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The role of the ballot is to endorse the debater who best centers Indigenous perspectives in IR theory

Corntassel & Woons 2018 [Jeff Corntassel, Associate Professor and Director of Indigenous Governance at the University of Victoria, Canada, and Marc Woons, Doctoral Fellow with the Fonds Wetenschappelijk Onderzoek – Vlaanderen (Research Foundation – Flanders) and the Research in Political Philosophy Leuven (RIPPLE) Institute at the University of Leuven in Belgium, "Indigenous Perspectives on International Relations Theory," January 23, 2018, https://www.e-ir.info/2018/01/23/indigenous-perspectives-on-international-relations-theory/] //neth

Indigenous understandings of international relations differ from inter-state approaches, particularly when it comes to the ways that Indigenous peoples renew and act on their sacred commitments and interdependencies with the natural world. Assertions of Indigenous resurgence, which entails reclaiming and regenerating relationships with lands, cultures and communities, promote positive, alternative visions of the international that challenge the dominant inter-state model. The concept of state sovereignty fuelled modern state-building strategies and, almost without exception, led to the destruction of Indigenous nations. Each state tries to build a vision of a common people sharing a culture, values, history, language, currency (and so on) through education, military conquest and other state-driven initiatives. This is often called a national identity, and is associated with ideas like patriotism and nationalism. Indigenous encounters with European empires saw them time and again face a stark choice (if the choice was even put to them at all): assimilate to the new settler colonial order being imposed over them and their lands or face dislocation – even genocide. As George Manuel and Michael Posluns (1974, 60) point out, the colonial system is always a way of gaining control over another people for the sake of what the colonial power has determined to be 'the common good.' People can only become convinced of the common good when their own capacity to imagine ways in which they can govern themselves has been destroyed. Speaking to Indigenous battles over state-building efforts that alienate Indigenous peoples from their lands and resources, Manuela Picq (2015) suggests that Indigenous perspectives offer three specific challenges to the state-centric perspective. First, they challenge the state's ultimate authority by asserting their authority over their nations, lands/waters, and the natural world. Second, they expose the colonial foundations of the state-centric system by highlighting Indigenous views that both challenge and sit outside the dominant system. In other words, states as we know them owe their existence to processes of colonisation and settlement rooted in cultural imperialism, violence, destruction, genocide and ultimately the eradication of Indigenous identities and relationships to the land if not the eradication of the peoples themselves. Third, Indigenous peoples' worldviews and practices challenge us to imagine what it might be like to share power within and think beyond state borders and the prevailing global state system. The principle of self-determination has provided stateless Indigenous nations with ways to attempt to (re)assert and (re)claim their authority. Self- determination provides an avenue for Indigenous peoples to create political entities that can be recognised by the international community. The process is based on the idea that people should be prompted the need for community-led action to restore the iiniiwa to Indigenous homelands. On 23 September 2014, eight Indigenous nations (the Blackfeet Nation, Blood Tribe, Siksika Nation, Piikani Nation, the Assiniboine and Gros Ventre Tribes of Fort Belknap Indian Reservation, the Assiniboine and Sioux Tribes of Fort Peck Indian Reservation, the Salish and Kootenai Tribes of the Confederated Salish and Kootenai Indian Reservation, and the Tsuu T'ina Nation) gathered in Blackfeet territory near Browning, Montana to sign the historic Buffalo Treaty. It involved Indigenous nations on both sides of the medicine line and called for the return of iiniiwa to the prairie ecosystems. Given that it was the first cross-border Indigenous treaty signed in over 150 years, the Buffalo Treaty was also a way of renewing and regenerating old alliances. It outlined several community-led goals, including engaging tribes and First Nations in continuing dialogue on iiniiwa conservation; uniting the political power of the tribes and First Nations of the Northern Great Plains; advancing an international call for the restoration of the iiniiwa;

engaging youth in the treaty process and strengthening and renewing ancient cultural and spiritual relationships with iiniiwa and grasslands in the Northern Great Plains. As an example of Indigenous international relations, the above-mentioned treaty provisions demonstrate the sacred nature of treaty-making as a way for Indigenous nations 'to extend their relationships of connection to all of the different peoples of the world' (Williams 1997, 50). In addition to communities and relationships will flourish for generations to come. Indigenous understandings of international relations come in many forms, whether through reinvigorating treaties with the natural world, (re)establishing alliances between Indigenous peoples or Indigenous advocacy in diplomatic activities within global forums. These efforts challenge the dominant state-centric system to include their different ways of understanding and structuring relations not just between peoples, but with the natural world and the planet. More specifically, they challenge the Westphalian notion of ultimate state sovereignty and seek ways of restoring self- determining authority regarding their relationships to their homelands and nations.

