## 1

#### 1] Interp – Unjust refers to a negative action – it means contrary.

Black Laws No Date "What is Unjust?" <https://thelawdictionary.org/unjust/> //Elmer

Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.

#### 2] Violation – The Aff is a positive action – it creates a restriction made by governments.

#### 3] Standards –

#### a] Limits – making the topic bi-directional explodes limits –aff can both increase non-exist property rights in space AND decrease appropriation– decimates neg ground

#### b] Ground – wrecks Generics – we can’t say appropriation good since the 1AC can create new views that circumvent our Links by saying restrictions solves

#### The Plan is Extra-T - since it establishes a regulation regime – which is a voter for Limits and Predictability

#### c] TVA solves – just defend whole rez and you get your offense - hold them to a higher standard because on top of being extra-t, they fiat a “restriction,” so they deck neg ground in process cps, regulations cps, and da’s since “restriction” can always solve back – being whole res prevents this

#### Voters:

#### Fairness– debate’s a game and games must be fair

#### Education– it’s why schools fund debate

#### No RVIs:

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

#### b. Incentivizes baiting theory

#### 4. Use competing interpretations:

#### a. Reasonability causes a race to the bottom with testing the limit of it

#### b. Judge intervention shouldn’t be allowed bc it produces bias

#### c. you can’t be reasonably topical

#### 5. Drop the debater: a) the aff is the arg b) my prep is skewed for the rest of the debate c) deters future abuse

## 2

#### Interpretation – “Private Entities” are definitionally distinct from states. The aff cannot defend the resolution in the context of states because states aren’t the actors of this resolution – private entities are.

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.

#### ‘By’ denotes the actor as private entities.

Oxford Dictionary.-- <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.

#### 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 bound by the resolution, which is the only stasis point coming into the round.

#### 2. TVA solves: you get all your offense - PICs don’t solve because potential neg abuse doesn’t justify blatant aff abuse

**Voters-**

**C/A voters from above**

## 3

#### Private appropriation encourages environmental preservation in space

Reinstein 99

Ezra J. Reinstein (JD, Associate at Kirkland & Ellis), Owning Outer Space, 20 Nw. J. Int'l L. & Bus. 59 (1999). JDN. https://scholarlycommons.law.northwestern.edu/njilb/vol20/iss1/7

Another way to solve the problem of space **environmental ruination** is by accepting the right of ownership into our system of space law. It would be a simple but effective step in the right direction. As Lawrence Roberts has written, the current law "is rather damaging from an environmental perspective," because "without a means to secure control of a resource in the ground," i.e. without ownership, "each individual developer will seek to maximize his or her own gain by extracting as much value as quickly as possible without regard to the effect on the communal resource.

Ownership creates a strong incentive to act with an environmentalist ethos. As owner of a site, SpaceCorp would want to maximize the site's value. This self-interest protects the environment in two related ways. First, because SpaceCorp is not just a squatter on a plot of celestial territory, because it will have more than an expiring usufructary interest, SpaceCorp will avoid wanton despoliation of the land. Despoliation would reduce the value of the property to a purchaser, and thus SpaceCorp's potential revenue. Poor land management might also harm SpaceCorp's current interests, if its actions contaminate its own site to the point that its settlement loses viability. Second, SpaceCorp will avoid ripping through the site; instead, it will either preserve materials it does not use to maximize the site's resale value, or it will itself use the site as fully and efficiently as possible. SpaceCorp will either use the site with preservationist techniques, sparing the site from wasteful destruction, or it will use the site as a conservationist, i.e. wholly and completely, sparing other sites from exploitation. The incentive to use space non-wastefully, discussed above in the context of economic efficiency, clearly has positive environmental repercussions. An owner has an interest in keeping his own site clean, as well as using it with minimal waste and maximum efficiency, because if he wants to eventually sell the property, any despoliation will devalue it. This carrot, because it is self-executing, is better than any stick.

Of course, the right of ownership would not make an environmental violation whose harm extends onto another site less likely -- but it wouldn't make it more likely, either. As under the current system, lawsuits should still be available to remedy harms. Hopefully the requirement of environmental review would act as a prior restraint to prevent these harms. And ownership, by creating an incentive to care about one's own property, protects the interests of others: both those nearby (who instantly feel the effects of more care given to, e.g., waste disposal and water management), and those who come later.

