We have technologies that have made a big difference already, and they must be made available on an unprecedented scale. We have more speculative solutions, technological and societal, and we should be prepared to try those, too. The scale of the problem is such that we need to act now — and we need to be clear-eyed about which ideas truly move the needle.

#### The alt fails and causes transition wars

Smith 19 [Noah; 4/5/19; Bloomberg Opinion columnist, former assistant professor of finance at Stony Brook University; "Dumping Capitalism Won’t Save the Planet," https://www.bloomberg.com/opinion/articles/2019-04-05/capitalism-is-more-likely-to-limit-climate-change-than-socialism]

It has become fashionable on social media and in certain publications to argue that capitalism is killing the planet. Even renowned investor Jeremy Grantham, hardly a radical, made that assertion last year. The basic idea is that the profit motive drives the private sector to spew carbon into the air with reckless abandon. Though many economists and some climate activists believe that the problem is best addressed by modifying market incentives with a carbon tax, many activists believe that the problem can’t be addressed without rebuilding the economy along centrally planned lines.

The climate threat is certainly dire, and carbon taxes are unlikely to be enough to solve the problem. But eco-socialism is probably not going to be an effective method of addressing that threat. Dismantling an entire economic system is never easy, and probably would touch off armed conflict and major asdasd upheaval. In the scramble to win those battles, even the socialists would almost certainly abandon their limitation on fossil-fuel use — either to support military efforts, or to keep the population from turning against them. The precedent here is the Soviet Union, whose multidecade effort to reshape its economy by force amid confrontation with the West led to profound environmental degradation. The world's climate does not have several decades to spare.

Even without international conflict, there’s little guarantee that moving away from capitalism would mitigate our impact on the environment. Since socialist leader Evo Morales took power in Bolivia, living standards have improved substantially for the average Bolivian, which is great. But this has come at the cost of higher emissions. Meanwhile, the capitalist U.S managed to decrease its per capita emissions a bit during this same period (though since the U.S. is a rich country, its absolute level of emissions is much higher).

In other words, in terms of economic growth and carbon emissions, Bolivia looks similar to more capitalist developing countries. That suggests that faced with a choice of enriching their people or helping to save the climate, even socialist leaders will often choose the former. And that same political calculus will probably hold in China and the U.S., the world’s top carbon emitters — leaders who demand draconian cuts in living standards in pursuit of environmental goals will have trouble staying in power.

The best hope for the climate therefore lies in reducing the tradeoff between material prosperity and carbon emissions. That requires technology — solar, wind and nuclear power, energy storage, electric cars and other vehicles, carbon-free cement production and so on. The best climate policy plans all involve technological improvement as a key feature.

#### It can’t produce innovation.

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Nonetheless, the abolition of capitalism is not the solution. The last century witnessed a large-scale experiment with an alternative system—a system of central planning in the Soviet Union and other communist countries of Central and Eastern Europe. This system failed to offer individuals the freedom and economic incentives necessary for frontier innovation, and so these nations were unable to get beyond an intermediate level of development. Henri Weber, a well-known figure of the French movement of May 1968, was a former Trotskyist leader in the 1960s and 1970s but later became a leader of the French Socialist Party and Socialist member of the European Parliament. He explained his personal conversion to the free market economy and social democracy, looking to the Scandinavian experience: “Having witnessed from a front-row seat the disaster of collectivization of agriculture and firms in the Soviet Union, the Scandinavian Socialists were the first to break with the dogma of socializing means of production and managing the economy by a central planning committee. To control and humanize the economy, it is altogether unnecessary to expropriate management, to nationalize firms, or to eradicate the market . . . altogether unnecessary to deprive society of the creativity, knowhow, and dynamism of entrepreneurs. Under certain conditions, entrepreneurial talent can be mobilized to serve the common good.” A market economy, because it induces creative destruction, is inherently disruptive. But historically it has proved to be a formidable engine of prosperity, hoisting our societies to levels of development unimaginable two centuries ago. Must we therefore resign ourselves to the serious pitfalls and defects of capitalism as the necessary price to pay to generate prosperity and overcome poverty?

