## 1

### T -

#### Interp: Affs may only garner offense off of private appropriation being unjust – to clarify, any action through which private appropriation is restricted is extra-topical.

#### Violation: They fiat a global commons.

#### Standards:

#### Ground – They can skirt neg ground, especially regulations and process CPs by fiating that an international agreement will solve for these problems. Ground controls the quality of the discussion – there is no guarantee that there is enough academic research to negate any given aff

#### Clash- only the aff is prepared for their policy, making it a one sided discussion. Clash is k2 education because it allows for better and more in depth debates.

#### Voters

#### Fairness – debate is a game and games must be fair

#### Education – it’s the reasons schools fund debate

#### No RVIS – a) you don’t win for being fair b) incentivizes baiting theory which causes maximum abuse

#### DTD – the whole aff is the argument

#### Use competing interps – reasonability invites judge intervention

## 2

#### Interpretation – The aff cannot defend the resolution in the context of states because states aren’t the actors of this resolution – private entities are.

#### By denotes the actor as private entities since the topic says “by private entities”

Oxford Dictionary n.d.-- <https://www.google.com/search?q=by+definition&rlz=1C5GCEM_enUS927US927&oq=by+definition&aqs=chrome..69i57j69i59l2j0i271j69i60l4.1893j0j4&sourceid=chrome&ie=UTF-8&surl=1&safe=active&ssui=on>, Accessed 12/8/21, (AG DebateDrills)

identifying the agent performing an action.

Law Insider. “Private entity definition.” Retrieved from: <https://www.lawinsider.com/dictionary/private-entity> on 1/14/21

Private entity means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

#### **Violation- their plan advocates for states to sign a binding agreement banning private entities to appropriate space**

#### Standards:

#### 1. Precision first – anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks neg ground and prep because the aff is no longer bounded by the resolution, which is the only stasis point coming into the round.

#### 2. TVA solves: Read the advantages under a whole rez aff– PICs don’t solve - potential neg abuse doesn’t justify aff abuse out the gate.

#### Voters

#### C/A fairness, education, and competing interps from before

#### No RVIs:

#### a. Incentivizes baiting theory

#### b. You don’t get to win by being topical.

#### c. Uniquely, use competing interps on T – you can’t be reasonably topical

#### 5. Drop the debater: we can’t restart the round from the 1AC and my prep is skewed for the rest of the debate.

## 3

### Mining DA

#### Noble materials such as platinum are necessary for future survival, yet they are of limited abundance on earth, while are abundant on asteroids.

Sun et al. 20 (Sun, Daoyuan, Dong, Longjun., Shu, W., & Li, Xibing (School of Resources and Safety Engineering, Central South University, Changsha, China), 3-2-2020, “Exploration: safe and clean mining on Earth and asteroids. Journal of Cleaner Production,” <https://www.sciencedirect.com/science/article/abs/pii/S095965262030946X> Accessed 7-13-21)

Some types of mineral resources are obligatory for an evolving future society, which have great differences in their abundances on Earth and asteroids (e.g., Elvis, 2014). For example, platinum, a noble metal with its total reserve of only about 14,000 tons on Earth, has been widely used in the fields of medicine (e.g., Barefoot, 2001), materials engineering and chemical engineering (e.g., Dong et al., 2015), while most of the platinum has been contained in the ultra-deep deposits as it has large density in the early stage of Earth formation (e.g., Holzheid et al., 2000). With the exhaustion of the limited platinum contained in the surface of Earth, we have to consume more energy and resources to extract the ultra-deep platinum. Hence, there is no doubt that the safe and clean extraction of the deep platinum will be an extremely difficult issue by utilizing current mining techniques and equipment. Meanwhile, it can be expected that the output of platinum on Earth will be scarce as its total reserve is short (Dong et al., 2015). However, the platinum is abundant in other asteroids such as the asteroid 2011 UW158, which was worth 5.4 trillion USD for the platinum that it contained (Gary, 2016). According to the surveys funded by NASA’s Near Earth Object (NEO) Observations Program, the total number of discovered near-Earth asteroids (NEAs) reached to 15,000 up to 13 October 2016 (NASA, 2016). As of January 2018, there were over 18,000 known NEOs, with an average discovery rate about 40 per week (NASA, 2018). Many of NEAs contain high concentrations of platinum group metals (PGMs) such as platinum, rhodium, iridium, and palladium, which are similar to the asteroid 2011 UW158 and can be classified as Metallic Asteroids (Blair, 2000). It can be inferred that the deposits of PGMs on the identified NEAs may exceed the total amount of that found on Earth. Evidently, offmining on asteroids provides new ways for the future society to access the rare and noble metals on Earth.

#### Asteroid mining enables solar power satellites – which limit the effects climate change

**Taylor 19** Chris Taylor is a veteran journalist. Previously senior news writer for Time.com a year later. In 2000, he was named San Francisco bureau chief for Time magazine. He has served as senior editor for Business 2.0, West Coast editor for Fortune Small Business and West Coast web editor for Fast Company. Chris is a graduate of Merton College, Oxford and the Columbia University Graduate School of Journalism. "How asteroid mining will save the Earth — and mint trillionaires." Mashable, 2019, mashable.com/feature/asteroid-mining-space-economy. [Quality Control]

The mission is essential, Joyce declares, to save Earth from its **major problems**. First of all, the fictional billionaire wheels in a fictional Nobel economist to demonstrate the actual truth that the entire global economy is sitting on a **mountain of debt**. It has to keep growing or it will **implode**, so we might as well take the majority of the **industrial growth off-world where it can’t do any more harm to the biosphere.**

Secondly, there’s the **climate change fix**. Suarez sees asteroid mining as the only way we’re going to build **solar power satellites.** Which, as you probably know, is a form of uninterrupted solar power collection that is theoretically more effective, inch for inch, than any solar panels on Earth at high noon, but operating 24/7. (In space, basically, **it’s always double high noon).**

The power collected is beamed back to large receptors on Earth with large, low-power microwaves, which researchers think will be harmless enough to let humans and animals pass through the beam. A space solar power array like the one China is said to be working on could reliably supply 2,000 gigawatts — or **over 1,000 times more power than the largest solar farm currently in existence.**

“We're looking at a 20-year window to **completely replace** human civilization's **power infrastructure,**” Suarez told me, citing the report of the Intergovernmental Panel on Climate Change on the coming catastrophe. Solar satellite technology “has existed since the 1970s. What we were missing is **millions of tons of construction materials** in orbit. **Asteroid mining can place it there.”**

The Earth-centric early 21st century can’t really wrap its brain around this, but the idea is not to bring all that building material and precious metals down into our gravity well. Far better to create a whole new commodities exchange in space. You mine the useful stuff of asteroids both near to Earth and far, thousands of them taking less energy to reach than the moon. That’s something else we’re still grasping, how relatively easy it is to ship stuff in zero-G environments.

#### Off- Earth mining reduces emissions.

Dallas, et al. 19 (Dallas, J.A. (Australian Centre for Space Engineering Research, School of Minerals and Energy Resources Engineering, Sydney, Australia) et al. November 2, 2019, "Mining beyond earth for sustainable development: Will humanity benefit from resource extraction in outer space?," *Acta Astronautica*, <https://www.sciencedirect.com/science/article/abs/pii/S0094576519313839>. Accessed 7-12-21)