The role of the judge is to facilitate the decolonizing of educational spaces

Smith 2016 [Tiffany Smith, "Make Space for Indigeneity: Decolonizing Education," SELU Review Journal – Volume 1, Issue 2, 2016, selu.usask.ca, https://selu.usask.ca/documents/research-and-publications/srrj/SRRJ-1-2-Smith.pdf] //neth

At the center of change is the mind and spirit. In order for decolonization to happen educational leaders and educators must adopt an agentic mindset when viewing Indigenous students (Berryman, et al., 2015). This process requires flexibility in thinking and challenges the thinker to accept multiples ways of knowing and strive to understand from another's perspective. Battiste (2013) identifed the need for collaborative conscientization which requires the unlearning of notions of meritocracy and superiority. Little Bear (2000) stated, "no matter how dominant a worldview is, there are always other ways of interpreting the world" (p. 77). This notion that allows educators who are non-Indigenous the flexibility to decolonize through education. Kanu (2006) noted that we must decolonize the space of education, but in order for us to do this we must decolonize the mind. Non- Indigenous educators and educational leaders must work to acknowledge that there are other ways of knowing that exist, and value such ways. They must break free of the notion that knowledge is solely linear, and examine that knowledge may be connected to more. For instance the idea of inanimate and animate does not align with Indigenous ways of knowing. This notion is particularly apparent within Aboriginal language structures (Little Bear, 2000). Although the Western perspective believes this to be true such is not true with Indigenous knowledge systems. Challenging current ethnocentric beliefs and attempting to see the story from an Indigenous perspective may allow for holistic learning to take place. Holistic learning is not rooted in traditional linear models of education, but strives for a paradigm that honors Indigenous systems of knowledge. The challenge for leaders is to question worldview and allow for the possibility of differing worldviews to exist. Decolonization cannot happen when educators or educational leaders think about Indigenous students from a deficits perspective. Agentic thinking is critical and must be at the forefront of the minds and spirits of educators (Brendtro, Brokenleg, & Bockern, 2005). There is a need to move beyond deficit thinking within school systems and begin to look at the strengths and build from them. Brendtro et al. (2005) discussed the importance of positive psychology and developing strengths and the need to provide opportunities to do so. Often in education teachers look at students through deficits or what they lack, rather than what they are doing well and building upon such strengths. Bishop, Berryman, Cavanagh, and Teddy (2007) emphasized the importance of anti-deficit thinking and the need for agentic positioning within the education systems. Deficit thinking is happening in Saskatchewan; the Teacher Voices section of the document Seeking their Voices(2014) stated in regards to a school that "teacher voices maintained a strong deficit tone and were focused on the problems of dysfunctional students and families who they held responsible for continuing student failure" (p. 106). Within the document it also noted that deficit thinking does not work with Indigenous students, in contrast it has the opposite effect. Rather, in working towards anti-deficit thinking, Brendtro et al. (2005) presented a positive psychology approach which focuses on building and working to complete individuals' circles by ensuring developmental needs of belonging, mastery, independence, and generosity are met. In order to decolonize education teachers must have high expectation for Indigenous students (Riley & Ungerleider, 2012). Teachers who have low expectation for Indigenous students further perpetuate the ethnocentric education system and create negative self-fulfilling prophecies. "[T]he self-fulfilling prophecy is, in the beginning, a false definition of the situation evoking a new behavior which makes the originally false conception come true" (Merton, 1948, p. 95). Research has shown that stereotyping Indigenous youth is an issue; Riley and Ungerleider's (2012) study discussed a self-fulfilling prophecy in which Indigenous students were expected to perform lower due to having challenging external circumstances, and some of the teachers noted being surprised when Indigenous students performed well. In order to decolonize education, educators must shift this thinking so that Indigenous students have equitable chances for success as their non-Indigenous counterparts. Indigenous students must be free from stereotypical colonial thought processes, so that they can be encouraged and challenged to fulfill their capabilities rather than expected to fail. Decolonizing education so that it is appropriate for Indigenous students requires viewing the student in relation to their Indigenous paradigms. Regarding a student in relation to