#### 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 extinctions.**

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

#### 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 – prefer to Garcia 18 on recency – we control uniqueness since mining only happens with the cp

**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

### Overview

#### C/A Reinstein 99 – only private entities have the monetary incentive to develop tech that stops debris

#### DA turns case and outweighs on timeframe & probability

#### CP solves case – a) limits the amount of private entities in space b) solves debris through R&D –Scoles and Xu say that unregulated mining is bad, but the CP regulates – Garcia 18 asks for “body of rules”

#### Since warming is going to happen, as Spratt and Dunlop tell you, we need to appropriate space, so we can escape Earth before environmental catastrophe kills us all

### Advantage

#### Debris has been put there by PUBLIC entities as well, even a ban on private entities in space won’t solve. If anyone is launching anything, it’s inevitable.

#### TURN - 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.

#### Cascade wrong and super long timeframe

Kurt 15 – JD-William & Mary Joseph Kurt, JD- William & Mary School of Law, BA-Marquette University, NOTE: TRIUMPH OF THE SPACE COMMONS: ADDRESSING THE IMPENDING SPACE DEBRIS CRISIS WITHOUT AN INTERNATIONAL TREATY, 40 Wm. & Mary Envtl. L. & Pol'y Rev. 305 (2015)//ww pbj

1. Practical Considerations: Feasible Solutions to the Space Debris Problem Are on Their Way One key question in assessing whether an international treaty is a requisite for solving the space debris problem is just how difficult it will be to fashion a remedy. The more complex and costly are feasible solutions, the more likely it is that a comprehensive regime is necessary to bind the various actors together. 93Link to the text of the note A good place to begin is to determine just how imminent is the onset of the cascade of exponentially more frequent debris-creating collisions, known as the Kessler Syndrome. 94Link to the text of the note To be certain, no one can be sure--this phenomenon being subject to highly complex probabilities. 95Link to the text of the note Indeed, experts' estimates of when such a cascade will become irreversible vary [\*316] widely. 96Link to the text of the note The National Research Council produced a report in 2011 that suggested that "space might be just 10 or 20 years away from severe problems." 97Link to the text of the note In fact, the cascading effect has already begun, albeit at a modest pace. 98Link to the text of the note However, Donald Kessler, who first described the eponymous effect in 1978, has significantly recalibrated his own outlook over the years. 99Link to the text of the note Originally, Kessler predicted that catastrophe would result by the year 2000. 100Link to the text of the note That date long passed, Kessler now speaks of a century-long process that "we have time to deal with." 101Link to the text of the note

#### No retal or escalation from satellite attacks – there is no impact.

Dr. Eric J. Zarybnisky 18, MA in National Security Studies from the Naval War College, PhD in Operations Research from the MIT Sloan School of Management, Lt Col, USAF, “Celestial Deterrence: Deterring Aggression in the Global Commons of Space”, 3/28/2018, https://apps.dtic.mil/dtic/tr/fulltext/u2/1062004.pdf

PREVENTING AGGRESSION IN SPACE

While deterrence and the Cold War are strongly linked in the public’s mind through the nuclear standoff between the United States and the Soviet Union, the fundamentals of deterrence date back millennia and deterrence remains relevant. Thucydides alludes to the concept of deterrence in his telling of the Peloponnesian War when he describes rivals seeking advantages, such as recruiting allies, to dissuade an adversary from starting or expanding a conflict.6F6 Aggression in space was successfully avoided during the Cold War because both sides viewed an attack on military satellites as highly escalatory, and such an action would likely result in general nuclear war.7F7 In today’s more nuanced world, attacking satellites, including military satellites, does not necessarily result in nuclear war. For instance, foreign countries have used high-powered lasers against American intelligence-gathering satellites8F8 and the United States has been reluctant to respond, let alone retaliate with nuclear weapons. This shift in policy is a result of the broader use of gray zone operations, to which countries struggle to respond while limiting escalation. Beginning with the fundamentals of deterrence illuminates how it applies to prevention of aggression in space.

#### 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.

#### Taylor 19 turns Biggs 18 – it tells you we need mining to make satellites that solve climate change

#### Be skeptical of Ford 9 – a) it was way before the pandemic & we understood how to respond to them b) it says “may”

#### Be skeptical of their pandemics impact - extinction level assumes there are no vaccines, cures, etc. which as we’ve seen in this pandemic is empirically not the case – prefer analytics from within a pandemic than an invalid overestimation from 2015

### Solvency

#### Non unique – public entities mine too

#### No solvency mechanism – prefer the The Committee on the Peaceful use of Outer Space because it is specified and already working in space–prefer the specificity of our planks rather than “restrictions”

#### Circumvention- Outer Space Laws are unclear - magnified by the vagueness of 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]

#### Double bind on Vedda 18 – either countries won’t break space norms, which proves Pavur 19 telling you that space war will not take place OR countries don’t respect norms and the plan gets circumvented