Off-Earth mining has been hailed by some as the answer to many of the environmental issues associated with mining on Earth (e.g., MacWhorter, 2015), based on the idea that much of the mining that is carried out on Earth 2 could instead be done in space in a bid to reduce pressure on Earth’s environment. In a preliminary study comparing the greenhouse gas emissions resulting from mining platinum (Pt) on Earth compared to asteroids, Hein et al. (2018) found that mining Pt in space produced considerably less greenhouse gas emissions relative to Earth-based mining. However, this study compared greenhouse gas emissions resulting from 1 kg of mined Pt, and did not compare the impact on other areas of the environment. If asteroids were to supply Earth with all, or even most of the demand for Pt, the assumption can be made that this would require a number of space vehicles carrying materials required for mining infrastructure. While the greenhouse gas emissions associated with space launches may be relatively less than Pt mining on Earth, the cumulative impact of frequent space launches on other areas of the environment is likely to be considerable. Numerous studies have documented the environmental impact of space launches (e.g., Madsen, 1981; Malkin, 1978; Murray et al., 2013; NASA, 1983; Nauryzbaev et al., 2005; Ross et al., 2010), and of particular concern when discussing cumulative launches is depletion of the stratospheric ozone layer. Space rocket launches are the only source of ozone depleting substances deposited directly into Earth’s ozone layer, causing concern that an increase in the frequency of launches could have dire consequences for the ozone layer (Ross et al., 2009). Aside from global environmental concerns, both Earth-based mining and space launches impact the local environment, with both being associated with emissions to soil, air, and water. However, the scale of emissions from mining is much greater than those associated with space launches, and this would likely remain the case even with a large increase in the frequency of space launches. While more work is needed to quantify the local environmental impact of the Earth-based mining as well as the space launches associated with off-Earth mining, preliminary evidence suggests that space launches result in environmental impacts of a much smaller magnitude (e.g., Hein et al., 2018). MacWhorter (2015) suggests that the environmental benefits to Earth of moving mining for resources used on Earth to other celestial bodies will be so large that off-Earth mining should be incentivized through a legal framework that grants property rights in extracted minerals on a “first-in-time, first-in-right” basis

#### **Emissions cause extinction.**

Spratt and Dunlop 19, David Spratt [Research Director for Breakthrough National Centre for Climate Restoration, Melbourne, and co-author of Climate Code Red: The case for emergency action] & Ian Dunlop [member of the Club of Rome. Formerly an international oil, gas and coal industry executive, chairman of the Australian Coal Association, chief executive of the Australian Institute of Company Directors, and chair of the Australian Greenhouse Office Experts Group on Emissions Trading 1998-2000], “Existential climate-related security risk: A scenario approach,” Breakthrough - National Centre for Climate Restoration, May 2019, pg. 8-10, beckert. Brackets in original text

2020–2030: Policy-makers fail to act on evidence that the current ​Paris Agreement path — in which global human-caused greenhouse emissions do not peak until 2030 — will lock in at least 3°C of warming. The case for a global, climate-emergency mobilisation of labour and resources to build a zero-emission economy and carbon drawdown in order to have a realistic chance of keeping warming well below 2°C is politely ignored. As projected by Xu and Ramanathan, by 2030 carbon dioxide levels have reached 437 parts per million — which is unprecedented in the last 20 million years — and warming reaches 1.6°C.18 2030–2050: Emissions peak in 2030, and start to fall consistent with an 80 percent reduction in fossil-fuel energy intensity by 2100 compared to 2010 energy intensity. This leads to warming of 2.4°C by 2050, consistent with the Xu and Ramanathan “baseline-fast” scenario.19 However, another 0.6°C of warming occurs — taking the total to 3°C by 2050 — due to the activation of a number of carbon-cycle feedbacks and higher levels of ice albedo and cloud feedbacks than current models assume. [It should be noted that this is far from an extreme scenario: the low-probability, high-impact warming (five percent probability) can exceed 3.5–4°C by 2050 in the Xu and Ramanathan scheme.] 2050: By 2050, there is broad scientific acceptance that system tipping-points for the West Antarctic Ice Sheet and a sea-ice-free Arctic summer were passed well before 1.5°C of warming, for the Greenland Ice Sheet well before 2°C, and for widespread permafrost loss and large-scale Amazon drought and dieback by 2.5°C. The “hothouse Earth” scenario has been realised, and Earth is headed for another degree or more of warming, especially since human greenhouse emissions are still significant.20 While sea levels have risen 0.5 metres by 2050, the increase may be 2–3 metres by 2100, and it is understood from historical analogues that seas may eventually rise by more than 25 metres. Thirty-five percent of the global land area, and 55 percent of the global population, are subject to more than 20 days a year of lethal heat conditions, beyond the threshold of human survivability. The destabilisation of the Jet Stream has very significantly affected the intensity and geographical distribution of the Asian and West African monsoons and, together with the further slowing of the Gulf Stream, is impinging on life support systems in Europe. North America suffers from devastating weather extremes including wildfires, heatwaves, drought and inundation. The summer monsoons in China have failed, and water flows into the great rivers of Asia are severely reduced by the loss of more than one-third of the Himalayan ice sheet. Glacial loss reaches 70 percent in the Andes, and rainfall in Mexico and central America falls by half. Semi-permanent El Nino conditions prevail. Aridification emerges over more than 30 percent of the world’s land surface. Desertification is severe in southern Africa, the southern Mediterranean, west Asia, the Middle East, inland Australia and across the south-western United States. Impacts: A number of ecosystems collapse, including coral reef systems, the Amazon rainforest and in the Arctic. Some poorer nations and regions, which lack capacity to provide artificially-cooled environments for their populations, become unviable. Deadly heat conditions persist for more than 100 days per year in West Africa, tropical South America, the Middle East and South-East Asia, contributing to more than a billion people being displaced from the tropical zone. Water availability decreases sharply in the most affected regions at lower latitudes (dry tropics and subtropics), affecting about two billion people worldwide. Agriculture becomes nonviable in the dry subtropics. Most regions in the world see a significant drop in food production and increasing numbers of extreme weather events, including heat waves, floods and storms. Food production is inadequate to feed the global population and food prices skyrocket, as a consequence of a one-fifth decline in crop yields, a decline in the nutrition content of food crops, a catastrophic decline in insect populations, desertification, monsoon failure and chronic water shortages, and conditions too hot for human habitation in significant food-growing regions. The lower reaches of the agriculturally-important river deltas such as the Mekong, Ganges and Nile are inundated, and significant sectors of some of the world’s most populous cities — including Chennai, Mumbai, Jakarta, Guangzhou, Tianjin, Hong Kong, Ho Chi Minh City, Shanghai, Lagos, Bangkok and Manila — are abandoned. Some small islands become uninhabitable. Ten percent of Bangladesh is inundated, displacing 15 million people. Even for 2°C of warming, more than a billion people may need to be relocated and In high-end scenarios, the scale of destruction is beyond our capacity to model, with a high likelihood of human civilisation coming to an end.21 National security consequences: For pragmatic reasons associated with providing only a sketch of this scenario, we take the conclusion of the ​Age of Consequences ‘Severe’ 3°C scenario developed by a group of senior US national-security figures in 2007 as appropriate for our scenario too: Massive nonlinear events in the global environment give rise to ​massive nonlinear societal events.​ In this scenario, nations around the world will be ​overwhelmed by the scale of change and pernicious challenges, such as pandemic disease. The internal cohesion of nations will be under great stress, including in the United States, both as a result of a dramatic rise in migration and changes in agricultural patterns and water availability. The flooding of coastal communities around the world, especially in the Netherlands, the United States, South Asia, and China, has the potential to challenge regional and even national identities.​ Armed conflict between nations over resources, such as the Nile and its tributaries, is likely and nuclear war is possible. The social consequences range from increased religious fervor to ​outright chaos.​ In this scenario, climate change provokes ​a permanent shift in the relationship of humankind to nature​’.22 (emphasis added) DISCUSSION This scenario provides a glimpse into a world of “outright chaos” on a path to the end of human civilisation and modern society as we have known it, in which the challenges to global security are simply overwhelming and political panic becomes the norm. Yet the world is currently completely unprepared to envisage, and even less deal with, the consequences of catastrophic climate change.23 What can be done to avoid such a probable but catastrophic future? It is clear from our preliminary scenario that dramatic action is required this decade if the “hothouse Earth” scenario is to be avoided. To reduce this risk and protect human civilisation, a massive global mobilisation of resources is needed in the coming decade to build a zero-emissions industrial system and set in train the restoration of a safe climate. This would be akin in scale to the World War II emergency mobilisation. There is an increasing awareness that such a response is now necessary. Prof. Kevin Anderson makes the case for a Marshall Plan-style construction of zero-carbon-dioxide energy supply and major electrification to build a zero-carbon industrial strategy by “a shift in productive capacity of society akin to that in World War II”.24 Others have warned that “only a drastic, economy-wide makeover within the next decade, consistent with limiting warming to 1.5°C”, would avoid the transition of the Earth System to the Pliocene-like conditions that prevailed 3-3.3 million years ago, when temperatures were ~3°C and sea levels 25 metres higher.25 It should be noted here that the 1.5° goal is not safe for a number of Earth System elements, including Arctic sea-ice, West Antarctica and coral reefs.