ethnocentric beliefs does not produce an equitable perspective and often times contradicts spiritual beliefs and traditions (Brendtro et al., 2005). Brendtro, Brokenleg, and Van Bockern (2005) suggested a diferent approach which exists within a holistic model. The Circle of Courage model which values belonging, mastery, independence and generosity, allows for educators to view the child as a whole being in relation to all. If students are not whole at school as an educator we must work to provide opportunities that will balance and harmonize. Battiste (2000) stated "the purpose of Indigenous education is to help the individual become a complete man or women. The goal is completeness" (p. 184). Thus education should aim to benefit the entire child and in doing so will allow them to flourish, not only economically but more importantly holistically. Achieving so is for the betterment of the tribe or in this case society. Racism exists within schools today and Indigenous students are faced with negative stereotyping. Aa space that accepts and does not actively try to dispel ignorance resists decolonization. St. Denis (2007) proposed anti-racist education. She stated that many Aboriginal people and youth are impacted daily by racism to the extent that some Aboriginal people who can, would rather choose to hide as non- Aboriginal in order to escape the implication of racism. St. Denis and Schick (2003), who both teach anti-racist education courses to teacher candidates, found much resistance to anti-racist education because it makes the non-Indigenous people uncomfortable in that they may have to face some of their own denied racism. It is not enough in education to teach about accepting other cultures. If necessary, people must be made uncomfortable in order to see how they have normalized racist thinking. Schick and St. Denis (2005) stated "that addressing racism means more than examining the experiences of those who experience racism" (p. 299). In order to decolonize education we must also look at the effect that racism has on the perpetrators, so that we can work to change the perpetrators of racism and allow them to see another way. If we do not acknowledge that the normative education favors a European paradigm then we cannot change it (St. Denis & Schick, 2003).

Advantage

Settler colonial logic is used to justify expansion and land claims

Smiles 2020 [Deondre Smiles, Assistant professor of Geography at University of Victoria in British Columbia, Canada, "The Settler Logics of (Outer) Space," October 26, 2020, Society and Space, https://www.societyandspace.org/articles/the-settler-logics-of-outer-space] //neth

A brief exploration of what settler colonialism is, and its engagement with 'space' here on Earth is necessary to start. Settler colonialism is commonly understood to be a form of colonialism that is based upon the permanent presence of colonists upon land. This is a distinction from forms of colonialism based upon resource extraction (Wolfe, 2006; Veracini, 2013). What this means is that the settler colony is intimately tied with the space within which it exists—it cannot exist or sustain itself without settler control over land and space. This permanent presence upon land by 'settlers' is usually at the expense of the Indigenous, or original people, in a given space or territory. To reiterate: control over space is paramount. As Wolfe states, "Land is life—or at least, land is necessary for life. Thus, contests for land can be—indeed, often are—contests for life" (2006: 387). Without land, the settler state 'dies'; conversely, deprivation of land from the indigenous population means that in settler logic, indigeneity dies (Povinelli, 2002; Wolfe, 2006.) The ultimate aims of settler colonialism is therefore the occupation and remaking of space. As Wolfe (2006) describes, the settler state seeks to make use of land and resources in order to continue on; whether that is through homesteading/residence, farming and agriculture, mining, or any number of activities that settler colonial logic deems necessary to its own survival. These activities are tied to a racist and hubristic logic that only settler society itself possesses the ability to make proper use of land and space (Wolfe, 2006). This is mated with a viewpoint of landscapes prior to European arrival as terra nullius, or empty land that was owned by no one, via European/Western conceptions of land ownership and tenure (Wolfe, 1994). Because of this overarching goal of space, there is an inherent anxiety in settler colonies about space, and how it can be occupied and subsequently rewritten to remove Indigenous presence. In Anglo settler colonies, this often takes place within a lens of conservation. Scholars such as Banivanua Mar (2010), Lannoy (2012), Wright (2014) and Tristan Ahtone (2019) have written extensively on the ways that settler reinscription of space can be extremely damaging to Indigenous people from a lens of 'conservation'. However, dispossession of Indigenous space in favor of settler uses can also be tied to some of the most destructive forces of our time. For example, Aboriginal land in the Australian Outback was viewed as 'empty' land that was turned into weapons ranges where the British military tested nuclear weapons in the 1950s, which directly led to negative health effects upon Aboriginal communities downwind from the testing sites (Vincent, 2010). Indigenous nations in the United States have struggled with environmental damage related to military-industrial exploitation as well.