In this book, we have sought to better understand how growth through creative destruction interacts with competition, inequality, the environment, finance, unemployment, health, happiness, and industrialization, and how poor countries catch up to rich ones. We have analyzed to what degree the state, with appropriate control of the executive, can stimulate the creation of wealth while at the same time tackling the problems mentioned above. We have seen how, by moving from laissez-faire capitalism, with market forces given free rein, to a form of capitalism in which the state and civil society play their full role, it is possible to stimulate social mobility and reduce inequality without discouraging innovation. We have also seen how appropriate competition policies can curb the decline of growth and how we can redirect innovation toward green technologies to combat global warming. We have seen that, without forgoing globalization, a country can improve its competitiveness through innovative investments and put in place effective safety nets to protect individuals who lose their jobs. Lastly, we have seen how, with the indispensable support of civil society, it is possible to prevent yesterday’s innovators, in collusion with public officials, from pulling up the ladder behind themselves to block the path of tomorrow’s innovators.

## 1AR

### Infrastructure DA---1AR

#### It won’t be publicized OR noticed

Ed Vaizey 16, Contributor at Tech Crunch, Former Minister in the UK Government, Responsible for Digital and Technology Policy, “ICANN’s Globalization Creates Peril and Promise”, Tech Crunch, 9/2/2016, https://techcrunch.com/2016/09/02/icanns-globalization-creates-peril-and-promise/

In a quiet blogpost, Larry Strickling, the US government’s assistant secretary for communications and information announced that he had “informed ICANN…that…[the US government] intends to allow the IANA functions contract to expire as of October 1”.

That sentence may not mean a whole lot to many people, but this move is of huge global significance in how the internet is managed and governed.

ICANN is the Internet Corporation for Assigned Names and Numbers, a private non-profit organisation based on the west coast of the United States.

It’s not responsible for running the internet entirely, of course (no one is) but it’s an important – vital – part of the jigsaw. It’s responsible, in effect, for maintaining the internet. Without an organization like ICANN, and the IANA (Internet Assigned Numbers Authority) function it undertakes, we wouldn’t have domain names and IP addresses.

For almost twenty years, ICANN has carried out its functions on the basis of a contract with the US Department of Commerce, who set it up to formalize the process for managing domain names.

But ICANN’s future is part of a much wider debate about how the internet is governed. For something that is now so fundamental to how our world works, it is surprising how little this debate has actually played out in the mainstream.

In effect, the internet is “governed” by the Internet Governance Forum – the IGF – which was set up just over ten years ago, and had its mandate renewed last year. Its council is a multi-stakeholder advisory group, with a mix of representatives from government, civil society, business and academia.

It remains pretty fluid and informal, and very much under the radar. It meets once a year, in a different country, for about a week. Several thousand people attend, but there are regional IGF meetings throughout the year. Being part of the IGF tour can almost be a full time job for many people.

#### ICANN’s not perceived

Arif Ali 16, JD from the New York University School of Law, BA from Columbia University, Lawyer and Co-Chair of the International Arbitration Practice at Dechert LLP, “Accountability and Transition in ICANN’s New gTLD Program”, JD Supra, 8/18/2016, https://www.jdsupra.com/legalnews/accountability-and-transition-in-icann-17101/

Bringing accountability to the Internet Corporation for Assigned Names and Numbers (ICANN), the little known yet hugely significant global regulator of the Internet domain name system, is always a significant victory. ICANN is currently expanding new top level domain names (TLDs) beyond familiar TLDs such as .com and .edu to hundreds of new domain names under the new gTLD Program. These TLDs involve high-profile public interests and are valuable resources, with companies competing to pay tens of millions of dollars at auction to win the right to operate them.

#### Afghanistan thumps domestic AND international climate

Nives Dolsak 8/20, Stan and Alta Barer Professor in Sustainability Science and Director of the School of Marine & Environmental Affairs at the University of Washington, Seattle, and Aseem Prakash, Walker Family Professor and the Director of the Center for Environmental Politics at the University of Washington, Seattle, “U.S. Climate Agenda In The Aftermath Of The Afghanistan Withdrawal”, Forbes, 8/20/21, https://www.forbes.com/sites/prakashdolsak/2021/08/20/us-climate-agenda-in-the-aftermath-of-the-afghanistan-withdrawal/?sh=502e6bad6692

Could American unilateralism on Afghanistan affect Biden’s climate agenda? One may be tempted to say no, because climate change and Afghanistan are unrelated issues. And in any case, Afghanistan might be a short-term hiccup; the country will be back to skirmishing on masks and vaccines in no time.