## 4

### Regulation CP

#### Counterplan text: The Committee on the Peaceful use of Outer Space ought to

#### establish an application system for property rights on celestial bodies. Applications and approval of property rights should be granted upon the condition of

#### open disclosure of data gathered in the exploration of a celestial body

#### Applications must be publicly announced

#### Property Rights will be made tradeable between private entities

#### Property Rights will be set to expire on the conclusion of a successful extraction mission

#### Private Entities will only be allowed one property right grant per celestial body and cannot have more than one grant at a time

#### The counterplan establishes international norms for safe extraction of resources on celestial bodies while increasing R&D in outer space.

**Steffen 21** [Olaf Steffen, Olaf is a scientist at the Institute of Composite Structures and Adaptive Sytems at the German Aerospace Center. 12-2-2021, "Explore to Exploit: A Data-Centred Approach to Space Mining Regulation," Institute of Composite Structures and Adaptive Systems, German Aerospace Center, [https://www.sciencedirect.com/science/article/pii/S0265964621000515 accessed 12/12/21](https://www.sciencedirect.com/science/article/pii/S0265964621000515%20accessed%2012/12/21)] Adam

4. The data-centred approach to space mining regulation

4.1. Core description of the regulatory regime and mining rights acquisition process

The data gathered in the exploration of a [celestial body](https://www.sciencedirect.com/topics/social-sciences/astronomical-systems) is not only of value for space mining companies for informing them whether, where and how to exploit resources from the body in question, but also for science. The irretrievability of information relating to the solar system contained in the body that will be lost during resource exploitation carries a value for humanity and future generations and can thus be assigned the characteristic of a common heritage for all mankind as invoked in the Moon Agreement. This characteristic makes exploration data an exceptional and unique candidate for use in a mechanism for acquiring mining rights because its preservation is of public interest and its disclosure in exchange for exclusive mining rights does not place any additional burden on the mining company. The following principles would form the cornerstones of the proposed regulatory regime and rights acquisition mechanism based on exploration data:

Without preconditions, no entity has a right to mine the resources of a celestial body.

An international regulatory body administers the existing rights of companies for mining a specific celestial body.

Mining rights to such bodies can be applied for from this international regulatory body, with applications made public. The application expires after a pre-set period.

Mining rights are granted on the provision and disclosure of exploration data on the celestial body within the pre-set period, proposedly gathered in situ, characterising this body and its resources in a pre-defined manner.

The explorer's mining right to the resources of the celestial body is published by the regulatory body in a mining rights grant.

The data concerning the celestial body are made public as part of the rights grant within the domain of all participating members of the regulatory regime.

The exclusive mining rights to any specific body are tradeable.

The scope of the regulatory body with respect to the granting of mining rights is not revenue-oriented.

The international regulatory body would thus act as a curator of a rights register and an attached database of exploration data. The concept is superficially comparable to patent law, where exclusive rights are granted following the disclosure of an invention to incentivise the efforts made in the development process. In the following section, the characteristics of such a regulatory regime are further discussed with respect to the formation of [monopolies](https://www.sciencedirect.com/topics/social-sciences/monopolies), market dynamics, conflict avoidance, inclusivity towards less developed countries and the viability of implementation.

4.2. Discussion and means of implementation

The proposed regulatory mechanism has advantages both from a business/investor and society perspective. First, it prevents already highly capitalised companies from acquiring exploitation rights in bulk to deny competitors those objects that are easiest to exploit or most valuable, which would otherwise be possible in any kind of pay-for-right mechanism and could result in preventing market access to smaller, emerging companies. Thus, early monopoly formation can be avoided.

The use of data disclosure for the granting of mining rights ensures the scientific community has access to this invaluable source of information. In this way, space mining prospecting missions can lead to a boost in research on small celestial bodies at a speed unmatchable by pure government/agency funded science probes. This usefulness to the scientific community could lead to sustained partnerships between prospecting companies and scientific institutions and could even provide a source of funding for the companies through R&D grants and public-private partnerships. The results of the exploration efforts contribute to research on the formation of planets and the history of the solar system and provide valuable insight for space defence against asteroids. The transition of exploration from a tailored mission profile with a purpose-built spacecraft to a standard task in space flight would also lead to a cost reduction of the respective exploration spacecraft through [economies of scale](https://www.sciencedirect.com/topics/social-sciences/economies-of-scale). This describes the very benefits Elvis [[24](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib24)] and Crawford [[25](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib25)] imagined as possible effects of a space economy. Thus, there is an immediate return for society from the exploitation rights grant. It also reconciles the adverse interests of space development and [space science](https://www.sciencedirect.com/topics/social-sciences/space-sciences) as laid out by Schwartz [[26](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib26)]. It ensures that, by exploitation, information contained in celestial bodies is not lost for future generations.The application period should not be set in a manner that creates a situation that can be abused through the potential for stockpiling inventory rights. Rather, it is intended to prevent conflict in the phase before exploration data gathered by a mission, as a prerequisite to the mining rights grant, is available. In other words, only one exploration effort at a time can be permitted for a specific body. The time frame between the application and the granting of mining rights (meaning: availability of the required exploration data set) should be tight and should only consider necessary exploration time on site, transit time and possibly a reasonable launch preparation and data processing markup. These contributors to the application period make it clear that the time frame could be dynamic and individualistic, depending on the exploration target (transit time and duration of exploration) and the technology of the exploration probe (transit time). After the expiration of the application period, applications for the exploration target would again be permissible. To prevent the previously mentioned stockpiling of inventory rights, credible proof of an imminent exploration intention would need to be part of the application process, for example, a fixed launch contract or the advanced build status of the exploration probe. Such a mechanism would not contradict the statement in the OST that outer space shall be free for both exploration and scientific investigation. Applications would not apply to purely scientific exploration. An application would only be necessary as a prerequisite for mining. Even resource prospecting could take place without an application (for whatever reason), with a subsequent application comprising in situ data already gathered. For such cases, the application process would need to provide a short period for objections to enable the secretive explorer to make their efforts public. The publication of the application for the mining rights, which is nothing more than a statement of intention to explore, thus provides a strong measure for avoiding conflict.

The transparency of where exploration spacecraft are located and, at a later stage, where mining activities take place, provides additional benefits for the sustainable use of space, trust building and deterrence against malign misuse of mining technology. Involuntary spacecraft collisions of competitors in deep space are prevented by the reduction of exploration efforts at the same destination through the application for mining rights by one applicant at a time. As pointed out by Newman and Williamson [[20](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib20)], this is relevant because space debris does not de-orbit in deep space as in the case of LEO. Deep space may be vast, but the velocities involved mean that small debris particles are no less dangerous. Considering NEO mining with fleets of small spacecraft, malfunctions and/or destructive events could create debris clouds crossing Earth's orbit around the sun on a regular basis, presenting another danger to satellites in Earth's own orbit. Thus, by effectively preventing the collision of two spacecraft, one source of debris creation can be mitigated through this regulation mechanism. With respect to Deudney's [[11](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib11)] scepticism of asteroid mining and the dual-use character of technology to manipulate orbits of celestial bodies, it has to be stated that this potential is truly inherent to asteroid mining. An asteroid redirect mission for scientific purposes was pursued by NASA [[49](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib49)] before reorientation towards a manned lunar mission. In one way or another, each type of asteroid mining will require the delivery of the targeted resource to a destination via a comparable technology as formerly envisioned by NASA, be it as a raw material or a useable resource processed in situ, even if this is not necessarily done through redirecting the whole asteroid and placing it in a lunar orbit. However, to be misused as a weapon, space mined resources would have to surpass a certain mass threshold to survive atmospheric entry at the target. This seems unfeasible for currently discussed mining concepts using small-scale spacecraft as described in this article. Redirecting larger masses or whole asteroids would require far more powerful mining vessels or small amounts of thrust over long periods of time. The continuous, (for a mining activity) untypical change in the orbit of an asteroid would make a redirect attempt with hostile intent easily identifiable, effectively deterring such an activity in the first place by ensuring the identification of the aggressor long before the projectile hits its target. The proposed database would provide a catalogue of asteroids with exploration and mining activities in place that should be tracked more closely because of their interaction with spacecraft. This would, in fact, be necessary per se as a precaution to avoid catastrophic mishaps, such as the accidental change of a NEO's orbit to intercept Earth by changing its mass through mining.

