# Topicality

### File Explanation

Topicality is an argument that sets limits on what should be the focus of debates. Each year, the community votes on a resolution to debate. This year’s resolution is:

**The United States federal government should significantly increase its exploration and/or development of the Arctic.**

The purpose of topicality is to make sure that both sides are prepared to debate the topic. Debates would not be very good if the affirmative decided to not talk about the Arctic at all, and instead read an affirmative on last year’s topic about intellectual property. If a team did that, they would very likely lose because the negative would correctly argue that they are not topical (meaning, they don’t fall within the scope of the resolution above).

There’s a novice packet, so everyone is prepared. Nonetheless, learning how to debate topicality is still very important. There are disagreements over what the words of the resolution mean, and both the affirmative and negative might have different understandings of key terms. For example, if you thought that “development” meant teams had to drill the Arctic, but your opponents thought that “development” instead meant that teams had to fund health and wellness initiatives in the Arctic, there would be a disparity in preparedness.

Debating topicality is about interpreting select terms in the resolution and then explaining why your interpretation creates the best debates over the course of this year.

There are two arguments that the negative can read in this file:

#### Topicality – Its

This argument really only applies to the Russia LNG affirmative.

The argument is that the word “its” in the resolution means “federal” (because it refers back to the federal government). That means affirmatives would be limited solely to affirmatives about federally-controlled exploration or development. The Russia LNG affirmative is mostly about having the federal government approve private development of the Russian Arctic. So, debatably, the development that would occur is not “federal” but instead it’s private.

I turned out affirmative answers for three affirmatives, even though this violation only really applies to Russia LNG. The other two affirmatives – Native Renewables and Science Diplomacy – do not violate this interpretation of its, because they are about federally controlled exploration and development. But I turned out affirmative blocks anyway because it’s possible a negative team could read this in those debates. Affirmative teams should primarily extend the “we meet” argument, because there is no violation.

#### Topicality – minerals

This argument applies to Science Diplomacy, Domain Awareness, and Native Renewables, but not to Russian LNG.

The argument is that the words “exploration” and “development” mean looking for, and drilling minerals (which include oil and gas). The three affirmatives violate this interpretation, because they have nothing to do with minerals extraction.

#### Debating topicality

The negative is usually successful going for topicality if they can convince the judge that the affirmative interpretation of the topic is very broad and allows too many cases for the negative to prepare for. Affirmatives can be successful by arguing that the negative’s interpretation of the topic is not predictable (for example, it’s not about the Arctic), or that it limits the topic too much and makes it too hard to be affirmative.

One argument in some of the 2AC blocks is the argument that “other words prevent a limits explosion”. This argument defines a different term in the resolution, to allow the affirmative to say that a broad interpretation of one word does not mean their overall interpretation of the topic is broad. For example, even if “exploration” and “development” are very broad terms, the word “its” is a strict limit on what the affirmative can do if “its” means it must be federally controlled. Why? Because the vast majority of exploration and development is carried out by private actors. The federal government isn’t the party that drills for oil – it’s ExxonMobile. Likewise, a very broad interpretation of “its” might be justifiable if “exploration” and “development” are both very narrow (such as being limited to minerals development).

# Negative

## Topicality - Its

### 1NC – Topicality “Its”

#### A. Interpretation. “Its” refers to federal exploration or development – the federal government must control the action

King, 2019 - Presiding Justice, for the Supreme Court of Mississippi, dissenting. Araujo v. Bryant, 283 So. 3d 73, 79-80, 2019 Miss. LEXIS 313, \*13, 2019 WL 4198778 (Miss. September 5, 2019). Nexis Uni, Accessed via University of Michigan //DH

P52. "Any county or separate school district may levy an additional tax, as prescribed by general law, to maintain its schools."6 Miss. Const. art. 8, § 206 (emphasis added). "Its" is a possessive pronoun that modifies and qualifies the noun "schools." William Strunk, Jr. & [\*\*33] E.B. White, The Elements of Style, at 12 (4th ed. 2014); The Chicago Manual of Style 5.49 (17th ed. 2017). "The possessive case of pronouns is used to show ownership." Strunk & White, supra, at 12. Possessive pronouns are "used as limiting adjectives to qualify nouns." The Chicago Manual of Style, supra, 5.49 (emphases added). "Possessive" is defined as "[t]he case of nouns that indicates ownership or possession[.]" Strunk & White, supra, at 93. "Possess" means "[t]o have in one's actual control; to have possession of." Possess, Black's Law Dictionary (11th ed. 2019). It is also defined as "to have as property; own." Possess, American Heritage College Dictionary (3rd ed. 1997). Thus, basic grammatical rules lead to the necessary conclusion that "its schools" in Article 8, Section 206, refers to schools that the county or school district possesses, controls, and/or owns.

#### B. Violation. The plan authorizes private development by allowing US companies to invest in Russian LNG. It does not mean the federal government is doing the development

#### C. Prefer our interpretation. It’s vital to limiting the topic by preventing affirmatives that allow other people to explore or develop the Arctic – that opens the topic to include all private companies, non-governmental organizations, and individuals

#### D. Topicality is a voting issue for fairness and education.

### They Say: “We Meet: Federal permits”

#### The plan’s an incentive for private development. Federal participation doesn’t make it federal because after permission is granted, companies have control

US District Court, 1993 – Southern District of New York. Landmark West! v. US Postal Service, 840 F. Supp. 994 (S.D.N.Y. 1993)

<https://law.justia.com/cases/federal/district-courts/FSupp/840/994/1958149/> //DH

Conclusion. As the USPS has emphasized, the ubiquitous actions and inactions of federal agencies affect the likelihood of private undertakings, as well as their benefits and burdens, in innumerable ways. In this context, it would make no sense to require federal agencies to assess the environmental impact of private actions over which they have no control, solely on the basis of the incidental effects of federal action on the private action. Fortunately, there is no indication that in enacting NEPA Congress intended to do so.

In this case, the USPS has participated, on an arms-length basis, in a private development. Factually, its actions were merely incidental to the private development and, legally, the development has been insulated from USPS control. Accordingly, this Court holds "reasonable under the circumstances" the USPS's implicit determination that the environmental impact of the Project as a whole did not have to be considered in the environmental assessment underlying the FONSI.

#### Permitting doesn’t make it federal. The permit creates private development by effect

Bradley Aulick, 2005 – JD @ Widener University School of Law, Corporate Counsel, Griffin Industries LLC. ALI-ABA COURSE OF STUDY MATERIALS, “Wetlands Law and Regulation,” Cosponsored by the ABA Section of Environment, Energy, and Resources and the Environmental Law Institute, Nexis Uni

See Colorado River Indian Tribes v. Marsh, 605 F. Supp. 1425 (C.D. Cal. 1985); Sierra Club v. Marsh, 769 F.2d 868 (1st Cir. 1985). These cases were cited by the EPA as support for its objections to the Corps' proposed scope of analysis regulations in 1984. In the former case, a developer planning a 156-acre residential and commercial development applied for a Corps permit to stabilize an adjacent river bank, which was necessary for the development to proceed. The court there required the private development to be evaluated in the NEPA document as a likely occurrence resulting from the issuance of a permit. See, generally, 605 F. Supp. at 1428-1434. The latter involved the proposed construction of a causeway from the mainland to an island, and required the NEPA analysis to include among the effects of permit issuance the industrial development on the island that would be stimulated by construction of the causeway. 769 F.2d at 877-78. As noted by the Corps in its response to EPA's objections:

These cases did not hold the Corps permits "federalized" the unregulated private development so as to render the private action Federal actions for NEPA purposes. Rather, among the numerous legal problems found by each court, the cases required the Corps to consider the private development likely to occur as a result of the issuance of the Corps permit. Such analysis is part of an accepted NEPA requirement to consider the environmental effects of Federal action . . . .

Quoted in Colorado River Indian Tribes, 605 F. Supp. at 1428-34; see also Landmark West! v. U.S. Postal Service, 840 F. Supp. 994, 1010 (S.D.N.Y. 1993) (skyscraper not indirect effect of Postal Service participation in project where building would be built regardless of Postal Service decision); Natural Resources Defense Council v. EPA, 822 F.2d 104, 121 n.27 (D.C. Cir. 1987) (impacts of siting of private facility are not "effects" of EPA issuance of NPDES permit).