We argue, however, that the climate issues might suffer some collateral damage.

Let us separate Biden’s global and domestic dimensions. On the face of it, Afghanistan will probably not affect Biden’s global climate agenda. After all, climate issues do not involve military interventions, forever wars, or nation-building, all of which Democrats tend to oppose. Moreover, Biden supporters want him to do more on global climate issues, not less.

However, the domestic climate agenda could be a different story. If Afghanistan continues to swamp the U.S. news cycle with the dominant narrative of a policy failure, the withdrawal will, at the minimum, crowd out climate change. But the more significant concern is that the Afghanistan fiasco narrative might reduce Biden’s ability to push for a muscular federal climate action. He will spend his political capital defending the Afghanistan withdrawal.

Diminished domestic climate achievements could mean that Biden will find it challenging to claim climate leadership. Of course, one might ask the “so what” question. America has become a marginal player and climate progress is taking place despite America. But if American leadership still matters, a domestically enfeebled Biden is bad news for climate progress.

#### China is by far the largest emitter AND unilateral action isn’t enough

BBC 21, British Broadcast Corporation, “Report: China emissions exceed all developed nations combined”, BBC News, 5/7/21, https://www.bbc.com/news/world-asia-57018837

China emits more greenhouse gas than the entire developed world combined, a new report has claimed.

The research by Rhodium Group says China emitted 27% of the world's greenhouse gases in 2019.

The US was the second-largest emitter at 11% while India was third with 6.6% of emissions, the think tank said.

Scientists warn that without an agreement between the US and China it will be hard to avert dangerous climate change.

China's emissions more than tripled over the previous three decades, the report from the US-based Rhodium Group added.

The Asian giant has the world's largest population, so its per person emissions are still far behind the US, but the research said those emissions have increased too, tripling over the course of two decades.

#### 1---Leakage---it causes net more emissions

James W. Coleman 14, Assistant Professor, University of Calgary Faculty of Law & Haskayne School of Business “UNILATERAL CLIMATE REGULATION” http://harvardelr.com/wp-content/uploads/2014/04/Coleman\_Print1.pdf

The global effect of domestic regulation will depend crucially on how much pollution simply leaks from regulating jurisdictions to jurisdictions where pollution is uncontrolled. When emitting industries flee regulation, global emissions are merely shuffled rather than reduced, and countries that do not regulate are rewarded, making future regulation unlikely. Scholars and policymakers have explored mechanisms of reducing leakage, such as preferential treatment for trade-exposed industry, or tariffs on imported goods. But there has been comparatively little consideration of how the problem of leakage or these proposed solutions should affect choice of a domestic climate policy instrument. This section fills that gap, arguing that plausible solutions to the leakage problem require a transparent measurement of the economic burden that unilateral regulation places on domestic actors. This requirement militates in favor of carbon pricing measures such as a carbon tax or cap-and-trade, rather than more traditional modes of regulation such as greenhouse gas performance standards. If unilateral greenhouse gas regulation merely shifts emitting industries to other jurisdictions, the consequences are dire for both the environment and the prospect of widespread regulation of climate change. Industries that emit greenhouse gases will shrink in nations where regulation raises the cost of these emissions and grow in nations where there is no such regulation; or, instead, individual emitters may simply relocate to nations without regulation.84 This leakage is worse than with other environmental pollutants, because the global distribution of greenhouse gases means that even when the regulating country loses an emitting industry (and its economic benefits) to another country, it still experiences the same environmental harm. And as voters see their industries leaving without any environmental benefit, the political case for greenhouse gas controls becomes more and more difficult. Furthermore, uncooperative countries will not only benefit from an influx of industry seeking an unregulated arena, they will also increasingly be dominated by the interests of the greenhouse gas-emitting industries that will be concentrated in them.85 These two factors will work in concert to harden the recalcitrance of uncooperative nations.86 If leakage is severe enough, greenhouse gas emissions may not be reduced at all and political support for regulation may wane in countries losing industries; at the same time, greenhouse gas emitters will form an increasingly large (and powerful) interest group in uncooperative regimes.87 This would make unilateral regulation worse than nothing;88 it will increase emissions in other countries and harden resistance to greenhouse gas limits in the very countries where they are increasingly emitted.89 There is reason to think that leakage could be a very serious problem — a recent study found that the emissions leaked to developing countries in the past two decades outweighed the entirety of emission reductions called for by the Kyoto Protocol in the same period.90 And leakage may grow worse with increasing globalization.

