## 1

### 1NC – Space Col DA

#### Private sector innovation in the commercial space industry is high now.

**Smith 18** [Matthew Smith, 6-11-2018, "Commercialized Space and You," Science in the News, https://sitn.hms.harvard.edu/flash/2018/commercialized-space-and-you/]//DDPT

Step aside, NASA. The 20th century model of space exploration is running out of fuel, and private companies are now leading the race for human expansion across the galaxy. Elon Musk, Richard Branson, and Jeff Bezos are three of the billionaires leading this extraterrestrial adventure with their respective companies, SpaceX, Virgin Galactic, and Blue Origin. Bezos, the founder of Amazon and currently the wealthiest person in the world, has a vision of sending autonomous rovers to the Moon and helping to eventually create a Moon Village. He has explained that collaborations with the National Aeronautics and Space Administration (NASA) and other government agencies are encouraged and appreciated, but are no longer essential to achieve his goal. [Musk](https://www.geekwire.com/2018/jeff-bezos-blue-origin-space-venture-go-moon-settlements/), who co-founded Tesla, has already launched nine rockets within the first five months of 2018, one of which was the most powerful private spacecraft [ever sent into orbit](http://sitn.hms.harvard.edu/flash/2018/spacex-launches-falcon-heavy-rocket-successfully/). Looking forward, SpaceX aims to complete its first manned mission to Mars in 2024, almost a decade earlier than NASA’s projections. Even the current US president is encouraging this shift to private companies driving [innovation in space](https://www.washingtonpost.com/news/the-switch/wp/2018/02/11/the-trump-administration-wants-to-turn-the-international-space-station-into-a-commercially-run-venture/?noredirect=on&utm_term=.d2c1eccab4ca). With almost [$1 billion](https://www.forbes.com/sites/alexknapp/2018/04/10/nearly-1-billion-was-invested-in-space-startups-in-1q2018-new-report-says/#5fdd019b285c) invested in space-focused startups in the first quarter of 2018, the commercialized space industry shows no sign of slowing down.

#### Private space appropriation is uniquely key to ensuring ongoing innovation towards space exploration and colonization.

**Cheng 20** [Dean Cheng, 09-16-2020, "Outer Space and Private Property," Heritage Foundation, https://www.heritage.org/space-policy/commentary/outer-space-and-private-property]//DDPT

Fully 53 years after the Outer Space Treaty, however, this has begun to change. The success of SpaceX, Blue Origin, Virgin Galactic, and other private companies has led to what has been termed Space 2.0.

The Obama administration’s decision to rely on commercial space-launch services to resupply the International Space Station opened the door to expanding private enterprise’s role in space.

The innovation exhibited in the various Falcon launches, including the ability to reuse the booster rockets, has seen a significant drop in the cost of placing payloads into orbit. As a result, a real opportunity exists for companies to begin thinking about how to use space not simply to improve terrestrial operations, but to make money from space and its physical resources.

The uncertainty associated with private property rights, however, has had a constraining effect on the ability to exploit space more extensively. Companies are unlikely to be willing to risk capital and assets if they are not sure that they will be able to profit from their investments.

#### The private sector is the key internal link to space exploration and colonization.

**Sharma 9/7** [Maanas Sharma, 9-7-2021, "The Space Review: The privatized frontier: the ethical implications and role of private companies in space exploration," The Space Review, https://www.thespacereview.com/article/4238/1]//DDPT

In recent years, private companies have taken on a larger role in the space exploration system. With lower costs and faster production times, they have displaced some functions of government space agencies. Though many have levied criticism against privatized space exploration, it also allows room for more altruistic actions by government space agencies and the benefits from increased space exploration as a whole. Thus, we should encourage this development, as the process is net ethical in the end. Especially if performed in conjunction with adequate government action on the topic, private space exploration can overcome possible shortcomings in its risky and capitalistic nature and ensure a positive contribution to the general public on Earth.