Cf. Greater Yellowstone Coalition v. Flowers, 359 F.3d 1257, 1272 n.15 (10th Cir. 2004): The appeals court observed that the distinction made in the NEPA/404 scope of analysis between the impacts of permitted discharges and those of independent upland developments (as set forth in Wetlands Action Network and Sylvester) does not properly apply to the alternatives analysis under Section 404. In this case, the court observed that, although portions of the subject residential and golf development located on uplands were arguably independent of the portions for which a Section 404 permit was required, the Corps' 404(b)(1) analysis properly took into account the impact of the development as a whole on bald eagle nesting and foraging habitat, including upland areas, because that habitat is part of the overall "aquatic ecosystem," which must be considered under the 404(b)(1) Guidelines.

## Topicality – Minerals

### 1NC – Topicality “Minerals”

#### A. Interpretation. Exploration and development are the processes of searching for and exploiting minerals, including oil and gas. This is defined by federal law

Roy Andrew Partain, 2015 - Reader of Energy Law, University of Aberdeen School of Law “A Comparative Legal Approach for the Risks of Offshore Methane Hydrates: Existing Laws and Conventions,” 32 Pace Envtl. L. Rev. 791, 907, Nexis Uni //DH

2. Outer Continental Shelf Lands Act (OCSLA)

OCSLA would regulate those methane hydrates within U.S. territorial waters. The OCSLA provides for the recognition of the mineral assets of the U.S. offshore in its territorial and EEZ waters. It also provides the regulatory framework to lease those minerals.

The onset of methane hydrate development is also limited by previous efforts to prevent offshore development of oil and gas within the U.S. A variety of specific statutes banning offshore developments, e.g. the North Carolina Outer Banks Protection Act, and presidential executive moratoria have either directly prevented the leasing of areas offshore both the West and East Coasts or have prevented budget allocations from supporting the administrative costs of that licensing. Today, only the areas offshore Alabama, Louisiana, and Texas are active in development activities. 705

a. Applicability to Offshore Methane Hydrates

OCSLA defines minerals to include both oil and gas, 706 and thus methane hydrates. 707 Likewise, OCSLA includes minerals, [\*907] and thus methane hydrates, within its definitions of "lease," 708 "exploration," 709 "development," 710 "production," 711 and "fair market value." 712 As such, OCSLA provides the legal foundations for leasing and economically managing methane hydrates within the U.S.'s EEZ.

What might not be expected though, is that OCSLA provides to the Secretary of Commerce, not the Department of the Interior or the EPA, the duties to perform EAs on prospective and on-going methane hydrate leases and operations. 713 Nevertheless, NEPA remains in application, as it applies to all federal agencies. 714

**(footnotes)**

709 Id. § 1331(k) ("The term "exploration' means the process of searching for minerals.").

710 Id. § 1331(l) ("The term "development' means those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered.").

#### B. Violation. The affirmative does not mandate minerals exploration or development.

#### C. Prefer our interpretation. It’s vital limits and negative ground. Any other interpretation justifies small, unpredictable affirmatives related to any human activity I the Arctic

#### D. Topicality is a voting issue for fairness and education.

### They Say: “Predictability”

#### There is no Arctic-specific definition of development

Andreas Raspotnik and Andreas Østhagen, 2016 – “The Arctic needs a knowledge database on Northern operators” High North News, 6/23, <https://www.highnorthnews.com/en/arctic-needs-knowledge-database-northern-operators> //DH

**Penikett = Tony Penikett, former Premier of Yukon Territories.**

Define sustainable development?

- Eventually, this knowledge database could create necessary indicators on how to define so-called sustainable Arctic development, said Penikett. Although a remarkable popular term in Arctic discussions, “sustainable development” lacks a clear definition of what both “sustainable” and “development” actually entails in a northern context.

Accordingly, Tony Penikett called out for young and aspiring PhD-students or other academics to initiate his project idea.

- It could start with a pilot project for a single country, linked to the work already done across the universities in the Arctic. Given the relevance of this initial work, it could be expanded across the circumpolar region, Penikett added.

#### It’s inherently unpredictable, we need to draw the line somewhere

James C. Saku, 2010 - Department of Geography, Frostburg State University, Frostburg, Maryland “Development Theory and the Canadian North” Geography Research Forum • Vol. 30 • 2010: 149-167. <https://grf.bgu.ac.il/index.php/GRF/article/view/369/360>

The term development has no precise meaning and accepted definition. Hoggart and Buller (1987, 18) noted that “when commentators speak or write about development, they frequently mean very different things … what development actually is, is a personal evaluation". Similarly, Black (1991) indicated that development is a user-friendly term and therefore has virtually as many potential meanings as potential users.

Development is narrowly perceived by some as economic growth. Todaro (1989) for example, indicated that development means the capacity of a region to generate and sustain an annual increase in its Gross National Product (GNP) at a rate of more than 5 percent. This definition equates development with increase in GNP. Apart from economic growth, development also involves other aspects of human life (Lele 1975). It includes positive changes in the demographic, social, and political characteristics of a society or region. For example, among others, a region or country experiencing development would experience improvements in health, education and housing, changes that may be partly attributed to economic growth but development is a multi-dimensional process of societal change. These changes usually occur over a period of time.

### They Say: Minerals Definition is Colonialist

#### Minerals development can benefit Alaskan Natives

Bill Matlack, 2024 - “Biden Hurts Native Groups With Alaska Mining Limits; And green energy priorities, too. He instead leaves critical resource extraction in foreign powers' hands.” Wall Street Journal, 4/24, Proquest //DH

As a young geologist in 1979, I explored Red Dog, then an undrilled outcropping of zinc and lead mineralization in the western Brooks Range of Alaska. At the Ambler District 150 miles to the southeast, large deposits rich in copper, zinc and cobalt had already been discovered and drilled. Today, Red Dog is the world's largest zinc mine and a powerful economic driver for Alaska and Native groups. Meanwhile, little has changed in the Ambler District, a legacy President Biden appears intent to continue by canceling plans to build an access road (" Biden Piles Sanctions on Alaska ," Review & Outlook, April 20).

Red Dog is scheduled to close in 2031 when its reserves are depleted. This reflects a larger trend, as Alaska's Native groups face a fiscal cliff from declining oil, gas and mineral production revenue. The Ambler District would be an important contributor to their economic prosperity.

Candidate Biden told us he would make critical metals a priority for his green initiative. Not to worry, he said, raw materials would be sourced from mines overseas and used to create high-paying, value-added manufacturing jobs in the U.S. This assumes the foreign countries producing these metals play along, a prospect that seems increasingly unlikely.

China controls the global supply chains of cobalt, rare earths, germanium and gallium. Chile recently announced plans to nationalize its lithium industry. Indonesia has curbed unrefined nickel and copper exports to control their supply chains.

# Affirmative

## Topicality - Its

### 2AC – Topicality ‘Its’ (Russia LNG)

#### 1. We meet – federal permits for energy development count as federal control

Korey Silverman-Roati & Romany M. Webb, 2024 - Sabin Center for Climate Change Law. “Removing Methane via Soil Amendments: The Legal Framework,”(2024). Available at: https://scholarship.law.columbia.edu/sabin\_climate\_change/238

As noted above, under NEPA, federal agencies are only required to prepare an EIS for “major federal actions significantly affecting the quality of the human environment.” For the purposes of NEPA, federal actions include “projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies.”121 Thus, where a federal agency proposes to undertake a soil amendment project, that would qualify as a “federal action” under NEPA. Soil amendment projects proposed by non-federal actors (e.g., private individuals or companies) might also qualify if the projects are funded, approved, or otherwise regulated by a federal agency. In the latter case, however, the project will only be considered a federal action under NEPA if it is “subject to Federal control and responsibility.”122 As discussed in Part 4.1.4 below, many privately developed soil amendment projects will likely require federal permits and thus be subject to federal control.