Space colonization represents another "frontier" to colonize and is intertwined with militarist hegemonic discourse

Smiles 2020 [Deondre Smiles, Assistant professor of Geography at University of Victoria in British Columbia, Canada, "The Settler Logics of (Outer) Space," October 26, 2020, Society and Space, https://www.societyandspace.org/articles/the-settler-logics-of-outer-space] //neth

prestige in the court of world opinion spurred the US onto a course of space exploration that led to the Apollo moon landings in the late 1960s and the early 70s (Werth, 2004; Cornish, 2019). I argue that this fits neatly into the American settler creation myth referenced by Trump—after 'conquering' a continent and bringing it under American dominion, why would the United States stop solely at 'space' on Earth? To return to Grandin (2019), space represented yet another frontier to be conquered and known by the settler colonial state; if not explicitly for the possibility of further settlement, then for the preservation of its existing spatial extent on Earth. However, scholars such as Alan Marshall (1995) have cautioned that newer logics of space exploration such as potential resource extraction tie in with existing military logics in a way that creates a new way of thinking about the 'openness' of outer space to the logics of empire, in what Marshall calls res nullius (1995: 51)[i].

Peaceful space colonization doesn't exist – this takes out CPs

Smiles 2020 [Deondre Smiles, Assistant professor of Geography at University of Victoria in British Columbia, Canada, "The Settler Logics of (Outer) Space," October 26, 2020, Society and Space, https://www.societyandspace.org/articles/the-settler-logics-of-outer-space] //neth

But we cannot forget the concept of terra nullius and how our exploration of the stars has real effects on Indigenous landscapes here on Earth. We also cannot forget about forms of space exploration that may not be explicitly tied to military means. Doing so deprives us of another lens through which to view the tensions between settler and Indigenous views of space and to which end is useful. Indeed, even reinscribing of Indigenous space towards 'peaceful' settler space exploration have very real consequences for Indigenous sovereignty and Indigenous spaces. Perhaps the most prominent example of the fractures between settler space exploration and Indigenous peoples is the on-going controversy surrounding the construction of the Thirty Meter Telescope on Mauna Kea, on the island of Hawaii. While an extremely detailed description of the processes of construction on the TMT and the opposition presented to it by Native Hawai'ians and their allies is beyond the scope of this essay, and in fact is already expertly done by a number of scholars[ii], the controversy surrounding TMT is a prime example of the logics presented towards 'space' in both Earth-bound and beyond-Earth contexts by the settler colonial state as well as the violence that these logics place upon Indigenous spaces, such as Mauna Kea, which in particular already plays host to a number of telescopes and observatories (Witze, 2020). In particular, astronomers such as Chanda Prescod-Weinstein, Lucianne Walkowicz, and others have taken decisive action to push back against the idea that settler scientific advancement via space, when it comes to the infringement upon Indigenous space by settler scientific endeavors tied to space exploration, there is no neutrality to be had—dispossession and violence are dispossession and violence, no matter the potential 'good for humanity' that might come about through these Island laboratories are sites of settler domination over indigenous populations

Sammler & Lynch 2021 [Katherine G. Sammler, Assistant Professor at California State University Maritime Academy, and Casey R. Lynch, Professor at the University of Nevada – Reno, "Apparatuses of observation and occupation: Settler colonialism and space science in Hawai'I," September 2, 2021, https://journals.sagepub.com/doi/full/10.1177/02637758211042374 & https://doi.org/10.1177/02637758211042374] //neth

Since Cook's expeditions, the West has subjected the constellation of Pacific Islands to a multitude of science experiments (DeLoughrey, 2012; Farbotko, 2010). Salmond (2003: ix) explains how "[a]s the edges of the known world were pushed out, wild nature – including the 'savages' and 'barbarians' at the margins of humanity - was brought under the calm, controlling gaze of Enlightenment science, long before colonial domination was attempted." There is a long history of the liveliness of islands being abstracted by colonial powers and scientists alike, from seemingly innocuous use of the Galápagos as discrete microcosms for theorizing evolution (Matsuda, 2006); to the United States' devastating testing of nuclear weapons on the Marshall Islands; to botany's role in the colonization of Hawai'i and its extension into contemporary experiments with genetically-modified organisms replacing native plant species (Goldberg-Hiller and Silva, 2015). As with other landscapes, specific imaginaries of place play a unique role in colonial practices on islands. Continental views of islands align with Enlightenment scientific desire for blank slates, perfect laboratories (Greenhough, 2006; Matsuda, 2007). Mobilizing imaginaries of frontier and isolation, representations of islands within a continental and colonial gaze are, as Matsuda explains, "distant, isolated, uninhabited, and abstract spaces" (2007: 2orld, acting as "quintessential sites for experimentation" (Baldacchino, 2007: 165) based on fetishized assumptions about island spatiality. Scientists use islands to isolate variables and substitute space for time to construct linear timestreams. Islandness functions as stand-in for a computational time-step within an experimental design. These purported blank slates endow the initial time-step essential to modelling. Islands and their peoples have been employed to examine theories of geological, biological, human, and socio-cultural evolution. DeLoughrey describes how island spatiality is considered bound by "the theme of isolation, a model that had been deployed in the 19th century to propose the theory of evolution, and which re-energized the longstanding colonial understanding of the island as a laboratory" (2012: 168). The expansion of U.S. empire specifically enrolled island colonies from Puerto Rico to the Philippines as sites for grisly experimentations, from weapons to biomedical research on non-white bodies who were seen as relics of earlier stages of evolution (Immerwahr, 2019). Just as islands and their peoples have been used to model past evolutions, they are also established as models for specific futures. Baldacchino describes islands as sites of novelty; they tend toward clairvoyance; they are disposed to act as advance indicators or extreme reproductions of what is present or future elsewhere … with fallacious simplicity, [they] can be conceived as a convenient platform for any whim or fancy. (2007: 165) Islands have emplaced visions of future climate dystopias (Farbotko, 2010) and imagined