The implications of commercial space exploration have been thrust into the limelight with the successes and failures of billionaire Elon Musk’s company SpaceX. While private companies are not new to space exploration, their prominence in American space exploration efforts has increased rapidly in recent years, fueled by technological innovations, reductions in cost, and readily available funding from government and private sources.[1] In May 2020, SpaceX brought American astronauts to space from American soil for the first time in almost 10 years.[2] Recognizing the greatly reduced costs of space exploration in private companies, NASA’s budget has shifted to significantly relying on private companies.[3] However, private space companies are unique from government space agencies in the way they experience unique sets of market pressures that influence their decision-making process. Hence, the expansion of private control in the space sector turns into a multifaceted contestation of its ethicality.

The most obvious ethical concern is the loss of human life. Critics contend that companies must answer to their shareholders and justify their profits. This contributes to a larger overall psyche that prioritizes cost and speed above all else, resulting in significantly increased risks.[4] However, the possible increase in mishaps is largely overstated. Companies recognize the need for safety aboard their expeditions themselves.[5] After all, the potential backlash from a mishap could destroy the company’s reputation and significantly harm their prospects. According to Dr. Nayef Al-Rodhan, Head of the Geneva Centre for Security Policy’s Geopolitics and Global Futures Programme, “because there were no alternatives to government space programs, accidents were seen to some degree as par for the course… By comparison, private companies actually have a far more difficult set of issues to face in the case of a mishap. In a worst case scenario, a private company could make an easy scapegoat.” [6]

Another large ethical concern is the prominence capitalism may have in the future of private space exploration and the impacts thereof. The growth of private space companies in recent years has been closely intertwined with capitalism. Companies have largely focused on the most profitable projects, such as space travel and the business of space.[7] Many companies are funded by individual billionaires, such as dearMoon, SpaceX’s upcoming mission to the Moon.[8] Congress has also passed multiple acts for the purpose of reducing regulations on private space companies and securing private access to space. From this, many immediately jump to the conclusion that capitalism in space will recreate the same conditions in outer space that plague Earth today, especially with the increasing push to create a “space-for-space” economy, such as space tourism and new technologies to mine the Moon and asteroids. Critics, such as Jordan Pearson of VICE, believe that promises of “virtually unlimited resources” are only for the rich, and will perpetuate the growing wealth inequality that plagues the world today.[9]

However, others contend that just because private space exploration has some capitalist elements, it is by no means an embodiment of unrestricted capitalism. A healthy balance of restricted capitalism—for example, private space companies working through contracts with government agencies or independently under monitoring and regulation by national and international agreements—will avoid the pitfalls that capitalist colonialism faced down here on Earth. Even those who are generally against excessive government regulation should see the benefits of them in space. Lacking any consensus on definitions and rights in space will create undue competition between corporations as well as governments that will harm everyone rather than helping anyone. To create a conducive environment for new space-for-space exploration, one without confrontation but with protection for corporate astronauts, infrastructure, and other interests, governments must create key policies such as a framework for property rights on asteroids, the Moon, and Mars.[7,10]

Another key matter to note is restricted capitalism in space “could also be our salvation.”[11] Private space exploration could reap increased access to resources and other benefits that can be used to solve the very problems on Earth that critics of capitalism identify. Since governments offset some of their projects to private companies, government agencies can focus on altruistic projects that otherwise would not fit in the budget before and do not have the immediate commercial use that private companies look for. Scott Hubbard, an adjunct professor of aeronautics and astronautics at Stanford University, discusses how “this strategy allows the space agency to continue ‘exploring the fringe where there really is no business case’” but still has important impacts on people down on Earth.[12]