#### 2. Counter-interpretation: “Its” means “associated with”

Chamberlin, 2019 - Justice, for the Supreme Court of Mississippi, majority opinion. Araujo v. Bryant, 283 So. 3d 73, 79-80, 2019 Miss. LEXIS 313, \*13, 2019 WL 4198778 (Miss. September 5, 2019). Nexis Uni, Accessed via University of Michigan

P21. At the outset of our analysis, we note our disagreement with the dissent's narrow interpretation of the phrase "its schools" in Article 8, Section 206. Miss. Const. art. 8, § 206. While "its" is a possessive-case pronoun that refers to the antecedent "county or separate school district," the dissent's interpretation unnecessarily restricts the meaning of "its" in Article 8, Section 206. First, possessive-case pronouns convey more than mere possession. Bryan A. Garner, The Redbook: A Manual on Legal Style § 10.17, at 186 (3d ed. 2013) ("Use the possessive case of a pronoun to show ownership, attribution, measure, or some similar relationship."). [\*\*13] Second, "its" is defined as "[b]elonging to or associated with a thing previously mentioned or easily identified."3 Its, Lexico.com, https://www.lexico.com/en/definition/its (last visited Aug. 8, 2019) (Lexico.com is a collaboration between Dictionary.com and the Oxford University Press).

P22. Within the context of the broad grant of authority given to the Legislature under Article 8, Section 201, and given the plain definition of the word "its," the phrase "its schools" conveys a broader meaning than simple possession or ownership of the schools by the school district. See Dye v. State ex rel. Hale, 507 So. 2d 332, 342 (Miss. 1987) (citing St. Louis & San Francisco Ry. Co. v. Benton Cty., 132 Miss. 325, 330, 96 So. 689, 690 (1923)) ( "[C]onstitutional provisions should be read so that each is given maximum effect and a meaning in harmony with that of each other.") The phrase "its schools" in Article 8, Section 206, includes the schools [\*80] that belong to the school district and are in association with the school district.

#### 3. They overlimit by excluding all minerals affirmatives. The federal government never drills itself – instead, all actions occur from private companies with federal permits or leases

#### 4. Topic education – Russia is the core controversy in contemporary Arctic policy debates, and minerals extraction is the primary motive driving development

#### 5. Other words prevent a limits explosion. “Exploration and development” mean only mining and drilling affs are topical

Roy Andrew Partain, 2015 - Reader of Energy Law, University of Aberdeen School of Law “A Comparative Legal Approach for the Risks of Offshore Methane Hydrates: Existing Laws and Conventions,” 32 Pace Envtl. L. Rev. 791, 907, Nexis Uni //DH

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#### 6. Prefer reasonability. Competing interpretations encourage a race to the bottom of the most self-serving definitions, which crowds out substance.

### --1AR: We Meet (Russia LNG)

#### Federal approval makes a project federal, even if carried out by private parties

Martin Lockman, 2023 - Columbia Law School, Sabin Center for Climate Change Law, “Permitting CO2 Pipelines” (Sept. 2023). Available at: https://scholarship.law.columbia.edu/sabin\_climate\_change/207 //DH

Permitting decisions by the Army Corps of Engineers under either CWA or the Rivers and Harbors Act are themselves subject to environmental review under the National Environmental Policy Act (NEPA). NEPA mandates preparation of an environmental impact statement (EIS) for any “major Federal actions significantly affecting the quality of the human environment.”184 “Major Federal actions” include “projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies,” even if those projects are primarily conducted by private parties.185 NEPA requires the Army Corps of Engineers to review the environmental impact of its permits under CWA and the Rivers and Harbors Act, but other actions by federal agencies may also trigger NEPA review. While actions by CO2 pipeline regulators that do not issue discretionary permits, like PHMSA, will not implicate NEPA,186 more discretionary functions, like BLM’s issuance of pipeline rights-of-way, often will.187 However, “NEPA is a procedural statute only; it makes no substantive demands on the federal agencies” and “mandates no particular result from the consideration of environmental impacts, but only that those impacts be identified and considered.”188

#### Authorization makes an action subject to federal control

Romany M. Webb, 2020 - is an Associate Research Scholar at Columbia Law School and Senior Fellow at the Sabin Center for Climate Change Law. “CLIMATE CHANGE, FERC, AND NATURAL GAS PIPELINES: THE LEGAL BASIS FOR CONSIDERING GREENHOUSE GAS EMISSIONS UNDER SECTION 7 OF THE NATURAL GAS ACT” N.Y.U. ENVIRONMENTAL LAW JOURNAL Volume 28 , https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/Webb\_Climate%20Change,%20FERC%20&%20Natural%20Gas%20Pipelines.pdf //DH

120 The term “federal action” includes any action that is undertaken, authorized, or funded by a federal agency. See Major Federal Actions, 40 C.F.R. § 1508.18 (2010) (defining the term “[m]ajor federal action” to include “actions with effects that may be major and which are potentially subject to Federal control and responsibility . . . Federal actions tend to fall within one of the following categories: (a) Adoption of official policy, such as rules, regulations, and interpretations . . . (b) Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of Federal resources . . . (c) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan . . . (d) Approval of specific projects, such as construction or management activities.”).

### 2AC – Topicality ‘Its’ (Science Diplomacy)

#### 1. We meet – plan only involves federal scientists

Dr. Larry Hinzman, 2022 - Executive Director, Interagency Arctic Research and Policy Committee, Assistant Director of Polar Sciences, White House Office of Science and Technology. For a hearing on “Amplifying the Arctic: Strengthening Science to Respond to a Rapidly Changing Arctic” Before the Committee on Science, Space, and Technology U.S. House of Representatives, 9/20, https://republicans-science.house.gov/\_cache/files/d/9/d937d36b-a22e-44af-950e-d5e752b86b1c/936E12AD9E19489C7700DD9C075DF86F304C4AA31BA7F18DE012AA4BA328C071.2022-09-20-hinzman-testimony.pdf

International Collaboration in the Arctic

The Arctic research community has long been a beacon and a bastion of international collaborations. International partnerships with European and Asian partners greatly advanced our understanding of the role of the Arctic in the global climate system. Such cooperation promotes more rapid learning and more efficient achievements.

Following Russia's further invasion of Ukraine in February, the U.S. ceased government-to-government and multilateral engagement with Russia that was not in the U.S. national security interest. Research that has been disrupted includes field studies of natural carbon emissions, permafrost degradation, large river discharges, and population dynamics of walrus, polar bears, and waterfowl. Since Russia decided to escalate this brutal war, Federal scientists have ceased these partnerships and shelved plans for new joint efforts. We have had no choice but to forgo the regular collegial communications that enriched our understanding of Arctic science since the thawing of the Cold War.

Russia’s unlawful invasion of Ukraine has caused tremendous suffering and a cascade of misery throughout Europe; the disruption of Arctic science is but one negative outcome that is far outweighed by the loss of life and threats to democracy. However, we must not ignore the impact to science, and we remain hopeful that Russia will fully withdraw from Ukraine and end this war. It was through scientific partnerships and collaborations that the U.S. and Russia developed a more open working relationship at various points in history. We remain hopeful that the scientific friendships we developed in the past can one day pave the way for mutual respect and cooperation in science and policy. It is for this reason that I worry about proposals to erect barriers to future scientific collaboration, such as a policy contained in Section 535 of H.R. 8256, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023, which would prohibit OSTP, NASA, and the National Space Council from collaborating with Russia.

The magnitude of the challenges associated with climate change in the Arctic are simply too great for any nation to resolve in isolation. We must continue to collaborate with our international partners, particularly in field studies and observations, but also by sharing results, accomplishments, and understanding.

#### 2. Counter-interpretation: “Its” means “associated with”

Chamberlin, 2019 - Justice, for the Supreme Court of Mississippi, majority opinion. Araujo v. Bryant, 283 So. 3d 73, 79-80, 2019 Miss. LEXIS 313, \*13, 2019 WL 4198778 (Miss. September 5, 2019). Nexis Uni, Accessed via University of Michigan

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#### 3. They overlimit by excluding all exploration affirmatives. The only federal component to exploration is the participation of scientists.

#### 4. Topic education – Russia is the core controversy in contemporary Arctic policy debates, science diplomacy is vital to Arctic education

#### 5. Prefer reasonability. Competing interpretations encourage a race to the bottom of the most self-serving definitions, which crowds out substance.