libertarian capitalist utopias (Lynch, 2017). The continuation of these projects of empire and white supremacy are shaping plans for human colonization of Moon and Mars. Such projects re-articulate debates around questions of race, ability, eugenics, reproduction, and human psychology in journals like Futures – including a 2019 special issue on ethics in offworld colonization. Through these projects, islands and peoples are erased and overwritten by the totality of the model world they represent. As DeLoughrey explains, "Western colonizers had long configured tropical islands into the contained spaces of a laboratory, which is to say a suppression of island history and Indigenous presence" (2012: 172). An affective landscape of history, more-than-human relationality (Watts, 2013), and lived social place gets transformed into independent, sterile variables instrumentalized in the projection of specific futures. Such discourses intersect with space science imaginaries of exploration, exoticism, and otherworldliness.

Solvency & method

Advocacy: All signatories of the Outer Space Treaty (OST) of 1967 should end private appropriation of outer space by ruling that it violates the non-appropriations clause of the OST

Gorove 1969 [Stephen Gorove, jurist & Professor Emeritus at University of Missisipi, "Interpreting Article II of the Outer Space Treaty", 37 Fordham L. Rev. 349, 1969, https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1966&context=flr] //neth

I. SUBJECT MATTER OF APPROPRIATION With respect to the problem of subject matter, the prohibition of national appropriation relates clearly to "outer space, including the moon and other celestial bodies."2 The Treaty is silent on the question of what is outer space, what it encompasses or what its boundaries are in relation to airspace. The only statement contained in the Treaty is that the moon and other celestial bodies are included in outer space. For this reason, the prohibition regarding national appropriation would unquestionably extend to the moon and other celestial bodies. Whether or not the prohibition would extend to outer space in its totality or only to part of it, or would relate to the moon or a celestial body as a whole or only to a part of it, are further significant questions. By common sense interpretation the prohibition could not very well relate to outer space as a whole since no one could at present appropriate outer space as a whole but only a part of it. Insofar as the moon and other celestial bodies are concerned, the prohibition could extend to the whole entity if national appropriation of the whole is indeed possible. But even in relation to the moon and other celestial bodies, it would appear by reasonable interpretation that the prohibition would also cover acquisition of a part of the moon or other celestial body. Any contrary interpretation would seem to make the prohibition of national appropriation largely illusory. In relation to national acquisition of a part of outer space, further questions may be raised. For example, does the prohibition extend to the collection of dust particles or other special elements during flight in outer space? Does the prohibition extend to the appropriation of cosmic rays, gases or the sun's energy, or to the collecting of mineral samples or precious metals on the moon or other celestial bodies? Should the answer depend on the type of resource involved, or on its availability in unlimited (cosmic rays, meteorites, gases) or limited (minerals, metals) quantities or perhaps on its location? In attempting to give answers to these questions, it may be pointed out, first of all, that, in the absence of some special circumstance, little would be gained by insisting on the nonappropriation of resources such as cosmic rays or gases, which are available in inexhaustible quantities. At the same time, the Treaty as it stands seems to make little allowance for national acquisition of exhaustible spatial resources. With respect to location, it could be argued that if any parts of outer space, including the moon and other celestial bodies, were found on the earth, they would not be subject to the prohibition of national appropriation since they would become part and parcel of the earth. Under a strict interpretation it may also be argued that the prohibition extends to the resource irrespective of its location. However, it might be preferable to distinguish between elements of outer space which have reached the earth as a result of natural causes and those which have done so through human intervention. In the first instance national appropriation would not be prohibited, whereas in the second example the prohibition would apply. Thus, a meteorite falling on the earth could be appropriated whereas a precious stone or metal brought to the earth from outer space could not be a subject of national appropriation. Regarding the jurisdictional boundaries of outer space, particularly the dividing line between airspace and outer space, we seem to know a little more now than we knew at the time of the first Colloquium on the Law of Outer Space back in 1958. At that time it did not appear with certainty that nation states would not object to the orbiting of foreign space instrumentalities over and above their territories. Today after more than a decade of spatial experiments, it can be said that an international custom seems to have sprung up which regards the area where space instrumentalities move in durable orbit as outer space. From this we also take for granted that anything above and beyond this area is also regarded as outer space. However, the more precise boundary line between airspace and outer space is still left undetermined. II. NATIONAL APPROPRIATION Turning to the second question which involves the meaning of "national" appropriation, it has been suggested that only the United Nations acting on behalf of the world community as a whole, should be entitled to appropriate.3 While further developments in space law, by international custom or treaty, may eventually prohibit spatial appropriations by an individual or a chartered company or the European communities, the Treaty in its present form appears to contain no prohibition regarding individual appropriation or acquisition by a private association or an international organization, even if other than the United Nations. Thus, at present, an individual acting on his own behalf or on behalf of another individual or a private association or an international organization could lawfully appropriate any part of outer space, including the moon and other celestial bodies. Whether or not an ad hoc international organization could be created for the exclusive purpose of enabling it to appropriate outer space is a delicate question. The answer may have to depend on the good faith of the parties. A further question in relation to "national" appropriation is whether or not political subdivisions of a state, such as the states of a federal state, cities or municipalities may appropriate? Under a strict interpretation, the answers to these questions would likely be in the negative even though an occasional court decision in other areas of the law may support an affirmative position.4 IIL. THE CONCEPT OF APPROPRIATION With respect to the concept of appropriation the basic question is what constitutes "appropriation," as used in the Treaty, especially in contradistinction to casual or temporary use. The term "appropriation" is used most frequently to denote the taking of property