#### Their models are wrong AND adaptation solves

Nils P. Gleditsch 21, Research Professor at the Peace Research Institute Oslo, “This time is different! Or is it? NeoMalthusians and environmental optimists in the age of climate change,” Journal of Peace Research, pg. 5-6, 2021, SAGE. clarification denoted with brackets.

The argument about how climate change may indirectly impact conflict leans heavily on the negative economic consequences of climate change, but with little or no reference to the research that explicitly deals with this topic. In fact, the relevant chapter in AR5 concluded that for most sectors of the economy, the impact of climate change was likely to be dwarfed by other factors. Tol (2018) finds that the long-term global economic effects are likely to be negative, but that a century of climate change will have about the same impact on the economy as the loss of one year of economic growth. Other economists are more cautious, but the dean of climate change economics, William Nordhaus (2018: 345, 359), estimates that ‘damages are 2.1 percent of global income at 3C warming and 8.5 percent of income at 6C’, while also warning that the longer the delay in taking decisive action, the harsher the necessary countermeasures. Stern (2006) is more pessimistic, based mainly on a lower discount rate (the interest rate used to calculate the present value of future cash flows) as are Wagner & Weitzman (2015). Heal (2017) argues that the Integrated Assessment Models generally used in the assessment of the economics of climate change are not accurate enough to provide quantitative insights and should not be taken as serious forecasts. Yet, all these economists take the basically optimistic view that climate change is manageable with appropriate policies for raising the price on the emission of greenhouse gases. With a chapter heading from Wagner & Weitzman (2015: 17): ‘We can do this’.

This more optimistic assessment of climate change does not assume that the challenge will go away by itself or can be left to the market. A plausible approach, favored by most economists,10 is the imposition of a robust and increasing price on carbon emissions (whether as a carbon tax or through a cap and trade scheme) high enough to reduce the use of fossil fuels and encourage the search for their replacement. More than 25 countries had such taxes by early 2018 (Metcalf, 2019), but generally not at a level seen as necessary for limiting global warming to, say, 2C. This approach relies on the use of the market mechanism, but with targets fixed by public policy. Income from a carbon tax can be channeled back to the citizens to avoid increasing overall taxation. To speed up the transition, funds can also be allocated to the research and development of cheaper and more efficient production of various forms of fossil-free energy, including nuclear power (Goldstein & Qvist, 2019).

The response of the environmental optimists continues to emphasize the role of innovations; technological innovations, such as improvements in battery technology, the key element in the 2019 Nobel Prize in chemistry,11 but also social innovations, as exemplified by the experimental approach to the alleviation of poverty, rewarded in the same year by the Nobel Prize in economics.12

While the most important countermeasures will be directed at the mitigation of climate change, there is also a strong case for adaptation. If sea-level rise cannot be totally prevented, dikes and flood barriers will be cost-effective and necessary, at least in high-value urban areas. If parts of Africa suffer from drought, there will be increased use for new crops that are more suitable for a dry climate, possibly developed in part by GMO technology. Industrialization in Africa can decrease the one-sided reliance on rain-fed agriculture, as it has in other parts of the world, which have moved human resources from the primary sector to industry (and then to services). Continuing urbanization will move millions out of the most vulnerable communities (Collier, 2010). While structural change failed to produce economic growth in Latin America and Africa after 1990, Africa has experienced a turnaround in the new millennium (McMillan & Rodrik, 2014) and there are also potentials for increasing productivity by structural change within agriculture in Africa (McCullough, 2017).