#### Space mining fails now due to profitability and unsafe tech which only the cp solves

**Steffen 21** [Olaf Steffen, Olaf is a scientist at the Institute of Composite Structures and Adaptive Sytems at the German Aerospace Center. 12-2-2021, "Explore to Exploit: A Data-Centred Approach to Space Mining Regulation," Institute of Composite Structures and Adaptive Systems, German Aerospace Center, [https://www.sciencedirect.com/science/article/pii/S0265964621000515 accessed 12/12/21](https://www.sciencedirect.com/science/article/pii/S0265964621000515%20accessed%2012/12/21)] Adam

* answers timeframe deficits
* creates solvency vs inequality/developing nation affs

The data-driven mechanism also addresses another potential risk of an emerging space-based resource economy: the reinforcing of the incontestable market positions of the market leaders based on an advantage in knowledge unattainable by new competitors. Explorations of celestial bodies will have a likelihood of failing from the perspective of the actual value of the explored object vs. the expected value. In this case, the costs of exploration would be a loss for the company, which could be significant and possibly ruinous considering the budgets needed for contemporary space agency-led exploration missions. Sanchez and McInnes [[5](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib5)] explicitly mention the uncertainties in object distribution models used in their asteroid distribution study and for the conclusions drawn concerning reachable object masses with certain delta-v capabilities of spacecraft. With an increasing number of exploration missions led by a company, the data collected may lead to better in-house models and a higher probability of exploring the ‘right’ body for the value/resources aimed at. This may even provide information on the best spacecraft designs for matching the targeted objects’ orbit distribution. This risk is known from the digital platform economy, where the companies that are now leading have an uncatchable advantage in user data compared with market newcomers, translatable to a more refined and comfortable user experience, attracting additional users and thus offering superior services to business customers. This also holds true for space mining companies. Through their lack of legacy mission data, market newcomers would have a higher risk of misallocating exploration missions, making investments in those companies riskier than in established companies. To avoid the preferred investment in a single or a few companies, the risk of the investment in emerging companies is reduced by the proposed mechanism by ensuring the equal access to data for market newcomers and established companies alike. From a prospecting risk perspective, the market entrance of a new company becomes progressively less risky for investors with increasing amounts of publicly available exploration data, promoting progressive and dynamic development.

The long lead times of asteroid mining ventures coincide with a long time frame for an ROI. The exclusive mining rights granted after the exploration phase give investors security half-way into their space mining endeavours. The proposed tradability of the rights offers an early chance of gaining investment proceeds. It also offers the possibility of new business models: the classical asteroid mining system concept, as shown by Andrews et al. [[43](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib43)], for example, covers exploration, exploitation and resource transfer. This maximises the investment needed to develop the technologies required for the entire process chain. Giving exploration a value could lead to a division of labour. Dedicated prospecting companies could emerge, providing mining companies with the data and mining rights to a body with the specific resource profile they are seeking. In this way, the investment needed for a successful mining endeavour is divided between different specialised companies. This considerably reduces the risk for investors as well as the investment needed for a company to meet their business goals, which are now aimed at just a particular part of the overall space mining endeavour. Third-party applications for mining rights should be possible to allow a mining company to subcontract to exploration companies. Such a regulatory mechanism design would also be more easily inclusive of less developed countries. They could simply contract exploration missions made affordable through economies of scale to become part of the emerging space mining economy as holders of tradeable mining rights. Through a wise selection of such missions’ targets, they could gain powerful positions of influence.

## Case

### Debris

#### Non – unique - PUBLIC entities will still put debris in space

#### Private entities appropriating space can be a method of maintaining space through debris removal and traffic-management systems – this disproves their Silverstein and Panda Card because public entities are doing worse than private entities

**Moore 21** (Moore, Adrian. “It's Time For US To Get Serious About Cleaning Up Space Junk,”.” TheHill. July 27, 2021. Web. December 13, 2021. <https://thehill.com/opinion/technology/564945- its-time-for-us-to-get-serious-about-cleaning-up-space-junk>.)

Orbital debris management is not well organized within the government. Right now, the Department of Defense (DOD) does most tracking of space debris for the U.S. out of the need to protect military satellites and national security interests. NASA has its own less advanced systems for tracking debris. However, orbital debris management is not just about tracking debris anymore. It is also about forming collision warning systems and safely managing traffic in space. To do this efficiently, we need a civil repository for all orbital debris components, something that many commercial space companies have already created on their own to stay aware of orbital debris and help protect their satellites in space. Tracking debris may be a national security priority, but providing space traffic control is not really in the Defense Department’s mission. We should be utilizing the private sector’s expertise and advancements in this area. For example, Astroscale has contracts with both the Japanese and European space agencies to develop orbital debris removal capability. And responsibility for developing collision warnings and space traffic management would be best suited for the Office of Space Commerce, an office with existing connections to the commercial space industry, NASA and DOD. Partnering with the debris tracking and removal systems private companies are developing while freeing up DOD to focus on military awareness and NASA to focus on research and development would be the most efficient way forward. If government works with private industry through strategic public-private partnerships, the U.S. can best address the threats posed by orbital debris and create sustainable policies for safe space exploration.

#### Private entities empirically reduce debris.

**INN '20,** Innovation News Network, "Innovation in space: the private sector’s role in the 2020 space race", 6-11-2020, accessed 7-11-2021, <https://www.innovationnewsnetwork.com/innovation-in->space-the-private-sectors-role-in-the-2020-space-race/5490/ DHS//JL

SpaceX has paved the way for a new wave of commercial space technologies. However, private actors have been influencing the space industry for many years. In May 2003, Scaled Composites first launched SpaceShipOne, an experimental and reusable space plane that uses a hybrid rocket to achieve speeds of up to speeds of up to 900 m/s. SpaceShipOne completed the first crewed private spaceflight in 2004, which was then retired that year. In 2013, The Spaceship Company announced the first powered flight of SpaceShipTwo, another suborbital spaceplane designed for space tourism. Unfortunately, in October 2014, the first SpaceShipTwo VSS Enterprise crashed in the Mojave Desert. Further investigation suggested that the craft’s descent device deployed too early, killing the pilot, Michael Alsbury. Virgin Galactic plans to operate a fleet of five improved SpaceShipTwo spaceplanes in a private passenger-carrying service and has been taking bookings for some time, with a suborbital flight carrying an updated ticket price of $250,000. SpaceX is responsible for some of the most innovative space technologies produced in the last decade. SpaceX has created the most powerful rocket ever developed, Falcon Heavy, which can lift more than twice the payload of the next closest operational vehicle, the Delta IV Heavy. Although the nature is of the commercial space sector is competitive, many private companies share common goals. How can commercialisation reduce overcrowding in space? Almost 60 years of space activities and more than 5,450 launches have resulted in approximately 23,000 objects remaining in orbit. Around 24% of the catalogued objects are satellites. This catastrophic waste of technology can have a negative effect of future launches and it has been theorised that sending objects into Earth’s orbit could become impossible due the risk of collision. This debris must be removed from orbit if the space industry is to continue to grow. Many **private companies have taken on the burden of removing debris** from Earth’s orbit.Aviosonic Space Tech has pioneered the first Debris Collision Alert System (DeCAS) for the monitoring of space vehicles and satellites as they re-enter Earth’s atmosphere. Avisonic’s patented space debris management system, DeCAS, addresses the vital issue of protecting people and institutions across the globe through a precise, efficient, and cost-effective system which will make the world a safer place. Although the removal of space debris is an important step in sustainable space travel, many businesses are developing nanosatellites to reduce the volume of technology in orbit. Another benefit of developing nanosatellites is that they can do almost everything a conventional satellite does at a fraction of the cost, making this technology more popular in the commercial sector.