### --1AR: We Meet (Science Diplomacy)

#### It’s US-owned – USARC controls the US side of research cooperation

USARC, 2023– US Arctic Research Commission, “report on the Goals and Objectives for Arctic Research 2023-2024 for the us arctic research program plan” https://www.arctic.gov/uploads/assets/arctic-research-2023-2024.pdf

THE US ARCTIC RESEARCH COMMISSION

The US Arctic Research Commission (USARC) is an independent federal agency created by the Arctic Research and Policy Act of 1984 and assigned specific duties therein. The Commission is a presiden- tially appointed advisory body supported by staff in offices in Arlington, Virginia, and in Anchorage, Alaska. In addition to establishing the goals in this report, the Commission develops and recommends an integrated national Arctic research policy and builds cooperative links in Arctic research within the federal government, with the State of Alaska, with Tribes and ANOs, and with international partners. The law also requires the Commission to review the Arctic research budget "crosscut\* in the President's annual budget request and report to Congress on how the crosscut adheres to the five- year Arctic Research Plan produced by the Interagency Arctic Research Policy Committee (IARPC).

USARC plays a significant role in planning and implementing international Arctic Science Ministerial meetings and other international Arctic science initiatives and has been involved in the Arctic Council since its inception. USARC serves as the "competent national authority" in implementing the legally binding "Agreement on Enhancing International Arctic Scientific Cooperation" (see https:/ Avww.arctic.gov/agreement-on-enhancing-international-arctic-scientific-cooperation/).

#### The plan only governs federally funded and controlled research

Mitch Ambrose, 2022 – Mitch manages AIP’s science policy newsletters and resources. He previously was a fellow at the Science and Technology Policy Institute and worked for the Senate Commerce, Science, and Transportation Committee. “US Restricts Science Collaborations with Russia” American Institute of Physics, 6/17,

https://www.aip.org/fyi/2022/us-restricts-science-collaborations-russia

The White House Office of Science and Technology Policy announced on June 11 that the U.S. will “wind down” research collaborations with Russia in response to its invasion of Ukraine. The policy applies to federally funded projects involving research institutions and individuals affiliated with the Russian government, and it permits non-government organizations in the U.S. to make their own decisions on whether to continue collaborations.

The announcement arrived just before OSTP Acting Director Alondra Nelson participated in a summit of science ministers from the G7 countries, comprising the U.S., U.K., France, Germany, Italy, Japan, and Canada. In a joint statement, the ministers declared their commitment to restricting government-funded research projects involving participation by the Russian government, though they left the door open for engagement with individual scientists.

“In the spirit of science diplomacy, we will continue the dialogue between civil societies, including exchanges with Russian scientists and students to the furthest extent possible, especially through the promotion of individual academic and student mobility,” they wrote.

US follows Europe in cutting official science ties

While the U.S. was quick to implement sweeping economic sanctions and technology export controls on Russia, the White House had until now been silent on whether it would pause or sever scientific ties between the countries. By contrast, many European countries moved quickly to impose official restrictions on science collaborations.

OSTP and the State Department declined requests for interviews about the new U.S. policy but provided written responses to some questions.

Explaining why the U.S. chose to take an explicit stance on restricting science collaborations, a State Department spokesperson stated, “Considering Russia’s war crimes and other atrocities committed by Russia’s forces in Ukraine, we recognize the importance that we make clear what our research policy is to those who are ultimately responsible for implementing it.”

The policy applies to both federal agencies and organizations they sponsor, such as national labs, and instructs such organizations to contact their agency sponsor for further guidance.

In general, the policy prohibits new projects in “affected subject areas,” but ones begun before the start of the invasion on Feb. 24 will be allowed to continue to completion. Federal agencies will also “curtail interaction” with leaders of institutions affiliated with the Russian government as well as with “those who have publicly expressed support for the invasion of Ukraine.”

While the policy states the U.S. will limit engagement with Russia in “various international projects and initiatives related to science and technology,” it indicates partnerships will continue in areas where required by “international law.”

An OSTP spokesperson identified the ITER fusion facility under construction in France as an example of a multilateral project where the U.S. is compelled to continue engagement with Russia, which is a founding member of ITER.

“There is no provision for expulsion of a member state from the ITER project,” the spokesperson stated. “The U.S. is in close cooperation with its European, Indian, Japanese, and Korean partners concerning Russia’s future participation. Fusion energy science, including our continued membership in ITER, continues to be a priority for the Biden-Harris administration.”

The spokesperson also offered one example of the U.S. curtailing interaction with Russia, pointing to its decision in March to freeze participation in the Arctic Council, a forum currently chaired by Russia that coordinates multilateral activities in the region, including research. The spokesperson noted that on June 8 the U.S. and other Arctic Council nations announced they would resume some projects so long as they do not involve participation by the Russian government.

Vice tightening on collaborations with Russian scientists

Beyond ITER, the U.S. also has significant partnerships with Russia through the CERN particle physics lab in Europe. Russia and the U.S. are not CERN member states but both are among the largest contributors to the facility, with more than 1,000 scientists affiliated with Russian institutions currently involved in the lab’s experimental program.

CERN began to suspend interactions with the Russian government in March, while permitting scientists affiliated with Russian institutions to continue working there. However, today CERN announced its intent to not renew its cooperation agreement with Russia, which expires in December 2024, meaning scientists affiliated with Russian institutions will be unable to work at CERN after that date. CERN also plans to not renew its cooperation agreement with Belarus, which served as a staging ground for Russia’s invasion.

Confirming the decision’s impact on scientists, a CERN spokesperson stated, “They can continue their scientific work on current activities until the expiry. If at that time their institutions are outside Russia and Belarus, they may continue to work at CERN. The Council’s decision applies to the countries and their institutions, not to individuals.”

One outstanding question is whether Russian scientists will be permitted to participate in projects involving the Department of Energy’s user facilities, such as its X-ray and neutron sources, which are open to scientists from around the world. Based on statistics compiled by DOE, 220 Russian scientists used the facilities in the fiscal year preceding the pandemic. Two Russian nuclear science institutions are also partners on the internationally administered Deep Underground Neutrino Experiment, which will be built in South Dakota.

OSTP deferred to individual science agencies for examples of projects that will be affected by the new policy. A spokesperson for the DOE Office of Science declined to comment, while a spokesperson for the National Science Foundation indicated the agency is “unlikely to make new [grant] awards with Russian collaboration.”

The spokesperson noted NSF generally does not directly fund Russian institutions but has a “handful” of grants to U.S. institutions with subawards to Russian entities, often for field technicians. “We encourage all researchers to consider whether this is the best time for activity involving Russian collaboration or fieldwork, given the current situation and risks associated with it. Researchers are encouraged to consider whether their research objectives can be accomplished through other means,” the spokesperson stated.

In NSF’s grant database, a few dozen active projects reference Russia, primarily in relation to Arctic research. The database lists three grants where the primary recipient was a Russian institution, all involving cases where NSF paid for a Russian icebreaker to resupply McMurdo Station in Antarctica a handful of times prior to 2014.

In general, U.S. government collaboration with Russia chilled significantly following its seizure of Crimea from Ukraine in 2014, with a key exception being the continued joint operation of the International Space Station, which is a legally binding partnership. Although Russian space agency head Dmitry Rogozin has made some inflammatory statements about the ISS partnership, it has to date weathered strain from the war.

### 2AC – Topicality “Its” (Native Renewables)

#### 1. We meet. Federal funding makes it a federal project

Walsh 13 – Law Clerk for the Superior Court of Connecticut, 2012-2013 term; LLM in Taxation Candidate, New York University School of Law, 2013-2014; J.D., Suffolk University Law School (Kevin, “Renewable Energy Financial Incentives: Focusing on Federal Tax Credits and the Section 1603 Cash Grant: Barriers to Development,” University of California, Davis, 36.2)//BB

Something that is federal “encompasses not only actions by the federal government, but also actions by nonfederal actors ‘with effects that may be major and which are potentially subject to Federal control and responsibility.’”109 Further, “the distinguishing feature of ‘federal’ involvement is the ability to influence or control the outcome in material respects.”110

Renewable energy developments that take federal tax credits/grants appear to qualify as “federal” projects. Without the federal tax credit/grant, renewable energy projects would not be financially attractive for investors. This would lead to a lack of sufficient funding for renewable energy construction. Therefore, the federal government affects the outcome of renewable energy development through the availability of tax credits/grants. Hence, when the federal government provides a tax credit/grant for a renewable energy project, the project qualifies as a “federal” project.