Indeed, this idea is a particularly powerful one when considering the ideal future of private companies in space exploration. Though there is no one set way governments will interact with companies, the consensus is that they must radically reimagine their main purpose as the role of private space exploration continues to grow. As governments utilize services from private space companies, “[i]nstead of being bogged down by the routine application of old research, NASA can prioritize their limited budget to work more on research of other unknowns and development of new long-term space travel technologies.”[13] According to the Council on Foreign Relations, such technologies have far-reaching benefits on Earth as well. Past developments obviously include communications satellites, by themselves a massive benefit to society, but also “refinements in artificial hearts; improved mammograms; and laser eye surgery… thermoelectric coolers for microchips; high-temperature lubricants; and a means for mass-producing carbon nanotubes, a material with significant engineering potential; [and h]ousehold products.”[2] Agencies like NASA are the only actors able to pursue the next game-changing missions, “where the profit motive is not as evident and where the barriers to entry are still too high for the private sector to really make a compelling business case.”[8] These technologies have revolutionized millions, if not billions, of lives, demonstrating the remarkable benefits of space exploration. It follows then that it is net ethical to prioritize these benefits.

This report concludes that the private sector, indeed, has a prominent role to play in the future of space exploration. Further, though private space exploration does bring the potential of increased danger and the colonization of space, these concerns can be effectively mitigated. Namely, strong government frameworks—particularly international ones—will minimize possible sources of ethical violations and ensure an optimal private sector role in space. This also allows government agencies to complete significantly more difficult, innovative projects which have transformative benefits for life on Earth.

#### Space exploration solves extinction and endless resource wars.

Collins 10 [Patrick Collins, professor of economics at Azabu University in Japan, and a Collaborating Researcher with the Institute for Space & Astronautical Science, as well as adviser to a number of companies, Adriano V. Autino is President of the Space Renaissance International; Manager, CEO/CTO, Systems Engineering Consultant / Trainer at Andromeda Systems Engineering LLC; and Supplier of methodological tools and consultancy at Intermarine S.p.A, Acta Astronautica, Volume 66, Issues 11–12, June–July 2010, “What the growth of a space tourism industry could contribute to employment, economic growth, environmental protection, education, culture and world peace”, Pages 1553–1562]

7. World peace and preservation of human civilisation

The major source of social friction, including international friction, has surely always been unequal access to resources. People fight to control the valuable resources on and under the land, and in and under the sea. The natural resources of Earth are limited in quantity, and economically accessible resources even more so. As the population grows, and demand grows for a higher material standard of living, industrial activity grows exponentially. The threat of resources becoming scarce has led to the concept of “Resource Wars”. Having begun long ago with wars to control the gold and diamonds of Africa and South America, and oil in the Middle East, the current phase is at centre stage of world events today [37]. A particular danger of “resource wars” is that, if the general public can be persuaded to support them, they may become impossible to stop as resources become increasingly scarce. Many commentators have noted the similarity of the language of US and UK government advocates of “war on terror” to the language of the novel “1984” which describes a dystopian future of endless, fraudulent war in which citizens are reduced to slaves.

7.1. Expansion into near-Earth space is the only alternative to endless “resource wars”

As an alternative to the “resource wars” already devastating many countries today, opening access to the unlimited resources of near-Earth space could clearly facilitate world peace and security. The US National Security Space Office, at the start of its report on the potential of space-based solar power (SSP) published in early 2007, stated: “Expanding human populations and declining natural resources are potential sources of local and strategic conflict in the 21st Century, and many see energy as the foremost threat to national security” [38]. The report ended by encouraging urgent research on the feasibility of SSP: “Considering the timescales that are involved, and the exponential growth of population and resource pressures within that same strategic period, it is imperative that this work for “drilling up” vs. drilling down for energy security begins immediately” [38].