### ADV CP---1AR

#### This ev says that putting ICANN out for re-bid means the US loses leverage! This is a solvency deficit, not advocate

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**Szóka et al. 16**, Berin Szóka is President of TechFreedom; Brett Schaefer is the is Jay Kingham Senior Research Fellow in International Regulatory Affairs at The Heritage Foundation; Paul Rosenzweig is a Visiting Fellow at The Heritage Foundation and formerly served as Deputy Assistant Secretary for Policy in the Department of Homeland Security, “ICANN Transition is Premature,” 9/8/16, <http://docs.techfreedom.org/TF_White_Paper_IANA_Transition.pdf>

To the extent that’s true, those who worry that ICANN may be subject to capture and used in anticompetitive ways actually should worry about the Transition, not necessarily because the Transition changes the legal analysis over whether ICANN can be sued, but because **if U.S. antitrust law can’t provide an effective remedy (or deterrent),** one could legitimately worry that the Transition **means giving up the leverage the U.S. has now**: the possibility of putting the IANA contract out for re-bid (to an organization other than ICANN) if ICANN misbehaves.

And what about foreign antitrust law? Foreign courts are, in general, not only more willing to allow suit against state actors but also to discount pro-competitive justifications and, frankly, to allow firms to bring suits against their rivals. So it’s entirely possible that, **while U.S. antitrust law might under-enforce, ICANN could be vulnerable to antitrust suit in other jurisdictions.**

One might think the two would balance out, and that foreign courts would allow valid suits that might fail in the U.S. for whatever legal reason. Maybe. But there are so many potential antitrust suits that could be brought. While they’d all, no doubt, be framed as protecting consumers, some may really have narrow corporate agendas or broader political agendas.

**China and Russia have made no secret of their push to gain greater control over Internet governance.** And there’s every reason to think **they would use antitrust as a weapon to that end.** It wouldn’t be hard for them to find (or create) plaintiffs to carry their water. Again, it’s hard to say exactly what the suits would look like, but it’s clear what their basic objective would be: to portray ICANN as a cartel dominated by, in particular, American companies. **The fact that U.S. courts might have tossed out such suits would simply help with the political framing.** The goal would be to say that the Transition isn’t enough, that Internet governance should be transferred to the ITU, where it would be “democratically accountable” (i.e., dictated by governments).

### Cap K---1AR

#### Capitalism lessens the intensity and quantity of wars---best and most recent studies prove

Julian Adorney 13, economic historian, entrepreneur, and contributor for the Ludwig von Mises Institute. He’s citing Professor McDonald who teaches courses on international relations theory, international political economy, and international security at University of Texas at Austin. (, Foundation for Economic Education, “Want Peace? Promote Free Trade”, 10/15, [http://www.fee.org/the\_freeman/detail/want-peace-promote-free-trade](http://www.fee.org/the_freeman/detail/want-peace-promote-free-trade)//jk)