#### Long term scenarios show no Kessler effect.

Drrmola and Hubik 18 [Drmola, Jakub; Hubik, Tomas (2018). *Kessler syndrome: System dynamics model. Space Policy, S0265964617300966–.*doi:10.1016/j.spacepol.2018.03.003]

5. Scenarios and simulation results 5.1. Business as usual and beyond- The baseline scenario represents a continuation of the current trends, which are simply extended into the future. An average 1% growth rate of yearly launches of new satellites (starting at 89) is as- sumed, together with constant success rate in satellites' ability to ac- tively avoid collisions with debris and other satellites, constant lifetime and failure rate. This basic model lacks any sudden events or major policy changes that would markedly influence the debris propagation. However, it serves both as a foundation for all the following scenarios and as a basis of comparison to see what the impact would be. Given high uncertainty regarding future state of the satellite in- dustry (how many satellites will be launched per year, of what type and size, etc.), we elected to limit our simulations to 50 years. The model can certainly continue beyond this point, but the associated unknowns make the simulations progressively less useful. Running this model for its full 50 years (2016–2066) yields the expected result of perpetually growing amount of debris in the LEO. One can observe nearly 2-fold increase in the large debris (over 10 cm) and 3-fold increase in small debris (less than 1 cm) quantities (Fig. 5). The oscillations visible in the graph are caused by the aforementioned solar cycles which influence the rate of reentry for all simulated po- pulations except the still active (i.e. powered) satellites. Also please note, that throughout the paper the graphs use quite different scales for debris populations due to the considerable variations between sce- narios. Using any single scale for all graphs would render some of them unintelligible. We can see that this increase in numbers still does not result in realization of the Kessler Syndrome as most of the satellites being launched remain intact for their full expected service life. However, it comes with a considerable increase in risk to satellites, which is man- ifested by their higher yearly losses, making satellites operations riskier and more expensive for governments and private companies alike. This increased amount of debris in LEO combined with the larger number of active satellites makes it approximately twice as likely that an active satellite will suffer a disabling hit or a total disintegration during its lifetime. It should be noted, that this risk might possibly be offset by future improvements in satellite reliability, debris tracking and navi- gation [17].This negative development of increasingly risky and costly opera- tion of satellites can also be highlighted and visualized in a graph by comparing the number of satellites launched to the number of satellites lost (to collisions as well as malfunctions) in each given year (Fig. 6). This ratio shows diminishing efficiency of the system, where number of losses per launch increases. After fully acknowledging limitations stemming from inherent un- certainties, we can also try to “make things expectedly worse” by doubling the growth rate of yearly launches (to what it perhaps might end up being due to the boom in satellites industry because of increasing privatization of space, growing demand for communication satellites, etc.) and also extending the simulation timeframe to 200 years (Fig. 7). It must be stressed, that the model was not designed with such long outlooks in mind and many of the assumptions will certainly not hold over the next 200 years (such as static launch rate growth, size and structure of the satellites, their lifetime, evasion rates, lack of mitigation and many others). But in the overwhelmingly unlikely case that these assumptions stay true, the simulated outcome seems to suggest a collapse of sorts around the year 2163. However, it does not look like a suddenly triggered chain reaction leading to widespread fragmentation of the entire LEO, but rather like a gradually reached point at which LEO is so full of debris and the rate of active satellite fragmentation is so high (almost one every day) that the launches cannot keep up anymore. This is consistent with the findings reported by LaFleur and Finkelman, who found the debris system to be unconditionally stable [18,19]. 5.2. ASAT scenario Apart from the usual collisional risks that satellites face in the LEO, there has been growing concern regarding the development of anti- satellite weapon systems (ASATs) by several world powers (namely China, Russian Federation and the US). These weapons are designed to intercept and destroy orbiting satellites and are, for the most part, descended from the anti-ballistic missile defense systems. While there are some alternative designs under development, the current generation mostly takes form of a boosted missile with a kinetic kill vehicle. This method of destruction (a collision of a missile with a satellite) leads to extensive fragmentation and creation of large debris clouds. A prime example of this was the Chinese 2007 ASAT test which destroyed China's own decommissioned weather satellite FengYun-1C. This hypervelocity collision created around 3000 pieces of medium to large debris and tens of thousands of smaller pieces, most of which will remain in orbit for decades, thus considerably contributing to overall risk of future orbital collisions [20]. As much as occasional tests of ASATs are increasing the amount of debris in the LEO, a greater danger by scale ASAT deployment during an armed conflict between two or more major, technologically advanced powers. Given the reliance of modern militaries on satellites for intelligence, communication and navigation, it is generally presumed that the initial phase of any such conflict would involve mutual destruction of each other's satellites in order to blind the enemy and hinder their offensive operations [21,22]. Such opening salvos could involve immediate destruction of dozens of satellites, thus creating massive clouds of debris threatening the remaining satellites and possibly leading to cascading disintegration across the entire orbit. This kind of hypothetical event is simulated in the second scenario, where an imaginary major military conflict erupts in the year 2040, during which roughly half of all military satellites is destroyed by in- tentional kinetic impacts using Anti-Satellite weapons. With military and dual-use satellites generally representing a little over one third of all satellites [23] (depending on criteria and the operating country), this results in some 200 satellites destroyed by ASATs in 2040 (Fig. 8). However, even this sudden event is not enough to trigger a chain reaction of satellites disintegrating in LEO, at least according to this model. Nevertheless, the number of collisions with active satellites ends up nearly twice as high at the end of the simulation (i.e. 25 years after the conflict and ASAT strikes) when compared to the previous run. This shows that the damage would be long-term and would negatively affect satellite operations (including commercial and scientific ones) for many years after any conflict involving ASATs. And again, much like in previous chapter, we can make bad situa- tion even worse by imagining a more destructive initial volley of ASATs (double) and by adding some aftereffects. In this case, it is a rapid re- launch of even more satellites to replace the lost military capacity. Therefore, 400 satellites are shot down and then replaced by 800 new ones (Fig. 9). Of course, we have no way of knowing how such a conflict would really unfold. Maybe even more satellites would be targeted, or maybe the attack would be more gradual. Shown here are only some examples, but the model allows one to simulate whatever scenario one might imagine. Impact of these scenarios and the sudden decrease in operational safety of even civilian satellites can be made apparent by plotting their launch efficiency in a single graph (Fig. 10). Two more variants of this scenarios are added for further comparison and to fill in the continuum between the two described above. Gradual return to “standard” levels can be also observed. 5.3. EMP scenario The third custom scenario (Fig. 11) is modeling a high-altitude electro-magnetic pulse (EMP) going off, leading to a loss of control over satellites en mass. These kinds of blasts are mostly associated with nuclear weapons and, more specifically, with the high-altitude nuclear weapons tests which were conducted before they were banned by the Partial Test Ban Treaty [24] signed in 1963. Considering the perpetually growing dependence of our civilization on information and communication technology, the EMP (in the form of nuclear bomb or some other device) remains a potential threat. The exact effect that the EMP would have on LEO satellites would depend greatly on the weapon, shielding used and the location of its deployment. Contrary to popular belief, EMP of this type does not ne- cessarily lead to an instantaneous shutdown of all electronic equipment in range, but rather creates a belt of lingering radiation, which damages the equipment as it passes through. Herein modeled EMP attack is based on the Starfish Prime nuclear weapon test, which was conducted by United States on July 9, 1962, 400 km above Pacific Ocean with an approximate yield equivalent to 1.4 megatons of TNT. It led to a gra- dual failure of roughly one third of all LEO satellites at the time [25]. This is notably less catastrophic (from the debris point of view) than using ASATs. Even though the total number of affected satellites is larger than in the ASAT scenario, the impact on the LEO environment is comparatively mild. This is because the disabled satellites remain intact and do no disintegrate into many thousands of pieces. At least until they collide with something, but even that is comparatively less likely, as tracking and evading hundreds of inactive satellites is simpler task than doing the same with potentially millions of small fragments.