#### 2. Counter-interpretation: “Its” means “associated with”

Chamberlin, 2019 - Justice, for the Supreme Court of Mississippi, majority opinion. Araujo v. Bryant, 283 So. 3d 73, 79-80, 2019 Miss. LEXIS 313, \*13, 2019 WL 4198778 (Miss. September 5, 2019). Nexis Uni, Accessed via University of Michigan

P21. At the outset of our analysis, we note our disagreement with the dissent's narrow interpretation of the phrase "its schools" in Article 8, Section 206. Miss. Const. art. 8, § 206. While "its" is a possessive-case pronoun that refers to the antecedent "county or separate school district," the dissent's interpretation unnecessarily restricts the meaning of "its" in Article 8, Section 206. First, possessive-case pronouns convey more than mere possession. Bryan A. Garner, The Redbook: A Manual on Legal Style § 10.17, at 186 (3d ed. 2013) ("Use the possessive case of a pronoun to show ownership, attribution, measure, or some similar relationship."). [\*\*13] Second, "its" is defined as "[b]elonging to or associated with a thing previously mentioned or easily identified."3 Its, Lexico.com, https://www.lexico.com/en/definition/its (last visited Aug. 8, 2019) (Lexico.com is a collaboration between Dictionary.com and the Oxford University Press).

P22. Within the context of the broad grant of authority given to the Legislature under Article 8, Section 201, and given the plain definition of the word "its," the phrase "its schools" conveys a broader meaning than simple possession or ownership of the schools by the school district. See Dye v. State ex rel. Hale, 507 So. 2d 332, 342 (Miss. 1987) (citing St. Louis & San Francisco Ry. Co. v. Benton Cty., 132 Miss. 325, 330, 96 So. 689, 690 (1923)) ( "[C]onstitutional provisions should be read so that each is given maximum effect and a meaning in harmony with that of each other.") The phrase "its schools" in Article 8, Section 206, includes the schools [\*80] that belong to the school district and are in association with the school district.

#### 3. They overlimit by excluding all affs about federal funding. The federal government doesn’t ever do exploration or development itself, instead it funds projects. There’s no affirmative ground under their interpretation

#### 4. Topic education – Alaskan Natives inhabit the US Arctic and are vital to Arctic education

#### 5. Prefer reasonability. Competing interpretations encourage a race to the bottom of the most self-serving definitions, which crowds out substance.

## Topicality - Minerals

### 2AC – Topicality Minerals (Domain Awareness)

#### 1. Counterinterpretation – development includes military infrastructure

Alaska Statutes, 2022 Title 44, “Definitions,” State Government § 44.88.900, Current as of 1/1/2022 <https://codes.findlaw.com/ak/title-44-state-government/ak-st-sect-44-88-900/> //DH

In this chapter,

(1) “Arctic” means the area of the state north of the Arctic Circle, north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers, all contiguous seas, including the Arctic Ocean, and the Beaufort, Bering, and Chukchi Seas, and the Aleutian Chain;

(2) “Arctic infrastructure development” means

(A) the construction, improvement, rehabilitation, or expansion of a facility

(i) in the Arctic to aid in development or meet emergency response needs; or

(ii) in the state if the construction, improvement, rehabilitation, or expansion supports or furthers the development of a facility in the Arctic; or

(B) the purchase, construction, improvement, rehabilitation, or expansion of a shore-based plant, facility, equipment, or assets used in support of a fishery in the Arctic.

(3) “authority” means the Alaska Industrial Development and Export Authority created by this chapter;

(4) “business enterprise” means a single proprietorship, cooperative, corporation, firm, partnership, or other association of persons organized in any manner, for any credit worthy business purpose;

(5) “development fund” means the Alaska Industrial Development and Export Authority sustainable energy transmission and supply development fund created in AS 44.88.660;

(6) “development project” has the meaning given to “project” in (13)(A) and (D)--(H) of this section;

(7) “development project financing” means money loaned by the authority or a guarantee of a loan, note, debt, or other financial obligation issued by the authority to fund or assist in funding a development project the authority does not intend to own and operate;

(8) “federal agency” means the United States and any officer, department, agency or instrumentality of the United States;

(9) “governing body of a political subdivision” means, when used with respect to the location of a project, the council of a city if the project is to be located in a city in the unorganized borough, or the assembly if the project is to be located in an organized borough or a unified municipality;

(10) “lease” includes, when used as a noun, an interest in, or when used as a verb, the transfer of an interest in, property less than fee simple title, including, without limitation, when used as a noun, agreements to use or occupy property;

(11) “loan participation” means the purchase of a portion of a loan from a financial institution if

(A) the financial institution has obtained a commitment from the authority to purchase the portion of that loan before the financial institution has disbursed money as part of the loan to the borrower; or

(B) the authority determines that purchasing a portion of a preexisting loan will resolve lending limits or reserve restrictions imposed on the financial institution by law or a state or federal regulatory agency, or by the financial institution if the internal lending limit or reserve restriction is acceptable to the authority;

(12) “plant” or “facility” means real property, whether above or below mean high water, or an interest in it, and the buildings, improvements, and structures constructed or to be constructed on or in it, and may include roads, fixtures, machinery, and equipment on it or in it, and tangible personal property, regardless of whether the tangible personal property is attached to or connected with real property, if the owner has agreed not to remove the tangible personal property permanently from the state for the period the authority sets; “plant” or “facility” does not include work in process or stock in trade;

(13) “project” means

(A) a plant or facility used or intended for use in connection with making, processing, preparing, transporting, or producing in any manner, goods, products, or substances of any kind or nature or in connection with developing or utilizing a natural resource, or extracting, smelting, transporting, converting, assembling, or producing in any manner, minerals, raw materials, chemicals, compounds, alloys, fibers, commodities and materials, products, or substances of any kind or nature;

(B) a plant or facility used or intended for use in connection with a business enterprise;

(C) commercial activity by a business enterprise;

(D) a plant or facility demonstrating technological advances of new methods and procedures and prototype commercial applications for the exploration, development, production, transportation, conversion, and use of energy resources;

(E) infrastructure for a new tourism destination facility or for the expansion of a tourism destination facility; in this subparagraph, “tourism destination facility” does not include a hotel or other overnight lodging facility;

(F) a plant or facility, other than a plant or facility described in (D) of this paragraph, for the generation, transmission, development, transportation, conversion, or use of energy resources;

(G) a plant or facility that enhances, provides for, or promotes economic development with respect to transportation, communications, community public purposes, technical innovations, prototype commercial applications of intellectual property, or research;

(H) a plant or facility used or intended for use as a federal facility, including a United States military, national guard, or coast guard facility;

(I) infrastructure for an area that is designated as a military facility zone under AS 26.30;

#### 2. They overlimit by requiring every aff to be about mineral extraction, the literature base is terrible, it’s not financially viable to drill the Arctic, it’s an environmental catastrophe and it would create a year of terrible debates

#### 3. Predictability – our definition’s in the context of the Arctic – theirs is in the context of offshore mineral exploration and development.