Frédéric Bastiat famously claimed that “if goods don’t cross borders, soldiers will." Bastiat argued that free trade between countries could reduce international conflict because trade forges connections between nations and gives each country an incentive to avoid war with its trading partners. If every nation were an economic island, the lack of positive interaction created by trade could leave more room for conflict. Two hundred years after Bastiat, libertarians take this idea as gospel. Unfortunately, not everyone does. But as recent research shows, the historical evidence confirms Bastiat’s famous claim. To Trade or to Raid In “Peace through Trade or Free Trade?” professor Patrick J. McDonald, from the University of Texas at Austin, empirically tested whether greater levels of protectionism in a country (tariffs, quotas, etc.) would increase the probability of international conflict in that nation. He used a tool called dyads to analyze every country’s international relations from 1960 until 2000. A dyad is the interaction between one country and another country: German and French relations would be one dyad, German and Russian relations would be a second, French and Australian relations would be a third. He further broke this down into dyad-years; the relations between Germany and France in 1965 would be one dyad-year, the relations between France and Australia in 1973 would be a second, and so on. Using these dyad-years, McDonald analyzed the behavior of every country in the world for the past 40 years. His analysis showed a negative correlation between free trade and conflict: The more freely a country trades, the fewer wars it engages in. Countries that engage in free trade are less likely to invade and less likely to be invaded. The Causal Arrow Of course, this finding might be a matter of confusing correlation for causation. Maybe countries engaging in free trade fight less often for some other reason, like the fact that they tend also to be more democratic. Democratic countries make war less often than empires do. But McDonald controls for these variables. Controlling for a state’s political structure is important, because democracies and republics tend to fight less than authoritarian regimes. McDonald also controlled for a country’s economic growth, because countries in a recession are more likely to go to war than those in a boom, often in order to distract their people from their economic woes. McDonald even controlled for factors like geographic proximity: It’s easier for Germany and France to fight each other than it is for the United States and China, because troops in the former group only have to cross a shared border. The takeaway from McDonald’s analysis is that protectionism can actually lead to conflict. McDonald found that a country in the bottom 10 percent for protectionism (meaning it is less protectionist than 90 percent of other countries) is 70 percent less likely to engage in a new conflict (either as invader or as target) than one in the top 10 percent for protectionism. Protectionism and War Why does protectionism lead to conflict, and why does free trade help to prevent it? The answers, though well-known to classical liberals, are worth mentioning. First, trade creates international goodwill. If Chinese and American businessmen trade on a regular basis, both sides benefit. And mutual benefit disposes people to look for the good in each other. Exchange of goods also promotes an exchange of cultures. For decades, Americans saw China as a mysterious country with strange, even hostile values. But in the 21st century, trade between our nations has increased markedly, and both countries know each other a little better now. iPod-wielding Chinese teenagers are like American teenagers, for example. They’re not terribly mysterious. Likewise, the Chinese understand democracy and American consumerism more than they once did. The countries may not find overlap in all of each other’s values, but trade has helped us to at least understand each other. Trade helps to humanize the people that you trade with. And it’s tougher to want to go to war with your human trading partners than with a country you see only as lines on a map. Second, trade gives nations an economic incentive to avoid war. If Nation X sells its best steel to Nation Y, and its businessmen reap plenty of profits in exchange, then businessmen on both sides are going to oppose war. This was actually the case with Germany and France right before World War I. Germany sold steel to France, and German businessmen were firmly opposed to war. They only grudgingly came to support it when German ministers told them that the war would only last a few short months. German steel had a strong incentive to oppose war, and if the situation had progressed a little differently—or if the German government had been a little more realistic about the timeline of the war—that incentive might have kept Germany out of World War I. Third, protectionism promotes hostility. This is why free trade, not just aggregate trade (which could be accompanied by high tariffs and quotas), leads to peace. If the United States imposes a tariff on Japanese automobiles, that tariff hurts Japanese businesses. It creates hostility in Japan toward the United States. Japan might even retaliate with a tariff on U.S. steel, hurting U.S. steel makers and angering our government, which would retaliate with another tariff. Both countries now have an excuse to leverage nationalist feelings to gain support at home; that makes outright war with the other country an easier sell, should it come to that. In socioeconomic academic circles, this is called the Richardson process of reciprocal and increasing hostilities; the United States harms Japan, which retaliates, causing the United States to retaliate again. History shows that the Richardson process can easily be applied to protectionism. For instance, in the 1930s, industrialized nations raised tariffs and trade barriers; countries eschewed multilateralism and turned inward. These decisions led to rising hostilities, which helped set World War II in motion. These factors help explain why free trade leads to peace, and protectionism leads to more conflict. Free Trade and Peace One final note: McDonald’s analysis shows that taking a country from the top 10 percent for protectionism to the bottom 10 percent will reduce the probability of future conflict by 70 percent. He performed the same analysis for the democracy of a country and showed that taking a country from the top 10 percent (very democratic) to the bottom 10 percent (not democratic) would only reduce conflict by 30 percent. Democracy is a well-documented deterrent: The more democratic a country becomes, the less likely it is to resort to international conflict. But reducing protectionism, according to McDonald, is more than twice as effective at reducing conflict than becoming more democratic. Here in the United States, we talk a lot about spreading democracy. We invaded Iraq partly to “spread democracy.” A New York Times op-ed by Professor Dov Ronen of Harvard University claimed that “the United States has been waging an ideological campaign to spread democracy around the world” since 1989. One of the justifications for our international crusade is to make the world a safer place. Perhaps we should spend a little more time spreading free trade instead. That might really lead to a more peaceful world.