for one's own or exclusive use with a sense of permanence. Under such interpretation the establishment of a permanent settlement or the carrying out of commercial activities by nationals of a country on a celestial body may constitute national appropriation if the activities take place under the supreme authority (sovereignty) of the state. Short of this, if the state wields no exclusive authority or jurisdiction in relation to the area in question, the answer would seem to be in the negative, unless, the nationals also use their individual appropriations as cover-ups for their state's activities.5 In this connection, it should be emphasized that the word "appropriation" indicates a taking which involves something more than just a casual use. Thus a temporary occupation of a landing site or other area, just like the temporary or nonexclusive use of property, would not constitute appropriation. By the same token, any use involving consumption or taking with intention of keeping for one's own exclusive use would amount to appropriation. The question may also be asked whether or not the purpose of appropriation, that is whether it takes place in the name of science, for enrichment, or for any other purpose would have a bearing on the question of its lawfulness. Normally, the purpose of appropriation should have little bearing on the prohibition except that to constitute appropriation, the acquisition must be carried out for the purpose of one's own or exclusive use. However, since the Treaty proclaims freedom of scientific investigation in outer space, 6 there seems to be some support for the argument that if the appropriation takes place in the name of science or in the course of a scientific investigation in outer space, including the moon and other celestial bodies, such use would not be prohibited under the Treaty. Nonetheless, if the proclaimed principle is taken literally, the same argument could not be used with equal force in a case where the scientific investigation was carried out on the earth. It is doubtful whether the Treaty intended such effect, but if it did not, it is unfortunate that it fails to make it clear.7 IV. SOVEREIGN AUTHORITY In relation to the question whether or not there is any room for the exercise of some form or degree of superior authority, jurisdiction, use or occupation in outer space, the answer would seem to be in the affirmative, since the Treaty prohibits the exercise of such authority, use or occupation only if it amounts to national appropriation. Under such interpretation, the temporary use of a spatial resource without the latter's transformation or deterioration may be permissible, whereas the consumption or destruction of a resource may not. Furthermore, insofar as the exercise of authority is concerned, the state on whose registry an object launched into space is carried must retain jurisdiction and control over such object, and over its personnel, while in outer space or on a celestial body.' The Treaty also makes it clear that the states will be internationally responsible for national activities in outer space, including the moon and other celestial bodies, irrespective of whether such activities are carried on by governmental or nongovernmental entities. In fact, the activities of nongovernmental entities require authorization and continuing supervision by the state concerned.9 The fact that some measure of at least temporary exclusive jurisdiction may be exercised over a particular area on the moon or other celestial bodies, such as a space station and its adjacent grounds, is also apparent from Article XII which makes access by representatives of a foreign state contingent on reciprocity. It is not the purpose of the foregoing brief analysis to attempt to resolve the complex problems which may arise in connection with the interpretation of Article II of the Outer Space Treaty. The purpose is rather to draw attention to the existence of these problems which will have to be resolved if man's exploration of the cosmos is to be guarded by law and order.