#### 4. Other words prevent a limits explosion. “Its” means federally owned. That makes military affs the core of the topic and excludes private drilling affs

King, 2019 - Presiding Justice, for the Supreme Court of Mississippi, dissenting. Araujo v. Bryant, 283 So. 3d 73, 79-80, 2019 Miss. LEXIS 313, \*13, 2019 WL 4198778 (Miss. September 5, 2019). Nexis Uni, Accessed via University of Michigan //DH

P52. "Any county or separate school district may levy an additional tax, as prescribed by general law, to maintain its schools."6 Miss. Const. art. 8, § 206 (emphasis added). "Its" is a possessive pronoun that modifies and qualifies the noun "schools." William Strunk, Jr. & [\*\*33] E.B. White, The Elements of Style, at 12 (4th ed. 2014); The Chicago Manual of Style 5.49 (17th ed. 2017). "The possessive case of pronouns is used to show ownership." Strunk & White, supra, at 12. Possessive pronouns are "used as limiting adjectives to qualify nouns." The Chicago Manual of Style, supra, 5.49 (emphases added). "Possessive" is defined as "[t]he case of nouns that indicates ownership or possession[.]" Strunk & White, supra, at 93. "Possess" means "[t]o have in one's actual control; to have possession of." Possess, Black's Law Dictionary (11th ed. 2019). It is also defined as "to have as property; own." Possess, American Heritage College Dictionary (3rd ed. 1997). Thus, basic grammatical rules lead to the necessary conclusion that "its schools" in Article 8, Section 206, refers to schools that the county or school district possesses, controls, and/or owns.

#### 5. Prefer reasonability. Competing interpretations encourage a race to the bottom of the most self-serving definitions, which crowds out substance.

### 2AC – Topicality Minerals (Science Diplomacy)

#### 1. Counterinterpretation – exploration is both federal research and looking for minerals

Eda Ayaydin, 2022 - teaching fellow at the University of London Institute in Paris. She teaches at the International Politics department. Chapter 15 (Research): Evolution of Arctic Exploration from National Interest to Multinational Investment P. A. Berkman et al. (eds.), Building Common Interests in the Arctic Ocean with Global Inclusion, Volume 2, Informed Decisionmaking for Sustainability, https://doi.org/10.1007/978-3-030-89312-5\_15 Accessed via Springer Nature Link at University of Michigan

Exploration might be an act of discovering an unexplored place or discovering an unfamiliar subject; in both cases, an “unknown” is required. John Franklin sought to sail through an unknown passage; Robert Peary and Frederick Cook tried to reach the mythic North Pole. Explorers made the imaginary Thule real.

Depending on the era of exploration, the principal actors in the Arctic have changed over the centuries. Until the start of the twenty-first century, traditional “explorers” acted in the Arctic. Compared to the explorations in the previous centuries, contemporary efforts to explore the Arctic originate from oil and gas companies and scientists, who employ different methods and techniques and have different motives for exploration. Consequently, as the “unknown” elements of the Arctic have evolved and changed, so has the “subject” of exploration transformed as well.

Previous explorations leading up to the twenty-first century certainly increased the geopolitical importance of the Arctic, as nations developed new fishing grounds and new shipping routes. Subsequent colonization of parts of the Arctic (Russian rule in Alaska, the Hudson Bay Company in Canada, and the Bergen Greenland Company of Norway and Denmark) paved the way for additional economic activities, such as fur trading (Norman, 2018: 2).

Early economic and scientific explorations were financed by states primarily to promote their interests in expanding their reach in the areas of the Arctic considered terra nullius. Since then, the increasing pressure of globalization on the nation-state system in the twenty-first century promoted new actors in Arctic exploration, such as IGOs (intergovernmental organizations), NGOs (non-governmental organizations), private companies and multinational investors. Indeed, the term “explorer” today is largely used as a metaphor, since the type of exploration has evolved from discovering unknown territory to developing new economic activities, such as the exploration of oil and gas deposits by companies. In such cases, the new explorers are companies.

Climate change has become one of the most important motives for scientific exploration, as we seek to understand the causes and impacts of the warming Arctic. These explorations are not only financed by states but also by NGOs, private companies or international organizations. Scientists, Indigenous peoples and other Arctic residents also take part in these projects.

#### 2. They overlimit by requiring every aff to be about mineral extraction, the literature base is terrible, it’s not financially viable to drill the Arctic, it’s an environmental catastrophe and it would create a year of terrible debates

#### 3. Predictability – our definition’s in the context of the Arctic – theirs is in the context of a non-Arctic federal law that is limited to that law

#### 4. Other words prevent a limits explosion. “Its” means federally owned. That makes military affs and federal scientists the core of the topic and excludes private drilling

King, 2019 - Presiding Justice, for the Supreme Court of Mississippi, dissenting. Araujo v. Bryant, 283 So. 3d 73, 79-80, 2019 Miss. LEXIS 313, \*13, 2019 WL 4198778 (Miss. September 5, 2019). Nexis Uni, Accessed via University of Michigan //DH

P52. "Any county or separate school district may levy an additional tax, as prescribed by general law, to maintain its schools."6 Miss. Const. art. 8, § 206 (emphasis added). "Its" is a possessive pronoun that modifies and qualifies the noun "schools." William Strunk, Jr. & [\*\*33] E.B. White, The Elements of Style, at 12 (4th ed. 2014); The Chicago Manual of Style 5.49 (17th ed. 2017). "The possessive case of pronouns is used to show ownership." Strunk & White, supra, at 12. Possessive pronouns are "used as limiting adjectives to qualify nouns." The Chicago Manual of Style, supra, 5.49 (emphases added). "Possessive" is defined as "[t]he case of nouns that indicates ownership or possession[.]" Strunk & White, supra, at 93. "Possess" means "[t]o have in one's actual control; to have possession of." Possess, Black's Law Dictionary (11th ed. 2019). It is also defined as "to have as property; own." Possess, American Heritage College Dictionary (3rd ed. 1997). Thus, basic grammatical rules lead to the necessary conclusion that "its schools" in Article 8, Section 206, refers to schools that the county or school district possesses, controls, and/or owns.

#### 5. Prefer reasonability. Competing interpretations encourage a race to the bottom of the most self-serving definitions, which crowds out substance.

### --1AR: We Meet (Science Diplomacy)

#### US funding of Arctic science is exploration

Eda Ayaydin, 2022 - teaching fellow at the University of London Institute in Paris. She teaches at the International Politics department. Chapter 15 (Research): Evolution of Arctic Exploration from National Interest to Multinational Investment P. A. Berkman et al. (eds.), Building Common Interests in the Arctic Ocean with Global Inclusion, Volume 2, Informed Decisionmaking for Sustainability, https://doi.org/10.1007/978-3-030-89312-5\_15 Accessed via Springer Nature Link at University of Michigan

Conducting science-based explorations in order to understand the how and whys of climate change is necessary to mitigate its effects. However, if the United States, as a superpower, remains unsupportive of these kinds of scientific endeavors, it would have significant economic and symbolic impacts. First, the conduct of long-term or short-term scientific exploration in the Arctic is very expensive because of the remoteness of the region. Therefore, U.S. financial aid is crucial. Second, the contribution and presence of one of the great powers of the Arctic symbolically enhances the significance of scientific efforts. The Third International Polar Year was organized in 1957 in the middle of the Cold War and suffered from political tensions. The bipolar world of those days undermined both eastern and western scientific effort. Ironically, in today’s multipolar era, science suffers again because of power politics.

#### Our definition best reflects contemporary exploration of the Arctic

Thor B. Arlov, 2023 – Assistant Professor of History, University Centre Svalbard. Instructor-provided lecture summary of lecture 5 for the course “The History of Svalbard”

https://www.unis.no/wp-content/uploads/2023/02/summary05.pdf

The concepts “research” and “exploration” are often used indiscriminately about scientific or science related activities in the past. Though we might like to think of research as systematic, scientific studies and exploration rather as the process of discovering new territories, it is important to interpret the two concepts in their contemporary context. What we may regard today as a pure discovery expedition might have been viewed in the past as advanced science.

Polar research as a specific term probably originated in Germany in the 19th century – “Polarforschung” became a scientific discipline. Today, however, we realize that polar research is not defined as a particular discipline but is a geographical definition: research that is dedicated to polar areas of the world. Typically, it is field based, multidisciplinary, international, and very expensive. It is also typical that polar research is motivated by more than scientific curiosity – individual and national prestige, economic and political interests are also important. Nonetheless, international cooperation is prevalent in polar research.

Karl Weyprecht and Georg von Neumayer’s initiative in the 1870s to organize the first International Polar Year (1882–83) was a turning point in making polar research more focussed on science, less on heroic exploration and discovery. On Svalbard the Swedes manned the IPY station at Kapp Thordsen, with great success.