#### CP solves debris and collisions – that’s in Steffens 21 – plus it limits the amount of satellites in space

### Corporate Colonialism

#### **TURN – Markets are the only way to incentivize helping the environment**

Franz 17 (Caleb, podcast director for *Outset* magazine. “Markets Work: Capitalism and Innovation Heal the Earth”, 4/25/17. <http://outsetmagazine.com/2017/04/25/capitalism-and-innovation-heal-the-earth/>, 7/7/17)//JM

When it comes to opposing factions, it seems as though no two factions could be more averse to each other than environmentalists and capitalists. We are taught to believe that those who care about economic growth cannot possibly care about environmental protection and vice versa. While this rhetoric is a good way to polarize those with opposing priorities, the truth is that they can co-exist. In fact, not only can capitalism and environmentalism co-exist, but only with free market capitalism can the environment ever hope to be clean. Even though critics of capitalism accuse the system of placing profits above people or the environment, the reality sets a different tone. The market demand for clean and renewable energy is growing every day. Companies and businesses are finding it profitable to keep the environment that their costumers live in clean. There is also an opportunity for those who care about the cause to take action like never before and to do so within the market. Technology and innovation are evolving at such a rate that dirty fuels and pollution will soon become a thing of the past. Elon Musk is the perfect example of this concept. Musk has created an entire empire based on clean and affordable energy; not because of government decree or regulation, but from private incentives to innovate and compete, which drives product quality up. Because Musk is allowed to profit and gain from the demand of the marketplace, his companies are on the cutting edge of innovation changing the world and the environment. Musk recently announced that he could produce roof solar panels at a cheaper rate than even conventional roofs. He is using Tesla Motors to revolutionize the automobile and clean energy industries. While Tesla cars are currently not as quite as profitable as I’m sure he would like, these innovations are setting the essential groundwork for years to come. On a smaller scale, new industries are finding innovative ways to help fight pollution and restore clean water to the planet. The only reason any company is even able to do this is capitalism. Competition is a powerful force, and people often forget that the market is what we make it. Going to government is not just a lazy way of trying to achieve sustainability, but it is also ineffective and does more harm than good. The market, so long as it is free and without crony assistance from the government, always hold businesses accountable. Sure, in a genuinely free market, a business might pollute, but the decision to pollute in excess will eventually prove counter to business interests. First, a company’s pollution would significantly affect the water that their employees drink or the air that they breathe, which would raise employment costs. Second, and more importantly, the company would also be polluting the water or air of their customers, who will be far less likely to continue doing business with the company after they have damaged the ecosystem of the community. Pollution would leave the company vulnerable to outside competition that recognizes these environmental concerns as well as the economic concerns. The business that pollutes the air and waters of the community it serves will quickly lose customers and suffer significant losses because the community, and not the government, will punish the business. Not only should we explore innovation with the market to protect the environment, but we must also act to curtail the world’s largest polluter: the U.S. Government. While environmentalist protest and rally against large corporations who pollute the air and water, the government remains the world’s largest overall polluter. Calls for government reform are silent. Not only are they the largest overall, but the federal government is also the fourth largest contributor to greenhouse gas pollution alone. Of course, we also cannot forget about the terrible EPA mine spill polluting the Colorado River in 2015. If environmentalists want to be serious about reducing pollution, they must focus on cutting the size of government. We should all strive for sustainability. Therefore, we should not view capitalism at odds with a clean Earth. Only through capitalism can we have a realistic expectation of a cleaner Earth. Government intervention only hinders economic progress and does little to protecting the environment. The path to a clean and sustainable planet cannot and should not go through the government but through competition and innovation. The government cannot mandate economic growth. The only thing it can and should do is get out of the way and remove all restrictions that slow innovation. Fossil fuels are already on their way out, and clean energy is the way of the future. But that fact does not, by itself make clean energy affordable. Only with the creative destruction that the market provides can we have a clean and sustainable future that coincides with our economic growth and prosperity. Capitalism leading the way to heal the planet is just one excellent example of how well markets work.

#### Private space appropriation will become more accessible

**Reinstein, 99 -- JD, Associate, Kirkland & Ellis** [Ezra J., Owning Outer Space, 20 Nw. J. Int'l L. & Bus. 59, 1999,<https://scholarlycommons.law.northwestern.edu/njilb/vol20/iss1/7>, accessed 7-10-21]

There are two short answers to this concern. **First,** the universe, for practical purposes, is not finite. Whenever developing nations become space-capable, there will be plenty of available unused space real estate. Second, corporations based in space-incapable nations could, of course, contract out to a space launch company from a space-capable nation. Developing nations can take advantage of space development without themselves being space-capable. Perhaps less straightforward is the notion that ownership rights, by incentivizing the development of outer space, would fund intense R&D of launch technology. Launches would become more reliable and cheaper. In this way, ownership rights might hasten the day that developing nations are able to afford hiring a launch company, or even to have their own space programs (see infra section VII (b)). Nevertheless, developing nations will likely continue to oppose rights of ownership in space. This is a political problem, and requires a political solution. For further discussion on this point, see section VII, infra. We can learn how not to solve the problem from the legal and diplomatic wrangling that has been going on regarding mining of Earth's deep seabed. Exploitation of the deep seabed, like exploitation of space, is a very risky and expensive proposition. And the deep seabed, like space, is considered an international zone. In December, 1982, 120 nations signed the LOS.94 The LOS establishes an "Authority" and an "Enterprise." 95 Mining companies must receive approval from the Authority. Approval, in the form of a license, is only granted if the applicant company satisfies a set of rigorous conditions. The applicant must present two sites of equal value, one of which will be reserved by the Authority for development by the Enterprise.96 The applicant must fully disclose information regarding mining equipment, methods, and technology.97 The applicant must pay an initial sum of $500,000, an annual fee of $1 million until production begins, and (once mining has begun) either $1 million or a percentage of the market value of recovered materials, whichever is greater.9 Finally, and in addition to any domestic taxes incurred, the Authority levies 35 to 70 percent of the net profits.99

#### No space war

James Pavur 19, Professor of Computer Science Department of Computer Science at Oxford University and Ivan Martinovic, DPhil Researcher Cybersecurity Centre for Doctoral Training at Oxford University, “The Cyber-ASAT: On the Impact of Cyber Weapons in Outer Space”, 2019 11th International Conference on Cyber Conflict: Silent Battle T. Minárik, S. Alatalu, S. Biondi, M. Signoretti, I. Tolga, G. Visky (Eds.), <https://ccdcoe.org/uploads/2019/06/Art_12_The-Cyber-ASAT.pdf>