Strong governmental frameworks minimize risks of colonization while including some restrained elements of private contracting

Sharma 2021 [Maanas Sharma, Researcher at University of Michigan, “The privatized frontier: the ethical implications and role of private companies in space exploration,” September 7, 2021, The Space Review, https://www.thespacereview.com/article/4238/1] //neth

In recent years, private companies have taken on a larger role in the space exploration system. With lower costs and faster production times, they have displaced some functions of government space agencies. Though many have levied criticism against privatized space exploration, it also allows room for more altruistic actions by government space agencies and the benefits from increased space exploration as a whole. Thus, we should encourage this development, as the process is net ethical in the end. Especially if performed in conjunction with adequate government action on the topic, private space exploration can overcome possible shortcomings in its risky and capitalistic nature and ensure a positive contribution to the general public on Earth. Critics contend that companies must answer to their shareholders and justify their profits. This contributes to a larger overall psyche that prioritizes cost and speed above all else, resulting in significantly increased risks The implications of commercial space exploration have been thrust into the limelight with the successes and failures of billionaire Elon Musk’s company SpaceX. While private companies are not new to space exploration, their prominence in American space exploration efforts has increased rapidly in recent years, fueled by technological innovations, reductions in cost, and readily available funding from government and private sources.[1] In May 2020, SpaceX brought American astronauts to space from American soil for the first time in almost 10 years.[2] Recognizing the greatly reduced costs of space exploration in private companies, NASA’s budget has shifted to significantly relying on private companies.[3] However, private space companies are unique

from government space agencies in the way they experience unique sets of market pressures that influence their decision-making process. Hence, the expansion of private control in the space sector turns into a multifaceted contestation of its ethicality. The most obvious ethical concern is the loss of human life. Critics contend that companies must answer to their shareholders and justify their profits. This contributes to a larger overall psyche that prioritizes cost and speed above all else, resulting in significantly increased risks.[4] However, the possible increase in mishaps is largely overstated. Companies recognize the need for safety aboard their expeditions themselves.[5] After all, the potential backlash from a mishap could destroy the company's reputation and significantly harm their prospects. According to Dr. Nayef Al-Rodhan, Head of the Geneva Centre for Security Policy's Geopolitics and Global Futures Programme, "because there were no alternatives to government space programs, accidents were seen to some degree as par for the course… By comparison, private companies actually have a far more difficult set of issues to face in the case of a mishap. In a worst case scenario, a private company could make an easy scapegoat." [6] Another large ethical concern is the prominence capitalism may have in the future of private space exploration and the impacts thereof. The growth of private space companies in recent years has been closely intertwined with capitalism. Companies have largely focused on the most profitable projects, such as space travel and the business of space.[7] Many companies are funded by individual billionaires, such as. Though there is no one set way governments will interact with companies, the consensus is that they must radically reimagine their main purpose as the role of private space exploration continues to grow. As governments utilize services from private space companies, "[i]nstead of being bogged down by the routine application of old research, NASA can prioritize their limited budget to work more on research of other unknowns and development of new long-term space travel technologies."[13] According to the Council on Foreign Relations, such technologies have far-reaching benefits on Earth as well. Past developments obviously include communications satellites, by themselves a massive benefit to society, but also "refinements in artificial hearts; improved mammograms; and laser eye surgery… thermoelectric coolers for microchips; high-temperature lubricants; and a means for mass-producing carbon nanotubes, a material with significant engineering potential; [and h]ousehold products."[2]