Although the use of extra-terrestrial resources on a substantial scale may still be some decades away, it is important to recognise that simply acknowledging its feasibility using known technology is the surest way of ending the threat of resource wars. That is, if it is assumed that the resources available for human use are limited to those on Earth, then it can be argued that resource wars are inescapable [22] and [37]. If, by contrast, it is assumed that the resources of space are economically accessible, this not only eliminates the need for resource wars, it can also preserve the benefits of civilisation which are being eroded today by “resource war-mongers”, most notably the governments of the “Anglo-Saxon” countries and their “neo-con” advisers. It is also worth noting that the $1 trillion that these have already committed to wars in the Middle-East in the 21st century is orders of magnitude more than the public investment needed to aid companies sufficiently to start the commercial use of space resources.

Industrial and financial groups which profit from monopolistic control of terrestrial supplies of various natural resources, like those which profit from wars, have an economic interest in protecting their profitable situation. However, these groups’ continuing profits are justified neither by capitalism nor by democracy: they could be preserved only by maintaining the pretence that use of space resources is not feasible, and by preventing the development of low-cost space travel. Once the feasibility of low-cost space travel is understood, “resource wars” are clearly foolish as well as tragic. A visiting extra-terrestrial would be pityingly amused at the foolish antics of homo sapiens using long-range rockets to fight each other over dwindling terrestrial resources—rather than using the same rockets to travel in space and have the use of all the resources they need!

7.2. High return in safety from extra-terrestrial settlement

Investment in low-cost orbital access and other space infrastructure will facilitate the establishment of settlements on the Moon, Mars, asteroids and in man[/woman]-made space structures. In the first phase, development of new regulatory infrastructure in various Earth orbits, including property/usufruct rights, real estate, mortgage financing and insurance, traffic management, pilotage, policing and other services will enable the population living in Earth orbits to grow very large. Such activities aimed at making near-Earth space habitable are the logical extension of humans’ historical spread over the surface of the Earth. As trade spreads through near-Earth space, settlements are likely to follow, of which the inhabitants will add to the wealth of different cultures which humans have created in the many different environments in which they live.

Success of such extra-terrestrial settlements will have the additional benefit of reducing the danger of human extinction due to planet-wide or cosmic accidents [27]. These horrors include both man-made disasters such as nuclear war, plagues or growing pollution, and natural disasters such as super-volcanoes or asteroid impact. It is hard to think of any objective that is more important than preserving peace. Weapons developed in recent decades are so destructive, and have such horrific, long-term side-effects that their use should be discouraged as strongly as possible by the international community. Hence, reducing the incentive to use these weapons by rapidly developing the ability to use space-based resources on a large scale is surely equally important [11] and [16]. The achievement of this depends on low space travel costs which, at the present time, appear to be achievable only through the development of a vigorous space tourism industry.

## [2] (1:40)

### 1NC – Consult ICJ CP

#### Counterplan: Space faring nations should enter into a prior and binding consultation with the International Court of Justice over the 1AC PLAN.

#### Advisory opinions from ICJ are necessary to clarify and develop international space law and they say yes

Simpson and Johnson 17 [Simpson, Michael & Johnson, Christopher. (2017). Lacunae and Silence in International Space Law – A Hypothetical Advisory Opinion from the International Court of Justice.]

Since international space law has developed for at least 60 years in an environment devoid of judicial opinions on live controversies, it lacks the judicial contribution to clarification and elaboration of terms and principles normally enjoyed by a body of law. For this reason, advisory opinions may be particularly useful in this area. The mechanism for seizing the Court also appears to be favorably developed. In the nuclear weapons case, the ICJ turned down a 1993 request from the World Meteorological Organization on the grounds that WMO, acting ultra vires lacked standing. Only when the UN General Assembly later made the request in its own name did the Court take up the question.

Since many of the questions amenable to illumination through advisory opinions are within the remit of the UN Committee for the Peaceful Uses of Outer Space (UNCOPUOS), which itself reports through Fourth Committee to the General Assembly, the procedural pathway to a UNGA request is both established and clear. Equally as helpful is that UNCOPUOS operates by consensus. Thus, early requests for clarification, could easily establish that the necessary political will to seek increased clarity was present and permit to begin with less controversial concepts. Once the efficacy of advisory opinions to clarify elements of space law is established, the General Assembly could possibly decide to forward more challenging issues even where consensus in COPUOS could not be expected.