The (scientific) exploration of Svalbard may be divided into different phases, for example:

• 1596–1720: First discovery, geographical exploration, mapping

• 1720–1850: Development of natural science, North Pole expeditions

• 1850–1900: First “golden age” of Svalbard science; Swedish hegemony

• 1900–1945: Geology and land claims; Norwegian hegemony; economic crisis

• 1945–today: International research platform, “big science”, environmental research

### --1AR: Predictability

#### Their definition is limited to just the law its found in – it doesn’t authoritatively define the term outside of that law

Victoria Killion, 2022 – analyst at the Congressional Research Service “Understanding Federal Legislation: A Sectionby-Section Guide to Key Legal Considerations” 5/19,

<https://www.congress.gov/crs-product/R46484> //DH

Definitions

Among the most important features of a bill are the terms that it defines or does not define.197 Congressional drafters generally organize defined terms in a section or subsection of the bill called "Definitions," as in Figure 16, rather than stating the meaning of those terms when they first appear, or each time that they appear, in the proposed law.198 For bills that contain freestanding provisions as opposed to amendments to existing law, definitions sections typically appear in the first few sections of the bill (e.g., following short titles or general statements of purpose or intent) or toward the end of the bill (e.g., before any effective date).199 Language preceding the definitions typically shows where those definitions apply: for example, stating if those definitions are limited to the section where they appear or if they apply wherever the defined terms appear in the act. Importantly, if a term used in an amendatory bill is not defined in that bill, it may still be defined in the statute that the bill is amending.200

#### US Code definitions are specialized for that statute, they ignore the common, predictable definition

Writing Center, 2017 – at Georgetown University Law Center. The original handout was written in 2006 by Katharine Clark and Matthew Connolly consulting WILLIAM N. ESKRIDGE, JR., PHILIP P. FRICKEY, & ELIZABETH GARRETT, CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY (3d. ed. 2001). The handout was revised in 2017 by Suraj Kumar and Taylor Beech. “A GUIDE TO READING, INTERPRETING AND APPLYING STATUTES <https://www.law.georgetown.edu/wp-content/uploads/2018/12/A-Guide-to-Reading-Interpreting-and-Applying-Statutes-1.pdf> //DH

Many statutes contain a “definitions” section that sets forth and defines the key terms used in the statute. You might find these definitions either in the section of the statute you are analyzing or in one of the first sections of the entire act. Sometimes these specific terms are codified as definitions for a chapter or title of the relevant statute, meaning that they are intended to apply to the entire chapter or title (unless otherwise specified). These definitions are important because they suggest that legislatures intended for a term to have a specific meaning that might differ in important ways from its common usage.

### 2AC – Topicality Minerals (Native Renewables)

#### 1. Counterinterpretation - Development of the Arctic is human development based on well-being – extraction is outdated

Victoria Herrmann, 2016 - Scott Polar Research Institute, University of Cambridge. Investing in community: conceptualizing inclusive school design for America’s Arctic, Polar Geography, 39:4, 239-257, DOI: 10.1080/1088937X.2016.1239280 //DH

Over the past five decades, the ideas behind development policy and financing have moved beyond the singular dimension of economic growth. The Millennium Development Goals, set in September 2000 by the United Nations, hold testament to that transformation. They include public health, equality, education, environmental sustainability, and extreme poverty and hunger in their targets for world development (United Nations, 2007). Through initiatives like the Millennium Development Goals, the United Nations, along with a number of other local and international actors, have reformulated the narrow focus of development based on economic growth and strong markets toward a new definition based on the well-being of communities and the individuals that form them.

Human development is defined as being

about people, about expanding their choices to lead lives they value. Economic growth, increased international trade and investment, technological advance– all are very important. But they are means, not ends. Whether they contribute to human development in the 21st Century will depend on whether they expand people’s choices, whether they help create an environment for people to develop their full potential and lead productive, creative lives. (Kaul, 2002)

In spite of a rich scholarship on human development research in the Arctic as noted below, investment proposals concerning the North today still largely revolve around growth, profits, and the production of natural resources from a strong path dependence on hydrocarbon extraction. And yet, volatile global commodity prices and maturing oil fields compel Alaska to think beyond oil revenue to buttress human capital, based on a strong education foundation. Climate change also necessitates a shift to a human-centric definition of development as it begins to affect health, education, safety, decent employment, and cultural traditions.

#### 2. They overlimit by requiring every aff to be about mineral extraction, the literature base is terrible, it’s not financially viable to drill the Arctic, it’s an environmental catastrophe and it would create a year of terrible debates

#### 3. Predictability – our definition’s in the context of the Arctic – theirs is in the context of a non-Arctic federal law that is limited to that law

#### 4. Narrow, extractivist definitions of ‘development’ are reproduce colonialism

Pedro Allemand Mancebo Silva, 2022 – Brazilian researcher and PhD student at the Institute of International Relations of the Pontifical Catholic University of Rio de Janeiro “The Old Colonialisms and the New Ones: The Arctic Resource Boom as a New Wave of Settler-Colonialism” Arctic Institute, 10/25, <https://www.thearcticinstitute.org/old-colonialisms-new-ones-arctic-resource-boom-new-wave-settler-colonialism/> //DH

Recently, the Arctic began to be treated as a “geopolitical hotspot” and as a “resource frontier.” The region’s international (i.e., interstate) dynamics has been drawing the attention of scholars and policymakers seeking to make sense (and take advantage) of emerging geopolitical and economic phenomena in the region. One of the main drivers of such efforts is the so-called Arctic resource boom – an enhanced knowledge on the resource endowment of Arctic seas and lands, especially in terms of the presence of hydrocarbon and mineral reserves. Since the publication of the Circum-Arctic Resource Appraisal in 2008, such knowledge of the region has only increased, and triggered a plethora of economic development projects for the region – most geared towards making the commercial exploitation of such resources viable. Such plans, typical of neo-extractivist modes of development and capital accumulation,1) demand new instruments and technologies of control over land, territory and resources – not only in enabling the resource exploitation, but also in displacing Arctic Indigenous populations that inhabit spaces where resource-based economic activity is meant to take place. This process has been coupled with a range of practices aimed at controlling space and mobilities in indigenous lands – what DuPlessis calls “striation activities”. 2)

Theorizations and debates on the Arctic resource boom or on the geopolitical tensions rising in the region are generally oblivious to indigenous political projects, institutions and articulations in the region. This erasure takes the colonial violence underlying the relation between Arctic States and Arctic indigenous peoples out of sight, obscuring the violent history of expropriation underpinning contemporary Arctic geopolitics and economic development. Another effect of such perspectives is the presentation of the Arctic as an “empty” space, devoid of people, social dynamics and politics other than those developed and brought by Westphalian States.3) This position seeks to justify State interventions in the region for “properly” seizing emerging economic and strategic opportunities – with little to no regard for indigenous cultures and subsistence in the Arctic, nor to the already sensible effects of climate change in the region.

The present article seeks to frame the “Arctic resource boom” as a new wave of Arctic settler colonialism. We argue that, although projects for resource exploitation of the Arctic are achieving unprecedented scale, they represent a continuity of the colonial project, benefitting from the way previous waves of colonization have shaped and reshaped Arctic spaces and the relations between Indigenous peoples and their traditional territories. Our discussion is focused on the impacts of colonialism over the Beringian portion of Inuit Nunaat – the Inuit homeland – and the impacts of colonialism over the relation between State, indigenous peoples and Arctic spaces. Then we move on to a discussion of the Arctic resource boom and the strategic and development projects emerging in the Arctic policies of littoral states and their treatment of indigenous issues amid economic and strategic pressures to carve out new extractive enclaves in Arctic territories.

We depart from a historical account of Arctic colonialism, seeking to understand how the colonial encounter between Inuit and Euro-American populations and the importance of resource extraction shaped contemporary Arctic spaces – from baleen and whale oil to the gold rush and discovery of hydrocarbons. One important element here is to understand how this first moment of colonialism set up the conditions for modern-day resource development projects. The discussion, then, turns to contemporary economic development projects in the Arctic, understanding them as neo-extractivist enterprises – i.e., enterprises that rely heavily on resource development and control over space in a late capitalist globalized economy. As such, these projects represent a geographical expansion of extractive frontiers in a global scale, seeking new resource reserves and to reshape space to make them commercially viable. This represents a new wave of colonialism – i.e., of attempts by state and capital to enhance control over traditional indigenous territories – and a new wave of threats and attempts at dispossessing Arctic Indigenous Peoples from their rights to their traditional lands and livelihoods.