Space needs to be decolonized – the aff is a starting point

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"The controls on freedom of movement on the moon or Mars are worse than in North Korea," he told me. "You can't just walk out of a settlement." Control of oxygen, he predicted, will empower the worst instincts of authoritarians of any stripe. "It will attract the coercively inclined and petty officialdom like all these things do…. It will attract people who crave power. You have to assume that that will lead to tyranny." These thought experiments don't all conclude in grim dead-ends, however. There's a whole arm of space ethics and philosophy devoted to asking the questions: Could the prospect of settling space positively serve society and justice? Could it offer up new ways of thinking about how we organize civic relations? Coping with scarcity in space might impel settlers to reconsider some of the basic tentpoles of Western society. One is prison: On Mars, jailing someone would cost billions. A settlement would, as the astrophysicist and ethicist Nesvold noted, wonder, "Is it even worth it?" They'd be far more liable to consider styles of justice that don't involve locking people up. The same goes for environmental thinking. Water and air will be so precious to space settlers that "the people who are living in space are going to be much more concerned about resource conservation," Schwartz said. "It could be the attitudes that we get there are ones that are helpful to send back [to Earth]." The idea of space as a fresh slate for political thinking is enticing. But it's hemmed in by the very nature of the market forces currently reaching for the skies. Would any private-sector firms heading to space agree to limit their power when they're beyond Earth's grasp? Nesvold and Lucianne Walkowicz think it's possible. There is, they believe, a window of opportunity right now, while commercial space activity is still ramping up, to convince everyone in New Space—from the firms to their early (and crucial) governmental clients—to take space ethics seriously. They've been pursuing two tracks of inquiry along these lines: first, talking directly to New Space companies about the political, social, and environmental aspects of space exploitation. (The smaller firms, Nesvold noted, are often eager to talk; the big ones—the SpaceXs and Blue Origins—not so much.) Walkowicz has also been holding public events to get everyday citizens to discuss, as she put it, "becoming interplanetary." "I think making the infrastructure of getting to spaceflight cheaper and more sustainable, reusable, all of that stuff is great—I love watching rocket launches as much as the next person," Walkowicz told me. But she wants a much broader cross-section of the public to have a voice on how space is used. As she frames things, it's a simple matter of public accountability: For all the

self-mythologizing among New Space titans about the new, scrappy, and libertarian cast of modern space exploration, it's still NASA—and by extension, the people's treasury—that's projected to supply the biggest revenue stream for much New Space activity today, and in the near future. In other words, we the people are paying for many of these rocket launches, and the huge outlays that will help bankroll the hard stuff, like future human colonies on the moon. So the public ought to have more input on how the projected settlement and exploitation of outer space actually happens. Walkowicz and Nesvold want to create a bigger sample of people informed about the stakes in the new space race, people who'd lobby Congress to help lay down the new American road rules for space—from keeping orbits clean to the question of who gets to ride on those taxpayer-funded rockets in the first place. Space, in other words, needs to be "decolonized." That's a coinage gaining currency among some space thinkers, including Lindy Elkins-Tanton. She's a planetary scientist with one foot in the world of New Space, and another in the world of space ethics. She's the head of the NASA "Psyche" project, which is launching a probe next year to explore the metallic asteroid Psyche. On the one hand, she is herself benefiting directly from the lower costs that New Space has created, so she's generally a fan of commercial interests making space more viable. Her probe will launch on a SpaceX rocket, and it's so much cheaper than NASA's older launches that it makes her science far more affordable. ("I'm sure I'm not supposed to tell you, but I'll tell you: It's a lot of money," she said.) Yet as Elkins-Tanton noted, the story of new frontiers being settled is the history of colonization, fueled by moneyed interests. Whether it was Europeans heading to North America or Africa or parts of Asia, it was generally huge state interests putting up the money for risk-taking explorers—with the explorers getting rich, the states amassing power, the new frontiers becoming gradually stripped of resources, and their indigenous populations either killed or impoverished. "Decolonization," as she and other New Space ethicists put it, would be a different route. It'd be the act of exploring space with that history in mind, and working deliberately in concert to avoid its brutalities. What would that mean? Elkins-Tanton argued, like Walkowicz and Nesvold, that any voyages to space need to have much greater democratic participation. For years, she's been organizing annual projects that bring together a disparate array of thinkers—astrophysicists, artists, indigenous scholars—to plan for things such as how a Mars colony might exist without becoming a human rights nightmare. "We need artists and philosophers and sociologists, psychologists and every other kind of person thinking about how we do this thing," she said. This can sound, she admitted, touchy-feely. But in her own work as an astronomer, the big-tent approach has paid off. When Elkins-Tanton initially pitched the Psyche mission to NASA, she was competing with 28 other pitches, and asking NASA to commit $750 million. To build her proposal, she insisted her team members, down to the college interns, "speak up" about their concerns—how things could go wrong, and what unexpected outcomes of the project might be. "Our motto is, the best news is bad news brought early," she said. "You need everybody to be able to speak up." In her pitch to NASA, she touted her insistent culture of inclusion. When NASA heads approved her mission over the other ones, they cited it as a crucial reason why. "To them, it was a success metric," she said. "So now I can stand up and say: Culture is not for the weak. Culture is literally worth $750 million." It would be heartening if NASA seriously embraced this model. Decolonizing the way we explore space would actually honor the incredible unknowns and unexpected dangers the sustained commercial settlement of the heavens will bring. As John F. Kennedy said when he first argued for putting people on the moon: "The greater our knowledge increases, the greater our ignorance unfolds."