III. NON-LIQUET AT THE ICJ.

It is a general principle of law at both the national and international level (indeed inherited from ancient Roman law) that when asked to deliver a judgement, a court knows the law (Iura novit curia). So it should seem as an unexpected and rare surprise when a court does not, indeed, know the law. In the Nuclear Weapons advisory opinion, the Court considered the existing law applicable to the threat or use of nuclear weapons, and their treatment under the various sources and bodies of law. The Court was asked to consider “is the threat or use of nuclear weapons in any circumstances permitted under international law?” However, the Court slightly rephrased that question merely to “determine the legality or illegality of the threat or use of nuclear weapons.”11 In seeking an answer, the Court looked to custom and to treaties, and looking to a diverse field of special regimes of international law, including the law of armed conflict (LOAC) a.k.a. International Humanitarian Law (IHL) (including jus ad bellum and jus in bellow), environmental law, and human rights law. However, the law, as a system and as a whole, was weighed and found wanting. The Court concluded:

11

20

Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports (1996) p. 226, 238 para.

97. Accordingly, in view of the present state of international law viewed as a whole, as examined above by the Court, and of the elements of fact at its disposal, the Court is led to observe that it cannot reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in such circumstance of self-defense, in which its very survival would be at stake.

Non liquet, meaning, it is not clear, is where a court finds the law insufficient, and does not permit a conclusion one way or the other regarding the issue it is presented with.

12

IV. SPACE LAW, LACUNAE, AND NON-LIQUET

The idea that gaps in the law or uncertainty with its provisions can render judicial decisions impossible, difficult, or unwise is at least as old as Roman law. As such the concepts of lacunae and non liquet still bear the Latin names that would have been familiar to lawyers and legal scholars throughout the Roman Empire. As explained by Mark Bogdansky, non liquet can be extended to cover both the case where no legal rule can be found that applies to a case under consideration and to the case where lack of clarity in the facts or in a principle of law makes it impossible to discern clearly the implications of that principle in light of the facts presented. Bogdansky refers to the former situation as ontological non liquet and to the latter as epistemological. We will use lacunae to refer to apparent gaps in international space law and will confine our use of “non liquet” to situations where a principle has been articulated but is not clear.

Definitions become extremely important in discussing the impact of lacunae and non liquet on international space law. Note for example the list of lacunae in José Monserrat Filho’s excellent paper, “Space Law In The Light Of Bobbio's Theory Of Legal Ordering,” IAC-12.E7. 5. 6.

1. Definition of “space object”, “space debris”, “space activities”, “space launching”;

2. Binding “Space Debris Mitigation Guidelines”;

3. Prohibition of all kind of weapons in Earth orbits;

4. Definition and delimitation of the outer space;

5. Regulation of commercialization of space activities;

6. Environmental damage in Liability Convention;

7. Industrial exploitation of lunar natural resources;

8. Remote sensing activities in the XXI century;

9. Satellite data as evidence in criminal proceedings;

10. The use of nuclear power sources in space;

11. The human presence in space.

While items 2, 3, 6, and 11 fit clearly into our definition of lacunae, the others represent cases where legal principles have been articulated, but are subject to substantial disagreement as to their application to various fact situations. Where lacunae exist, the utility of advisory opinions is greatly constrained. The foundational principles of positivism and sovereignty that are key pillars of international law do not lend themselves to judicial activism in creating legal rules in the absence of political action to create them. On the other hand, where a situation of non liquet emerges from disagreement over definitions or the application of a legal principle to a particular situation, an advisory opinion could have either one of two beneficial outcomes.

In the first case an advisory opinion could clarify the meaning of terms where uncertainty exists. This situation would require strong arguments to support the opinion and justify it. It might be elaborated on the basis of original intent reflected in the travaux préparatoires, clear patterns of application of terms and principles in the action of States parties to the agreements where uncertainty exists or lack of clarity is perceived, or lucid reasoning by analogy to similar situations where greater certainty can be demonstrated.