Old colonialisms: the colonial encounter in Inuit Nunaat

‘Government, as such, was introduced when the whaling fleet came to the Beaufort Sea, when the trappers came to the Canadian Arctic, and when the Danes came to Greenland. Behind them came the Christian missionaries, and behind them came those who “governed” us.’4)

In the field of International Studies, analyses of Arctic geopolitics and economic development tend to overlook the process of transformation of the Arctic in a series of discrete territorial jurisdictions – and the colonial violence underpinning such process is generally absent from historical narratives and theoretical reflections. Since mainstream theorizations organize their gaze from the point of view of the State, subnational and non-national, non-state political organizations are rendered invisible. Therefore, the colonization of Inuit Nunaat – and, in fact, the colonization of the traditional homelands of many indigenous peoples are excluded from theoretical efforts and reflections developed within international relations in general. The recent spike in interest in Arctic issues has reproduced such erasures, thinking through narrow definitions of geopolitics and economic development, seeing such issues so long as they represent problems and/or opportunities for Arctic States. This framework has rendered Arctic international relations into discussions and theorizing of Arctic interstate relations, excluding indigenous political organizations from such debates. An account of the colonial encounter in Arctic spaces, more than a mere historical recapitulation of how States occupied and annexed Inuit Nunaat into their sovereign jurisdictions, is also a necessary step in comprehending and theorizing contemporary Arctic environmental, geopolitical and economic issues.

#### 5. Prefer reasonability. Competing interpretations encourage a race to the bottom of the most self-serving definitions, which crowds out substance.

### --1AR Counterinterpretation (Native Renewables)

#### Human development is more qualified and predictable because it’s used by Arctic Council Working Groups

Oran R. Young and Níels Einarsson, 2004 - University of California at Santa Barbara,U.S.A. and Stefansson Arctic Institute, Iceland. Arctic Human Development Report, Published by Stefansson Arctic Institute, under the auspices of the Icelandic Chairmanship of the Arctic Council 2002-2004, <https://oaarchive.arctic-council.org/items/f6c63158-401c-4a14-a8d2-5bc9f10710bf> //DH

**AHDR = Arctic Human Development Report**

A scientific assessment

The AHDR constitutes an assessment rather than a report intended to present original research. In this, it resembles the reports of the Arctic Monitoring and Assessment Programme and the Arctic Climate Impact Assessment. The essential goal is to identify and synthesize existing knowledge in the interests of presenting an integrated picture of human development in the Arctic, including similarities and differences between the Arctic and other parts of the countries whose northern areas make up the Arctic. The practice of scientific assessment has become relatively familiar in the natural sciences during the past 20 years (13). But there is no parallel tradition of conducting scientific assessments in the social sciences. Accordingly, we envision the AHDR as a contribution to the rise of scientific assessment in the social sciences in general, as well as a contribution to the work for the Arctic Council’s Sustainable Development Working Group.

#### It's a definition of development meant to inform Arctic policymaking

Joan Nymand Larsen and Gail Fondahl, 2014 - Project Leader (Iceland), Stefansson Arctic Institute AND Co-lead (Canada), University of Northern British Columbia. Arctic Human Development Report:Regional Processes and Global Linkages [https://norden.diva-portal.org/smash/get/diva2:788965/FULLTEXT03.pdf](https://norden.diva-portal.org/smash/get/diva2%3A788965/FULLTEXT03.pdf) //DH

The AHDR process began in 2002, with a mandate to present the most up-to-date information about the state of Arctic human development and the major trends unfolding in the region. The AHDR and its follow-up projects on Arctic social indicators (ASI) have since then played an important role in facilitating discussions about impacts of change in Arctic societies. AHDR (2004) provided important baseline information for the Arctic Council, policymakers, and others who deal with issues of human development and societal transformation in a time of rapid environmental, cultural, political, economic and social change.

### --1AR: Predictability

#### Their definition is limited to just the law its found in – it doesn’t authoritatively define the term outside of that law

Victoria Killion, 2022 – analyst at the Congressional Research Service “Understanding Federal Legislation: A Sectionby-Section Guide to Key Legal Considerations” 5/19,

<https://www.congress.gov/crs-product/R46484> //DH

Definitions

Among the most important features of a bill are the terms that it defines or does not define.197 Congressional drafters generally organize defined terms in a section or subsection of the bill called "Definitions," as in Figure 16, rather than stating the meaning of those terms when they first appear, or each time that they appear, in the proposed law.198 For bills that contain freestanding provisions as opposed to amendments to existing law, definitions sections typically appear in the first few sections of the bill (e.g., following short titles or general statements of purpose or intent) or toward the end of the bill (e.g., before any effective date).199 Language preceding the definitions typically shows where those definitions apply: for example, stating if those definitions are limited to the section where they appear or if they apply wherever the defined terms appear in the act. Importantly, if a term used in an amendatory bill is not defined in that bill, it may still be defined in the statute that the bill is amending.200

#### US Code definitions are specialized for that statute, they ignore the common, predictable definition

Writing Center, 2017 – at Georgetown University Law Center. The original handout was written in 2006 by Katharine Clark and Matthew Connolly consulting WILLIAM N. ESKRIDGE, JR., PHILIP P. FRICKEY, & ELIZABETH GARRETT, CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY (3d. ed. 2001). The handout was revised in 2017 by Suraj Kumar and Taylor Beech. “A GUIDE TO READING, INTERPRETING AND APPLYING STATUTES <https://www.law.georgetown.edu/wp-content/uploads/2018/12/A-Guide-to-Reading-Interpreting-and-Applying-Statutes-1.pdf> //DH

Many statutes contain a “definitions” section that sets forth and defines the key terms used in the statute. You might find these definitions either in the section of the statute you are analyzing or in one of the first sections of the entire act. Sometimes these specific terms are codified as definitions for a chapter or title of the relevant statute, meaning that they are intended to apply to the entire chapter or title (unless otherwise specified). These definitions are important because they suggest that legislatures intended for a term to have a specific meaning that might differ in important ways from its common usage.

### --1AR: Colonialism

#### Reject a settler colonial interpretation of development in favor of understandings from Arctic indigenous peoples

Pedro Allemand Mancebo Silva, 2022 – Brazilian researcher and PhD student at the Institute of International Relations of the Pontifical Catholic University of Rio de Janeiro “The Old Colonialisms and the New Ones: The Arctic Resource Boom as a New Wave of Settler-Colonialism” Arctic Institute, 10/25, <https://www.thearcticinstitute.org/old-colonialisms-new-ones-arctic-resource-boom-new-wave-settler-colonialism/> //DH

In the present text we focused on how Arctic colonialisms came to be and the technologies they employed in the attempt of disarticulating Inuit livelihoods, their social and cultural practices; this is not the only history to be told. The Inuit – and, in fact Indigenous peoples in the Arctic and in the world – have a long history of resistance to and struggle against colonialism. The Inuit Circumpolar Council is an institution born of such efforts and, to this day, it disputes the contents and objectives of Arctic policies through the development of its own political instruments and Arctic policies in many dimensions. Rejecting the acritical acceptance of policies based on settler-colonial understandings of Arctic geopolitics and economic development, the ICC articulates understandings of autonomy, self-government and economic development other than those deployed by settler-colonial, capitalist, westphalian States.

Understanding colonialisms and their development is an important step in reckoning with the colonial violence underlying present-day rationales for dealing with geopolitical and economic issues in the Arctic. It is important to know and tell the histories of struggle and resistance to colonialism, but it is also important to understand how the understandings deployed by indigenous populations and their social and political practice might inform future debates on Arctic geopolitics and economic development. While such struggles put in question the Euro-American definitions of economic development, sovereignty and self-government, they were also invested in the construction of alternative understandings and alternative social practices. Unearthing such understandings and their impact over present-day Arctic Indigenous policies, as well as understanding how they can articulate alternative visions of Arctic economic development is an urgent task.