Limited Accessibility Space is difficult. Over 60 years have passed since the first Sputnik launch and only nine countries (ten including the EU) have orbital launch capabilities. Moreover, a launch programme alone does not guarantee the resources and precision required to operate a meaningful ASAT capability. Given this, one possible reason why space wars have not broken out is simply because only the US has ever had the ability to fight one [21, p. 402], [22, pp. 419–420]. Although launch technology may become cheaper and easier, it is unclear to what extent these advances will be distributed among presently non-spacefaring nations. Limited access to orbit necessarily reduces the scenarios which could plausibly escalate to ASAT usage. Only major conflicts between the handful of states with ‘space club’ membership could be considered possible flashpoints. Even then, the fragility of an attacker’s own space assets creates de-escalatory pressures due to the deterrent effect of retaliation. Since the earliest days of the space race, dominant powers have recognized this dynamic and demonstrated an inclination towards de-escalatory space strategies [23]. B. Attributable Norms There also exists a long-standing normative framework favouring the peaceful use of space. The effectiveness of this regime, centred around the Outer Space Treaty (OST), is highly contentious and many have pointed out its serious legal and political shortcomings [24]–[26]. Nevertheless, this status quo framework has somehow supported over six decades of relative peace in orbit. Over these six decades, norms have become deeply ingrained into the way states describe and perceive space weaponization. This de facto codification was dramatically demonstrated in 2005 when the US found itself on the short end of a 160-1 UN vote after opposing a non-binding resolution on space weaponization. Although states have occasionally pushed the boundaries of these norms, this has typically occurred through incremental legal re-interpretation rather than outright opposition [27]. Even the most notable incidents, such as the 2007-2008 US and Chinese ASAT demonstrations, were couched in rhetoric from both the norm violators and defenders, depicting space as a peaceful global commons [27, p. 56]. Altogether, this suggests that states perceive real costs to breaking this normative tradition and may even moderate their behaviours accordingly. One further factor supporting this norms regime is the high degree of attributability surrounding ASAT weapons. For kinetic ASAT technology, plausible deniability and stealth are essentially impossible. The literally explosive act of launching a rocket cannot evade detection and, if used offensively, retaliation. This imposes high diplomatic costs on ASAT usage and testing, particularly during peacetime. C. Environmental Interdependence A third stabilizing force relates to the orbital debris consequences of ASATs. China’s 2007 ASAT demonstration was the largest debris-generating event in history, as the targeted satellite dissipated into thousands of dangerous debris particles [28, p. 4]. Since debris particles are indiscriminate and unpredictable, they often threaten the attacker’s own space assets [22, p. 420]. This is compounded by Kessler syndrome, a phenomenon whereby orbital debris ‘breeds’ as large pieces of debris collide and disintegrate. As space debris remains in orbit for hundreds of years, the cascade effect of an ASAT attack can constrain the attacker’s long-term use of space [29, pp. 295– 296]. Any state with kinetic ASAT capabilities will likely also operate satellites of its own, and they are necessarily exposed to this collateral damage threat. Space debris thus acts as a strong strategic deterrent to ASAT usage.

#### No solvency - Neoliberalism still exists in the aff on Earth

#### TURN - Inequality is improving and it’s thanks to capitalism

Boaz 16 - David Boaz, executive vice president of the Cato Institute and has played a key role in the development of the Cato Institute and the libertarian movement. He is the author of The Libertarian Mind: A Manifesto for Freedom and the editor of The Libertarian Reader. Boaz is a provocative commentator and a leading authority on domestic issues such as education choice, drug legalization, the growth of government, and the rise of libertarianism. Boaz is the former editor of New Guard magazine and was executive director of the Council for a Competitive Economy prior to joining Cato in 1981. The earlier edition of The Libertarian Mind, titled Libertarianism: A Primer, was described by the Los Angeles Times as “a well-researched manifesto of libertarian ideas.” His other books include The Politics of Freedom and the Cato Handbook for Policymakers. His articles have been published in the Wall Street Journal, the New York Times, the Washington Post, the Los Angeles Times, National Review, and Slate, and he wrote the entry on libertarianism for Encyclopedia Britannica. He is a frequent guest on national television and radio shows, and has appeared on ABC’s Politically Incorrect with Bill Maher, CNN’s Crossfire, NPR’s Talk of the Nation and All Things Considered, The McLaughlin Group, Stossel, The Independents, Fox News Channel, BBC, Voice of America, Radio Free Europe, and other media, 16 ("Capitalism, Global Trade, and the Reduction in Poverty and Inequality," Cato Institute, 4-14-2016, Available Online at https://www.cato.org/blog/capitalism-global-trade-reduction-poverty-inequality, Accessed on 7-1-2017 //JJ)

Drawing on a new World Bank study, Washington Post columnist Charles Lane today notes “a vast reduction in poverty and income inequality worldwide over the past quarter-century” – despite what you might think if you listen to Pope Francis, Bernie Sanders, and other voices prominent in the media.

Specifically, the world’s Gini coefficient — the most commonly used measure of income distribution — has fallen from 0.69 in 1988 to 0.63 in 2011. (A higher Gini coefficient connotes greater inequality, up to a maximum of 1.0.)

That may seem modest until you consider that the estimate’s author, former World Bank economist Branko Milanovic, thinks we may be witnessing the first period of declining global inequality since the Industrial Revolution.

Note that this hopeful figure applies to the world’s population as though every individual lived in one big country. When Milanovic assessed the distribution of income between nations, adjusted for population, the improvement was even more striking: a decline in the Gini coefficient from 0.60 in 1988 to 0.48 in 2014.

The global middle class expanded, as real income went up between 70 percent and 80 percent for those around the world who were already earning at or near the global median, including some 200 million Chinese, 90 million Indians and 30 million people each in Indonesia, Egypt and Brazil.

Those in the bottom third of the global income distribution registered real income gains between 40 percent and 70 percent, Milanovic reports. The share of the world’s population living on $1.25 or less per day — what the World Bank defines as “absolute poverty” — fell from 44 percent to 23 percent.

So maybe this is a result of all the agitation on behalf of a more moral or planned economy? No, says Lane, citing Milanovic:

Did this historic progress, with its overwhelmingly beneficial consequences for millions of the world’s humblest inhabitants, occur because everyone finally adopted “democratic socialism”? Was it due to a conscious, organized effort to construct a “moral economy” as per Vatican standards?

To the contrary: The big story after 1988 is the collapse of communism and the spread of market institutions, albeit imperfect ones, to India, China and Latin America. This was a process mightily abetted by freer flows of international trade and private capital, which were, in turn, promoted by a bipartisan succession of U.S. presidents and Congresses.

The extension of capitalism fueled economic growth, which Milanovic correctly calls “the most powerful tool for reducing global poverty and inequality.”

This is the good news about the world today. Indeed, it’s the most important news about our world. We hear so much about poverty, inequality, gaps, resource depletion, and the like, it’s a wonder any NPR listeners can bear to get out of bed in the morning. But as the economic historian Deirdre McCloskey says, this is the “Great Fact,” the most important fact about our world today – the enormous and unprecedented growth in living standards that began in the western world around 1700. She calls it “a factor of sixteen”: we moderns consume at least 16 times the food, clothing, housing, and education that our ancestors did in London in the 18th century. And this vast increase in wealth that began in northwestern Europe, mostly Britain and the Netherlands, has now spread to most of Europe, the United States, Japan, and increasingly to the rest of the world.

### Solvency

#### The solvency advocates assume the aff creates legal institutions and frameworks to create sustainable use of outer space – but you haven’t read an internal link that says simply the declaration of outer space as a global commons does that

#### The aff is blatantly extra topical which is a voting issue for limits and ground since they can take on infinite action to solve for neg ground which hurts clash

#### Global commons have empirically failed.

Goehring 6/3 - (John S. Goehring [B.A., University of California, Berkeley; J.D., Tulane Law School; LL.M., McGill University, Institute of Air and Space Law) is a space and international law attorney for the Department of Defense and a judge advocate in the United States Air Force Reserve], “Why Isn’t Outer Space a Global Commons?” *Journal of National Security Law and Policy*. Vol. 11:573. (June 3, 2021).<https://jnslp.com/wp-content/uploads/2021/09/Why\_Isnt\_Outer\_Space\_a\_Global\_Commons\_2.pdf> AT)