The second case could result from an opinion that clarification cannot be provided and that the matter remains non liquet. In this case, there would be an unambiguous signal that political/ diplomatic action would be required to clarify the issues in dispute. Take for example the hypothetical example of a case seeking clarification of the non-appropriation clause of the Outer Space Treaty. A non liquet in such a case would leave those wishing to assert that a prohibition against off Earth mining existed in international law without a legal vindication of their position while those wishing to engage in such mining would face uncertainty because the Court had not ruled definitively that non appropriation did not apply to them. Since the mining advocates would be handicapped by uncertainty in their approaches to potential investors, both sides would have an incentive to seek a political resolution with the compromises that was likely to entail.

#### International space legal regime is needed to solve space wars – malleable laws are key in outer space.

Hart 21 [Amalyah Hart, Amalyah Hart is a science journalist based in Melbourne, 11-19-2021, "Do we need new space law to prevent space war", Cosmos Magazine, https://cosmosmagazine.com/people/society/space-law-to-prevent-space-war/]

The week before last, a UN panel approved the creation of a working group to discuss next-generation laws to prevent the militarisation of space. The move comes as space 2.0 seems to be going into hyper-drive, with countries and corporations racing to claim their stake in the final frontier. It’s timely, as the potential for friction is gathering by the day, with China, India, Russia and the US testing anti-satellite missiles on their own satellites and creating worrisome clouds of debris. This week’s destruction by Russia of its “dead” satellite, Cosmos 1408, underlined the issue. Meanwhile, the orbital space around Earth is becoming jammed with machinery; currently, there are 3,372 active satellites whizzing around Earth, but in one or two decades that number is set to leap to potentially 100,000 or more. And that’s ignoring the space stations, telescopes and spyware already in orbit as countries flex their aerospace muscles. It’s a cosmic fracas. And contested territory is prime fodder for international disputes, as we know. It’s these kinds of disputes the group of UK diplomats who proposed the UN motion want to prevent, by coming to an agreed-upon set of norms for behaviour in space. Space law: what are the issues at stake? The current international framework for law in space is the UN’s 1967 Outer Space Treaty (OST), which sets governing principles for the exploration of space, including that space should be free for use by all nations, that celestial bodies like the Moon should be used exclusively for peaceful purposes, and that outer space should not be subject to national appropriation. Under international law, any and all objects being launched into space must be registered to avoid collisions. On top of these global laws, each nation-state has its own legal framework around the registering and launching of objects into space. But as technology evolves and new opportunities arise, are these old laws equipped to govern new problems? The UN’s 1967 Outer Space Treaty sets governing principles for the exploration of space, including that space should be free for use by all nations. “There exists an incredible amount of applicable law already, and it has served us really well,” says space law expert Steven Freeland, an emeritus professor at Western Sydney University and professorial fellow at Bond University. Freeland is vice-chair of a UN Committee on the Peaceful Uses of Outer Space (COPUOS) working group that is developing laws around the exploitation of resources in space. “There’s a lot of law at the multilateral level that then filters down to other layers of bilateral or ‘minilateral’ agreements and national laws. But clearly things move so quickly with technology, we’re doing so many more things in space that were beyond the contemplation of the drafters of the original treaties. Ideally we need more.” Freeland says there are myriad complex, interconnected issues in space that need tighter laws. These include the increasing militarisation of space; the proliferation of satellites, which can lead to overcrowding of “popular” orbits and increased demand for radio-wave spectra; ethical issues around human spaceflight; and the possible extraction of resources on celestial bodies like the Moon. Resource exploitation It might sound like science fiction, but mining in outer space is looking increasingly likely in the not-too-distant future. In September 2020, NASA announced that it would award contracts to private companies for the extraction and purchase of lunar regolith (rock matter) from the surface of the Moon, which could be mined and then studied in situ by the company, before the data and rights are transferred to the space agency. The move heralds what our space-based future might look like, with private companies mining celestial bodies for their precious resources. In our solar system, composed of millions of celestial bodies both large and small, the opportunities for cashing in look potentially endless – provided technology advances to the level of practical spaceflight. “Most wars on Earth have historically been fought over a quest for resources,” says Freeland, “so it’s incredibly important [to have appropriate space laws].” Just last month, scientists announced the discovery of two extraordinarily metal-rich near-Earth asteroids (NEAs), comprised of roughly 85% metals like iron, nickel and cobalt, which are thought to exceed Earth’s entire known metallic reserves. These three highly valuable metals, often known as the “iron triad”, are particularly critical for the energy supply chain and a renewable energy future; they’re used to build lithium-ion batteries, electrochemical capacitators for storing energy, and nano-catalysts for use in the energy sector. Under the OST, outer-space resources cannot be appropriated by nations, but the law and principle around the commercial use of space resources is less clear. The 1979 Moon Treaty holds that any celestial body is under the jurisdiction of the international community and therefore subject to international law. The treaty outlaws the military use of any celestial body as well as providing a legal framing for the “responsible” exploitation of celestial resources. But, to date, no space-capable nation has ratified the treaty. Militarisation That brings us to the militarisation of space. As technology advances, the potential avenues for weapons that cross the border from terrestrial to cosmic continue to proliferate. So, what laws protect us from a space war? “The issues about security in space have historically been dealt with by the CD, the Conference of Disarmament, but more recently the UK has led discussions at the United Nations that effectively seek to change the diplomatic language and thinking about space security,” says Freeland. Currently, the principles for governing space under the OST forbid the military use of space, but space is already used for military purposes such as surveillance, and some missiles carve a path through outer space on their journeys to their targets. As it currently stands, the only weapons found in space are the TP-82 Cosmonaut survival pistols that Russian astronauts regularly take on board the Soyuz spacecraft, intended to protect them from a potential wild animal attack if they are forced to emergency land in “off-the-map” territory. But as technology proliferates, the opportunities for space-based militarisation also grow. The existing laws were drafted long before many of these technologies were even dreamed up. The most worrisome technologies currently being trialled are anti-satellite missiles. “We have this strategic competition going on amongst the major powers,” says Gilles Doucet, a space security consultant based in Canada who worked for 35 years with the Canadian Department of National Defence. Doucet is both an engineer and an expert in space law. “They all wish to be dominant and make sure that their national security is secured by controlling, or at least not having other people control, outer space.” But what kinds of defence technologies are being developed in space? Doucet says the most worrisome technologies currently being trialled are anti-satellite missiles of the sort that Russia deployed earlier this week. Known as direct-ascent anti-satellite missiles (DA-ASAT), they can destroy satellites in low Earth orbit. “This essentially looks a lot like ballistic missile defence, but it’s happening in outer space against satellites,” he says. In fact, DA-ASAT technology is dependent on the same technology used for midcourse ballistic missile defence – the technology that the US, for example, deploys to defend itself from potential ballistic missile attacks on North America. These missiles fly at altitudes of around 3,000 to 4,000 kilometres, well within the low-Earth orbit many satellites operate in. This technology is being developed and tested by the US, China, India and Russia. “Destroying another country’s satellites would only occur in an armed conflict scenario,” Doucet says. “It would be because the other country’s satellite is providing an important military role – for example, a GPS satellite for directing munitions or an imagery satellite for locating your forces.” Other military applications in space, Doucet says, include the jamming of satellite communications and navigation, as well as interference with some GNSS signals, of which GPS – the satellite navigation system we all use for things like Google Maps – is one. Satellite jamming can have major disruptive potential. “You might be conducting an operation in a conflict – let’s say you wish to target a certain facility. Your missile system or your drone-launching missiles rely on GPS to guide them,” Doucet