B. Global Commons as a Constraining Concept In an economic context, as opposed to a military or geopolitical context, “global commons” is typically used to convey a constraining concept. The concept of a “commons” may be thought of as constraining because it is often associated with notions of shared ownership, public governance, or limitations on use. Whether these constraints are viewed positively or negatively is a subjective assessment. The constraining concept is more complicated than the enabling concept because it can reflect two distinct meanings. This is likely a function of its history. “The ‘commons,’ of course, has a long historical and intellectual lineage ranging from the enclosure movement in England, to Garret Hardin’s famous Tragedy of the Commons parable, to Elinor Ostrom’s Nobel-prize winning work on governing common pool resources,” observe Professors Foster and Iaione.30 Applying rational-choice theory, Hardin postulated that individual actors “automatically tend to over-exploit and plunder common-pool resources that are freely available to everyone.”31 The only possible solution to this dilemma, according to Hardin, was “the enclosure of resources through private property, or, failing that, public regulation.”32 Ostrom’s work later “turned [Hardin’s] conventional wisdom upside down: complex socio-ecological systems (in which goods are extractable and beneficiaries are hard to exclude) can prove to be sustainable resource domains granted that its stakeholders adopt a polycentric and self-regulated mode of governance.”33 As this brief summary suggests, one meaning of “commons” is simply to describe a category of goods.34 This usage was typical prior to Ostrom’s influence.35 In this meaning, a common is a resource to which access is shared, such as an open hunting ground. Some common resources may offer more than one type of benefit. For example, a hunting ground may offer open space for recreation, game to hunt, and trees for building. Some common resources may be subtractable, meaning that use of the resource subtracts from the ability of others to use the resource, while others remain plentiful. Describing a resource in this manner, as a common resource, does not necessarily imply any particular property regime or use limitations.36 A common hunting ground, for instance, may be publicly owned or privately owned. Ostrom helped popularize the term “common pool resource” to describe this general category of resources.37 As Dr. Tepper argues, “[i]t is crucial to differentiate between resources and the legal regime that governs them.”38 This is because the term “global commons” – or simply “commons” – can also be used in an economic sense to refer to a form of collective ownership and governance rather than to the economic goods themselves.39 As Professors Cogolati and Woulters observe, “[u]nder Ostrom’s influence, the commons have become more closely connected with the collective self-governance and participatory mechanisms they imply, than with the strict category of (rivalrous and non-excludable) economic goods they used to refer to.”40 This may account for the notion held by some that “the commons is less a description of the resource and its characteristics and more of a normative claim to the resource” (emphasis original).41 Used in this way, a commons is a category of property rights based on collective ownership.42 Put simply, “commons” is sometimes used to refer to common property, meaning a resource with more than one owner, and which therefore should be governed collectively. This notion of a commons is sometimes associated with the common heritage of mankind concept, particularly in the context of outer space. As expressed in Article 11(3) of the 1979 Moon Agreement, the common heritage of mankind concept creates a new type of territorial status in which the moon and celestial bodies “are not only in themselves not subject to national appropriation in a territorial sense, but the fruits and resources of which are also deemed to be the property of mankind at large,” according to Professor Cheng.43 This principle, as characterized by Professor Christol, not only “protects the proposition what [sic] given areas and their resources are open to inclusive use and that there may not be exclusive use,” but also “goes farther: it asserts that there must be a sharing of the benefits and of the values derived from the indicated commons.”44 In other words, status as the common heritage of mankind does not permit full private property rights in space resources. It should be noted that the concept of the common heritage of mankind is not limited to the outer space domain. In 1970, the United Nations (UN) General Assembly passed a non-binding resolution declaring “[t]he sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.”45 Years later – after the completion of the Moon Agreement – this principle was codified in Article 136 of the 1982 UN Convention on the Law of the Sea (UNCLOS).46 Importantly, while the area is the common heritage of mankind according to the Convention, the high seas above the area remains free.47 Hence, some may refer to the high seas as a global commons (in the enabling sense), while others may refer to the deep sea bed as a global commons (in the constraining sense) – a clear example of why the term is fraught with misunderstanding. While the concept of common heritage of the seabed and of the Moon and other celestial bodies are linked, the Moon Agreement declares that the content of the common heritage of mankind concept as it applies to States Parties “finds its expression in the provisions of this Agreement” and nowhere else.48 In general, the concept “lacks a precise definition” but “basically wishes to convey the idea that management, exploitation and distribution of the natural resources of the area in question are matters to be decided upon by the international community and are not to be left to the initiative and discretion of individual States and their nationals.”49 The United States has not signed the Moon Agreement and rejects the notion that outer space resources are the common heritage of mankind, a position clearly reiterated in Executive Order 13914.50 The last of the five international space treaties to have been negotiated in the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), the Moon Agreement is regarded as a failed treaty with only 18 nations having signed on, none of which is China, Russia, or the United States, the three most prominent space-faring States.51 VISITED STATUS OF INTERNATIONAL AGREEMENTS RELATING TO ACTIVITIES IN OUTER SPACE, UNITED NATIONS OFFICE FOR OUTER SPACE AFFAIRS, https://perma.cc/8VA5-4UW8 (last July 11, 2020). The 1967 Outer Space Treaty, by contrast, has over 100 States Parties.52 Context is essential for discerning the distinction between the constraining concept and the enabling concept. By themselves, “global commons” or “commons” do not necessarily convey one concept or the other. Describing a resource as a “global commons” in an economic context implies a focus on an open access resource and the consumption of that resource; it suggests a resource allocation problem in need of a solution and inevitably invites questions about ownership. In contrast, referring to a global commons in a military or geopolitical context implies a focus on the use of an open access domain and, when used accurately, the lack of ownership is a settled question. Indeed, the distinction between a focus on a thing (res) itself and a focus on the right to use and explore a domain is among the reasons the term “res communis” is not interchangeable with “global commons” when used in a military or geopolitical sense.53

#### The CP limits private entities’ influence in space, which solves the aff – and there is a net benefit of innovation

#### Outer Space Laws are unclear – private entities can circumvent due to loopholes in the plan.

**Green and Stark 17** [Christopher and Eda, “Outer Space Treaty and Beyond: Do Existing Space Laws Put an Astronomical Barrier to Private IP Rights in Space?”, JDSUPRA. 8 September 2020 https://www.jdsupra.com/legalnews/outer-space-treaty-beyond-do-existing-44028/] //DebateDrills LC

Our **limited body of space law provides little guidance**. The first international treaty, the “Outer Space Treaty,” was signed by the U.S., Russia, and the U.K. in 1967, quickly followed by the Rescue Agreement. Over the next two decades, three other treaties—the Liability Convention, the Registration Convention, and the Moon Agreement—were also signed by these nations, with most countries following in their footsteps.[3] But after that rapid succession of international treaties, there have since been few others. These five documents form the basis of the international space law we have today, but **none address the issue of**[**intellectual property rights in space**](https://www.fr.com/fish-litigation/ip-rights-outer-space/). Rather, upon inspection, it appears that **the stated purpose of these treaties may be antithetical to intellectual property protection.**

The “Outer Space Treaty” espouses communal themes in characterizing space as the “province of all mankind,” the “common heritage of mankind” and to the “benefit of all countries.”[4] Unsurprisingly, Article II of the Outer Space Treaty prohibits any appropriation of areas in space, keeping in line with its principle of communal property.[5] On the other hand, **patents are fundamentally territorial and grant monopoly rights for a period of time. Applied to space, it is unclear just what is open for patent protections.**

For example, **can private companies patent orbital patterns of satellites**? Currently, companies may patent the technology or design of satellites that stay in a particular orbit, even if not the orbital pattern itself.[6] The practical implications of this are significant, especially with the advent of satellite constellations. If particular satellite technologies, and, indirectly, their orbital patterns, are patentable, then a significant portion of space may be occupied by one satellite constellation, i.e. one company alone.[7] Does this private apportionment of space run counter to our notions of sharing space? Some argue that **the Outer Space Treaty only bans sovereign appropriation and does not limit private entities from exerting claims**. Others counter that private property rights flow from sovereign property claims, so the former is meaningless without the latter.[8] So the question remains, **can the stated goals of sharing outer space be reconciled with the proprietary nature of patents**?

**Our current corpus of space treaties comes from a period of history when space exploration was undertaken primarily by governments** rather than private actors. The cooperative goals were likely a reaction to the time, as the world was coming out of a charged space race. **The silence of these space treaties on intellectual property rights presents an opportunity for modern-day agreements to provide patent protections for private companies**. Without robust international agreement on patents for space, we may even see less international cooperation as companies refuse to divulge their discoveries.[9] Now, as more and more private companies enter space exploration and carry the torch of innovation, **it is more important than ever to strike a balance between sharing our “common heritage” and providing patent protections that incentivize invention.**[10]

## Framework

**The standard is maximizing expected well-being.**

**Prefer:**

#### Value requires us to be alive in the future.

Bostrom 12 [Nick Bostrom. Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority.” Global Policy (2012)]

These reflections on moral uncertainty suggest an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ Our present understanding of axiology might well be confused. We may not now know — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that there is a great option value in preserving — and ideally improving — our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value. To do this, we must prevent any existential catastrophe.

#### Degrees of wrongness – so we can weigh between impacts

#### They have no counter-fw and the 1ar is too late because I lose all my offense with only one speech left, but they’ll have 2