says. “So if you’re on the other end of it wanting to protect yourself, then you’ll send out jamming signals.” But while these signals can help defend a military target, Doucet says many satellites provide services for military and civilian companies and organisations at once. In this case, jamming a satellite’s signal may also interfere with civilian services it provides, including aircraft and ship navigation, car mapping, even timing signals for financial transactions. This means satellite jamming has major disruptive potential. And there are other areas where satellite technology could have duplicitous or combative potential. “Close proximity operations seem to get countries a bit upset,” says Doucet. Close proximity operations, as the name suggests, involve satellites moving close to other satellites. “One reason might be intelligence or inspection, just to take close images to understand how it’s built. But you may be getting close to intercept signals or to interfere with signals. “So that is a concern, because it’s one thing to get close for passively collecting information, but if you’re close you may also be in a position to interfere.” What might new space law systems look like? “We have a lot of space systems that are dual use, that have the potential to do harm,” Doucet says. “I’d like to see some transparency on the mission, on what you’re doing, to help alleviate concerns. “That might sound like a small step, but to militaries it’s actually a really big step to provide transparency.” Doucet says he’d also like to see clarification of the existing principles for space law already set out in the OST and other treaties. In fact, he’s currently working on the MILAMOS Project, developing a Manual on International Law Applicable to Military Uses of Outer Space at Canada’s McGill University. “I would like to see the existing legal regime being given a bit of life,” he says. “We’ve got tremendously good outer space principles, but over several decades countries have kind of refused to give them life because it’s too controversial. “The third thing I’d like to see is the major space powers sit down and talk. They’re all potentially losers if this keeps going down this path. I don’t think there’s a winner in a space war.” For all these complex problems, Doucet is cautiously optimistic about our chances of avoiding a space war. “I don’t think the issue about space security is as unique as people think,” he says. “Yes, it’s a very unique domain, but the actors are all the same, the interests are all the same. It’s the same people that have struggled over ballistic missile proliferation, nuclear weapons proliferation, treaties about the high seas, about aviation and all kinds of things. “So, we shouldn’t think this is an unsolvable problem. We may take lessons from how we’ve managed to agree to disagree in other areas beyond national jurisdiction.” Freeland agrees that even if international tensions may simmer at home, it’s in the best interest of major global powers to come to agreements about laws in space. “When it comes to these really big issues, particularly issues that have the propensity to go horribly wrong if we follow an irresponsible path, in the end it’s in [governments’] common interest to agree to the rules of the road,” he says. “The important element is that they have had the opportunity to buy in on the framing of those rules.“I think we need to be optimistic. With a great deal of caution, cool heads will prevail.”

## [3]

### Counter-Solvency Advocate T

#### Interp – if the aff defends anything other than the entire resolution then they must provide a linked article or a card by an author who explicitly advocates against the 1AC advocacy. Violation – Standards – 1] Limits – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments. Nobody knows your aff better than you, so if you can’t find an answer, I can’t be expected to. Our interp narrows out trivially true advocacies since counter-solvency advocates ensure equal division of ground for both sides.

#### 2] Shiftiness – having a counter-solvency advocate helps us conceptualize what their advocacy is and how it’s implemented. Intentionally ambiguous affirmatives we don’t know much about can’t spike out of DA’s and CP’s if they have an advocate that delineates these things.

#### 3] Research – forces the aff to go to the other side of the library and contest their own view points, as well as encouraging in depth-research about their own position. Having one also encourages more in-depth answers since I can find responses. Key to education since we definitionally learn more about positions when we contest our own.

#### Fairness because debate’s a game and education because it’s the only portable skill from debate. Drop the debater – prevents abuse in the future

#### Competing interps- 1. Race to the top for the best norms 2. Reasonability is arbitrary- anything can be justified as reasonable

#### No RVIs- They said no RVI’s so it should be reciprocal